

Vol. 6. Ratification of the Constitution by the states: Massachusetts (3).

Madison, Wisconsin: The State Historical Society of Wisconsin, 2000

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

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

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

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

THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

Volume VI

Ratification of the Constitution by the States

MASSACHUSETTS

[3]

Editors

JOHN P. KAMINSKI GASPARE J. SALADINO

Senior Associate Editor RICHARD LEFFLER

Associate Editor CHARLES H. SCHOENLEBER

Assistant Editor MARGARET A. HOGAN

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

ARTICLE 1.

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

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

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

Representatives and direct taxes shall be apportioned among the several states which may be in-

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

RATIFICATION OF THE CONSTITUTION BY THE STATES

As the debate over the Constitution in Massachusetts intensified and as the election of state Convention delegates ended, the sense of urgency both in and out of Massachusetts heightened. Americans realized that the decision by Massachusetts would probably determine the fate of the new form of government. Unlike the five previous states that had met in conventions and easily voted to ratify, no one was certain whether Federalists or Antifederalists would prevail in the Massachusetts Convention. Failure to ratify by Massachusetts would probably doom the Constitution in neighboring New Hampshire, Rhode Island and New York and possibly in powerful Virginia. Rejection by Massachusetts, then, would create the clear danger that the nine states required for ratification would not be obtained and the Constitution would be defeated. The consequences of such a defeat were unknown. Many believed that anarchy, despotism, or disunion were real possibilities. The stakes, therefore, were enormous as the Massachusetts Convention assembled in Boston on 9 January 1788.

The Convention was the most representative body of the citizenry ever to assemble in Massachusetts. More than 360 delegates braved a bitterly cold winter to deliberate on the new Constitution. Many Antifederalist delegates had been instructed by their towns to vote against the Constitution, to change some of its more objectionable provisions, or to seek amendments, especially a bill of rights. Federalist delegates, if they were instructed at all, had been told to use their best judgment in determining whether to ratify. Delegates were generally locally prominent individuals, most of whom were satisfied to listen while a handful of active leaders carried on the debate.

During the early sessions of the Convention, both Federalists and Antifederalists asserted that a majority favored their position. It soon became evident that Federalist speakers were more learned and eloquent than their opponents; but, by the end of the second week of debates, it became clear that Federalists did not have the necessary votes to ratify the Constitution. With disaster imminent, Federalist leaders caucused and devised a momentous strategy. They approached Governor John Hancock, their arch political enemy. Due to a conveniently re-occurring attack of the gout, Hancock had not attended a single session of the Convention, even though he had been elected president of that body on its opening day. Most of the opponents of the popular and demagogic Hancock felt that he would attend only

THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

VOLUME VI

Ratification of the Constitution by the States

MASSACHUSETTS

[3]



THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

Volume VI

Ratification of the Constitution by the States

MASSACHUSETTS

[3]

Editors

JOHN P. KAMINSKI

GASPARE J. SALADINO

Senior Associate Editor

RICHARD LEFFLER

Associate Editor
CHARLES H. SCHOENLEBER

Assistant Editor

MARGARET A. HOGAN

Editorial Assistant Charles D. Hagermann

MADISON STATE HISTORICAL SOCIETY OF WISCONSIN $2 \quad 0 \quad 0$

The Documentary History of the Ratification of the Constitution is sponsored by the National Historical Publications and Records Commission and the University of Wisconsin-Madison. Preparation of this volume was made possible by grants from the National Historical Publications and Records Commission; the Division of Research and Education Programs of the National Endowment for the Humanities, an independent federal agency; the Lynde and Harry Bradley Foundation; the E. Gordon Fox Fund; and the Hamilton Roddis Foundation. Publication was made possible in part by a grant from the National Historical Publications and Records Commission.

Copyright © 2000 by
THE STATE HISTORICAL SOCIETY OF WISCONSIN
All rights reserved
Manufactured in the United States of America

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

The Documentary history of the ratification

of the Constitution.

Editors for v. 6: John P. Kaminski, Gaspare J. Saladino.

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

1. United States—Constitutional history—Sources.

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

Gaspare J.

KF4502.D63 342'.73'029 75-14149

ISBN 0-87020-316-9 347.30229 AACR2

DOROTHY TWOHIG

and

PAUL H. SMITH

EDITORIAL ADVISORY COMMITTEE

Whitfield J. Bell, Jr. Charlene N. Bickford Edward Dumbauld David S. Lovejoy Jackson Turner Main H. Nicholas Muller III Leonard Rapport Norman K. Risjord James Morton Smith Robert J. Taylor Dorothy Twohig

Contents

Acknowledgments	xiii
Organization	XV
Editorial Procedures	xvii
General Ratification Chronology, 1786–1791	xviii
Calendar for the Years 1787–1788	xxi
Symbols	xxii
Massachusetts Chronology, 1776–1790	xxvi
Officers of the Commonwealth of Massachusetts, 1787-1788	XXX
V. THE MASSACHUSETTS CONVENTION	
9 January–7 February 1788	
Introduction	1107
The Delegates	1107 1107
Changing the Meeting Place	1107
The Procedures	11109
The Activities of Federalists and Antifederalists Outside the Convention	1111
The Issues Debated	1114
Elbridge Gerry Attends the Convention	1115
Federalists Gain Strength	1116
Recommendatory Amendments	1116
Antifederalists Attempt to Adjourn	1121
The Constitution Ratified	1122
Final Day's Housekeeping	1123
Public Reading of the Constitution and Dissolution of the Convention	1123
Sources for the Massachusetts Convention	1128
Convention Journal and Related Documents	1128
Newspaper Reports of Convention Debates	1128
Book Edition of Convention Debates (March 1788)	1132
Reprints of Book Edition of Convention Debates (1808 and 1856)	1136
Notes by Convention Delegates and Observers	1137
Letters	1140
Newspapers	1142
Secondary Accounts	1143
Newspaper Printings and Reprintings of the Debates	
of the Massachusetts Convention	1145
Delegates to the Massachusetts Convention	1152
Massachusetts Convention, 9 January	1161
Convention Journal, 9 January, A.M.	1161
Convention Journal, 9 January, P.M.	1162
§ Editors' Note: The Meeting Places of the Massachusetts Convention,	
Boston, 9 January-7 February 1788	1163
Massachusetts Convention, 10 January	1165
Convention Journal, 10 January A M	1165

VIII CONTENTS

Newspaper Report of Convention Proceedings, 10 January, A.M.	1167
Massachusetts Centinel, 12 January	1167
Convention Journal, 10 January, P.M.	1168
Massachusetts Convention, 11 January	1169
Convention Journal, 11 January, A.M.	1169
Convention Journal, 11 January, P.M.	1170
Committee Report on Election Returns, 11 January, P.M.	1171
Newspaper Report of Convention Proceedings, 11 January, P.M.	1172
Massachusetts Centinel, 12 January	1172
Massachusetts Convention, 12 January	1173
Convention Journal, 12 January	1173
Newspaper Reports of Convention Proceedings, 12 January	1174
American Herald, 14 January	1174
Boston Gazette, 14 January	1175
Jeremy Belknap: Notes of Convention Debates, 12 January	1175
§ Editors' Note: Elbridge Gerry and the Massachusetts Convention, 12–22 January 1788	1175
MASSACHUSETTS CONVENTION, 14 January	1182
Convention Journal, 14 January, A.M.	1182
Convention Journal, 14 January, P.M.	1183
Convention Debates, 14 January, P.M.	1184
MASSACHUSETTS CONVENTION, 15 January	1187
Convention Journal, 15 January, A.M.	1187
Elbridge Gerry to the President of the Massachusetts Convention,	
Cambridge, 15 January	1188
Convention Debates, 15 January, A.M.	1188
Theophilus Parsons: Notes of Convention Debates, 15 January, A.M.	1198
Convention Journal, 15 January, P.M.	1199
Convention Debates, 15 January, P.M.	1200
Theophilus Parsons: Notes of Convention Debates, 15 January, P.M.	1206
Jeremy Belknap: Notes of Convention Debates, 15 January	1208
Newspaper Report of Convention Debates, 15 January	1208
Independent Chronicle, 17 January	1208
Massachusetts Convention, 16 January	1209
Theophilus Parsons: Notes of Convention Debates, 16 January, A.M.	1209
Convention Debates, 16 January, P.M.	1213
Theophilus Parsons: Notes of Convention Debates, 16 January, P.M.	1221
MASSACHUSETTS CONVENTION, 17 January	1223
Convention Journal, 17 January, A.M.	1223
Committee Report on Place of Meeting, 16 January	1224
Convention Debates, 17 January, A.M.	1224
Theophilus Parsons: Notes of Convention Debates, 17 January, A.M.	1230
Newspaper Report of Convention Debates, 17 January	1233
Massachusetts Gazette, 18 January	1233
Convention Journal, 17 January, P.M.	1235
Convention Debates, 17 January, P.M.	1236
Theophilus Parsons: Notes of Convention Debates, 17 January, P.M.	1240

Contents ix

Massachusetts Convention, 18 January	1243
Convention Debates, 18 January, A.M.	1243
Theophilus Parsons: Notes of Convention Debates, 18 January, A.M.	1246
Convention Journal, 18 January, P.M.	1248
Convention Debates, 18 January, P.M.	1249
Theophilus Parsons: Notes of Convention Debates, 18 January, P.M.	1252
Jeremy Belknap: Notes of Convention Debates, 18 January	1252
Massachusetts Convention, 19 January	1253
Convention Journal, 19 January	1254
Convention Debates, 19 January	1254
Jeremy Belknap: Notes of Convention Debates, 19 January	1259
Theophilus Parsons: Notes of Convention Debates, 19 January	1262
Newspaper Report of Convention Debates, 19 January	1264
New York Morning Post, 4 February	1264
Defense of Elbridge Gerry's Actions in the Convention on 19 January	1265
Elbridge Gerry to William Cushing, Cambridge, 21 January	1265
A State of Facts	1267
Criticism of Elbridge Gerry's Actions in the Convention on 19 January	1271
A Spectator, Massachusetts Centinel, 2 February	1271
MASSACHUSETTS CONVENTION, 21 January	1276
Convention Journal, 21 January, A.M.	1276
Convention Debates, 21 January, A.M.	1277
Jeremy Belknap: Notes of Convention Debates, 21 January, A.M.	1280
Theophilus Parsons: Notes of Convention Debates, 21 January, A.M.	1281
Convention Journal, 21 January, P.M.	1282
Convention Debates, 21 January, P.M.	1282
Theophilus Parsons: Notes of Convention Debates, 21 January, P.M.	1294
Massachusetts Convention, 22 January	1297
Convention Debates, 22 January, A.M.	1297
Newspaper Report of Convention Debates, 22 January, A.M.	1305
Independent Chronicle, 31 January	1305
Convention Debates, 22 January, P.M.	1306
Massachusetts Convention, 23 January	1312
Convention Journal, 23 January, A.M.	1312
Convention Debates, 23 January, A.M.	1313
Theophilus Parsons: Notes of Convention Debates, 23 January, A.M.	1330
Convention Journal, 23 January, P.M.	1332
Convention Debates, 23 January, P.M.	1333
Massachusetts Convention, 24 January	1334
Convention Journal, 24 January, A.M.	1334
Convention Debates, 24 January, A.M.	1334
Theophilus Parsons: Notes of Convention Debates, 24 January, A.M.	1338
Convention Debates, 24 January, P.M.	1338
Theophilus Parsons: Notes of Convention Debates, 24 January, P.M.	1341
William Cushing: Notes of Convention Debates, 24 January, P.M.	1343
Massachusetts Convention, 25 January	1344
Convention Debates, 25 January, A.M.	1344

x Contents

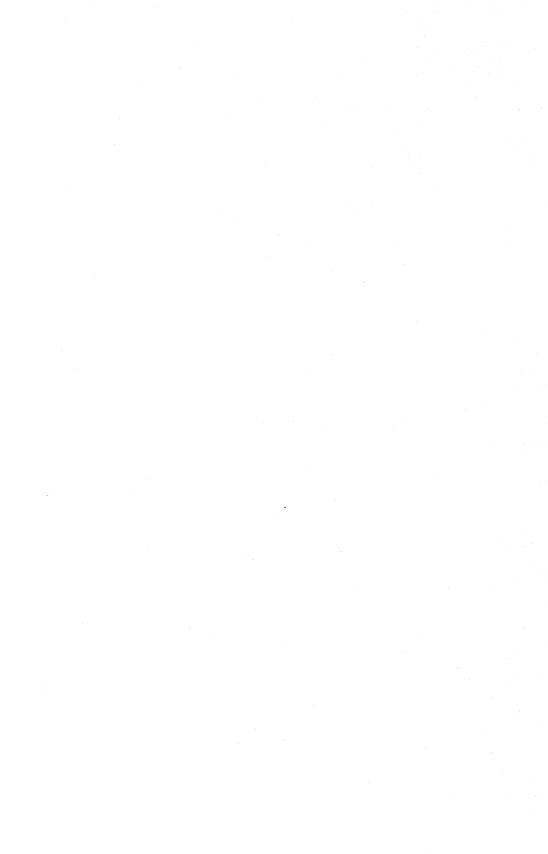
Newspaper Report of Convention Debates, 25 January, A.M. Exeter, N.H., Freeman's Oracle, 1 February	1348 1348
Jeremy Belknap: Notes of Convention Debates, 25 January	1350
Theophilus Parsons: Notes of Convention Debates, 25 January, A.M.	1351
Convention Debates, 25 January, P.M.	1352
Theophilus Parsons: Notes of Convention Debates, 25 January, P.M.	1355
Newspaper Report of Convention Debates, 25 January, P.M.	1357
Massachusetts Centinel, 23 February	1357
Massachusetts Convention, 26 January	1358
Convention Journal, 26 January	1358
Convention Debates, 26 January	1358
Massachusetts Convention, 28 January	1360
Convention Journal, 28 January, A.M.	1360
Convention Debates, 28 January	1360
Jeremy Belknap: Notes of Convention Debates, 28 January, A.M.	1361
Convention Journal, 28 January, P.M.	1361
Jeremy Belknap: Notes of Convention Debates, 28 January, P.M.	1361
Theophilus Parsons: Notes of Convention Debates, 28 January, P.M.	1363
Massachusetts Convention, 29 January	1363
Convention Journal, 29 January, A.M.	1363
Justus Dwight: Notes of Convention Debates, 29 January, A.M.	1363
Convention Journal, 29 January, P.M.	1364
Justus Dwight: Notes of Convention Debates, 29 January, P.M.	1365
Massachusetts Convention, 30 January	1365
Convention Journal, 30 January, A.M.	1365
Convention Debates, 30 January, A.M.	1366
Jeremy Belknap: Notes of Convention Debates, 30 January, P.M.	1373
Massachusetts Convention, 31 January	1373
Convention Debates, 31 January, A.M.	1373
Convention Journal, 31 January, P.M.	1380
Convention Debates, 31 January, P.M.	1383
Jeremy Belknap: Notes of Convention Debates, 31 January, P.M.	1386
Newspaper Reports of Convention Debates, 31 January	1387
Massachusetts Gazette, 1 February	1387
Massachusetts Centinel, 2 February	1387
Exeter, N.H., Freeman's Oracle, 21 March	1388
Massachusetts Convention, 1 February	1390
Convention Debates, 1 February, A.M.	1390
Convention Journal, 1 February, P.M.	1402
Convention Debates, 1 February, P.M.	1403
MASSACHUSETTS CONVENTION, 2 February	1405
Convention Journal, 2 February	1405
Convention Debates, 2 February	1406
Undelivered Speech by Timothy Winn, post-2 February	1407
Report of the Committee of Twenty-Five, 3–4 February	1410
Roster and Vote of the Committee of Twenty-Five, 3–4 February	1411
Report of the Committee of Twenty-Five, 4 February	1412

CONTENTS	X
----------	---

MASSACHUSETTS CONVENTION, 4 February	1415
Convention Debates, 4 February	1415
Jeremy Belknap: Notes of Convention Debates, 4 February	1428
William Cushing: Undelivered Speeches, c. 4 February	1428
Massachusetts Convention, 5 February	1442
Convention Journal, 5 February, A.M.	1443
Convention Debates, 5 February, A.M.	1443
Convention Journal, 5 February, P.M.	1451
Jeremy Belknap: Notes of Convention Debates, 5 February	1451
Newspaper Report of Convention Proceedings, 5 February	1452
Massachusetts Centinel, 6 February	1452
Massachusetts Convention, 6 February	1452
Convention Journal, 6 February, A.M.	1452
Convention Debates, 6 February, A.M.	1454
Convention Journal, 6 February, P.M.	1461
Form of Ratification, 6-7 February	1468
Convention Debates, 6 February, P.M.	1471
Jeremy Belknap: Notes of Convention Debates, 6 February	1490
Newspaper Report of Convention Proceedings, 6 February, P.M.	1490
Connecticut Journal, 13 February	1490
Massachusetts Convention, 7 February	1491
Convention Journal, 7 February	1492
Newspaper Reports of Convention Proceedings and Debates, 7 February	1494
Massachusetts Centinel, 9 February	1494
Massachusetts Gazette, 8 February	1495

Appendix I Convention Expenses

Payments to	Convention De	elegates			1498
-------------	---------------	----------	--	--	------



Acknowledgments

This volume was supported principally by grants from the National Historical Publications and Records Commission, the National Endowment for the Humanities, and the E. Gordon Fox Fund. Substantial aid was provided by the Lynde and Harry Bradley Foundation, the Evjue Foundation, the Hamilton Roddis Foundation, and Laura L. Linden. Financial support has also been received from Gordon B. Baldwin, Frederick H. Campbell, the Honorable Paul C. Gartzke, Jürgen Heideking, and Frederick B. Wade.

We extend our thanks and appreciation to Ann C. Newhall, Roger A. Bruns, Timothy D. W. Connelly, and Mary A. Giunta of the NHPRC; William R. Ferris, James Herbert, and Daniel P. Jones of the NEH; Michael S. Joyce and Dianne J. Sehler of the Bradley Foundation; and Mrs. Dudley W. Pierce of the Hamilton Roddis Foundation.

A continuing debt of gratitude is owed to the administration, faculty, and staff of the University of Wisconsin-Madison, especially Chancellor David Ward; Provost and Vice Chancellor for Academic Affairs John D. Wiley; Dean Virginia S. Hinshaw and Associate Deans Fannie J. Le-Moine, Judith Kornblatt, and Mareda R. Weiss of the Graduate School; Dean Phillip R. Certain, Associate Dean David Horvath, and Assistant Deans Donna C. Jahnke and Margaret M. Sullivan of the College of Letters and Sciences; Arthur O. Hove, formerly of the office of the vice chancellor for academic affairs; Chair Thomas J. Archdeacon, Sabrina L. Braaten, Debra A. Hegerfeld, Sandra J. Heitzkey, Danny C. Struebing, Judith A. Vezzetti, and Kris Ann Ward of the Department of History; and Cheryl E. Gest, August P. Hackbart, Thomas G. Handland, Barbara M. Henn, Robert H. Perkl, and Monya M. Schulenberg of Research and Sponsored Programs.

For aid in fund raising, we are indebted to the University of Wisconsin Foundation, especially to President Andrew A. Wilcox, Martha A. Taylor, Robert G. Lange, Lisa M. French, and Jennifer Kidon-DeKrey. We are also grateful to Theodore S. Hamerow, professor emeritus of history, University of Wisconsin-Madison.

The State Historical Society of Wisconsin has been our primary research library and our publisher for many years. The Society's staff continues its invaluable and splendid support. We thank Director George L. Vogt, Associate Director Robert B. Thomasgard, Jr., Loraine P. Adkins, Lori Bessler, James D. Buckett, M. Elizabeth Cowell, Carol Crossan, James P. Danky, Susan J. Dorst, Michael Edmonds, J. Kevin

Graffagnino, James L. Hansen, Laura Hemming, Harold L. Miller, Sue Mueller, Charlotte Mullen, Keith Rabiola, Geraldine E. Strey, and Lloyd F. Velicer. The staffs of the reference, circulation, catalog, and acquisitions departments of the Memorial and Law libraries of the University of Wisconsin-Madison continue to be most important to our work.

Others have provided essential information or copies of documents: Sarah L. Barley, Southern Maryland Studies Center, Charles County Community College; Shirley A. Bock, Belchertown, Mass.; Kenneth R. Bowling and William Charles diGiacomantonio, Documentary History of the First Federal Congress; Douglas E. Clanin, Indiana Historical Society; Peter Drummey, Mary E. Fabiszewski, Edward W. Hanson, Brenda M. Lawson, Jennifer Tolpa, Celeste Walker, and Conrad Edick Wright, Massachusetts Historical Society; Leslie Fields and Eugenia D. Coutavas, the Pierpont Morgan Library; Mark E. Mitchell, Incorporated, Fairfax, Virginia; Leonard Rapport, Washington, D.C.; Paul Romaine and Sandra M. Trenholm, Gilder Lehrman Library, New York City; and Domenico Sella, Department of History, University of Wisconsin-Madison. Anke Ortlepp of the Institute of Anglo-American History at the University of Cologne, Germany, translated some Germanlanguage documents.

The following individuals have granted permission to publish documents: Mark N. Brown, Brown University Library; President James Chevalier, Curator Doris M. Dickinson, and the Board of Trustees, Belchertown Historical Association, Belchertown, Mass.; William M. Fowler, Jr., Director of the Massachusetts Historical Society; Margaret Gardiner, Woburn Public Library; Keith Valentine Kaplan, Holliston High School, Holliston, Mass.; Gera Matobo, the *Forbes* Magazine Collection, New York City; Charles E. Pierce, Jr., Director of the Pierpont Morgan Library (the Gilder Lehrman Collection); and Richard A. Ryerson and Anne Decker Cecere, Massachusetts Historical Society (The Adams Papers).

In addition we acknowledge the contributions of Kimberly Scott Little, a former editorial assistant on this project. Lastly, we thank Scott Wiand, who, under the direction of Onno Brouwer of the University of Wisconsin-Madison Cartographic Laboratory, prepared the Massachusetts map found on the end papers.

Organization

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

- (1) Constitutional Documents and Records, 1776–1787 (1 volume),
- (2) Ratification of the Constitution by the States (15 volumes),
- (3) Commentaries on the Constitution: Public and Private (6 volumes),
- (4) The Bill of Rights (1 or 2 volumes).

Constitutional Documents and Records, 1776-1787.

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

Ratification of the Constitution by the States.

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

Microfiche Supplements to Ratification of the Constitution by the States.

With the publication of this volume (RCS:Mass., Vol. 3) separate microfiche supplements will no longer be produced. Instead, all documents in Mfm:Mass. (as well as all past microfiche supplements—Mfm:Pa., Del., N.J., Ga., Conn., and Va.) have been placed on the publisher's website: www.shsw.wisc.edu/ratification. This new method of publication should make the supplemental documents more easily accessible.

xvi Organization

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

The types of documents in the supplements are:

- (1) newspaper items that repeat arguments, examples of which are printed in the state volumes,
- (2) pamphlets that circulated primarily within one state and that are not printed in the state volumes or in *Commentaries*,
- (3) letters that contain supplementary material about politics and social relationships,
 - (4) photographic copies of petitions with the names of signers,
 - (5) photographic copies of manuscripts such as notes of debates, and
- (6) miscellaneous documents such as election certificates, attendance records, pay vouchers and other financial records, etc.

Commentaries on the Constitution: Public and Private.

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

The Bill of Rights.

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

Editorial Procedures

With a few exceptions all documents are transcribed literally. Obvious slips of the pen and errors in typesetting are silently corrected. When spelling or capitalization is unclear, modern usage is followed. Superscripts and interlineated material are lowered to the line. Crossed-out words are retained when significant.

Brackets are used for editorial insertions. Conjectural readings are enclosed in brackets with a question mark. Illegible and missing words are indicated by dashes enclosed in brackets. However, when the author's intent is obvious, illegible or missing material, up to five characters in length, has been silently provided. Because of the difficulty of reading Jeremy Belknap's minutes of the Massachusetts Convention debates, all thorns, symbols, and tildes have been expanded and placed within angle brackets. Belknap's abbreviations, when unclear, have been expanded, with the added letters placed within square brackets.

All headings are supplied by the editors. Headings for letters contain the names of the writer and the recipient and the place and date of writing. Headings for newspapers contain the pseudonym, if any, and the name and date of the newspaper. Headings for broadsides and pamphlets contain the pseudonym and a shortened form of the title. Full titles of broadsides and pamphlets and information on authorship are given in editorial notes. Headings for public meetings contain the place and date of the meeting.

Salutations, closings of letters, addresses, endorsements, and docketings are deleted unless they provide important information, which is then either retained in the document or placed in editorial notes.

Contemporary footnotes and marginal notes are printed after the text of the document and immediately preceding editorial footnotes. Symbols, such as stars, asterisks, and daggers have been replaced by superscripts (a), (b), (c), etc.

Many documents, particularly letters, are excerpted when they contain material that is not directly relevant to ratification. When longer excerpts or entire documents have been printed elsewhere, or are included in the microfiche supplements, this fact is noted.

General Ratification Chronology, 1786-1791

1786

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

1787 6 January North Carolina elects delegates. 17 January New Hampshire elects delegates. 3 February Delaware elects delegates. 10 February Georgia elects delegates. 21 February Congress calls Constitutional Convention. 22 February Massachusetts authorizes election of delegates. 28 February New York authorizes election of delegates. 3 March Massachusetts elects delegates. 6 March New York elects delegates. 8 March South Carolina elects delegates. Rhode Island refuses to elect delegates. 14 March 23 April-26 May Maryland elects delegates. 5 May Rhode Island again refuses to elect delegates. 14 May Convention meets; quorum not present. 14-17 May Connecticut elects delegates. 25 May Convention begins with quorum of seven states. 16 June Rhode Island again refuses to elect delegates. 27 June New Hampshire renews election of delegates. Congress adopts Northwest Ordinance. 13 July Committee of Detail submits draft constitution to 6 August Convention. Committee of Style submits draft constitution to 12 September Convention. 17 September Constitution signed and Convention adjourns sine die. 20 September Congress reads Constitution. 26-28 September Congress debates Constitution.

28 September Congress transmits Constitution to the states.

28–29 September Pennsylvania calls state convention.
17 October Connecticut calls state convention.
25 October Massachusetts calls state convention.

26 October Georgia calls state convention. 31 October Virginia calls state convention. 1 November New Jersey calls state convention. Pennsylvania elects delegates to state convention. 6 November 10 November Delaware calls state convention. Connecticut elects delegates to state convention. 12 November 19 November-Massachusetts elects delegates to state convention. 7 January 1788 20 November-Pennsylvania Convention. 15 December 26 November Delaware elects delegates to state convention. Maryland calls state convention. 27 November-1 December New Jersey elects delegates to state convention. 27 November-1 December 3-7 December Delaware Convention. Georgia elects delegates to state convention. 4-5 December 6 December North Carolina calls state convention. 7 December Delaware Convention ratifies Constitution, 30 to 0.

11-20 December New Jersey Convention. 12 December Pennsylvania Convention ratifies Constitution, 46 to 23.

14 December New Hampshire calls state convention. 18 December New Jersey Convention ratifies Constitution, 38 to 0.

25 December-Georgia Convention. 5 January 1788

23 May

31 December Georgia Convention ratifies Constitution, 26 to 0. 31 December-New Hampshire elects delegates to state convention. 12 February 1788

1788

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

and proposes amendments.

South Carolina Convention ratifies Constitution, 149 to 73,

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

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

1790

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

1791

15 December Bill of Rights adopted.

Calendar for the Years 1787-1788

1787

SMTWTFS

SMTWTFS

24 25 26 27 28 29 30

1 2 3 4 5 6

7 8 9 10 11 12 13

14 15 16 17 18 19 20

21 22 23 24 25 26 27

31

1

DECEMBER

28 29 30 31

SMTWTFS

SMTWTFS

18 19 20 21 22 23 24

25 26 27 28 29 30 31

1 2 3 4 5 6

7 8 9 10 11 12 13

14 15 16 17 18 19 20

21 22 23 24 25 26 27

SEPTEMBER

28 29 30

JANUARY	FEBRUARY	MARCH	APRIL
1 2 3 4 5 6			1 2 3 4 5 6 7
7 0 0 10 11 12 12	4 5 6 7 8 9 10	45678010	0 0 10 11 12 12 14
14 15 16 17 18 19 20	11 12 12 14 15 16 17	11 12 13 14 15 16 17	15 16 17 10 10 20 21
21 22 23 24 25 26 27	10 10 20 21 22 23 24	18 19 20 21 22 23 24	22 23 24 25 26 27 28
28 29 30 31	25 26 27 28	25 26 27 28 29 30 31	29 30
28 29 30 31	25 20 27 20	23 20 27 20 29 30 31	29 30
MAY	JUNE	JULY	AUGUST
1 2 3 4 5	1 2	1 2 3 4 5 6 7	
6 7 8 9 10 11 12	3 4 5 6 7 8 9		
13 14 15 16 17 18 19		15 16 17 18 19 20 21	
20 21 22 23 24 25 26	17 18 19 20 21 22 23		
27 28 29 30 31	24 25 26 27 28 29 30	29 30 31	26 27 28 29 30 31
SEPTEMBER 1	OCTOBER	NOVEMBER	DECEMBER 1
		1 2 3	2 3 4 5 6 7 8
9 10 11 12 13 14 15	1 2 3 4 5 6 7 8 9 10 11 12 13	4 5 6 7 8 9 10	9 10 11 12 13 14 15
	14 15 16 17 18 19 20	11 12 13 14 15 16 17	
23 24 25 26 27 28 29		18 19 20 21 22 23 24	23 24 25 26 27 28 29
30	28 29 30 31	25 26 27 28 29 30	30 31
	17	88	· .
SMTWTFS	SMTWTFS		
JANUARY	FEBRUARY	MARCH 1	APRIL
1 2 3 4 5	1 2	2 3 4 5 6 7 8	1 2 3 4 5
	3 4 5 6 7 8 9	9 10 11 12 13 14 15	6 7 8 9 10 11 12
13 14 15 16 17 18 19	10 11 12 13 14 15 16	16 17 18 19 20 21 22	13 14 15 16 17 18 19
20 21 22 23 24 25 26	17 18 19 20 21 22 23		20 21 22 23 24 25 26
27 28 29 30 31	24 25 26 27 28 29	30 31	27 28 29 30
MAY	JUNE	JULY	AUGUST 1 2
	1 2 3 4 5 6 7		
	8 9 10 11 12 13 14		
11 12 13 14 15 16 17	15 16 17 18 19 20 21	13 14 15 16 17 18 19	17 18 19 20 21 22 23

30

20 21 22 23 24 25 26

2 3 4 5 6 7 8

9 10 11 12 13 14 15

16 17 18 19 20 21 22

23 24 25 26 27 28 29

27 28 29 30 31

NOVEMBER

22 23 24 25 26 27 28

5 6 7 8 9 10 11

12 13 14 15 16 17 18

19 20 21 22 23 24 25

26 27 28 29 30 31

1 2 3 4

29 30

OCTOBER

Symbols

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

Manuscripts

Draft	
Document Signed	
File Copy	
Manuscript	
Recipient's Copy	
	Document Signed File Copy Manuscript

Tr Translation from Foreign Language

Manuscript Depositories

CtY	Yale University
DLC	Library of Congress
DNA	National Archives
M-Ar	Massachusetts Archives, Boston
MB	Boston Public Library
MH	Harvard University
MHi	Massachusetts Historical Society
MWA	American Antiquarian Society
MeHi	Maine Historical Society
NN	New York Public Library

Short Titles

Abbot, Washington	W. W. Abbot, ed., <i>The Papers of George Washington:</i> Confederation Series (6 vols., Charlottesville, Va.,
	1992–1997).
Adams, Defence of	John Adams, A Defence of the Constitutions of Gov-
the Constitutions	ernment of the United States of America (3 vols.,
	London, 1787–1788).
Allen, JQA Diary	David Grayson Allen et al., eds., Diary of John
	Quincy Adams (Cambridge, Mass., 1981–).
Backus, Diary	William G. McLoughlin, ed., The Diary of Isaac
	Backus (3 vols., Providence, R.I., 1979).

Belknap	
Correspondenc	e

Butterfield, JA Diary Convention Debates

"The Belknap Papers," *Collections* of the Massachusetts Historical Society, 5th series, Vols. II—III (Boston, 1877).

L. H. Butterfield, ed., *Diary and Autobiography of John Adams* (4 vols., Cambridge, Mass., 1962).

Debates, Resolutions and Other Proceedings, of the Convention of the Commonwealth of Massachusetts, Convened at Boston, on the 9th of January, 1788, and Continued until the 7th of February Following, for the Purpose of Assenting to and Ratifying the Constitution Recommended by the Grand Federal Convention. Together with the Yeas and Nays on the Decision of the Grand Question. To Which the Federal Constitution Is Prefixed (Boston, 1788).

Convention Debates (1856)

Debates and Proceedings in the Convention of the Commonwealth of Massachusetts, Held in the Year 1788, and Which Finally Ratified the Constitution of the United States (Boston, 1856).

DHFFE

Merrill Jensen, Robert A. Becker, and Gordon DenBoer, eds., *The Documentary History of the First Federal Elections*, 1788–1790 (4 vols., Madison, Wis., 1976–1989).

Evans

Charles Evans, American Bibliography (12 vols., Chicago, 1903–1934).

Farrand

Max Farrand, ed., The Records of the Federal Convention of 1787 (3rd ed., 3 vols., New Haven, 1927).

Ford, Pamphlets

Paul Leicester Ford, ed., Pamphlets on the Constitution of the United States, Published during Its Discussion by the People 1787–1788 (Brooklyn, N.Y., 1888).

Goodwin,
"Thatcher
Papers"

William F. Goodwin, ed., "The Thatcher Papers," The Historical Magazine, 2nd ser., VI (1869).

Holt, Magna Carta

J. C. Holt, *Magna Carta* (2nd ed., Cambridge, Eng., 1992).

JCC

Worthington C. Ford et al., eds., Journals of the Continental Congress, 1774–1789 . . . (34 vols., Washington, D.C., 1904–1937).

King, King

Charles R. King, ed., *The Life and Correspondence of Rufus King*... (6 vols., New York, 1894–1900).

Locke, Two Treatises	John Locke, Two Treatises of Government: A Critical Edition with an Introduction and Apparatus Criticus, ed. Peter Laslett (Cambridge, Eng., 1964). The first edition was printed in 1689.
Montesquieu, Spirit of Laws	Charles, Baron de Montesquieu, <i>The Spirit of Laws</i> (Translated from the French by Thomas Nugent, 5th ed., 2 vols., London, 1773). Originally published in Geneva in 1748.
Rutland, Madison	Robert A. Rutland et al., eds., <i>The Papers of James Madison</i> , Volumes VIII– (Chicago and Charlottesville, 1973–).
Shaw-Shoemaker	Ralph R. Shaw, Richard H. Shoemaker, and Frances P. Newton, <i>American Bibliography: A Preliminary Checklist</i> , 1801 to 1819 (23 vols., New York and Metuchen, N.J., 1958–1983).
Sibley's Harvard Graduates	Clifford K. Shipton, Conrad Edick Wright, and Edward W. Hanson, Sibley's Harvard Graduates: Biographical Sketches of Those Who Attended Harvard College [1690–1774] (15 vols., Cambridge, Mass., and Boston, 1933–1999).
Smith, Letters	Paul H. Smith, ed., Letters of Delegates to Congress, 1774–1789 (25 vols., Washington, D.C., 1976–1998).
Thorpe	Francis N. Thorpe, ed., <i>The Federal and State Constitutions</i> (7 vols., Washington, D.C., 1909).

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

CC	References to Commentaries on the Constitution are
	cited as "CC" followed by the number of the
	document. For example: "CC:25."
CDR	References to the first volume, titled Constitu-
	tional Documents and Records, 1776-1787, are
	cited as "CDR" followed by the page number.
	For example: "CDR, 325."
RCS	References to the series of volumes titled Ratifi-
	cation of the Constitution by the States are cited as
	"RCS" followed by the abbreviation of the state
	and the page number. For example: "RCS:Pa.,
	325 "

Mfm

References to the microform 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:Pa. 25." All documents in the microfiche supplements are now available on the publisher's website: www.shsw.wisc.edu/ratification.

Massachusetts Chronology, 1773-1790

1773

16 December

Boston Tea Party.

1774

19 January March-June News of Boston Tea Party reaches London.

March-June 13 May Parliament passes Intolerable Acts. General Thomas Gage arrives in Boston as royal governor.

17 June

General Court elects five delegates to First Continental

Congress.

7 October– 10 December 5 December First Provincial Congress of Massachusetts.

Provincial Congress elects five delegates to First Continental

Congress.

1775

1 February-29 May 6 February Second Provincial Congress of Massachusetts.

Provincial Congress elects five delegates to Second Continental Congress.

31 May-19 July

Third Provincial Congress of Massachusetts.

9 June

Second Continental Congress recommends that people of

Massachusetts revert to Charter of 1691.

20 June

Provincial Congress acts to dissolve itself and calls for

election of house of representatives. General Court meets.

19 July

1776

7 June 2 July 4 July Motion in Continental Congress for independence. Congress declares the colonies independent. Congress adopts Declaration of Independence.

1777

17 June-6 March 1778

Massachusetts legislature transforms itself into a constitutional convention.

15 November

Congress adopts Articles of Confederation and sends them

to states for their approval.

1778

5 March

Proposed state constitution submitted to freemen (not

10 March

General Court instructs delegates to Continental Congress to sign Articles of Confederation with recommended

amendments.

xxvi

23 June	Continental Congress rejects Massachusetts amendments to
9 July	Articles of Confederation. Massachusetts delegates to Congress sign Articles of Confederation.
	1779
1 September– 2 March 1780	Massachusetts constitutional convention drafts state constitution and submits it to towns.
	1780
15 June	Massachusetts Constitution declared ratified.
	1782
4 May	General Court approves Impost of 1781.
	1783
20 October	General Court approves Impost of 1783.
	1784
1 July	General Court grants Congress commercial powers for
13 November	fifteen years. Massachusetts cedes western lands to Congress.
	1785
13 April	Report of congressional committee accepting Massachusetts
19 April	land cession. Massachusetts delegates to Congress deed land cession to
2 July	Congress. General Court approves 1783 population amendment to Articles of Confederation.
	1786
24 March	Appointment of Annapolis Convention commissioners (Caleb Davis, Benjamin Goodhue, Tristram Dalton, and John Coffin Jones—all eventually resign).
17 June	Appointment of Annapolis Convention commissioners (Francis Dana, Elbridge Gerry, Stephen Higginson, and George Cabot—all eventually resign).
5 July	General Court grants Congress supplementary funds requested in 1783.
6 July	General Court adopts resolution authorizing Governor and Council to fill vacancies taking place among Annapolis Convention commissioners.
July-August	County conventions meet in Berkshire, Bristol, Hampshire, Middlesex, and Worcester counties recommending debtor relief and new state constitution.
August-September	Farmers in armed groups close courts in five counties.

31 October

11 August
Governor and Council appoint Thomas Cushing an
Annapolis Convention commissioner.

Governor and Council appoint Samuel Breck an Annapolis
Convention commissioner.

11–14 September
Annapolis Convention meets and calls for a convention to
meet in Philadelphia on 14 May 1787.

New York and Massachusetts settle land dispute.

1787

25 January Militia under General William Shepard routs Shaysites at 4 February Militia under General Benjamin Lincoln routs Shaysites at Petersham (end of Shays's Rebellion). 21 February Congress calls for Constitutional Convention to meet in Philadelphia. 22 February General Court adopts resolution authorizing appointment of delegates to Constitutional Convention. 3 March General Court appoints delegates to Constitutional Convention (Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong; Dana does not attend). 10 March General Court repeals resolution of 22 February. 10 March General Court adopts resolution requesting Governor to grant commissions to delegates to Constitutional Convention. 9 April Governor James Bowdoin issues commissions to delegates to Constitutional Convention. 14 May Constitutional Convention meets, but lacks a quorum. 21 May Rufus King first attends Constitutional Convention. 25 May Constitutional Convention attains quorum. 28 May Nathaniel Gorham and Caleb Strong first attend Constitutional Convention. 29 May Elbridge Gerry first attends Constitutional Convention. 1 June John Hancock becomes governor. 27 August Caleb Strong leaves Constitutional Convention by this date. 12 September Elbridge Gerry's motion in Constitutional Convention for committee to consider a bill of rights is defeated unanimously. 17 September Constitution signed in Constitutional Convention by Nathaniel Gorham and Rufus King; Gerry refuses to sign. 25 September First printing of Constitution in Massachusetts. 17 October-General Court meets in Boston. 24 November 18 October Governor Hancock delivers Constitution to General Court. 18 October Elbridge Gerry writes to General Court explaining why he did not sign Constitution. 20-25 October General Court debates and calls state convention. 24 October James Wilson's speech of 6 October first printed in Massachusetts.

Massachusetts Senate reads Gerry's 18 October letter.

2 November Massachusetts House reads Gerry's letter. 3 November Gerry's letter first printed. 19 November-Towns elect delegates to state convention. 7 January 1788 21 November George Mason's objections first printed in Massachusetts. 23 November First number of "Agrippa" printed in Massachusetts. Benjamin Franklin's speech to Constitutional Convention 3 December printed in Massachusetts. 1788 Boston tradesmen meeting at Green Dragon Tavern. 7 January 9 January-7 February Massachusetts Convention meets in Boston. 16 January Massachusetts Centinel prints first pillars illustration. 30 January John Hancock attends Convention for first time. 31 January Hancock proposes conciliatory proposition recommending amendments. 6 February Convention ratifies Constitution 187-168 with nine

recommendatory amendments.

8 February

16 February

Covernor Hancock transmits copies of Form of Ratification to other states.

27 February—1 April

21–24 November

recommendatory amendments.

Boston procession celebrates ratification of Constitution.

Governor Hancock transmits copies of Form of Ratification to other states.

General Court meets.

General Court elects Caleb Strong and Tristram Dalton as

U.S. Senators.
18 December Election of U.S. Representatives (4 of 8 elected).

1789

29 January Election of U.S. Representatives (2 of 8 elected).
2 March Election of U.S. Representative (1 of 8 elected).
11 May Election of last U.S. Representative.
8 June James Madison proposes Bill of Rights in U.S. House of

25 September

Representatives.

Congress approves 12 proposed amendments to Constitution and submits them to states.

1790

14 January
Governor Hancock transmits 12 amendments to
Constitution to the General Court.

29 January
Massachusetts Senate adopts 10 of 12 amendments.

2 February
Massachusetts House of Representatives adopts 9 of 12 amendments.

9 March
General Court adjourns without adopting amendments.

Officers of the Commonwealth of Massachusetts 1787-1788

Governor

John Hancock

Lieutenant Governor

Thomas Cushing

Council

Nathan Cushing **Edward Cutts** Thomas Dawes John Frost Jonathan Greenleaf Israel Hutchinson Peter Penniman

Oliver Phelps

James Sullivan

Secretary

John Avery, Jr.

Treasurer

Alexander Hodgdon

Commissary General

Richard Devens

Commissary of Pensioners

John Lucas

Comptroller General

Leonard Jarvis

Attorney General

Robert Treat Paine

Justices of the Supreme Judicial Court

William Cushing, Chief Justice Nathaniel Peaslee Sargeant

David Sewall

Increase Sumner

Francis Dana

Charles Cushing, Clerk

John Tucker, Clerk

Judge of the Admiralty Court

Nathan Cushing

Annapolis Convention

Samuel Breck**

George Cabot*

Thomas Cushing**

Tristram Dalton*

Francis Dana**

Caleb Davis*

Elbridge Gerry*

Benjamin Goodhue*

Stephen Higginson*

John Coffin Jones*

John Lowell*

Theophilus Parsons*

James Sullivan*

* Resigned appointment.

** Failed to arrive in time for

convention.

Delegates to Congress

Elected 27 June 1786

Nathan Dane

Nathaniel Gorham

Samuel Holten

Rufus King

Elected 27 June 1787

Nathan Dane

Samuel A. Otis Theodore Sedgwick

George Thatcher

Confederation Secretary at War

Henry Knox

Confederation Board of Treasury

Samuel Osgood

Constitutional Convention

Francis Dana*

Elbridge Gerry

Nathaniel Gorham

Rufus King

Caleb Strong**

* Did not attend.

**Left Convention before 27 August.

U.S. Minister to Great Britain

John Adams

The Ratification of the Constitution by the States

MASSACHUSETTS
[3]



V. THE MASSACHUSETTS CONVENTION 9 January-7 February 1788

Introduction

The Delegates

On Wednesday, 9 January 1788, the Massachusetts Convention—pursuant to the 25 October 1787 resolutions of the state legislature—met in the chamber of the House of Representatives in the State House in Boston. The towns and districts of Massachusetts had elected at least 370 delegates, but not all of them attended on any one day. (Six delegates never attended, and their names were not recorded in the Convention Journal.) On 9 January delegate Christopher Gore reported that 280 delegates were in attendance; delegate Justus Dwight counted 288; and delegate William Heath estimated nearly 300. The next day Heath said that 309 delegates attended.1 Providence merchant Benjamin Hoppin put the number at 319 on 11 January, and two days later the Reverend Jeremy Belknap, pastor of the Congregational church in Long Lane, had it at 329. On 20 January, in his analysis of how delegates might vote on ratification, Henry Jackson counted 360 delegates. Delegate Rufus King estimated on 3 February that 363 delegates would vote on whether to ratify the Constitution.2 When the vote was taken on 6 February, 355 delegates cast ballots. Nine delegates, who had attended the debates at one time or another, did not vote.

The delegates included many officeholders, among them the governor, the chief justice and two justices of the Supreme Judicial Court, two councilors, 118 members of the House of Representatives, and 20 members of the Senate, including its president. Also elected were a former governor, a delegate to Congress, eight former delegates to Congress, and four of the five delegates to the Constitutional Convention of 1787. More than 50 delegates were addressed as "Honorable," indicating service at one time or another as a state executive or judicial officer, state senator, or member of Congress. At least 100 delegates were identified by military titles, ranging from ensign to major general, while almost one-third of the delegates were addressed as "Esquire." Delegates included clergymen, judges, lawyers, physicians, merchants, artisans, mill owners, and farmers.

The principal Federalist speakers and participants in the Convention were Fisher Ames, James Bowdoin, Sr., Tristram Dalton, Francis Dana, Nathaniel Gorham, Rufus King, Theophilus Parsons, Theodore Sedgwick, and Caleb Strong. Dana, Gorham, King, and Parsons were said to have been particularly effective in debate. Others delivering important speeches in support of the Constitution were Isaac Backus, George Cabot, Thomas Dawes, Jr., Christopher Gore, William Heath, Charles Jarvis, John Coffin Jones, Jonathan Smith, and Samuel Stillman. These spokesmen were generally men of property, education, and superior oratorical talents.⁴ Governor John Hancock, who had not yet publicly taken a stance on the Constitution, also played a pivotal role.

Leading Antifederalist speakers and participants—who did not have either the political, economic, or social standing of the principal Federalists—were Samuel Nasson, John Taylor, Samuel Thompson, Charles Turner, Abraham White, and William Widgery. Other important speakers against the Constitution were Phanuel Bishop, Daniel Cooley, Gilbert Dench, and Amos Singletary. Turner and two other Antifederalists, Nathaniel Barrell and William Symmes, Jr., changed their minds and in long speeches announced their decisions to vote for ratification. Samuel Adams, an Antifederalist when the Convention opened, was quiet at first, perhaps because of the illness and death of his son, Dr. Samuel Adams. Late in the Convention, Samuel Adams acted as a conciliatory force between Federalists and Antifederalists and on 6 February he voted to ratify.

According to Federalist delegate Nathaniel Gorham, Antifederalists were divided into three "parties"—the supporters of separate state-hood for Maine, Shaysites or "Insurgents" (including their supporters), and the advocates of paper money and tender laws. Confederation Secretary at War Henry Knox, a Massachusetts native, saw these last two parties as a single group opposing the Constitution. Knox estimated that the Maine party constituted two-sevenths of all Convention delegates, while the Shaysites-paper money-tender law party had the same proportion of the total.⁵ Other Antifederalist delegates philosophically opposed to the Constitution, who did not fit into any of these categories, included Samuel Adams and the approximately twenty Baptist delegates.

Most Baptist members opposed the Constitution. Recognizing this opposition, Federalists sought to sway Baptists even before the Convention began. Since the Reverend Samuel Stillman of Boston, one of the state's most-respected Baptists, was "a high Federal Man," Federalist leaders nominated him as one of Boston's twelve Convention delegates, hoping this would have "good consiquences" among the Convention's Baptists. Stillman's name appeared on ten of fourteen Boston nomination lists; the names of only five other candidates appeared on as

many or more lists.⁶ On 6 February, the day of the vote on ratification, Stillman delivered a powerful speech in a last effort to gain support for the Constitution.

Federalists described the Shaysite delegates as "vile," "attrocious," and "unprincipled," with some "as bad as . . . any men" could be. Joseph Barrell, a Boston merchant, estimated that at least eighty delegates were Shaysites; while Nathaniel Gorham declared that eighteen or twenty delegates had actually been in Shays's army. Frustrated Federalists recognized that Shaysites could not be persuaded. Delegate Benjamin Lincoln explained, "Many of the insurgents are in Convention, (even some of Shay's Officers) a great proportion of those men are high in the opposition; We could hardly expect any thing else, nor could we, I think, justly suppose that those men who were so lately intoxicated with large draughts of liberty and who were thirsting for more would in so short a time submit to a constitution, which would further take up the reins of government, which in their opinion were too strait before." Henry Knox thought that the insurgents derived strength from "the impunity with which the rebellion of last year was suffered to escape."8

Changing the Meeting Place

Even before the Convention met, people recognized that the chamber of the state House of Representatives was not large enough to hold all the spectators who wanted to attend the debates. Therefore, the proprietors of the Congregational church on Brattle Street invited the Convention to use their church, and on Thursday, 10 January, the Convention moved. The delegates, however, soon discovered the inadequacy of the church's acoustics, and, on Saturday, 12 January, they returned to the State House, where they complained about overcrowding and poor ventilation. Finally, on Thursday afternoon, 17 January, the delegates moved (for the last time) to the Long Lane Congregational Church, whose proprietors had invited them. The church had just been fitted, at the expense of private persons, to accommodate large numbers of spectators. Since the Convention met in January and February, these private persons also provided a stove for the church.

The galleries of the Long Lane Church, which held between 600 and 800 people, became "so crowded" that spectators had to be in attendance an hour before the Convention convened. In fact, the galleries were "crowded every day," as "a vast many people" attended.¹¹ On 6 February, the day of the ratification vote, delegate Dummer Sewall reported in his journal that, in addition to the crowded galleries, the church's "Seller" and part of its upper loft were also filled.¹² On this

day, declared Henry Jackson, people remained in their places in the galleries for the entire midday adjournment (1:00 to 3:00 P.M.) because of their anxiety about the vote. 13

The Procedures

The delegates met daily from 9 January through 7 February, excepting Sundays. Beginning on 10 January, morning sessions began at 10:00 A.M. and lasted until around 1:00 P.M.; afternoon sessions commenced at 3:00. The Convention met only in the mornings on Saturdays and on Thursday, 7 February, the day the Convention was dissolved. There were other exceptions. On Thursday, 24 January, the morning session began at 9:00. To accommodate the committee of twenty-five, the Convention did not meet on Monday, 4 February, until 3:00 P.M. (The committee of twenty-five, appointed to report on John Hancock's proposed recommendatory amendments to the Constitution, met on Sunday, 3 February, and on the morning of the 4th.)

On Wednesday, 9 January, the delegates elected Governor John Hancock president, Chief Justice William Cushing vice president, George R. Minot secretary, and Jacob Kuhn messenger. Hancock was elected president, although it was known, for almost two weeks, that his gout (a conveniently recurring ailment) would prevent his attendance. In fact, when the Boston delegates met on 3 January, they agreed that Hancock should be elected president, even though he was "confind to his bed with the gout." According to Boston delegate Christopher Gore, the delegates wanted "the advantage" of Hancock's name. Hancock accepted the presidency but did not attend the debates until 30 January. On 11 January a correspondent of the Massachusetts Gazette praised Hancock's patriotism, republicanism, devotion to human rights, and his "truly federal" sentiments. In Hancock's absence, Vice President Cushing presided.

On Samuel Adams's motion, the Convention also voted on 9 January that the delegates attend morning prayers daily and that Boston clergymen of every denomination be invited to officiate. One observer hoped that "the prayers of the Clergy," together with "Judicious arguments," would help to soften the strong "party Spirit prevailing" in the Convention. The Convention Journal does not record the names of the Boston ministers who led the prayers, but the *Massachusetts Centinel* provided the names of the ministers and the dates on which they officiated. In all, the *Centinel* reported that twelve clergymen attended on 12, 14–19, 21–26, and 28–29 January. Three of the twelve offered prayers twice. The only Boston clergymen who apparently did not officiate at prayers were delegate Samuel Stillman (Baptist) and Ebenezer Wight (Congregational).¹⁵

On Thursday, 10 January, while meeting in the Brattle Street Church, the Convention adopted rules and assigned seats for the clergy that might be in town. On 11 and 12 January, the Convention heard remonstrances and committee reports concerning disputed elections, deciding all such elections in favor of the members returned.

On Monday, 14 January, the Convention read the Constitution, the 28 September 1787 resolution of Congress recommending that the states call conventions to consider the Constitution, and the 25 October 1787 resolutions of the Massachusetts legislature calling the state Convention. The Convention voted that the Constitution be discussed by paragraphs, after which the delegates would be allowed to debate in general whether to ratify the Constitution. (Later, delegate Rufus King believed that this resolution precluded the idea of having the Convention propose amendments to the Constitution.¹⁶) The Convention also read the 10 March 1787 resolution of the Massachusetts legislature appointing delegates to the Constitutional Convention, and, at the behest of Antifederalists, the Convention invited Elbridge Gerry, a former Constitutional Convention delegate, to attend the debates and answer any questions posed to him. Gerry accepted the invitation and attended the Convention for the first time on 15 January. (All of the state's other Constitutional Convention delegates had been elected to the Massachusetts Convention.) Responding to a petition of Benjamin Russell of the Massachusetts Centinel and the firm of Adams and Nourse of the Independent Chronicle, the Convention designated a place for them to take notes of the debates.¹⁷ Finally, on the afternoon of 14 January, the Convention began to debate the Constitution by paragraphs.

Before this debate resumed on Tuesday, 15 January, the Convention adopted a motion permitting delegates to discuss any other provision of the Constitution, providing it was "connected with the one immediately under consideration." Federalists hoped that this motion (and the one of the preceding day) would prolong the Convention and delay a vote on ratification until they could attain a majority. They needed time to persuade some Antifederalists and undecided delegates to vote for ratification. Federalists also thought that, since the wealth and talent of the Convention were on their side, they would eventually prevail.¹⁸

The Activities of Federalists and Antifederalists Outside the Convention

Because Massachusetts was the first state in which ratification was in doubt, Federalists and Antifederalists—Convention delegates, nondelegates, and even visitors from out of state—worked hard outside the Convention to gain converts. Much of this activity was conciliatory in nature, although, at times, it increased the tension and hostility between the opposing sides.

A prime Federalist target was the large group of delegates from the three Maine counties, sometimes referred to as the Eastern counties. For several years these counties had wanted to separate from Massachusetts and form a new state. Many separatists believed the Constitution would make statehood more difficult to achieve. As the election returns for Convention delegates became more complete in late December 1787, some Federalists, such as Nathaniel Gorham and Christopher Gore, concluded that most of Maine's delegates would oppose the Constitution. Consequently, they asked Federalist delegate Rufus King and congressman George Thatcher, both of whom had influence in Maine, to write to some Maine delegates to persuade them that the Constitution would not prevent separate statehood.¹⁹

On 15 January several Federalist delegates, including King, visited some Maine delegates in their lodgings to convince them to support the Constitution.²⁰ On 20 January Federalist Henry Jackson estimated that, in the three Maine counties, twenty-two delegates would vote to ratify the Constitution, while twenty-three would vote against ratification. His estimate for York County was the most lopsided, with twelve of seventeen delegates opposing ratification. Two days later Antifederalist Samuel Nasson of Sanford, Maine, estimated that eighteen out of twenty York delegates opposed the Constitution. He advised George Thatcher that it would do little good to write to anyone in York. On 27 January a pessimistic Nathaniel Gorham still believed that a "great majority" of the Maine delegates would vote against ratification.²¹ Early in February people outside Massachusetts heard that Maine delegates were being converted and that they now supported the Constitution.²² The vote on 6 February demonstrated that a conversion had indeed taken place. Maine's delegates voted 25 to 21 to ratify the Constitution. Only in York County, where eleven of seventeen delegates voted not to ratify, did a majority oppose ratification.

A second Federalist target was the more than twenty Baptist delegates. In particular, Federalists singled out minister Isaac Backus, who was perhaps second in importance only to Samuel Stillman among the state's Baptists. At first ambivalent about the Constitution and reluctant to accept election, Backus decided to attend the Convention because "religious liberty is concerned in the affair." Boston Federalists invited Backus to their homes and to preach in their churches. He dined at the homes of Federalist delegates James Bowdoin, Thomas Dawes, Jr., and Thomas Russell. When Backus dined with Bowdoin, he was accompanied by two other Baptist delegates, ministers Noah Alden and Valentine Rathbun. On 29 January Federalist George Benson, a Providence merchant and Baptist attending the Convention, described

Backus as being "now right" on the Constitution. On 4 February Backus made an important speech in support of the Constitution.²³

James Manning, a Baptist minister and president of the College of Rhode Island (Brown University) who was "deeply interested" in the adoption of the Constitution by the Massachusetts Convention, arrived in Boston on 15 January and attended the Convention debates from 16 to 31 January. Federalists seized the opportunity and courted Manning, hoping that he would use his influence with Baptist delegates. Manning was treated "with great respect" by "the chief leaders" and was invited to preach in local churches. Federalists had less success among the Baptist delegates than they did among Maine's delegates. Backus stated that two-thirds of the more than twenty Baptist members voted against ratification. Among the five Baptist ministers, only Backus and Stillman voted to ratify. Manning was "mortified to find Father [Noah] Alden among ye Nays."²⁴

In addition to James Manning, some of the other "first Characters" from Rhode Island, who either attended the debates or commented upon them while in Boston, included Federalists George Benson, John Brown, Theodore Foster, Enos Hitchcock, and Benjamin Hoppin. They believed that Massachusetts ratification might prompt the Rhode Island legislature to call a convention to consider the Constitution.²⁵

This influx of Rhode Islanders probably helped to give rise to a charge by "Centinel," printed in the *Boston Gazette* on 21 January, that "Large sums of [Federalist] money" from Rhode Island were being used to bribe Convention Antifederalists. ("Centinel" was Colonel William Donnison, a Boston shopkeeper who had moved to Boston from Providence.) When questioned by the Convention about the charge, the printers of the *Boston Gazette* replied in writing that "Centinel" could support his charge. The Convention appointed a committee to investigate, but the committee never reported. "Centinel's" accusation touched off a spirited exchange between Federalists and Antifederalists.²⁶

Federalist John Langdon of New Hampshire also attended the Convention's debates. Langdon thought that, if Massachusetts ratified, the New Hampshire Convention, scheduled to meet in February 1788, would not be in session one week before ratifying.²⁷ After Langdon returned to New Hampshire, he received letters from James Sullivan and delegates Thomas Russell and Tristram Dalton keeping him informed about the Massachusetts Convention.²⁸

Antifederalists likewise lobbied Convention delegates. Nathaniel Gorham complained that Antifederalist delegates had an advantage over Federalist members because they were "more mixed in the Lodging

Houses with those Neutral characters" and therefore "they have the best chance by private Conversations." Other Antifederalists, such as John Bacon of Stockbridge and William Whiting of Great Barrington, both of whom had been defeated for Convention seats, were in Boston, where they lobbied among the delegates. On 18 January delegate Theodore Sedgwick complained that "Bacon & Whiting altho not united personally are very industriously endeavoring to keep their force in the feild." A correspondent in the *Massachusetts Gazette*, 22 January, described Bacon "as a *missionary*, making proselytes to anti-federalism."

Federalists charged that some prominent Antifederalists mingled among Antifederalist delegates and aided and encouraged them. Such delegates were criticized for listening "to out-of-doors whispers." Federalists also accused Antifederalists of reading speeches in the Convention that were written by others. Charged by "Federalissimo" with being "busy" and open in his opposition to the Constitution during the Convention, James Warren—speaker of the state House of Representatives—was allegedly one of the speech writers. Caleb Gibbs accused him of acting "like the snake in the grass." Warren may have drafted Samuel Nasson's 1 February speech, which David Sewall, a York, Maine, Federalist, thought could not have been written by Nasson. Moreover, Warren's "emissaries were constantly engaged in attending the nocturnal scenes of the star chamber, and in manufacturing speeches for the antifederal junto." James Winthrop, the likely author of the Antifederalist "Agrippa" essays, was also attacked for spreading his antifederalism in Boston and for having "exerted himself so much in opposition" to the Constitution.32

The Issues Debated

A majority when the Convention convened, Antifederalists shaped the debate over the Constitution. Their objections were derived from revolutionary and local experience and the fear that the government created by the Constitution would endanger their rights and liberties if ratified without amendments. The Constitution, they argued, created a powerful national government, destined to promote a commercial and landed aristocracy at the expense of small and middling landowners. Unlike the state constitution, the federal Constitution lacked a declaration or bill of rights protecting the people against tyranny. The Constitution, again unlike the state constitution, failed to provide for annual elections, another most important bulwark against tyranny. Moreover, Congress had too much power to regulate federal elections, thereby overriding state regulations. Congress' great taxing ability—a much feared coercive power—would encourage the growth of a vast

administrative bureaucracy. Taxes would be used to pay the large national debt, thereby benefiting merchant speculators at the expense of farmers. The people of Massachusetts had learned about oppressive taxes from the actions of the British Parliament and their own colonial and state legislatures.

Federalists countered by stating that the Constitution would create a limited federal government in which power was divided between and shared by the central government and the states. They emphasized that the Constitution, drafted by some of America's greatest men, was filled with compromises, accommodating many conflicting interests. Under the Constitution, the central government would be able to suppress domestic insurrection, such as Shays's Rebellion. Congress would also have the power to regulate and encourage foreign commerce which would stimulate economic growth. Improved economic conditions and political stability, Federalists argued, would benefit all classes in society, not just the wealthy. Federalists did not believe that amendments to the Constitution were needed because the Constitution posed no danger to the people. They argued that the Constitution was to be accepted or rejected as it was. Late in the Convention, however, Federalists—to obtain ratification—promoted recommendatory amendments to be adopted after the new government went into operation.

Elbridge Gerry Attends the Convention

On 14 January nondelegate Elbridge Gerry was invited to take a seat and respond to questions about the Constitutional Convention, of which he had been a member. Gerry accepted the invitation and attended for the first time on 15 January. On Friday, 18 January, Gerry was asked a question (on representation and taxation) for the first and only time, and the Convention requested his answer in writing. The next day, Gerry's written response was read and the Convention continued its debate on the U.S. Senate. When Gerry heard his name mentioned during the debate, he began preparing a letter on the Senate. After writing for about half an hour, he rose and informed the delegates that he was preparing such a letter. A heated discussion on the propriety of Gerry's interruption consumed the remainder of the session. After the Convention adjourned for the day, an altercation occurred between Gerry and Francis Dana, who had vociferously objected to Gerry's interruption. Gerry never returned to the Convention, nor was he invited to return. On 21 January, from his Cambridge home, Gerry wrote a letter to Vice President William Cushing, the Convention's presiding officer, giving his version of the events of 19 January, protesting his treatment by the Convention, and criticizing Francis

Dana. Gerry appended "A State of Facts," reviewing the actions of the Constitutional Convention concerning the equal representation of the states in the Senate. The Convention read Gerry's letter on Tuesday, 22 January, and, after debating Gerry's role in the Massachusetts Convention, it voted that further consideration of his letter subside.³³

Federalists Gain Strength

Elbridge Gerry's failure to return to the Convention and the fierce Federalist opposition to his presence were indications that Antifederalist strength might be waning. Writing on 22 January, Antifederalist Samuel Nasson thought the Antifederalist margin was 48.³⁴ By 27 January law student William Cranch noted that Antifederalists maintained that they only had a majority of fifteen; a few days earlier, he said, they had claimed a margin of 100.³⁵ Federalists, according to Henry Jackson and Jeremy Belknap, felt stronger each day, thereby alarming Antifederalists who began to talk about "an adjournment in Order to influence the Country at large against the Constitution." The Convention, however, never seriously considered an early adjournment.

Antifederalists tried another maneuver to stave off ratification. Led by Samuel Nasson, William Widgery, and Samuel Thompson, Antifederalists tried but failed on 23 and 24 January to rush the vote on ratification by getting the Convention to adopt a resolution abandoning the method of debating the Constitution by paragraphs. The defeat of this motion on 24 January touched off a display in the galleries that Antifederalists interpreted as being insulting to them.³⁷ The Convention then returned, for several more days, to its consideration of the Constitution by paragraphs. It completed its consideration of Article I on 26 January, and considered Articles II and III on 28, 29, and 30 January. Little of the debates was published for these days.

Recommendatory Amendments

After three weeks of debate, the most sanguine Federalists believed that ratification of the Constitution was not possible unless some provision was made for amendments. Nathaniel Gorham wrote James Madison that he was "pretty well satisfied" the Constitution would not be adopted "unless we can take of[f] some of the opposition by amendments"—recommendatory amendments, not conditional ones. Gorham estimated that with amendments "we may possibly get a majority of about 12 or 15."38

Federalists rejected the idea of conditional amendments that Antifederalists, such as "Hampden" (James Sullivan?), had recommended in an article printed in the *Massachusetts Centinel* on 26 January.³⁹ Although Rufus King rejected the idea of conditional amendments, he

was heartened to see "Hampden's" piece because it demonstrated that those Antifederalists who had advocated an absolute rejection of the Constitution were finally giving the idea of amendments some serious consideration. This attention, stated King, showed that Antifederalists were less confident than they had been about their majority. 40

As the debate on the Constitution by paragraphs neared an end late in January, Federalist leaders formulated a plan that they hoped would obtain unconditional ratification of the Constitution with recommendatory amendments. The notion of recommendatory amendments was not new. As early as 16 January, Rufus King wrote that amendments had not yet been suggested in the Convention, but he did not "from this Circumstance conclude that it may not hereafter occur." Four days later, King said that "my mind rather balances in favor of the Idea that we shall ratify the Constitution—perhaps we shall adopt, and recommend to the Delegates chosen under the Constitution certain alterations." On 23 January, King stated that Federalists were thinking about recommendatory amendments to be "subjoined" to the form of ratification.⁴¹ As Federalist John Avery, Jr., had hoped, Federalists had discovered "a conciliating disposition" that would permit them to "give way a little to those who are for Adopting it with Amendments."

Convention secretary George R. Minot believed that the credit for convincing Federalists about the necessity of amendments belonged to Antifederalists. The "illiterate," asserted Minot, had persuaded the "learned." Antifederalists had called for amendments soon after the Constitution had been promulgated by the Constitutional Convention in September 1787. Before and during the Massachusetts Convention, Massachusetts newspapers were filled with references to the need for amendments. For example, at the start of the Convention, on 9 and 12 January, "The Republican Federalist" (James Warren?) in the Massachusetts Centinel rejected "the delusive prospect of future alterations." Amendments were needed immediately, he declared, in order to prevent the establishment of an arbitrary government.

Federalists concluded that John Hancock was the ideal person to propose recommendatory amendments. Hancock was the state's most influential and popular politician; he was acceptable to both Federalists and Antifederalists; he had the confidence of the general public; and he had not yet taken a public position on the Constitution. In fact, when Governor Hancock forwarded the Constitution to the state legislature on 18 October 1787, he had refused to state his position on the Constitution, declaring that it was not within the duties of his office "to decide upon this momentous affair." Federalists also believed that

the politically astute, fence-straddling Hancock would follow the will of the majority, as soon as he determined who was in the majority.

Once Hancock determined the winning side, his health, some Federalists predicted, would improve. For instance, Rufus King, who visited Hancock at home several times, wrote on 20 January that "Hancock is still confined, or rather he has not yet taken his Seat; as soon as the majority is exhibited on either side I think his Health will suffer him to be abroad." On 27 January, William Cranch reiterated King's charge, stating that, since it seemed likely that Federalists would be in the majority, Hancock was beginning to favor the Constitution. If Hancock "fully" supported the Constitution, concluded Cranch, his "popularity will draw a large majority in its train."

Hancock became amenable to the Federalist plan after speaking with friends and, in all likelihood, striking a political deal, explicit or implicit, with Federalists. Historian Francis Baylies learned from his father William, a Convention delegate, that Samuel West and Azor Orne, delegates and good friends of Hancock's, visited the governor, flattered him, and appealed to his patriotism, persuading him that he could be the savior of his country. Pastor of the First Congregational Church in New Bedford, West was especially close to Hancock, having been his classmate at Harvard College.⁴⁸

Hancock's political bargain with Federalists was described by Rufus King: "Hancock will hereafter receive the universal support [for the governorship] of Bowdoins Friends, and we tell him that if Virginia does not unite, which is problematical that he is considered as the only fair candidate for President."49 (As early as 17 October 1787, the Federalist "One of the People" had stated that Hancock "will rear to himself a name next only to a Washington," if he supported the Constitution. 50) After Hancock presented the amendments to the Convention, delegate Tristram Dalton told a correspondent that "Hancock has hazarded his whole interests to the support of a Constitution, which, alone, must save his country. We must, whether successful or not, support his interest" for governor. 51 After the Constitution was ratified, Henry Jackson reported that "all the first & leading Characters in the Town [Boston] & State have pledge'd themselves to him [Hancock], to support him to the utmost [of] their power, & ability—for he has acted a most noble part in this business."52 Lastly, in early 1789 "Laco" (Federalist Stephen Higginson) also charged that Federalists agreed to support Hancock for governor in exchange for his proposing amendments.⁵³

Late on the morning of Wednesday, 30 January, Hancock attended the debates for the first time. Wrapped in flannels, Hancock was carried

into the Convention, where his appearance delighted the spectators attending the debates.⁵⁴ From his Pittsfield home, Henry Van Schaack speculated that the still-unwell Hancock would not have attended at this time had it not been for the rumors "industriously" spread by Antifederalists that Hancock opposed the Constitution. Moreover, they had claimed that Hancock had "advised them to reject" the Constitution.⁵⁵

On the day that Hancock arrived in the Convention, delegate Thomas Russell indicated that if Hancock "Appears Openly in favour of the Federal System, there will be I dare say a handsome majority in favour of the question, in which Event, he will in my opinion do himself [famous?], and gain a great many Friends." Tristram Dalton confided that, if Hancock "may be depended on, he will give countenance to the proposed Constitution, which will carry a large majority in favor of it." Rufus King agreed, but he warned that Hancock's "character is not entirely free from a portion of caprice." ⁵⁶

On the evening of 30 January, several Federalists caucused; among them apparently were George Cabot, Tristram Dalton, Francis Dana, Nathaniel Gorham, Charles Jarvis, Rufus King, and Theophilus Parsons. Gorham reported that they were preparing amendments, without which ratification was not possible.⁵⁷ Dalton informed a correspondent that Hancock and Samuel Adams supported the Constitution and that their support would gain them the majority. "All this is scarcely known out of our caucus," he wrote, "wherein we work as hard as in convention." To another correspondent Dalton confided, "We are not idle by Night or Day—and sacrifice everything but moral Honesty to carry our point." To a third he wrote, "Ardent have been the labours of the Federalists—anxious their Nights as well as days."⁵⁸

On Thursday morning, 31 January, the Convention continued its debate, rushing through Articles V, VI, and VII. According to Jeremy Belknap, Federalists had "protracted the debates on paragraphs till they were *sure* of a Majority." When the debate by paragraphs ended, Theophilus Parsons moved that the Convention ratify the Constitution, whereupon the Convention debated the Constitution in general. As the morning session neared an end, William Heath set the stage for Hancock to propose recommendatory amendments. Seeking to quiet the minds of Antifederalists, Heath recommended that the state's representatives in the first Congress elected under the Constitution be instructed "to exert their utmost endeavours to have such checks, and guards provided as appears to be necessary in some of the paragraphs of the Constitution, and communicate what we may judge proper, to

our sister States, and request their concurrence." When Heath finished, Hancock said that he would present a proposition that afternoon that would remove objections to the Constitution.

The Convention galleries were "uncommonly crouded" during the afternoon session on 31 January. Eager to hear Hancock, "hundreds" of spectators had not left during the adjournment; they had sent home for their dinners so that they could keep their seats. ⁵⁰ Reading from a speech prepared by the Federalist caucus (probably Parsons), Hancock advocated that the Constitution be unconditionally ratified with nine recommendatory amendments. Samuel Adams supported the proposition.

The amendments, as Nathaniel Gorham revealed, were probably the work of several persons. Jeremy Belknap asserted that the amendments were produced by Federalists acting "in Concert," and that Hancock was "the ostensible Puppet" in proposing them. George R. Minot saw a copy of the amendments that was "most certainly, in the hand writing of a leading constitutionalist, (Mr. Parsons) a few words excepted, which were in the hand writing of Dr. Jarvis, & one article by Mr. King."⁶¹ Francis Dana apparently also made a contribution.⁶²

Theophilus Parsons has usually been credited with being the author or the principal author of the amendments largely because a draft of them, in his handwriting, was discovered in Hancock's papers in 1793 by Boston merchant Joseph May, an administrator of Hancock's estate. May also claimed that Hancock read the amendments from a copy made by Parsons.⁶³

A second copy of the amendments, in the handwriting of James Sullivan, was found in Sullivan's papers by Thomas C. Amory, his grandson and biographer. According to Amory, newspaper publisher Benjamin Russell, who took notes of the Convention debates, maintained that the copy used by Hancock in the Convention was in Sullivan's handwriting. Amory believed Theophilus Parsons put the amendments into final form, after they were drafted by Antifederalists.⁶⁴

A third copy of the amendments was found among the papers of Samuel Adams. A visitor to Hancock's home said that he saw Adams and Hancock together and that a committee requested that both men voice their objections to the Constitution. According to this visitor, Adams made some objections (agreed to by Hancock), which the committee accepted and included in the amendments Hancock proposed in the Convention on 31 January. That Federalists had sought the approval of some Antifederalists was attested further by a dinner, held on Saturday, 2 February, at the home of Boston merchant William Parsons,

which was attended by both Federalists and Antifederalists. William Parsons was the brother of Theophilus Parsons.⁶⁵

The Convention debated Hancock's proposal on 31 January and 1 February, at which time it ordered that the vote on ratification not take place until Tuesday, 5 February. Although some Antifederalists favored Hancock's proposal, others were shocked or suspicious of it and for a time it appeared that the proposal would hurt the chances of ratification. Federalist speakers, however, managed to turn the tide on Saturday, 2 February, when the Convention unanimously adopted a resolution appointing a committee of two from each county to consider Hancock's and any other amendments.⁶⁶

The committee of twenty-five, chaired by former governor James Bowdoin, was intended to be divided equally between Federalists and Antifederalists, although Federalists actually had a majority of one. Meeting on Sunday, 3 February, and again on Monday morning, 4 February, the committee made minor alterations in Hancock's proposition and voted 15 to 7 to submit its revisions to the Convention. Two Antifederalists voted with the Federalists, while three others did not vote. 67

On the afternoon of 4 February, the Convention considered the report of the committee of twenty-five. Sometime during this day, Hancock, in his capacity as governor, issued a proclamation delaying the convening of the state legislature from 20 February to 27 February, so that the 138 Convention members who were also state legislators could return home before the legislature commenced its February session.⁶⁸

On the morning of 5 February, the Convention resumed its consideration of the report of the committee of twenty-five, and after some debate it assigned 11:00 A.M. the next day for a vote on the report. Before this motion, York Antifederalist Nathaniel Barrell—a member of the committee of twenty-five—delivered a long speech in which he said that he had changed his mind and would vote to ratify the Constitution.

$Antifederalists\ Attempt\ to\ Adjourn$

The tide was turning, and at noon on 5 February Antifederalists attempted to stem it. Gilbert Dench moved that the Convention adjourn to "a future day" so that the people of Massachusetts could be informed about the principles of the Constitution and Hancock's amendments as revised by the committee of twenty-five. Adjournment was not a new idea. In a 21 January speech, Samuel Thompson suggested an adjournment of several months. Two days later, as Federalists were reportedly gaining strength, Henry Jackson reported that Antifederalists

were considering adjournment "to influence the Country at large." Delegate Caleb Davis heard a rumor that on 30 January Antifederalists would make a motion to adjourn. To Joseph Savage understood that Antifederalists wanted to adjourn to April.

The Convention debated Dench's motion for the remainder of the morning session of 5 February and continued the debate during the afternoon session. In the evening, the delegates defeated Dench's motion 214 to 115. Delegate Isaac Backus described the motion to adjourn as "earnest," while Henry Jackson charged that it was the work of "Rascals."

The Constitution Ratified

On the morning of 6 February, the Convention postponed the vote on the report of the committee of twenty-five from 11:00 A.M. to 4:00 P.M. This vote would determine whether or not the Constitution would be ratified. Samuel Adams then moved to amend the committee's report, by recommending what amounted to an abbreviated bill of rights. Adams, however, withdrew his motion when it alarmed both Federalists and Antifederalists. Some Antifederalists, however, renewed Adams's motion, but "it was thrown out by a very general Vote," with Adams voting with the majority.⁷³ The remainder of the morning was devoted to a long speech from Baptist minister Samuel Stillman.

During the afternoon session, Antifederalist leader Charles Turner informed the Convention that he planned to vote for ratification; soon after, Antifederalist William Symmes made a similar announcement. Symmes was followed by Hancock who told the delegates that the new system established by the Constitution was "indispensably necessary to save our country from ruin. . . . I give my assent to the Constitution in full confidence that the amendments proposed will soon become a part of the system." The enlightened and intelligent people of Massachusetts, Hancock reasoned, would accept ratification with recommendatory amendments. At 4:00 P.M. the delegates began to cast their ballots, and, when the voting ended around 5:00 P.M., they had accepted the report by a vote of 187 to 168, thereby ratifying the Constitution. While the vote was taking place, there was "Such a profound Silance" that "you might have heard a Copper fall on the Gallery floor."⁷⁴

The idea of recommendatory amendments, described as "a compleat finesse," had worked; even Antifederalist leader Samuel Nasson, who asserted that he had "fought Licke a Good Soldier," admitted that the amendments had obtained ratification of the Constitution. John Avery, Jr., declared that the amendments "have greatly tended to reconcile all parties and dissipated many Evils from the Minds of many."⁷⁵ After the

vote, five prominent Antifederalists who had voted against ratification—Abraham White, William Widgery, Josiah Whitney, Daniel Cooley, and John Taylor—announced (in that order) that they would support the Constitution.⁷⁶

Final Day's Housekeeping

On 7 February, the last day of the Convention, the delegates tended to a variety of housekeeping matters. Accepting the report of the payroll committee, the Convention requested that the governor and the Council draw on the state treasury about £4,500 to pay the delegates. The Convention voted that, after completing its business, the delegates would proceed to the State House, where the ratification of the Constitution would be announced publicly. A committee of five was appointed to draw up an address to the people, "stating the principles of the said constitution, the various objections which were made against it, and the answers they received; and explaining the absolute necessity of adopting some energetic system of federal government for the preservation of the union." The address, which was to be printed by order of the state legislature and sent to every town and given to every delegate, was probably never written.⁷⁷

The Convention ordered secretary George R. Minot to deliver the journals to the Secretary of the Commonwealth. The delegates voted to thank the Convention's president, vice president, chaplains, and the proprietors of Long Lane Church. President John Hancock was singled out for "his generous and patriotic efforts, during a painful illness." The Convention appointed a committee of five to thank the president and vice president on its behalf, while the Convention ordered the secretary to extend its thanks to the chaplains and proprietors.

Public Reading of the Constitution and Dissolution of the Convention

The Convention read an invitation from several Bostonians and thanked them for inviting the delegates for refreshments in the Senate chamber of the State House, after the public reading of the ratification of the Constitution. The Convention's business being completed, the delegates adjourned to the State House sometime between noon and 1:00 p.m. Since President Hancock was still suffering from the gout, an "elegant carriage" was provided to transport him to the State House. The delegates went to the chamber of the House of Representatives and then to the Senate chamber. From a balcony of the State House, the sheriff of Suffolk County read the ratification to the "huzzas" of the crowd below. The Convention dissolved itself and the delegates partook of refreshments in the Senate chamber.

- 1. Gore to George Thatcher, 9 January (RCS:Mass., 656); Dwight, Notes of Convention Debates, 9 January (Mfm:Mass.); and Heath Diary, 9, 10 January (RCS:Mass., 1523).
- 2. Hoppin to Nicholas Brown, 11 January; Belknap to Ebenezer Hazard, 13 January; Jackson to Henry Knox, 20 January; and King to James Madison, 3 February (RCS:Mass., 692, 1527, 1537, 1572).
 - 3. See "Convention Roster" (RCS:Mass., 1152-60).
- 4. For comments on Federalist leaders, see Henry Knox to George Washington, Theophilus Parsons to Michael Hodge, and *Boston Gazette*, all dated 14 January (RCS:Mass., 707, 708, 716); and Henry Jackson to Henry Knox, 20 January; Nathaniel Gorham to James Madison, 27 January; and Rufus King to Madison, 27 January (RCS:Mass., 1537, 1552, 1553–54).
- 5. Gorham to James Madison, 27 January (RCS:Mass., 1552); and Knox to George Washington, 14 January (RCS:Mass., 706-7).
- 6. See Henry Jackson to Henry Knox, 11 November 1787; Nathaniel Gorham to Knox, 30 October; and Christopher Gore to Rufus King, 30 December (RCS:Mass., 215, 168, 556). See also RCS:Mass., 909.
- 7. See Henry Knox to Jeremiah Wadsworth, 13 January; Caleb Gibbs to George Washington, 9 February; Nathaniel Barrell to George Thatcher, 20 February; and Joseph Barrell to Samuel Blachley Webb, 6 February (RCS:Mass., 706, 1687, 1590, 1602).
- 8. Barrell to Samuel Blachley Webb, 6 February, Gorham to James Madison, 27 January, Lincoln to George Washington, 3 February, and Knox to Washington, 10 February (RCS:Mass., 1602, 1552, 1573, 1587). See also David Sewall to George Thatcher, 11 February (RCS:Mass., 1691–92), and the Winchester *Virginia Gazette*, 16 April (Mfm:Mass.).
- 9. See "The Meeting Places of the Massachusetts Convention," 9 January-7 February (RCS:Mass., 1163-65).
- 10. For the weather at the time of the meeting of the Convention, see the Dummer Sewall Journal, 3 January–12 February, and the William Heath Diary, 9 January–8 February (RCS:Mass., 1518–21, 1523–25). See also the Reverend John Eliot Weather Diary, 1 January–29 February (Mfm:Mass.).
- 11. Henry Jackson to Henry Knox, 20 January; William Cranch to John Quincy Adams, 22, 27 January; and Benjamin Lincoln to George Washington, 27 January (RCS:Mass., 1536–37, 1543, 1555).
- 12. Sewall Journal, 3 January–12 February (RCS:Mass., 1520). See also William Widgery to George Thatcher, 9 February (RCS:Mass., 1690).
- 13. Jackson to Henry Knox, 6 February (RCS:Mass., 1580). For more on the large crowds, see "An Auditor," *Massachusetts Gazette*, 25 January, and Bossenger Foster, Jr., to Andrew Craigie, 24 February (RCS:Mass., 1550, 1590–91).
- 14. Gore to Rufus King, 30 December, 6 January; to George Thatcher, 9 January; and to Jeremiah Wadsworth, 9 January; and the *Massachusetts Gazette*, 11 January (RCS:Mass., 556, 627, 656, 657, 696). For another newspaper item praising Hancock's federalism, see the *Massachusetts Gazette*, 28 December (RCS:Mass., 543).
- 15. William Lambert to Enos Hitchcock, 12 January (RCS:Mass., 698). See RCS:Mass., 1152 for the Boston clergymen who led the morning prayers.
 - 16. King to James Madison, 16 January (RCS:Mass., 1530).
- 17. See "Sources for the Massachusetts Convention" for the taking and publication of notes on the debates (RCS:Mass., 1128–37).
- 18. See, for example, Christopher Gore to George Thatcher, 9 January; Samuel Breck to Jeremiah Wadsworth, 12 January; Henry Knox to George Washington, 14 January; Theophilus Parsons to Michael Hodge, 14 January; and Nathaniel Gorham to Henry Knox, 20 January (RCS:Mass., 656–57, 697, 706–7, 708, 752). See also Henry Jackson to Knox, 20 January; and the George R. Minot Journal, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1537, 1599).

19. Gorham to King, 29 December 1787; Gore to King, 6 January, and to Thatcher, 9 January (RCS:Mass., 549, 628, 657). See also Samuel Breck to Jeremiah Wadsworth, 12 January, and Henry Knox to George Washington, 14 January (RCS:Mass., 697, 707). For King's earlier efforts to get support for the Constitution in Maine, see King to Knox, 28 October (RCS: Mass., 155).

- 20. See the entry for 16 January in the Dummer Sewall Journal, 3 January–12 February (RCS:Mass., 1519).
- 21. Jackson to Henry Knox, 20 January; Nasson to Thatcher, 22 January; and Gorham to James Madison, 27 January (RCS:Mass., 1537, 1545, 1552).
- 22. New York *Daily Advertiser*, 2 February; Ebenezer Hazard to Jeremy Belknap, 3 February; and *Pennsylvania Herald*, 9 February (RCS:Mass., 1094, 848, 884–85).
- 23. See Dummer Sewall Journal, 3 January–12 February (entry for 27 January); Benson to Nicholas Brown, 29 January; and Backus's Diary and Minutes about the Constitution, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1519, 1557, 1594, 1596).
- 24. See *Massachusetts Gazette*, 18 January, and Isaac Backus's Diary and Minutes about the Constitution, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1532, 1594–95, 1596); and Manning to Hezekiah Smith, 11 February (Mfm:Mass.).
- 25. For these Rhode Islanders, see Benjamin Hoppin to Nicholas Brown, 11 January; Henry Jackson to Henry Knox, 20 January; George Benson to Theodore Foster, 25 January; George Benson to Nicholas Brown, 29 January and 3 February; and Ephraim Ward to Enos Hitchcock, 2 March (RCS:Mass., 1537, 691–92, 762, 1556, 1567, 1591–92).
 - 26. For a full discussion of this incident, see RCS:Mass., 759-67.
- 27. Caleb Gibbs to George Washington, 9 February (RCS:Mass., 1687). See also Henry Jackson to Henry Knox, 20 January (RCS:Mass., 1537).
- 28. See letters from Thomas Russell, 30 January; James Sullivan, 3 February; and Tristram Dalton, 6 February (RCS:Mass., 1562, 1574, 1579–80).
- 29. Gorham to Henry Knox, 20 January (RCS:Mass., 752). See also "A Federalist," *Massachusetts Centinel*, 26 January, and "Portius," *Massachusetts Gazette*, 8 February (RCS:Mass., 762, 882).
 - 30. Sedgwick to Henry Van Schaack, 18 January (RCS:Mass., 741).
 - 31. RCS:Mass., 1042.
- 32. Theophilus Parsons: Notes of Convention Debates, 24 January, P.M., at note 7; Gibbs to George Washington, 9 February; Sewall to George Thatcher, 4 March (RCS:Mass., 1342, 1687, 1593); "Federalissimo," *Massachusetts Gazette*, 7 March (Mfm:Mass.); and Joseph Crocker to Thatcher, 26 January (RCS:Mass., 1551). See also "A Federalist," *Massachusetts Centinel*, 26 January; "A Real Federalist," *Massachusetts Gazette*, 1 February (RCS:Mass., 762–63, 838, 839n); and George Benson to Nicholas Brown, 3 February (RCS:Mass., 1568).
- For a discussion of the Antifederalist and Federalist use of newspapers during the Convention and for the private letters they wrote to their counterparts in other states, see "Sources for the Massachusetts Convention" (RCS:Mass., 1140–43).
 - 33. For a full discussion of Gerry's role in the Convention, see RCS:Mass., 1175-81.
- 34. Nasson to George Thatcher, 22 January (RCS:Mass., 1545). For earlier references to Antifederalist assertions that they had a large majority, see Benjamin Hoppin to Nicholas Brown, 11 January; and Nathaniel Gorham to Henry Knox, 16 January (RCS:Mass., 691, 730).
- 35. Cranch to John Quincy Adams, 22, 27 January (RCS:Mass., 1544). See also the *New York Journal*, 28 January (RCS:Mass., 1555–56), which cites a Boston letter of 20 January, indicating that Antifederalists believed their margin then was 82.
- 36. Jackson to Henry Knox, 23 January; and Belknap to Ebenezer Hazard, 25–26 January (RCS:Mass., 1546, 1548–49).

- 37. For commentary on the behavior of spectators during the debates, see RCS:Mass., 1335, 1461-62; and William Widgery to George Thatcher, 9 February (RCS:Mass., 1690).
- 38. Gorham to Madison, 27 January (RCS:Mass., 1552). See also Gorham to Henry Knox; 30 January (RCS:Mass., 1561).
- 39. RCS:Mass., 806–10. For more on Federalist opposition to conditional amendments, see especially Rufus King to James Madison, 23 January; Benjamin Lincoln to George Washington, 27 January; and King to George Thatcher, 30 January (RCS:Mass., 1546, 1555, 1562).
 - 40. King to Henry Knox, 27 January (RCS:Mass., 1553).
- 41. King to James Madison, 16 January; to Horatio Gates, 20 January; and to Madison, 23 January (RCS:Mass., 1530, 1539, 1546). See also Jeremy Belknap to Ebenezer Hazard, 25–26 January (RCS:Mass., 1548–49).
 - 42. Avery to George Thatcher, 19 January (RCS:Mass., 745).
- 43. Minot Journal, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1599).
 - 44. RCS:Mass., 661, 702.
 - 45. RCS:Mass., 126.
- 46. King to George Thatcher, 20 January (RCS:Mass., 1540-41). See also King to Horatio Gates, 20 January; and to Henry Knox, 27 January (RCS:Mass., 1538-39, 1553).
- 47. Cranch to John Quincy Adams, 22, 27 January (RCS:Mass., 1544). On Hancock's popularity, see also Jeremy Belknap to Ebenezer Hazard, 3 February (RCS:Mass., 1566).
- 48. Baylies to John H. Clifford, 19 April 1842, in William James Potter, *The First Congregational Society in New Bedford, Massachusetts* . . . (New Bedford, 1889), 117–18; and Baylies, *Eulogy on the Hon. Benjamin Russell* . . . (Boston, 1845), 39–42 (both Mfm:Mass.).
- 49. King to Henry Knox, 3 February (RCS:Mass., 1572). During the campaign for the election of the first vice president, John Trumbull explained how Hancock felt about his candidacy. "Hancock particularly, after his grand manoeuvre of limping forth, 'with all his imperfections on his heels,' to propose nonsensical amendments to the Convention of Massachusetts, supposed himself almost sure of the appointment—not knowing that the whole affair was planned & conducted as a political measure by men of more discernment than himself" (to John Adams, 30 March 1790, DHFFE, IV, 289).
- 50. Massachusetts Centinel, 17 October (RCS:Mass., 84). Just before the Convention met, the Worcester Magazine, 3 January—in a widely reprinted squib—boosted Hancock for Vice President of the United States (RCS:Mass., 610).
 - 51. From Dalton, 3 February (RCS:Mass., 1569).
- 52. Jackson to Henry Knox, 10 February (RCS:Mass., 1585). For further praise of Hancock, see John Avery, Jr., to George Thatcher, 13 February; and New York *Daily Advertiser*, 14 February (RCS:Mass., 1693, 1651); and "Federalissimo," *Massachusetts Gazette*, 7 March (Mfm:Mass.).
- 53. The Writings of Laco, as Published in the Massachusetts Centinel, in the Months of February and March, 1789... (Boston, 1789), 25 (Evans 21886 and Mfm:Mass.); and Theophilus Parsons, Memoir of Theophilus Parsons (Boston, 1859), 71, 78 (Mfm:Mass.).
 - 54. George Benson to Nicholas Brown, 30 January (RCS:Mass., 1558).
 - 55. Van Schaack to Peter Van Schaack, 4 February (RCS:Mass., 1575).
- 56. Russell to John Langdon, Dalton to Michael Hodge, and King to James Madison, all 30 January (RCS:Mass., 1562, 1560, 1561).
 - 57. Gorham to Henry Knox, 30 January (RCS:Mass., 1561).
- 58. Dalton to Michael Hodge, 30 January; to Stephen Hooper, 31 January; and to John Langdon, 6 February (RCS:Mass., 1560, 1563, 1580).
 - 59. Belknap to Ebenezer Hazard, 10 February (RCS:Mass., 1584).
- 60. Massachusetts Centinel, 2 February; and Henry Jackson to Henry Knox, 3 February (RCS:Mass., 1387, 1570).

61. Gorham to Henry Knox, 30 January; Belknap to Ebenezer Hazard, 3 February; and Minot Journal, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1561, 1566, 1599–1600).

- 62. Parsons, Memoir, 79 (Mfm:Mass.).
- 63. William V. Wells, *The Life and Public Services of Samuel Adams* . . . (3 vols., Boston, 1866), III, 258–59 (Mfm:Mass.). Wells, Adams's great-grandson, had access to a written statement made by May. For more on May, see Parsons, *Memoir*, 71, 85–86 (Mfm:Mass.). "Laco" maintained that Hancock was not consulted about the amendments nor did he see them until he presented them (*Writings of Laco*, 25–26 [Mfm:Mass.]).
- 64. Thomas C. Amory, *Life of James Sullivan* . . . (2 vols., Boston, 1859), I, 222–23 (Mfm:Mass.); and Parsons, *Memoir*, 77–79 (Mfm:Mass.). On 3 February Sullivan wrote John Langdon about the amendments but he did not indicate whether he had spoken to Hancock about their contents (RCS:Mass., 1574).
 - 65. Wells, Adams, III, 259-60; and Parsons, Memoir, 70 (both Mfm:Mass.).
- 66. On the Antifederalist opposition to the proposal, see George Benson to Nicholas Brown, 3 February; From Tristram Dalton, 3 February; Henry Jackson to Henry Knox, 3 February; and George R. Minot Journal, in "Reminiscences of the Massachusetts Convention" (RCS:Mass., 1567, 1568–69, 1571, 1600).
- 67. See "Report of the Committee of Twenty-Five," 3-4 February (RCS:Mass., 1410-15).
 - 68. See Mfm:Mass. for this proclamation.
 - 69. Jackson to Henry Knox, 23 January (RCS:Mass., 1546).
- 70. George Benson to Nicholas Brown, 29 January (RCS:Mass., 1556). See also Benson to Brown, 3 February (RCS:Mass., 1567–68).
- 71. Savage to George Thatcher, 1 February (RCS:Mass., 1565). See also *New York Journal*, 28 January (RCS:Mass., 1556).
- 72. Backus, Minutes about the Constitution, in "Reminiscences of the Massachusetts Convention"; and Jackson to Henry Knox, 6 February (RCS:Mass., 1596, 1581).
 - 73. Jeremy Belknap to Ebenezer Hazard, 10 February (RCS:Mass., 1583-84).
 - 74. William Widgery to George Thatcher, 9 February (RCS:Mass., 1690).
- 75. Jeremiah Hill to George Thatcher, 14 February; Nasson to Thatcher, 8 February; and Avery to Thatcher, 13 February (RCS:Mass., 1697, 1649, 1693). See also William Widgery to Thatcher, 9 February (RCS:Mass., 1690).
- 76. For a full discussion of such Antifederalists, see RCS:Mass., 1645–47. For a discussion of the reaction to the recommendatory amendments outside the state of Massachusetts, see CC:Vol. 4, pp. 64–67.
 - 77. For more on this address, see RCS:Mass., 1657-58.

Sources for the Massachusetts Convention

Convention Journal and Related Documents

The manuscript journal of the Massachusetts Convention, not printed until 1856 (see below), is in the Massachusetts State Archives, in a large volume labeled "Constitutional Convention 1788." The title page of the journal, which runs to sixty-four unnumbered pages, reads "A Journal of a Convention of Delegates . . . for the purpose of considering a Constitution. . . . " Under the dates of meeting, the secretary of the Convention divided the journal into morning and afternoon sessions, except for Saturdays when there was only one session. (The Convention did not meet on Sundays. For the Convention roster, found in the journal under the morning session of 9 January, see RCS:Mass., 1152-60.) The journal includes the Form of Ratification under 4 February, the day it was reported to the Convention by the committee of twenty-five. The Convention voted to accept this report in the afternoon of 6 February and a roll-call vote appears in the journal under that date. (For the Form of Ratification that Convention President John Hancock forwarded to Congress, see RCS:Mass., 1468-71.) The engrossed copy of the Form is in the National Archives, Washington, D.C. The retained copy of the Form kept by Massachusetts—a facsimile of which has been placed in Mfm:Mass.—is taken from the volume labeled "Constitutional Convention 1788," found in the Massachusetts State Archives (RCS:Mass., lix. For a detailed list of the manuscripts in this most essential volume, see RCS:Mass., lviii-lix.).

Newspaper Reports of Convention Debates

The debates on the provisions of the Constitution, which began in the Convention on the afternoon of 14 January, were nearly always published first in one of two Boston newspapers—the semiweekly (Wednesday and Saturday) *Massachusetts Centinel* or the weekly (Thursday) *Independent Chronicle*; the debates were then reprinted in other newspapers. Most accounts originated in the *Centinel*, something the *Centinel* made clear on 27 February when addressing out-of-state printers: "We have observed that the Printers in some of the States have inserted the Debates of the Convention of this Commonwealth irregularly—owing, it is supposed, to their having copied them from different papers: To prevent such mistakes in future, the Printers are informed, that the Debates appear originally, and regularly, in the Massachusetts Centinel, and Independent Chronicle (but principally in the Centinel)."

The newspaper reports of the Convention debates circulated widely in newspapers in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, and Pennsylvania. Eight of the eleven Massachusetts newspapers published most of the debates; the other three printed at least seven days of the debates. Fifty-one out-of-state newspapers and two nationally circulated magazines printed the debates of at least one day; six of the fifty-one newspapers, namely the Newbort Herald, Providence Gazette, Providence United States Chronicle, Connecticut Gazette, New York Journal, and Pennsylvania Packet, gave nearly complete coverage. The debates of no other state ratifying convention received such widespread and full coverage. By the end of April most of the out-of-state newspapers and magazines had completed reprinting the debates. However, the Antifederalist Providence United States Chronicle continued to reprint the debates until 23 October, relying after a time for its text on the book edition of the debates, probably the only newspaper to do so. For example, when reprinting Fisher Ames's lengthy speech of 5 February, the *United States Chronicle* noted that it was the first American newspaper to reprint that speech.

On the afternoon of 14 January, before the Convention began to debate the provisions of the Constitution, it received a petition from Benjamin Russell of the *Massachusetts Centinel* and the firm of Adams and Nourse, printers of the *Independent Chronicle*, requesting that the Convention provide them with a place from which they could render "a faithful account of the proceedings, debates, &c." The "utility" of such an account, they declared, was "generally acknowledged." The Convention ordered that a place be found for them. These reports of debates first appeared in the *Centinel* and *Chronicle* on 16 and 17 January, respectively; these newspapers concluded their coverage on 8 and 13 March.

See "Newspaper Printings and Reprintings of the Debates of the Massachusetts Convention" (RCS:Mass., 1145–51) for a discussion and tabular representation of the printings and reprintings of the debates.

The identities of the persons taking notes of debates for newspaper publication are not entirely clear. The Reverend Jeremy Belknap, in whose Long Lane Congregational Church the Convention met and ratified the Constitution, declared on 20 January that the printers "have appointed *Delegates* to ye Convention to take short hand minutes," but five days later Belknap wrote that the printers kept "a scribe constantly employed to take Minutes" (to Ebenezer Hazard, 20 and 25–26 January, RCS:Mass., 1533, 1549). Convention observer George Benson, a Providence, R.I., merchant, claimed that "the Editor of the Centinel [Benjamin Russell] takes them [the debates] Down in short hand" (to

Nicholas Brown, 29 January, RCS:Mass., 1556). In his eulogy for Russell, historian Francis Baylies asserted that Russell "reported and published all the debates," and that Russell, better than any of the reporters of the other state ratifying conventions, "stamped each speech with the speakers' own marks" (Eulogy on the Hon. Benjamin Russell . . . [Boston, 1845], 46–47). In 1850 historian Joseph T. Buckingham, who had known Russell since 1802, also stated that Russell, who had never studied stenography, reported the debates for the Centinel (Specimens of Newspaper Literature: With Personal Memoirs, Anecdotes, and Reminiscences [2 vols., Boston, 1850], II, 49).

Benjamin Russell had much difficulty getting full and accurate accounts of the debates published expeditiously. For example, when the Massachusetts Centinel, 16 January, printed the first debates (14 January, P.M.) on the provisions of the Constitution, its readers were informed that "The following sketches faintly pourtray the leading features of it." In the same issue, Russell apologized for not having prepared the debates of 15 January because he had not had the time. On 19 January the Centinel stated that "As we intend to continue the debates regularly, their length will apologize for our being so far behind hand in them we shall endeavour to get up with them as soon as possible." Four days later, the Centinel acknowledged omitting some debates because it had already sufficiently reported on those arguments. The Centinel told its readers on 26 January that, since work was being done on debates for the issue of 19 January, the note takers did not hear all of the debates for the afternoon of 18 January. Note takers sometimes complained that it was difficult to hear the speakers and that the conversation became "desultory."

Since the semiweekly Massachusetts Centinel devoted so much of its space to its reports of the debates, some of the paper's "good friends" asked the editor to publish the paper more than twice a week. The editor refused. Russell told his readers on 30 January, "Our time is wholly occupied in taking minutes of, preparing, and arranging, even the imperfect sketches of the debates we now publish: We, therefore, solicit their indulgence, if our adherence to regularity should still keep us in the REAR of the debates." The want of space also made it difficult for the *Centinel* to publish the debates as rapidly as it would have liked (Massachusetts Centinel, 23 February). Because Russell devoted so much space to the debates, he omitted "many articles of speculation, news, &c." Nevertheless, he felt justified in doing so because the debates were "with much avidity read, and copied in all the papers in the neighbouring States." Russell believed that the "speedy publication" of all the debates would have the "best consequences" (Massachusetts Centinel. 20 February).

When the *Massachusetts Centinel* printed the last of the Convention debates on 8 March, it declared that "Having gone through with the Debates, the Printers return many thanks to those gentlemen who have, by their assistance, enabled them to present them to the publick, in a great measure, more correct than they could otherwise have done from their minutes. If to the want of experience in the business, it is considered that their situation in the Convention was not the most eligible to hear, the Printers think they will be pardoned for any inaccuracies that may have been made, when they assure the publick that THEY 'AIM'D ONLY TO BE JUST.' "On 13 March the printers of the *Independent Chronicle* published a similar statement, assuring the public that they had used "their utmost endeavours" to publish the debates "as impartially as possible."

Some of the Massachusetts newspapers that reprinted the debates from the *Centinel* and *Chronicle* also had concluding comments for their readers. The printers of the *Boston Gazette*, 10 March, declared, "Thus have we endeavour'd to gratify our customers by publishing the Debates in the late Convention on the subject of the New Constitution.—The importance of which led us to devote a great part of our paper to the purpose—this we hope will excuse the omission of some foreign intelligence." The *Salem Mercury*, 25 March, described the Convention debates as "lengthy, though interesting."

And on 27 March Isaiah Thomas of the Worcester Magazine announced that he had completed publication of the debates "on a truly important and interesting question: His readers, he doubts not, have received some satisfaction and entertainment, and will allow that impartiality has conspicuously marked the compiler's pen. His readers may be assured, that in this, and in every controversy that may come before the publick, he will continue religiously to maintain, to the utmost of his power, the Freedom of the Press; and decent writers on any side of a question never shall have an opportunity of saying, their opinions cannot be communicated to the publick through the channel of this Press, which shall be ever open to ALL parties." (On 31 January Thomas had told his readers that, to gratify them with as much of the debates as possible, he had omitted "many articles" that he would otherwise have published [RCS:Mass., 1564]. Six days earlier, the Massachusetts Gazette said essentially the same thing. It explained to its readers that it was delaying the publication of some articles because it preferred to publish the debates on the Constitution, which were of "great publick importance.")

The New Hampshire Spy also explained why it reprinted the debates. On 25 January the Spy stated, "The debates of the Massachusetts Convention occupy a large share in the Boston papers—they are lengthy

indeed—& when or where they will end, we know not; however, we shall endeavour to wade through them, and, if the windings are tedious, if 'clouds and darkness' [Psalms 97:2] for the present, rest upon them; yet, if they lead to the point aimed at, the adoption of the New Constitution by that honourable body, we shall esteem our extra labours fully compensated—for sure 'tis beautiful to toil in Virtue's cause." (In the end, the Spy reprinted ten days of the debates.)

Book Edition of Convention Debates (March 1788)

Less than two weeks after the Massachusetts Centinel and Independent Chronicle began printing the Convention debates, it was reported that a book edition would also be printed (Nathaniel Freeman, Jr., to John Quincy Adams, 27 January, and George Benson to Nicholas Brown, 29 January, RCS:Mass., 1551, 1556). On 30 and 31 January, the printers of the Centinel and Chronicle, respectively, announced that "Proposals are issued, for printing by subscription, in an octavo volume, the Debates, Resolutions, and other Proceedings of the Hon. Convention now in session.—Subscription papers are lodged at the Printing and publick offices in town." On 2 February the Centinel asked those who intended to subscribe to do so as soon as possible so "that the publishers may form an idea what impression will be necessary to strike off—that those who wish to possess a publication on such an important subject, may not be disappointed." "The work," continued the Centinel, "will be printed with a new and beautiful type—on good paper—and will be published at a very short period. Subscription papers are lodged at the several Insurance-Offices, at the Coffee-Houses, and at Russell's and Freeman's Printing-Offices, State-Street, and at Adams and Nourse's Printing-Office, and Mr. White's Book-Store, Court-Street." On 7 and 8 February, respectively, Bennett Wheeler of the Providence United States Chronicle and John Wincoll Allen of the Massachusetts Gazette also announced they were accepting subscriptions.

Three newspapers—the *Independent Chronicle, Massachusetts Gazette*, and *Massachusetts Centinel* on 13, 14, and 15 March, respectively—announced that the volume of the debates was in press and that it would be offered for sale on 18 March. The price was three shillings and four pence per volume for subscribers and four shillings for nonsubscribers. The volume would contain about 200 pages, 80 more than first expected. The *Gazette, Centinel*, and *Chronicle* on 18, 19, and 20 March, respectively, declared that the volume was published and ready for sale at the offices of Adams and Nourse in Court Street, and Benjamin Russell and Edmund Freeman, both in State Street. "This work," the *Gazette* noted, "contains 220 pages—about 50 pages of which have not been published in the papers—It is unnecessary to say any thing here

in commendation of these Debates—it is well known that they have had the good effect of producing a conviction in the minds of a considerable part of our Convention, in favour of the proposed Constitution: And it is but reasonable to suppose, the dissemination of them among the people of this Commonwealth, and those States which have not yet ratified the Constitution, may have a like tendency." The Gazette repeated this advertisement on 21 March, while the Chronicle advertised the debates again on 27 March. The debates were also advertised in the Providence United States Chronicle, 27 March, and 3 and 17 April; New York Journal, 31 March, 2 and 24 April, and 5 May; Massachusetts Spy, 10 April; and Hudson Weekly Gazette, 24 June.

Printed and sold by Benjamin Russell, the firm of Adams and Nourse, and Edmund Freeman, the volume is entitled Debates, Resolutions and Other Proceedings, of the Convention of the Commonwealth of Massachusetts, Convened at Boston, on the 9th of January, 1788, and Continued until the 7th of February Following, for the Purpose of Assenting to and Ratifying the Constitution Recommended by the Grand Federal Convention. Together with the Yeas and Nays on the Decision of the Grand Question. To Which the Federal Constitution Is Prefixed (Evans 21242). When rendering the texts of the Constitution, the resolutions of the Constitutional Convention, and the letter of the Convention's President George Washington to the President of Congress (pp. 3-21), the printers closely followed what Adams and Nourse had done in their 32-page pamphlet The Constitution or Frame of Government, for the United States of America . . . (Evans 20801), which, in the fall of 1787, they printed on the order of the state legislature. Adams and Nourse, who were the state printers, used descriptive headings in the text of the Constitution, such as legislative, executive, and judiciary powers, powers of Congress, restrictions upon Congress, restrictions upon respective states, amendments provided, and general regulations (RCS:Mass., 145n).

On page 219 of *Debates*, *Resolutions and Other Proceedings*, immediately below the entry for 7 February, the printers inserted a hairline, followed by a disclaimer reiterating statements made while the debates were appearing in their newspapers: "The Printers who took the minutes of the preceeding Debates, are conscious that there are some inaccuracies, and many omissions made in them—It could not be otherwise, as they were inexperienced in the business; and had not a very eligible situation to hear in the Convention: But this they can say, that through the whole of them, they have had a sacred regard to justice and impartiality: And therefore they are emboldened to hope for the candour and pardon of the gentlemen in whose observations they occur (from whom they have not been able to obtain corrections) and of the publick in general."

Joseph T. Buckingham maintained that "the principal [Convention] speakers" helped Benjamin Russell to revise the newspaper reports of the debates; while Federalist David Sewall asserted that the printers themselves "mended the diction and some of the Sentiments of A[nti] federal Speakers" (Specimens of Newspaper Literature, II, 48–49; and Sewall to George Thatcher, 4 March 1788, RCS:Mass., 1592). As to the inexperience of the printers in publishing notes of debates, it should be remembered that in October 1787 the Independent Chronicle and Massachusetts Centinel printed some of the debates of the Massachusetts House of Representatives concerning the calling of the Convention. Benjamin Russell himself said he sat in the gallery in October 1787, but the large crowd hindered his note taking. Therefore, he "depended on his memory for the sketch he now presents to his readers, which however, from information since collected, he believes, pourtrays the most prominent features" of the debates (RCS:Mass., 135–42).

The printers of *Debates, Resolutions and Other Proceedings*, as the advertisements for the sale of that volume reveal, also added much that was not published in the newspapers. On 23 February the *Massachusetts Centinel* explained that some speeches had not appeared in the newspaper because "the want of room" had thrown the reports "far in the rear." The situation would be remedied when "the volume of debates, now in the press" would be published in a few days. On 5 March the *Centinel* told its readers that some of the proceedings which it was obliged to omit, would be found in the volume of debates "which will now be speedily published." When the *Centinel* completed its reporting of the debates on 8 March, it printed an abbreviated version of the 6 February speech of Charles Turner, promising it would give the speech "at length in the pamphlet."

The book edition and the various newspaper reports of the debates have been compared and significant differences between them have been noted. Of particular interest are:

- Five speeches appeared only in the book edition—the speakers were Fisher Ames (5 February), Isaac Backus (4 February), Christopher Gore (30 January), William Heath (30 January), and Ebenezer Peirce (1 February).
- The speeches by Samuel Adams on 14 January and Tristram Dalton on 22 January were printed in the newspapers but not in the book edition.
- Nine speeches printed in newspapers were significantly revised and usually expanded in the book edition. The alternative versions of speeches were those given by William Bodman (21 January), Francis Dana (17 and 26 January), Christopher Gore (22 January), William

Heath (15 January), Ebenezer Peirce (23 January), William Phillips (22 January), Increase Sumner (22 January), and Charles Turner (6 February).

• The version of the 25 January speech of Jonathan Smith printed in the Exeter, N.H., *Freeman's Oracle*, 1 February, differed from the versions appearing in the *Massachusetts Centinel* on 13 February or in the book edition.

Although the printer-note takers insisted they were impartial, their Federalist bias is apparent. For example, the printers were so "captivated by the fire—the pathos—and the superiour eloquence" of an 18 January speech by Federalist Francis Dana that they forgot they "came to take minutes—and thought to hear alone was our duty: Our memory will not enable us to do it justice;—but we shall attempt a feeble sketch of it" (Massachusetts Centinel, 26 January). The report of the debates of 28 and 29 January on Articles II and III of the Constitution was confined to a single brief paragraph. On those days, the advocates of the Constitution answered all objections, "however trifling," so ably that the printers saw no reason for "minute detail." Russell revealed that he celebrated the ratification of the Constitution on 6 February "so heartily... that we have not been enabled to prepare any more debates than what we present our readers" (Massachusetts Centinel, 9 February). Nor did the newspapers report much on the debates occasioned by the presence in the Convention of Antifederalist Elbridge Gerry. The only detailed notes for the 19 January debate, concerned largely with his role, are in an article by "A Spectator," Massachusetts Centinel, 2 February (RCS:Mass., 1271-76). When reporting the debates of 6 February, the day the Constitution was ratified, newspapers did not print the following important statement, which was unique to the printed volume of debates: "The Hon. Mr. [Samuel] Adams, introduced some amendments, to be added to those reported by the Committee—but they not meeting the approbation of those gentlemen whose minds they were intended to ease, after they were debated a considerable time, the Hon. Gentleman withdrew them." (This statement did not appear in a newspaper until it was reprinted from the book edition in the Providence United States Chronicle on 9 October 1788.)

No figures exist for the printing and distribution of the volume of debates. The book was advertised for sale in Boston, Worcester, Providence, New York City, and Hudson, N.Y. Correspondents in Boston and New York City sent copies to Thomas Jefferson (in Paris), James Madison, Benjamin Rush, and George Washington. Boston clergyman James Freeman forwarded three copies for Unitarian clergymen in England, one of whom was political philosopher Dr. Richard Price, who had

vigorously supported American independence. (Debates, Resolutions and Other Proceedings was reviewed in the December 1788 issue of the London Gentleman's Magazine [Mfm:Mass.].) In March 1788 Benjamin Russell sent fifteen copies to Henry Van Schaack in Pittsfield for distribution to subscribers and the following month he sent twelve more (Mfm:Mass.). A native New Yorker who was keeping his New York family and friends informed about the progress of Massachusetts ratification, Van Schaack possibly sent them copies of the debates.

Reprints of Book Edition of Convention Debates (1808 and 1856)

In 1808, twenty years after the publication of the first edition, a 236-page second edition of the *Debates* was printed and sold in Boston by the firm of Edward Oliver and Isaac Munroe, and by Joshua Cushing (Shaw-Shoemaker 15516). The printers added the first fourteen amendments to the Constitution proposed by Congress, the first two of which had not been ratified. On page 232, immediately after the text of the debates, the printers repeated the disclaimer (quoted above) that had appeared on page 219 of the first edition.

In March 1856 the Massachusetts legislature—after the state librarian informed the joint legislative committee on the state library that Massachusetts possessed only a single, imperfect copy of the Convention debates—resolved that the debates be reprinted. It was further discovered that the Convention's official journal and some other related Convention documents were in a "perishable condition." Since the debates, as first published, did not give a sufficiently full account of the Convention's proceedings, it was decided that the official journal and other Convention-related documents should be printed "in order to give a full view of the transactions of the Convention." Among the other related documents were Convention delegate Theophilus Parsons' minutes of the debates. Therefore, in April 1856 the legislature resolved that these additional documents be included in the volume. Later in the year, state printer William White of Boston printed a 442page volume under the title Debates and Proceedings in the Convention of the Commonwealth of Massachusetts, Held in the Year 1788, and Which Finally Ratified the Constitution of the United States. The title page also noted that the volume was "Printed by authority of Resolves of the Legislature, 1856."

Editors Bradford K. Peirce and Charles Hale, who were a subcommittee of the legislative committee on the library, stated that they reprinted the 1808 edition of the debates, which they said had also been used by Jonathan Elliot in his four-volume compilation, *The Debates*,

Resolutions, and other Proceedings, in Convention, on the Adoption of the Federal Constitution . . . (Washington, 1827–1830). A second revised edition of Elliot appeared in 1836. Peirce and Hale moved the disclaimer appearing on page 219 (quoted above) of the 1788 book edition to a place appearing almost immediately after their preface. According to the editors, "when an explanation seemed to be required, or when a quotation from the press of the day illustrated the text" of the Convention journal, they added footnotes at the bottom of pages. These footnotes provide information on such topics as the meeting places of the Convention, the contested elections of Convention delegates, the nonattendance of some delegates, the changing of the name of Long Lane to Federal Street to commemorate the ratification of the Constitution, and nondelegate Elbridge Gerry's attendance and actions in the Convention. Peirce and Hale assured the users of the volume that "It has been our understanding of the Resolves, that we were not to digest the various papers coming into our hands in order to present a new report, but to obtain and arrange such original documents as had been preserved, illustrating the transactions of the Convention." (For a detailed listing of the contents of this volume, which includes legislative documents related to the calling of the Convention and supplementary documents labeled "Public Sentiment of the Day," "Spirit of the Press." and "Letters." see RCS:Mass., lx-lxi.)

Notes by Convention Delegates and Observers

Several delegates and spectators also took notes of the Convention debates. Delegates Theophilus Parsons of Newburyport and Justus Dwight of Belchertown kept detailed notes of the debates, while spectator Jeremy Belknap took less detailed but still significant notes. Convention Vice President William Cushing kept some notes and drafts of speeches that he never delivered. Delegates Isaac Backus (in a diarybook and a travel journal), William Heath (in his diary), and Dummer Sewall (in his journal) commented briefly on Convention proceedings, while Convention secretary George R. Minot wrote a retrospective analysis of the Convention in his journal.

In the mid-nineteenth century, Federalist Theophilus Parsons' notes were in the possession of the Boston Athenaeum, where they had been placed by his son, Theophilus Parsons, Jr. These notes have not been located but, while at the Athenaeum, they were copied and published in the 1856 book edition of the debates on pages 285–320. Parsons' minutes, second in their comprehensiveness only to the debates in the newspapers and 1788 book edition, cover the debates from 15 to 28

January. The entry for the latter day ends abruptly after Parsons recorded the speech of just one delegate. There are no minutes for 22 January, when Parsons noted he was "Not well enough to take Minutes," or for 26 January. Theophilus Parsons, Jr., said that the minutes he placed in the Boston Athenaeum only represented "many of the sheets" of notes his father kept (*Memoir of Theophilus Parsons* [Boston, 1859], 91).

The minutes of debates taken by Antifederalist Justus Dwight, Belchertown's delegate, were located in Belchertown's Stone House Museum, in the archives of the Belchertown Historical Association, until they were stolen in the early 1990s. To date they have not been recovered. In a journal about the size of a folded wallet, the minutes run to twenty pages and cover the period 7 January to 9 February, from the time Dwight left Belchertown until he returned (*Hampshire Life*, 5 February 1988, and *Daily Hampshire Gazette*, 6 March 1996). With the exception of 19 January, Dwight kept the minutes for each day the Convention was in session. For 28 and 29 January, Dwight's notes include the remarks of more speakers than those of any other note taker.

In 1987–88, Keith Valentine Kaplan—then a senior at Belchertown High School and now a history teacher at Holliston High School, Holliston, Mass.—transcribed the minutes as part of a project commemorating the bicentennial of the U.S. Constitution (*Hampshire Life*, 5 February 1988). Kaplan's transcription of this difficult manuscript is flawed, and, since the editors cannot verify his transcription, only a small portion of Dwight's notes have been printed. These are the notes for the morning and afternoon sessions of 29 January, when Dwight was the only note taker. Kaplan's complete transcription, in which some obvious transcription errors have been corrected, is in Mfm:Mass. Dwight's minutes also have been used occasionally in editorial notes.

The papers of Jeremy Belknap, at the Massachusetts Historical Society, include thirty-four annual almanacs for almost all of the years 1758 to 1798 that contain interleaved blank pages with memoranda in his handwriting on many subjects. Belknap, the pastor of the Congregational church in Boston's Long Lane, wrote his minutes of the Convention's debates in *Thomas's Massachusetts, Connecticut, Rhode-Island, New-Hampshire & Vermont Almanack, with an Ephemeris, for the Year of Our Lord 1788* . . . (Worcester, [1787], Evans 20392). Found on eighteen pages, these minutes cover the debates from 9 January through 6 February, with the exception of entries for 22, 23, 24, and 26 January, and 1 and 7 February. Belknap did not attend the debates on 29 January, although he knew that the delegates discussed the judiciary on that day. Apparently, he was not present on 16 January; his entry for that

date reveals only that his church was being prepared so that the Convention could hold its meetings there.

The length of Belknap's entries varies greatly from one line (2 February) to three pages (19 January). At the end of the entry for 19 January, Belknap included an editorial comment under the heading "Remarks," in which he criticized the behavior of Elbridge Gerry, who the Convention had invited to its sessions. Immediately below his entry for 6 February, Belknap indicated that Boston celebrated ratification for two or three days, and he commented upon the motives of Samuel Adams in proposing amendments on that day and the impact "The Dissent of the Minority of the Pennsylvania Convention" (CC:353) had upon Adams's thinking. Belknap also discussed the purpose and circulation of the "Dissent." These pages are followed by two pages containing a chart labeled "Ratification of the Constitution by the States of America," giving the ratification dates and votes and the size of the majority in each state, including Rhode Island which did not ratify until 29 May 1790.

Belknap's minutes of the Convention debates are very difficult to read because he often used thorns, symbols, tildes, and abbreviations. In printing his minutes in this volume, transcriptions are literal, but, to render the text more readable, thorns, symbols, and tildes have been expanded and placed within angle brackets. Abbreviations, when unclear, have been expanded, with the added letters placed within square brackets. (A nineteenth-century edition of Belknap's minutes, heavily and silently edited, appeared in the *Proceedings* of the Massachusetts Historical Society, III [1855–1858], 296–304.)

The William Cushing Papers at the Massachusetts Historical Society contain his notes of debates for 24 January (4 pages), the drafts of two speeches (64 and 17 pages) that he never delivered, a copy he made (with variations) of the broadside version of "Hampden's" proposed amendments to the Constitution that appeared in the *Massachusetts Centinel* on 26 January 1788, and a copy of the 21 February 1787 resolution of Congress calling the Constitutional Convention of 1787. The draft of Cushing's longer speech—which consists of fifty-seven mostly numbered pages and seven additional pages of inserts—was first printed in William O'Brien, S.J., "Justice Cushing's Undelivered Speech on the Federal Constitution," *William and Mary Quarterly*, 3rd ser., XV (1958), 74–92.

The diaries of delegate William Heath, at the Massachusetts Historical Society, cover the years 1775 to 1803. During the meeting of the Convention, Heath continued to keep his diary, and his daily, unbroken entries for the period 9 January to 7 February run to five and a half

pages. In the debates printed below, Heath briefly recorded the weather, travel conditions, news from other states, Convention proceedings, and the aftermath of the ratification of the Constitution. From 16 January through perhaps 30 January, illness prevented Heath from attending the Convention, so that his diary has virtually nothing on the debates for those days.

The journal of delegate Dummer Sewall is located in volume 10 of the Pejepscot Papers at the Maine Historical Society. Sewall kept the journal from 3 January, when he left Bath for the Convention, to 12 February, when he arrived back home. The ten-page journal includes, among other things, his itinerary, the travel conditions, the weather, the identity of his traveling companions, the taverns he stopped at, the Convention's proceedings, and his activities outside the Convention, especially the invitations he received and the religious services he attended. Three pages preceding the journal entries consist of items he seems to have purchased while in Boston, while the page following the entries itemizes his expenses from the time he left Bath until his return.

The diary-books of Baptist preacher and delegate Isaac Backus, covering the years 1741 to 1806, are divided between the Andover Newton Theological School and the Brown University Library, with the six pages of entries for the Convention in the latter. In particular, the diary concerns the role Baptist delegates played in the Convention. Excerpts from these diary entries are published in William G. McLoughlin, ed., *The Diary of Isaac Backus* (3 vols., Providence, 1979), III, 1217n–18n, 1218n, 1221n. Backus' travel journals are in the Brown University Library and the Andover Newton Theological School, with the thirteenpage journal for the Convention in the former. In particular, the journal chronicles Backus' movements outside the Convention. The entire journal for the Convention is printed in McLoughlin, *Backus Diary*, III, 1215–17, 1219, 1220, 1221.

The five-page journal of Convention secretary George R. Minot for January and February 1788—entitled "BAD measures in a GOOD cause"—is in the Minot Papers at the Massachusetts Historical Society. The journal is a retrospective analysis of the Convention's factions, the issues debated, and the critical role of John Hancock.

Letters

Dozens of private letters, written mostly from Boston by Convention delegates and observers and other interested parties, are a splendid resource for studying the Massachusetts Convention. Federalists and Antifederalists communicated with their counterparts in other states, especially in New York and Virginia where ratification was doubtful. The letter writers described the principal issues debated, the composition of the groups for and against the Constitution, the personalities

and abilities of the principal speakers, the political maneuverings and ploys within the Convention, the political and social activities of the delegates outside the Convention, the efforts of nondelegates to influence the delegates, the composition and behavior of the spectators in the galleries, and the prospects for ratification. Extracts from their letters sometimes appeared in out-of-state newspapers. Letter writing was especially heavy on 20, 27, and 30 January, and 3 and 6 February.

Federalists were particularly diligent letter writers. Bostonian Henry Knox, the Confederation Secretary at War and a clearinghouse for information in New York City, received letters regularly from Convention delegates Nathaniel Gorham and Rufus King and Convention observers Henry Jackson and Winthrop Sargent. James Madison, a Virginia delegate to Congress in New York City, also heard from Gorham and King, while Massachusetts congressman George Thatcher heard from Christopher Gore. Convention observer Jeremy Belknap wrote often to Confederation Postmaster General Ebenezer Hazard in New York City. Benjamin Lincoln kept informed his former commanding officer—George Washington in Virginia. At the request of Stephen Van Rensselaer of Albany, Henry Van Schaack, who was following the Convention from his home in Pittsfield, established an express to carry the news of Massachusetts ratification to Albany so that it could be relayed to Poughkeepsie, where the New York legislature would consider the calling of a state convention. Van Schaack also communicated with his brother Peter in Kinderhook, N.Y., which was also close to Poughkeepsie. The most prolific letter writer during the Convention was Rufus King with fifteen extant letters; followed by Tristram Dalton with six; and Jeremy Belknap, Nathaniel Gorham, Henry Jackson, and Benjamin Lincoln with five each.

Melancton Smith informed a fellow New York Antifederalist that letters received from "our Friends" in Boston revealed the Constitution would not be ratified, but, he added, letters from Federalists in Boston said otherwise (to Abraham Yates, Jr., 28 January, RCS:Mass, 1091–92. See also Smith to Yates, 23 January, RCS:Mass., 1088.). Elbridge Gerry kept in contact with New York City Antifederalists, although he complained that they did not receive all his letters (Charles Tillinghast to Hugh Hughes, 27–28 January, RCS:Mass., 811; and Gerry to Jonathan Hastings, 15 March, Mfm:Mass.).

Correspondents sometimes enclosed newspapers, especially the *Massachusetts Centinel*, which included reports of Convention debates. Henry Jackson explained to Henry Knox that, as a result of such newspaper reports, Knox would "receive more information from that quarter than is other ways in my power to give you" (20 January, RCS:Mass., 1537). George Washington got newspapers from both Caleb Gibbs and

Benjamin Lincoln. Perhaps, the most frequently enclosed issue was the *Massachusetts Centinel* of 2 February, which contained the amendments to the Constitution proposed by John Hancock in the Convention on 31 January. (For this newspaper issue, see especially the letters written on 3 February.)

Newspapers

While the Massachusetts Convention sat, some Boston newspapers filled their columns with essays addressed to the Convention delegates. The Massachusetts Centinel printed "The Republican Federalist" (James Warren?) III-VII from 9 January to 6 February; while the Massachusetts Gazette printed "Agrippa" (James Winthrop) XII-XVI in eight installments from 11 January to 5 February. Both sets of these Antifederalist essays demonstrated a familiarity with the Convention debates. Antifederalist "Helvidius Priscus" (James Warren?) II-IV addressed the public in the Independent Chronicle and Massachusetts Gazette between 10 January and 5 February. (See RCS:Mass., 661-65, 684-87, 694-95, 698-703, 720-26, 741-43, 747-52, 770-72, 773-76, 797-99, 821-26, 833-37, 843-47, 858-60, 863-69, 869-71.) This outpouring of major Antifederalist articles by Massachusetts writers outstripped the few major pieces produced by Massachusetts Federalists while the Convention was in session, although "Agrippa" was answered by "Junius" in the Massachusetts Gazette on 22 and 25 January (RCS:Mass., 776-78, 799-802). For a discussion of the publication of original essays during the meeting of the Convention, see RCS:Mass., 153.

The staunchly Antifederalist American Herald—the Boston newspaper that printed the fewest number of reports of Convention debates—filled its columns instead with reprintings of important Antifederalist pieces from other states. A French gentleman declared that the only debates printed by the Herald were those "in opposition to the new system." He stated further this "censurable" conduct so "exasperated the inhabitants . . . that they discontinued to take his publications, and his own party being too small to afford him support, he was soon obliged to quit the town, and take up his residence in a place [Worcester] where the inhabitants were better disposed toward him" (Philadelphia Federal Gazette, 3 December 1788, Mfm:Mass. For a brief description of the American Herald, see RCS:Mass., liii-liv.).

In four issues, between 14 January and 4 February, the *American Herald* reprinted eight important out-of-state items—"Philadelphiensis" III and V (Benjamin Workman); Edmund Randolph's 10 October letter to the speaker of the Virginia House of Delegates explaining why he had not signed the Constitution; Luther Martin's *Genuine Information* I; "An

Sources 1143

Address to the Minority of the Pennsylvania Convention"; "Centinel" X (Samuel Bryan); the 21 December letter of New York Constitutional Convention delegates Robert Yates and John Lansing, Jr., both Antifederalists, to the governor of New York, explaining why they opposed the Constitution; and excerpts of "Brutus" IX (CC:320, 356, 385, 389, 408, 443, 447, 455). The *Herald's* publisher, Edward Eveleth Powars, also reprinted "The Dissent of the Minority of the Pennsylvania Convention" (CC:353) as a pamphlet while the Massachusetts Convention was in session (RCS:Mass., 152).

The republication of such Antifederalist literature so filled "Junius" with "emotions of indignation and contempt" that he committed an issue of the *Herald* "to the flames" because "it was fraught (with some exceptions) with defamation and slander." "Junius" was "astonished to think that the editor of that publication should make it the vehicle of so much stupidity, finished impudence and complete puppyism, to the publick" (RCS:Mass., 794). A French gentleman declared that the editor of the *Herald* was guided in what he printed by "a number of anti-federal characters," thereby becoming "the vehicle of their opinions alone" (Philadelphia *Federal Gazette*, 3 December 1788, Mfm: Mass.).

On the other hand, few important out-of-state Federalist pieces appeared in Boston newspapers during the Convention, although the newspapers printed many news reports and brief items favorable to the Constitution. Most important, the other Boston newspapers, including the *Boston Gazette* and *Independent Chronicle* (both having Antifederalist leanings), devoted considerable space to reprinting the Convention debates.

Secondary Accounts

The major modern secondary accounts on the Massachusetts Convention (and the Confederation Period in Massachusetts) are listed in RCS:Mass., lxi-lxv, but several nineteenth-century accounts have been useful in providing information that their authors obtained from either Convention delegates or from those who knew them. William James Potter's *The First Congregational Society in New Bedford, Massachusetts*... (New Bedford, 1889) contains a lengthy letter from historian Francis Baylies, dated 19 April 1842, in which Baylies described the part played by the Reverend Samuel West, a New Bedford Convention delegate, in getting John Hancock to attend the Convention. Baylies obtained this information from his father, Dr. William Baylies, a Dighton Convention delegate. Francis Baylies says much about Benjamin Russell's role in the Convention in his *Eulogy on the Hon. Benjamin Russell*... (Boston,

1845). For more on Russell, see also Joseph T. Buckingham, Specimens of Newspaper Literature: With Personal Memoirs, Anecdotes, and Reminiscences (2 vols., Boston, 1850). William V. Wells, in the third volume of his biography of his great-grandfather, The Life and Public Services of Samuel Adams... (3 vols., Boston, 1866), quotes extensively from the no-longer extant written statement made by Colonel Joseph May, an administrator of John Hancock's estate, which provided significant information about Hancock's proposal of recommendatory amendments. This proposal is also discussed in the Memoir of Theophilus Parsons . . . (Boston, 1859), written by his son Theophilus, Jr., and in Thomas C. Amory's Life of James Sullivan . . . (2 vols., Boston, 1859). Theophilus Parsons publishes letters from people who knew his father, while Sullivan also refers to contemporary sources, although he does not always identify them.

Newspaper Printings and Reprintings of the Debates of the Massachusetts Convention

The text that appeared in the book edition of the Massachusetts Convention Debates first appeared in four of Boston's five newspapers—the Massachusetts Centinel, Independent Chronicle, Boston Gazette, and Massachusetts Gazette—between 10 January and 8 March 1788. These newspaper reports were gathered, revised, supplemented, and published in a book edition that went on sale on 18 March 1788 in Boston. The table printed immediately below shows which Boston newspaper first published each day's text and which newspapers reprinted them. Excluded from the table are newspaper printings and reprintings of material from the Convention Journal, brief reports of what occurred in the Convention, summaries of Convention debates, and other items that were not included in the book edition. See the "Sources for the Massachusetts Convention" (above) for a full discussion of the newspaper reports of debates, the book edition of debates, and how the text of the newspaper printings (and reprintings) differs from the text of the book edition.

The Massachusetts Centinel first printed, in whole or in part, the text of the debates that appeared in the book edition for twenty-three of the twenty-six days of the Convention. In particular, the Centinel led the way from 23 January until the Convention dissolved on 7 February. The Independent Chronicle originated, in whole or in part, the debates for six days. The Centinel and Chronicle overlapped in originating a portion of the debates for four days. The Boston Gazette was the first newspaper to print the text for 12 January, while the Massachusetts Gazette was the first to publish Charles Turner's 6 February speech. The greatest variations in newspaper reporting occurred for the first four days of the Convention from 9 to 12 January. Reporting became more uniform with the afternoon debates of 14 January, once the Convention acted upon the petition of Benjamin Russell of the Centinel and Adams and Nourse of the Chronicle and provided space for them to take notes of the debates.

From this time forward, both Massachusetts and out-of-state newspapers generally obtained their reports from the *Centinel* and *Chronicle*, which shared each other's reports. The *Massachusetts Gazette*, *Boston Gazette*, *Salem Mercury*, *Essex Journal*, *Worcester Magazine*, and *Hampshire Gazette* reprinted almost all of the debates. The *Cumberland Gazette* reprinted much of the debates until the session of 25 January, provided partial coverage of the debates of 31 January and 1 and 6 February, and full coverage of 7 February. The *American Herald* reprinted Convention debates for 9–11, 14, 17, and 22 January and 6 February (partial); while the *Hampshire Chronicle* reprinted those for 9–11, 14, and 18–19 January and 6 February (partial).

Fifty-one out-of-state newspapers and two nationally circulated magazines reprinted at least one day of Convention debates that appeared in the book edition of the debates. Coverage was best in New England (Vermont excepted), New York, and Pennsylvania. Nearly complete coverage occurred in six newspapers: the *Newport Herald, Providence Gazette*, Providence *United States Chronicle*,

Connecticut Gazette, New York Journal, and Pennsylvania Packet. Four other newspapers began fairly complete coverage only to end abruptly. The New Hampshire Gazette reprinted Convention material through 24 January and part of the debates of 6 February; the New Hampshire Spy through 23 January and part of the debates of 6 February; the Connecticut Courant through 24 January and the debates of 6 and 7 February; and the Pennsylvania Journal through 19 January and the debates of 6 and 7 February. Elsewhere coverage of the Convention was meager. Newspapers in New Jersey and Maryland reprinted the accounts of three days, in Virginia six days, in South Carolina four days, and in Georgia one day.

The following table gives all the newspaper printings and reprintings of the text that appeared in the book edition of the Convention debates for each of the twenty-six days of the Massachusetts Convention. The date of publication is given for each Massachusetts printing. A triangle (*) after the date indicates a partial printing or reprinting. The out-of-state totals include both complete and partial reprintings. An asterisk (*) indicates that at least one of the reprintings was in a nationally circulating magazine, either the New York American Magazine or the Philadelphia American Museum.

	9 Jan.	10 Jan.	11 Jan.	12 Jan.	14 Jan.	15 Jan.
Massachusetts Centinel	1/12	1/12	1/12	1/16▲	1/16	1/19
Independent Chronicle	1/10	1/17	1/17		1/17	1/17, 24 ▲
Massachusetts Gazette	1/11	-	1/15	_	1/18▲	1/18, 22
Boston Gazette	1/14	1/14▲	1/14	1/14		1/28▲
American Herald	1/14	1/14▲	1/14		1/21	
Salem Mercury	1/15	1/15	1/15	1/22▲	1/22	1/22▲
Essex Journal	1/16	1/16▲	1/16	1/16	1/23▲	1/23*
Worcester Magazine	1/17	1/17	1/17	1/17	1/24	1/24, 31▲
Hampshire Gazette	1/16	1/23	1/23	-	1/23	1/30*
Hampshire Chronicle	1/15	1/23	1/23	_	1/23▲	
Cumberland Gazette	1/17	1/17	1/17	1/17	1/24	1/31
OUT OF STATE	E					
Vt.					1	
N.H.	2		1		3	3
R.I.	3	3	3	3	3	3
Conn.	2	2	4	1	5	6
N.Y.	2	1	1		2	1
N.J.	1	1	1	1	4	4*
Pa. Md.	1	1	1	1	. 4	4.
Va.			•			
va. N.C.	1.2					
S.C.						
Ga.						
Тотац	21	17	21	11	28	26*
	4.5					

	16 Jan.	17 Jan.	18 Jan.	19 Jan.	21 Jan.
Massachusetts Centinel	1/19, 23	1/23, 26	1/26	1/26, 30	1/30, 2/2
Independent Chronicle	1/24	1/24▲	1/31	1/31	1/31
Massachusetts Gazette	1/22, 25	1/25, 29	1/29	1/29, 2/1	2/1
Boston Gazette	1/28	1/28	1/28	2/4	2/4
American Herald	-	1/21▲		_	
Salem Mercury	1/22, 29	1/29▲	1/29	2/5▲	2/5
Essex Journal	1/30▲	1/23, 30▲	1/304	2/64	2/6▲
Worcester Magazine	1/31	1/31	1/31, 2/7	2/7	2/7
Hampshire Gazette	2/6 Supp.	2/6 Supp.	2/6	2/6	2/6, 13, 20
Hampshire Chronicle	_	-	2/6▲	2/6	
Cumberland Gazette	1/31, 2/7	2/7	2/7▲	2/7, 14	2/14▲
OUT OF STATE Vt.					
N.H.	3	3	3	2	2
R.I.	4	3	3	3	3
Conn.	4	2	4	3	4
N.Y.	1	2	1	2	1
N.J. Pa.	3	2	1	2	1
ra. Md.	3	2	1	2	1
Va.					
N.C.					
S.C.		1			
Ga.		-			
Total	24	23	22	22	20

	22 Jan.	23 Jan.	24 Jan.	25 Jan.	26 Jan.
Massachusetts Centinel	2/2, 6	2/6, 9	2/13	2/13, 16	2/16
Independent Chronicle	1/31, 2/7	2/7, 14	2/14	2/14, 21	2/21
Massachusetts Gazette	2/1, 5, 8	2/8, 12	2/15	2/15, 19	2/19
Boston Gazette	2/4, 11	2/11, 18	2/18	2/18	2/18
American Herald	2/14▲		_	·—	- :
Salem Mercury	2/5, 12▲	2/12, 19▲	2/19▲	2/26	2/26
Essex Journal	2/13	2/13, 20▲	2/20▲	2/27▲	2/27▲
Worcester Magazine	2/7, 14	2/14, 21, 28	2/28	2/28	2/28
Hampshire Gazette	2/204	2/27, 3/5	3/5, 12	3/12	3/12
Hampshire Chronicle	_ '				-
Cumberland Gazette	2/14▲	2/28, 3/6▲		3/13▲	
OUT OF STATE Vt.	Ε				
N.H.	2	3	1	1	
R.I.	3	4	3	3	3
Conn.	3	3	1	2	•
N.Y.	1	2	1	4	1
N.J. Pa.	2*	2	1	1	1
Md.	-		•	• .	* ,
Va.		1			
N.C.					
S.C.				1	
Ga.					
Total	21*	24	15	21	13

	28 Jan.	29 Jan.	30 Jan.	31 Jan.	1 Feb.
Massachusetts Centinel	2/16	<u> </u>	2/16, 20▲	2/20, 23	2/20, 23, 27▲
Independent Chronicle	2/21		2/21	2/21, 28	2/21, 28▲
Massachusetts Gazette	2/19	-	2/19, 22▲	2/22, 26	2/22, 26, 29▲
Boston Gazette	2/25	_	2/25▲	2/25	2/25, 3/3▲
American Herald		_	- :		
Salem Mercury	2/26		2/26▲	2/26, 3/4▲	3/4, 3/11▲
Essex Journal	2/27		2/27▲	2/27, 3/5▲	
Worcester Magazine	3/6	<u>-</u>	3/6▲	3/6, 13	3/13, 20▲
Hampshire Gazette	3/12		3/12, 19▲	3/19, 26	3/26, 4/2▲
Hampshire Chronicle	_ '				
Cumberland Gazette				3/20▲	3/20▲
OUT OF STATE Vt.	E				
N.H.	9		4	1	0
R.I. Conn.	3		4	3	3 1
N.Y. N.J.	1		1	2 2	1
Pa. Md. Va.	1		1	3* 1 1	1
N.C. S.C. Ga.				1	
Total	13	0	14	24*	13

	2 Feb.	4 Feb.	5 Feb.	6 Feb. ¹	7 Feb.
Massachusetts Centinel	2/27	3/1, 5▲	3/5▲	2/9, 3/8	2/9
Independent Chronicle	2/28	3/6▲	3/6▲	2/7, 14, 3/13	2/14
Massachusetts Gazette	3/4	3/4, 7▲	3/7▲	2/8, 12, 3/11	
Boston Gazette	3/3	3/10▲	3/10▲	2/11, 3/10	2/11▲
American Herald	_	-		2/11*	-
Salem Mercury	3/11	3/18▲	3/25▲	2/12, 19, 3/25, 4/1	2/12
Essex Journal	3/5▲	_	· <u> </u>	2/13, 20▲	2/13▲
Worcester Magazine	3/20	3/20▲	3/20▲	2/14, 3/27	2/14
Hampshire Gazette	4/2	4/9, 16▲	4/23▲	2/13, 4/23, 30	2/20
Hampshire Chronicle	_	_	-	2/13, 20▲	<u>-</u>
Cumberland Gazette		· <u>—</u>	-	2/14, 3/27▲	2/14
OUT OF STATE Vt.					
N.H.		1		4	
R.I.	3	3	3	4	3
Conn.		3	. 1	6	1
N.Y.	1	2		8*	6*
N.J.				1	1
Pa.	1	2*	2*	10*	7
Md.				3	3
Va.		1	1	5	2
N.C.					
S.C.		1		3	
Ga.				1	
Total	13	20*	14*	56*	31*

^{1.} The 6 February printings and reprintings include at least one of the following items printed in the book edition of the debates: the speeches made before the vote, the roll-call vote, the speeches made after the vote, or the Form of Ratification.

Delegates to the Massachusetts Convention

Massachusetts towns elected at least 370 Convention delegates. The honorific titles that appear with the delegates' names are taken from the roster found in the Convention Journal (Mfm:Mass.) and the 6 February vote on ratification in the Convention *Debates* (RCS:Mass., 1479–87). Additional information supplied by town records and election certificates has been included in italics, usually replacing the title "Mr." found in either the Journal or *Debates* with "Lt." or "Deacon."

A "Y" appears after the names of the 187 delegates who voted to ratify the Constitution, an "N" after the 168 delegates who voted not to ratify, an "A" after the nine delegates who attended (at one time or another) but did not vote, and an "X" after the six delegates who never attended and whose names are not in the Convention Journal or *Debates*.

OFFICERS

President	Monitors
John Hancock	Phanuel Bishop
VICE PRESIDENT	Daniel Cooley
Willliam Cushing	Thomas Davis
SECRETARY	Noah Goodman
George R. Minot	Azor Orne
Messenger	Abraham White
Iacob Kuhn	

CHAPLAINS*

12 January	Simeon Howard (West Church)
14 January	Samuel Parker (Trinity Church)
15 January	Peter Thacher (Brattle Street Church)
16 January	John Eliot (New North Church)
17 January	Joseph Eckley (Old South Church)
18 January	John Clark (First or Old Brick Church)
19 January	Thomas Gair (Second Baptist Church)
21 January	James Freeman (Stone Chapel)
22 January	Oliver Everett (New South Church)
23 January	William Montague (Christ's Church)
24 January	Simeon Howard (West Church)
25 January	Jeremy Belknap (Long Lane Church)
26 January	John Lathrop (Second or Old North Church)
28 January	Samuel Parker (Trinity Church)
29 January	Peter Thacher (Brattle Street Church)

*On 9 January the Convention voted to invite the Boston clergy "to officiate" each morning. Records have been located identifying officiating ministers for fifteen days (*Massachusetts Centinel*, 16, 23, and 30 January 1788). Freeman, Montague, and Parker were Episcopalians; Gair was Baptist; all other ministers were Congregational.

DELEGATES

COUNTY OF BARNSTABLE

Barnstable

Shearjashub Bourn, Esq. (Y)

Nymphas Marston, Esq. (A)

Falmouth

Capt. Joseph Palmer (Y)

Harwich

Capt. Kimbal Clark (Y)

Hon. Solomon Freeman, Esq. (Y)

Sandwich

Mr. Thomas Nye (N)

Dr. Thomas Smith (N)

Wellfleet

Rev. Levi Whitman (Y)

Yarmouth

Capt. Jonathan Howes (Y)

David Thacher, Esq. (Y)

COUNTY OF BERKSHIRE

Adams

Valentine Bowen (X)

Capt. Jeremiah Pierce (N)

Alford

Dr. John Hurlbert (N)

Becket

Mr. Elisha Carpenter (Y)

Egremont

Ephraim Fitch, Esq. (N)

Great Barrington

Hon. Elijah Dwight, Esq. (Y)

Hancock

Mr. David Vaughan (N)

Lanesborough

Hon. Jonathan Smith, Esq. (Y)

Lee

Capt. Jesse Bradley (N)

Lenox

Mr. Lemuel Collins (N)

Loudon

Mr. Joshua Lawton (N)

Mount Washington

See Sheffield

New Marlborough

Capt. Daniel Taylor (Y)

Partridgefield

Ebenezer Peirce, Esq. (N)

Pittsfield

Capt. David Bush (A)

Mr. Valentine Rathbun (N)

Richmond

Mr. Comstock Betts (N)

Sandisfield

Mr. John Picket, Jr. (N)

Sheffield and Mount Washington

John Ashley, Jr., Esq. (Y)

Stockbridge

Hon. Theodore Sedgwick, Esq. (Y)

Tyringham

Capt. Ezekiel Herrick (N)

Washington

Mr. Zenos Noble (N)

West Stockbridge

Maj. Thomas Lusk (N)

Williamstown

Hon. Thompson J. Skinner, Esq. (Y)

Windsor

Lt. Timothy Mason (N)

COUNTY OF BRISTOL

Attleborough

Hon. Elisha May, Esq. (Y)

Capt. Moses Willmarth (Y)

Berkley

Samuel Tobey, Esq. (A)

Dartmouth

Mr. Melatiah Hathaway (N)

Hon. Holder Slocum, Esq. (N)

Dighton

Hon. William Baylies, Esq. (Y)

Col. Sylvester Richmond (Y)

Easton

Capt. Ebenezer Tisdell (N)

Freetown

Mr. Richard Bordon (A)

Hon. Thomas Durfee, Esq. (Y)

Mansfield

Capt. John Pratt (N)

New Bedford

Hon. Walter Spooner, Esq. (Y)

Rev. Samuel West (Y)

Norton

Hon. Abraham White, Esq. (N)

Rainham

Israel Washburn, Esq. (Y)

Rehoboth

Capt. Phanuel Bishop (N)

Maj. Frederick Drown (N)

William Winsor, Esq. (N)

Swanzev

Mr. David Brown (N)

Mr. Christopher Mason (N)

Taunton

Col. Nathaniel Leonard (N)

Mr. Aaron Pratt (N)

James Williams, Esq. (Y)

Westport

Mr. William Almy (Y)

COUNTY OF CUMBERLAND

Brunswick

Capt. John Dunlap (Y)

Cape Elizabeth

Mr. Joshua Dyer (Y)

Falmouth

Daniel Ilsley, Esq. (N)

John K. Smith, Esq. (Y)

Gorham

Mr. Stephen Longfellow, Jr. (N)

Grav

Rev. Samuel Perley (Y)

Harpswell

Capt. Isaac Snow (Y)

New Gloucester

Mr. William Widgery (N)

North Yarmouth

Samuel Merrill, Esq. (Y)

David Mitchell, Esq. (Y)

Portland

Mr. John Fox (Y)

Capt. Joseph McLellan (Y)

Scarborough

William Thompson, Esq. (Y)

COUNTY OF DUKES

Edgartown

Mr. William Mayhew (Y)

Tisbury

Mr. Cornelius Dunham (Y)

COUNTY OF ESSEX

Almsbury

Capt. Benjamin Lurvey (Y)

Lt. Willis Patten (Y)

Andover

Dr. Thomas Kittridge (N)

Capt. Peter Osgood, Jr. (N)

Mr. William Symmes, Jr. (Y)

Beverly

Hon. George Cabot, Esq. (Y)

Capt. Israel Thorndike (Y)

Mr. Joseph Wood (Y)

Boxford

Hon. Aaron Wood, Esq. (N)

Bradford

Daniel Thurston, Esq. (Y)

Danvers

Hon. Samuel Holten, Esq. (A)

Hon. Israel Hutchinson, Esq. (N)

Gloucester

John Low, Esq. (Y)

Capt. William Pearson (Y)

Daniel Rogers, Esq. (Y)

Haverhill

Bailey Bartlett, Esq. (Y)

Capt. Nathaniel Marsh (Y)

Ipswich

John Choate, Esq. (Y)

Col. Jonathan Cogswell (Y)

Hon. Michael Farley, Esq. (Y)

Daniel Noyes, Esq. (Y)

Lynn and Lynnfield

Capt. John Burnham (Y)

John Carnes, Esq. (Y)

Manchester

Mr. Simeon Miller (Y)

Marblehead

John Glover, Esq. (Y)

Jonathan Glover, Esq. (Y)

Isaac Mansfield, Esq. (Y)

Hon. Azor Orne, Esq. (Y)

Methuen

Capt. Ebenezer Carlton (N)

Newbury

Hon. Tristram Dalton, Esq. (Y)

Ebenezer March, Esq. (Y)

Enoch Sawyer, Esq. (Y)

Newburyport

Hon. Benjamin Greenleaf, Esq. (Y)

Hon. Rufus King, Esq. (Y)

Theophilus Parsons, Esq. (Y)

Hon. Jonathan Titcomb, Esq. (Y)

Amherst

Mr. Daniel Cooley (N)

Ashfield

Mr. Ephraim Williams (N)

Belchertown

Mr. Justus Dwight (N)

Bernardston and Leyden

Capt. Agrippa Wells (N)

Blanford

Mr. Timothy Blair (N)

Brimfield

Abner Morgan, Esq. (Y)

Buckland

Capt. Thompson Maxwell (Y)

Charlemont

Mr. Jesse Reed (Y)

Chester

Capt. David Shepard (Y)

Chesterfield

Col. Benjamin Bonney (Y)

Colrain

Lt. Samuel Eddy (N)

Conway

Capt. Consider Arms (N)

Mr. Malachi Maynard (N)

Cummington and Plainfield

Mr. Edmund Lazell (Y)

Deerfield

Mr. Samuel Field (N)

Easthampton

See Northampton

Rowley

Capt. Thomas Mighill (N)

Mr. Francis Cabot (Y)

Mr. William Gray, Jr. (Y)

Richard Manning, Esq. (Y)

Edward Pulling, Esq. (Y)

Salisbury

Mr. Enoch Jackman (Y)

Dr. Samuel Nye (Y)

Topsfield

Mr. Israel Clark (Y)

Wenham

Mr. Jacob Herrick (Y)

COUNTY OF HAMPSHIRE

Granby

Mr. Benjamin Eastman (N)

Granville

Mr. Clark Cooley (N)

Mr. John Hamilton (N)

Greenfield

Mr. Moses Bascom (N)

Greenwich

Capt. Nathaniel Whitcomb (N)

Hadley

Brig. Gen. Elisha Porter (Y)

Hatfield

Hon. John Hastings, Esq. (Y)

Holland

See South Brimfield

Leverett

Mr. Jonathan Hubbard (N)

Levden

See Bernardston

Longmeadow

Mr. Elihu Colton (Y)

Ludlow

Mr. John Jennings (N)

Mr. Phineas Merrick (N)

Montague

Ensign Moses Severance (N)

New Salem

Mr. John Chamberlin (N)

Northampton and Easthampton

Mr. Benjamin Sheldon (Y)

Hon. Caleb Strong, Esq. (Y)

Northfield

Mr. Ebenezer Janes (Y)

Norwich

Maj. Thomas James Doglass (Y)

Orange

See Warwick

Palmer

Mr. Aaron Merrick (N)

Pelham

Mr. Adam Clark (N)

Plainfield

See Cummington

Shelburne

Lt. Robert Wilson (N)

Shutesbury

Mr. Asa Powers (N)

South Brimfield and Holland

Capt. Asa Fisk (N)

South Hadley

Hon. Noah Goodman, Esq. (Y)

Southampton

Capt. Lemuel Pomeroy (Y)

Southwick

Capt. Silas Fowler (N)

Springfield

William Pynchon, Esq. (Y)

Sunderland

Capt. Zaccheus Crocker (N)

Ware

Mr. Isaac Pepper (N)

Warwick and Orange

Capt. John Goldsbury (N)

West Springfield

Col. Benjamin Ely (N)

Capt. John Williston (N)

Westfield

John Ingersol, Esq. (Y)

Mr. John Phelps (A)

Westhampton

Lt. Aaron Fisher (Y)

Whately

Mr. Josiah Allis (N)

Wilbraham

Capt. Phineas Stebbins (N)

Williamsburgh

Mr. William Bodman (N)

Worthington

Nahum Eager, Esq. (Y)

COUNTY OF LINCOLN

Bath

Dummer Sewall, Esq. (Y)

Boothbay

William McCobb, Esq. (Y)

Bowdoinham

Mr. Zaccheus Beal (N)

Bristol

William Jones, Esq. (N)

Edgecomb

Moses Davis, Esq. (Y)

Georgetown

Mr. Nathaniel Wyman (Y)

Hallowell

Capt. James Carr (N)

Machias

David Gardiner (X)

Newcastle

Capt. David Murray (N)

Pittston

Samuel Dudley (X)

Pownalborough

Thomas Rice, Esq. (Y)

Mr. David Sylvester (Y)

Thomaston

David Fales, Esq. (Y)

Topsham

Hon. Samuel Thompson, Esq. (N)

Vassalborough

Capt. Samuel Grant (Y)

Warren

James W. Head (X)

Winslow

Mr. Jonah Crosby (N)

Winthrop

Mr. Joshua Bean (N)

Woolwich

Mr. David Gilmore (Y)

COUNTY OF MIDDLESEX

Acton and Carlisle

Mr. Asa Parlin (N)

Ashby

Mr. Benjamin Adams (N)

Bedford Marlborough Capt. John Webber (N) Mr. Jonas Morse (N) Billerica Maj. Benjamin Sawin (N) William Thompson, Esq. (N) Medford Maj. Gen. John Brooks (Y) Boxborough See Stow Maj. Hezekiah Broad (N) Cambridge Hon. Francis Dana, Esq. (Y) Newton Hon. Abraham Fuller, Esq. (Y) Stephen Dana, Esq. (Y) Carlisle Pepperrell See Acton Deacon Daniel Fisk (N) Reading Charlestown Hon, Nathaniel Gorham, Esq. (Y) Mr. Peter Emerson (N) Chelmsford Mr. William Flint (N) Sherburne Maj. John Minot (N) Concord Daniel Whitney, Esq. (Y) Hon. Joseph Hosmer, Esq. (Y) Shirley Dracut Lt. Obadiah Sawtell (N) Hon. Joseph Bradley Varnum, Esq. (Y) Stoneham Dunstable Capt. Jonathan Green (N) Hon. John Pitts, Esq. (Y) Stow and Boxborough Dr. Charles Whitman (Y) East Sudbury Mr. Phineas Gleason (N) Sudbury Capt. Asahel Wheeler (Y) Framingham Capt. Lawson Buckminster (Y) Tewksbury Mr. Newman Scarlett (N) Groton Townshend Dr. Benjamin Morse (N) Capt. Daniel Adams (N) Joseph Sheple, Esq. (N) Waltham Holliston Leonard Williams, Esq. (Y) Capt. Staples Chamberlain (N) Hopkinton Watertown Dr. Marshall Spring (N) Capt. Gilbert Dench (N) Westford Lexington Mr. Jonathan Keep (N) Benjamin Brown, Esq. (Y) Lincoln Weston Capt. Abraham Bigelow (Y) Hon. Eleazer Brooks, Esq. (Y) Littleton Wilmington Lt. Samuel Reed (N) Capt. John Harnden (N) Malden Woburn Capt. Benjamin Blaney (Y) Mr. James Fowle, Jr. (A)

County of Nantucket Not represented

COUNTY OF PLYMOUTH

Abington Rev. Samuel Niles (Y) Bridgewater Mr. Hezekiah Hooper (Y) Daniel Howard, Esq. (Y) Mr. Daniel Howard, Jr. (Y) Capt. Elisha Mitchell (Y)

Capt. Timothy Winn (N)

Duxbury Hon. George Partridge, Esq. (Y) Halifax Mr. Freeman Waterman (Y) Hanover Hon, Joseph Cushing, Esq. (Y) Kingston William Sever, Jr., Esq. (Y) Marshfield Rev. William Shaw (Y) Middleborough Rev. Isaac Backus (Y) Mr. Isaac Soul (N) Deacon Benjamin Thomas (N) Isaac Thomson, Esq. (Y) Pembroke Col. Israel Fearing (Y) Mr. Josiah Smith (Y) Capt. John Turner (Y)

Plymouth Mr. John Davis (Y) Mr. Thomas Davis (Y) Joshua Thomas, Esq. (Y) Plympton Lt. Elijah Bisbee, Jr. (N) Capt. Francis Shurtliff (N) Capt. Nathaniel Hammond (N) Mr. Abraham Holmes (N) Scituate Hon. Nathan Cushing, Esq. (Y) Hon. William Cushing, Esq. (Y) Hon. Charles Turner, Esq. (Y) Wareham

COUNTY OF SUFFOLK

Bellingham Rev. Noah Alden (N) Boston Hon. Samuel Adams, Esq. (Y) Hon. James Bowdoin, Esq. (Y) Hon. Caleb Davis, Esq. (Y) Thomas Dawes, Jr., Esq. (Y) Christopher Gore, Esq. (Y) His Excellency John Hancock, Esq. (Y) Charles Jarvis, Esq. (Y) John Coffin Jones, Esq. (Y) Hon. William Phillips, Esq. (Y) Thomas Russell, Esq. (Y) Rev. Samuel Stillman (Y) John Winthrop, Esq. (Y) Braintree Hon. Richard Cranch, Esq. (Y) Rev. Anthony Wibird (Y) **Brookline** Rev. Joseph Jackson (Y) Rev. Phillips Payson (Y) Cohasset James Litchfield (X) Dedham and Dover Fisher Ames, Esq. (Y) Rev. Thomas Thacher (Y) Dorchester

James Bowdoin, Jr., Esq. (Y)

Ebenezer Wales, Esq. (Y)

Dover See Dedham Foxborough Mr. Ebenezer Warren (Y) Franklin Hon. Jabez Fisher, Esq. (Y) Hingham Hon. Benjamin Lincoln, Esq. (Y) Rev. Daniel Shute (Y) Hull Mr. Thomas Jones (Y) Medfield Capt. John Baxter, Jr. (Y) Medway Mr. Moses Richardson, Jr. (N) Rev. Nathaniel Robbins (Y) Needham Col. William McIntosh (Y) Roxbury Hon. William Heath, Esq. (Y) Hon. Increase Sumner, Esq. (Y) Sharon Mr. Benjamin Randall (N) Stoughton Hon. Elijah Dunbar, Esq. (Y) Capt. Jedediah Southworth (N) Walpole Deacon George Payson (Y)

Wevmouth

Hon. Cotton Tufts, Esq. (Y)

Wrentham

Mr. Nathan Comstock (N) Deacon Thomas Mann (Y)

COUNTY OF WORCESTER

Ashburnham

Mr. Jacob Willard (N)

Athol

Mr. Josiah Goddard (Y)

Barre

Capt. John Black (N)

Bolton and Berlin

Hon. Samuel Baker, Esq. (Y)

Boylston

Lt. Jonas Temple (N)

Brookfield

Mr. Daniel Forbes (N)

Mr. Nathaniel Jenks (N)

Mr. James Nichols (A)

Charlton

Mr. Caleb Curtis (N)

Mr. Ezra McIntire (N)

Douglass

Hon. John Taylor, Esq. (N)

Dudley

Mr. Jonathan Day (N)

Fitchburgh

Deacon Daniel Putnam (N)

Grafton

Dr. Joseph Wood (N)

Hardwick

Maj. Martin Kingsley (N)

Harvard

Josiah Whitney, Esq. (N)

Holden

Rev. Joseph Davis (N)

Hubbardston

Capt. John Woods (N)

Lancaster

Hon. John Sprague, Esq. (Y)

Leicester

Col. Samuel Denny (N)

Leominster

Maj. David Wilder (Y)

Lunenburgh

Capt. John Fuller (N)

Mendon

Edward Thompson, Esq. (N)

Milford

Mr. David Stearns (N)

New Braintree

Capt. Benjamin Joslyn (N)

Northborough

Lt. Artemas Brigham (N)

Northbridge

Capt. Josiah Wood (N)

Oakham

Capt. Jonathan Bullard (N)

Oxford

Capt. Jeremiah Learned (N)

Paxton

Mr. Abraham Smith (N)

Petersham

Jonathan Grout, Esq. (N)

Capt. Samuel Peckham (N)

Princeton

Mr. Timothy Fuller (N)

Royalston

John Frye, Esq. (N)

Rutland

Lt. Asaph Sherman (N)

Shrewsbury

Capt. Isaac Harrington (N)

Southborough

Capt. Seth Newton (Y)

Spencer

Lt. James Hathaway (N)

Sterling Capt. Fr

Capt. Ephraim Wilder (Y)

Sturbridge

Capt. Timothy Parker (N)

Sutton

Deacon David Harwood (N)

Hon. Amos Singletary, Esq. (N)

Templeton

Capt. Joel Fletcher (N)

Upton

Capt. Thomas M. Baker (N)

Uxbridge

Dr. Samuel Willard (N)

...

Mr. Joseph Stone (N)

Westborough

Capt. Stephen Maynard (N)

Western

Mr. Matthew Patrick (Y)

Westminster

Mr. Stephen Holden (N)

Winchendon

Deacon Moses Hale (N)

Worcester

Mr. David Bigelow (N)

Hon. Samuel Curtis, Esq. (A)

COUNTY OF YORK

Berwick

Mr. Richard Foxwell Cutts (N)

Capt. Elijah Hayes (N)

Dr. Nathaniel Low (N)

Biddeford

Allison Smith (X)

Buxton

Jacob Bradbury, Esq. (Y)

Coxhall

Capt. John Low (Y)

Fryeburg

Mr. Moses Ames (N)

Kittery

Mr. Mark Adams (N)

Mr. James Neal (N)

Lebanon

Mr. Thomas M. Wentworth (N)

Pepperellborough

Thomas Cutts, Esq. (Y)

Sanford

Maj. Samuel Nasson (N)

Shapleigh

Mr. Jeremiah Emery (N)

Waterborough

Rev. Pelatiah Tingley (N)

Wells

Rev. Dr. Moses Hemmenway (Y)

Hon. Nathaniel Wells, Esq. (Y)

York

Nathaniel Barrell, Esq. (Y) Capt. Esaias Preble (N)

The following towns did not elect delegates to the Convention.

Barnstable County Chatham* Eastham Provincetown Truro* Berkshire County Dalton[▲] New Ashford **Cumberland County** Bakerstown Bridgtown Raymondstown Royalsborough Shepardstown Standish* Sylvester Windham*

Dukes County
Chilmark
Essex County
Middleton
Hampshire County
Goshen
Middlefield
Montgomery
Wendell*
Lincoln County
Ballstown
Belfast
Camden
Canaan

St. George's Sterling Waldoborough* Wales Walpole Nantucket County Sherburne* Worcester County Gardner* Gerry York County Arundell Brownfield Limerick Little Falls Massabeseck

Pearsonfield

Norridgewalk

* Voted not to send a delegate to the Convention.

▲ Dalton did not have enough rateable polls to qualify to elect a delegate.

Hancock

Lewistown

Medumcook

The Massachusetts Convention Wednesday 9 January 1788

Convention Journal, 9 January, A.M.

On motion.

Ordered that Mr. Gorham, Mr. Carnes, Dr. Jarvis, Mr. Dalton, Mr Spooner, and Mr Davis be a Committee to receive the returns of the several Towns¹

By the returns from the several Towns it appeared that the following Gentlemen were chosen to represent them in Convention viz²—On motion;

Ordered, that Mr. Gorham, Mr. Carnes, Dr. Jarvis, Mr. Dalton, Mr. Spooner, Mr. Davis and Dr. Taylor be a Committee to receive the returns of the several Towns

Ordered that a Committee of five persons be appointed to collect, count and sort the votes for a Secretary.

Mr. Davis, Mr. Dalton, Mr. Wood. Mr. Brooks and Mr. Turner were appointed on the said committee.

The Convention then proceeded to the choice of a Secretary by ballot, and the votes being taken, it appeared that George Richards Minot Esquire was chosen, who accepted of the choice, and was duly sworn, to qualify him for exercising the duties of that office³

Voted that Mr. Jacob Kuhn the Messenger of the General Court be appointed Messenger to this Convention.⁴

Voted that 4 o Clk PM be assigned for coming to the choice of a President.

Voted that five Monitors be chosen.⁵ The following Gentlemen were then elected viz. Hoñble Noah Goodman Esqr. Mr. Phanuel Bishop, Mr. Daniel Cooley, Hon. Azor Orne Esqr. and Mr. Thomas Davis.

Voted That a Committee of seven be appointed to prepare rules and orders for the regulation of the Convention,

Mr Gorham, Dr. Jarvis, Dr. Taylor. Mr Wedgery, Mr. Dalton, Mr. Sedgwick & Mr. Bowdoin of Dorchester were appointed on the said committee.

Ordered that the Committee who were appointed to receive the returns of the members, be instructed to examine them, & report.

Adjourned to 4 o Clk PM.

1. According to delegate Dummer Sewall, a moderator pro tempore was elected before the appointment of this committee. Sewall, however, did not name the moderator (Sewall Journal, 9 January, RCS:Mass., 1518).

- 2. At this point, the Journal contains a roster of 364 delegates arranged by counties. It was probably completed after 9 January, when the full returns were known. Two delegates estimated that, on 9 January, between 280 and 290 delegates were present. (See Justus Dwight: Notes of Convention Debates, 9 January, Mfm:Mass.; and Christopher Gore to George Thatcher, 9 January, RCS:Mass., 656.) For the professions and occupations represented in the Convention and general descriptions of the delegates, see *Massachusetts Centinel*, 12 January, and *Boston Gazette*, 14 January (RCS:Mass., 704, 716–17).
- 3. Minot (1758–1802), a graduate of Harvard College (1778), was a Boston lawyer. He served as clerk of the state House of Representatives, 1782–91, and judge of probate for Suffolk County, 1792–1802. Minot became chief justice of the Suffolk County Court of Common Pleas in 1799 and the next year judge of Boston's municipal court. In the summer of 1788 he published *The History of the Insurrections, in Massachusetts, In the Year MDCCLXXXVI, and the Rebellion Consequent Thereon* (Evans 21259). On 30 November 1787 Minot wrote Thomas Dwight of Springfield, who he mistakenly believed would be elected a Convention delegate, asking that Dwight help him to obtain the position of Convention secretary if the Convention sought a nondelegate to be secretary (Mfm:Mass.).
- $4.\ \mathrm{Kuhn}$ (d. 1836) served as messenger to the Massachusetts General Court from March 1786 until at least 1800.
- 5. According to the Journal, a sixth monitor, Abraham White, was appointed on the afternoon of 10 January. For a monitor's duties, see the Convention's rule 11 adopted on the 10th (RCS: Mass., 1169).

Convention Journal, 9 January, P.M.

Met according to adjournment

The Convention proceeded to the choice of a President by ballot, according to assignment, and a committee of five being appointed to collect, count and sort the votes, it appeared that His Excellency John Hancock Esquire was chosen

Voted that the Convention proceed to the choice of a Vice-President¹ The Convention then proceeded to the choice of a Vice-President accordingly by ballot, and a committee being appointed to collect, count, and sort the votes, it appeared that the Honble William Cushing Esquire was chosen.

Voted That the Vice-President be requested to take the Chair; who took the Chair accordingly

Voted, that a Committee of five be appointed to wait upon His Excellency John Hancock Esqr. and acquaint him that this Convention have made choice of him for their President, and to request His Excellency's acceptance of that appointment

Mr. Russell, Dr. Holten, Mr Sedgwick, Mr. Turner and Mr. Dalton were then appointed on the said Committee

Voted, that the Convention will attend morning prayers daily, and that the Gentlemen of the clergy in Boston of every denomination be requested to officiate in turn.²

The members from Boston were appointed to wait upon them and acquaint them thereof

Å vote of the Church in Brattle Street in Boston, offering the use of their Meeting House to the Convention, having been communicated,³ Voted, That a Committee of nine be appointed to view the accomodations, in the said Meeting House, and report

Mr. Sedgwick, General Lincoln, Dr. Taylor, General Brooks of Lincoln, Dr. Jarvis, Dr. Holten, Mr. Strong, Mr. Nason and Mr. Thacher were then appointed on the said Committee

Adjourned to Thursday morning 10. o Clk

- 1. In reporting on the proceedings for this session, the *Massachusetts Centinel*, 12 January, noted that "A desultory debate, on the propriety of coming to a vote, to choose a Vice-President, immediately after a President was chosen, took place" (Mfm:Mass.).
- 2. According to the Convention Debates, Samuel Adams of Boston made this motion (Mfm:Mass.).
 - 3. For a discussion of the Brattle Street Church and its offer, see immediately below.

Editors' Note The Meeting Places of the Massachusetts Convention Boston, 9 January-7 February 1788

The 25 October 1787 resolution of the Massachusetts General Court calling the state Convention stipulated that the Convention meet on 9 January 1788 at the State House in Boston (RCS:Mass., 144). The chamber of the House of Representatives was the only room in the State House large enough to hold the expected 400 Convention delegates. The chamber, however, was not sufficiently large to accommodate many spectators.

Consequently, as the day for opening the Convention approached, the Massachusetts Gazette, 25 December, and Massachusetts Centinel, 26 December, printed brief items recommending that the Convention move from the State House to the more spacious Brattle Street Congregational Church—the only Boston church equipped with stoves. (Both items appear in Mfm:Mass. See also "Propriety," Massachusetts Centinel, 29 December, Mfm:Mass.) The church, dubbed a "temple" by one newspaper, included among its communicants and benefactors Convention delegates Governor John Hancock and former Governor James Bowdoin (Massachusetts Gazette, 11 January 1788, RCS:Mass., 695–96; and Jeremy Belknap to Ebenezer Hazard, 13 January, RCS:Mass., 1527). It was hoped the church's proprietors would voluntarily offer the building for the use of the Convention.

On 6 January 1788 the church's proprietors unanimously voted that the Convention be invited to hold its meetings in the church because the State House was "unsuitable for the convenient reception of so large a Body" (Mfm:Mass.). James Bowdoin communicated the invitation to the Convention on the afternoon of 9 January, and the Convention appointed a committee to view the accommodations and report. The next morning the committee reported that the church was convenient for the Convention and that the galleries should be assigned for spectators. The Convention voted to adjourn to the church that afternoon, and to appoint a committee to thank the church's proprietors and inform them that the Convention would accept the offer.

On the afternoon of 11 January, however, the Convention appointed a committee of seven to consider relocating to a more convenient place in Boston and voted temporarily to return to the Representatives' chamber of the State House on 12 January. The acoustics of the spacious Brattle Street Church were so inadequate that Justus Dwight of Belchertown asserted that one-half of the delegates were unable to hear the speakers (Justus Dwight: Notes of Convention Debates, 11 January, Mfm:Mass. For more on this complaint, see "Newspaper Report of Convention Proceedings and Debates," 11 January, P.M., RCS:Mass., 1173; and Dummer Sewall Journal, 11 January, RCS:Mass., 1518. See also Winthrop Sargent to Henry Knox, 12 January; Jeremy Belknap to Ebenezer Hazard, 13 January; Dwight Foster to Rebecca Foster, 16 January; and Henry Jackson to Henry Knox, 20 January, RCS:Mass., 1527, 1529, 1536–37.).

On 12 January the Convention met in the State House, where delegates soon complained about the overcrowding and "unwholesome" air. A spectator found it "unadvisable" to attend the debates as often as he wished because the chamber "was so very small; & the Air so exceedingly Noxious & disagreeable, in consequence of the immense Number of People, which continually crowded the Galleries" (Jeremy Belknap: Notes of Debates, 14 January, Mfm: Mass.; and Bossenger Foster, Jr., to Andrew Craigie, 24 February, RCS:Mass., 1590-91. See also Dwight Foster to Rebecca Foster, 16 January, RCS:Mass., 1529.). When the committee of seven prepared to report on 12 January, a motion enjoining it to proceed on its business was defeated. Later in the day, a motion was made to reconsider this vote, but the question of reconsideration was defeated. On 15 January the Convention appointed another committee of seven, with only one holdover from the previous committee, to find a new site. That afternoon this committee selected the Reverend Jeremy Belknap's Congregational Church in Long Lane.

On 16 January, the day before the committee even reported, the Reverend Belknap noted in his diary that "Our Meeting House in Long Lane preparing for \(\tau the \rangle \) Reception of \(\tau the \rangle \) Convention tomorrow.

Rainy Several Carpenters & other Tradesmen exerted (themselves) to fit (the) House." Belknap described his church as "light, sizeable & convenient for Spectators" (Notes of Convention Debates, Mfm:Mass.; and Belknap to Ebenezer Hazard, 20 January, RCS:Mass., 1533). On the morning of 17 January the committee reported that the proprietors of the Long Lane Church had offered the use of the church and some gentlemen at their own expense had offered to put up temporary stairs and a porch, as well as a stove. Henry Jackson noted that the galleries "will accomodate 6 or 800 spectators," an important consideration because Bostonians were "very anxious to hear the debates" (to Henry Knox, 20 January, RCS:Mass., 1536–37). On the afternoon of 17 January the Convention moved to the church in Long Lane, where it remained for the rest of its sessions.

On 2 February some of the gentlemen who were attending the debates placed a notice in the *Massachusetts Centinel* that a collection would be taken on 5 February at the "door to the gallery" to cover the expenses of preparing the gallery for spectators and repairing any damage that "may be done" to the church. This solicitation, they said, was not being made at the request of the proprietors of the church (Mfm:Mass.).

Soon after the Convention dissolved on 7 February, a town ordinance changed the name of the street from Long Lane to Federal Street. The church became known as the Federal Street Church. Today, the congregation is known as the Arlington Street Church (*Massachusetts Centinel*, 13 February, RCS:Mass., 1628–29).

The Massachusetts Convention Thursday 10 January 1788

Convention Journal, 10 January, A.M.

Met according to adjournment.

The Committee appointed to wait upon His Excellency the Governour to inform him of his being chosen President of the Convention &c reported verbally that His Excellency signified his acceptance of that appointment; and expressed his expectation of soon attending to the duties of the office¹

Ordered that General Heath, General Titcomb, Mr Fuller and Dr. Spring be on the committee for examining the returns of the members

in the room of Mr. Gorham, Dr. Jarvis, Mr. Dalton and Dr. Taylor, excused

The Committee appointed to examine the accomodations in the Meeting House in Brattle Street, reported verbally, that it would be convenient for the Convention to sit in that place, and that the Galleries only should be assigned for the Spectators, which report was accepted, and it was Ordered that the Sexton usually attending at the said Meeting House, be appointed to assist the Messenger.

Ordered that the Messenger prepare the said Meeting House, for the reception of the Convention this afternoon.

Voted that the thanks of this Convention be given to the Proprietors of the Meeting House in Brattle Street in Boston for their offer of the use of the said House to the Convention, and that Mr. Turner, Mr. Nason and Mr. Carnes be a committee to communicate this vote to the said Proprietors, and to acquaint them that the Convention have agreed to sit therein.²

The Committee appointed to examine the returns of the members requested the sense of the Convention as to the rule of examining the said returns. Whereupon it was made a question whether the Convention will give a rule to the said committee? and, the same being put, it passed in the affirmative, and it was

Ordered that, if the said Committee find that any town hath deputed more Delegates than by the last valuation such town was intitled to send Representatives to the General Court, according to the return of the said valuation, they report a state of the facts relative to such town, to the convention³

The Committee appointed to prepare Rules and Orders for the regulation of the Convention, made report, and the same being debated in part, the further consideration thereof was postponed to the afternoon

Voted, That, after the next adjournment, the Convention will assemble at the Meeting House in Brattle Street in this Town.

Adjourned to 3. o Clk PM.

- 1. Dated 9 January, Hancock's acceptance letter was addressed to committee chairman Thomas Russell of Boston (Mfm:Mass.). Two days later the *Massachusetts Gazette* reported that Hancock was "at present detained from attending the convention on account of sickness" (RCS:Mass., 696). Hancock did not attend the Convention until 30 January.
- 2. For a full discussion of the move to the Brattle Street Church, see immediately above.
- 3. For the draft of this rule, which does not differ significantly from the Journal version, see Mfm:Mass. The Convention decided to use the 1784 valuation (see immediately below). As the committee's report (printed below under 11 January) reveals, the committee had numerous returns to examine, and its work was rendered more difficult because some towns appeared to have elected more delegates than their allotted numbers. On

12 January Boston merchant William Lambert noted that "the subject of Debate has not Commenced owing to Choosing Committees to Investigate the members Chosen, as many towns have far Exceeded their Numbers, to make an opposition" (to Enos Hitchcock, RCS:Mass., 697–98).

Newspaper Report of Convention Proceedings, 10 January, A.M.

Massachusetts Centinel, 12 January¹

The Committee appointed to examine the returns of delegates, desired a rule, whereby they might determine, whether the towns had exceeded their privilege to send members.—This being heretofore a subject of dispute in the House of Representatives, produced a long debate, in which a motion was made, that the valuation returned in 1784. should be the rule to determine the number, and if any towns have sent more members than by the said valuation they have a right, they shall produce from the assessors a certificate certifying their right to send the same; but this debate ended in a direction to the committee to report a state of facts, as to such towns as might have chosen more delegates than they were authorised to chuse, by the valuation aforementioned.

The report of the Committee appointed to prepare rules and orders for the regulation of the Convention, was read—and, with amendments, accepted—After which, Mr. Bishop moved an additional rule; which was to this effect—That on every question, when ____ members were in favour of the measure, the yeas and nays should be taken thereon.² The motion for adjournment being made, the consideration of this motion was postponed until the afternoon.

An offer having been made by the church in Brattle-street, of that Meeting-House, for the use of the Convention, and a Committee having viewed the accommodations, it was voted, that when the Convention do adjourn, that it adjourn to meet at 3 o'clock, at the Meeting-House in Brattle-Street.

- 1. Reprinted in the American Herald, 14 January (minus the third paragraph); Salem Mercury, 15 January; Cumberland Gazette, 17 January; Worcester Magazine, 17 January; and Pennsylvania Journal, 30 January. The Boston Gazette, 14 January, printed an alternative version (Mfm:Mass.), which was reprinted with a different third paragraph in the Essex Journal, 16 January, and complete in five other papers by 25 January: R.I. (3), Conn. (2).
- 2. Phanuel Bishop of Rehoboth proposed this rule: "When any member shall demand a Question to be determined by Yeas & Nays the President shall take the same of the House in that manner, provided _____ members are in favour of it" (Mfm:Mass.). When reporting on the afternoon session, the Massachusetts Centinel, 12 January, stated that "Several numbers were moved, with which to fill up the blank in Mr. Bishop's motion, made in the 'forenoon. After considerable debate, 100 was put, and negatived—when another motion was made, that the matter do subside, which produced a division, the

numbers of which were—Yeas 181—Nays 122—so it subsided." The *Independent Chronicle*, 17 January, notes that Bishop made this motion on the afternoon of the 10th (Mfm: Mass.).

Convention Journal, 10 January, P.M.¹

Met according to adjournment

Voted that another Monitor be chosen, and that the several Monitors take their divisions in the Meeting House.²

The House then proceeded to the choice of a Monitor by nomination, and the Honble Abraham White Esqr. was chosen

Voted, that seats be assigned for the gentlemen of the Clergy who may attend the debates, upon the lower floor, *without* the seats occupied by the members³

The Convention resumed the consideration of the report of the Committee appointed to prepare rules and orders for their regulation, which being amended to read as follows, was accepted, & ordered to be put up in a conspicuous *place*

Rules and Orders.

- 1st. No person shall sit at the Table except the President and Secretary.
- 2d. No person shall speak without first rising & addressing the President, and he shall sit down as soon as he has done speaking.
- 3d. No person shall be interrupted while speaking, but by being called to order, or to correct a mistake
- 4th. No member shall speak more than once to any one question untill any other member who has not spoken shall speak, if he desire it. nor more than twice untill any other has spoken twice that desires to speak
- 5th. When any member shall make a motion, and such motion shall be seconded by another, the same shall be considered by the Convention and not otherwise.
- 6th. No member shall declare a question a vote, untill the President has declared it to be a vote or not.
- 7th. No member shall nominate more than one person for one committee, provided the person by him nominated shall be chosen.
- 8th. No vote shall be reconsidered unless there be as many members in the house at the time of the motion for a reconsideration, as there were when it passed, provided a return of the House shall be called for at the time such motion is made, and in all such cases there shall be an injunction upon the members to attend untill the question shall be determined, and no other motion shall be previously determined, excepting for an adjournment

9th. No member shall be permitted to stand up to the interruption of another while any member is speaking, or pass between the President and the person speaking

10th. When a vote is declared by the President, and any member rises to doubt the vote the house shall be returned, and the vote made certain without any further debate upon the question

11th. The Monitors who are or shall be appointed shall see the due observance of the foregoing orders, one to be set in each division of the house, and, if required by the President, to return the number of votes and members in their respective quarters.

12. No member shall be considered at liberty to leave Convention without the permission of the same, unless by consent of his constituents.

Voted that Mr. Goodman and Dr. Tufts be on the committee for examining the returns, in the room of General Heath and Genl. Titcomb, excused

Adjourned to Friday morning 10. o Clk

- 1. Justus Dwight of Belchertown noted that the afternoon session was spent "in needless disputes" (Mfm:Mass.) For another vote that took place during this session, see "Newspaper Report of Convention Proceedings and Debates," 10 January, A.M., note 2 (immediately above).
 - 2. Five other monitors were appointed during the morning session of 9 January.
- 3. For comments upon the attendance of clergymen in the Convention, see William Lambert to Enos Hitchcock, 12 January; and "Massachusetts Clergy and the State Convention," 28–29 January (RCS:Mass., 698, 813–14).

The Massachusetts Convention Friday 11 January 1788

Convention Journal, 11 January, A.M.

Met according to adjournment

A Remonstrance from certain inhabitants of Sheffield against the election of Colo. John Ashley junr. as a Delegate to this convention Read and committed to Dr. Taylor, Mr. Sumner, Mr. Strong, Mr. Tufts, Mr. Rice, General Brooks of Lincoln and Mr. Adams.¹

A Remonstrance from certain inhabitants of Great Barrington against the election of the Hon. Elijah Dwight Esqr. Read and committed to Mr. Cabot, Mr. Nayson, General Whitney, Mr. Phelps, Mr. Fisher, Mr. Bourn and Mr. Cushing.²

A Remonstrance from certain inhabitants of Williamstown against the election of the Hon. Tompson J. Skinner Esqr. Read & committed to Mr. Varnum, Mr. Wales, Mr. West, Mr. Wedgery, Mr. Sylvester, Mr. Dunbar and Mr. Sprague.³

Ordered that the Committees be enjoined to sit⁴ Adjourned to 3. o Clk PM.

- 1. For the remonstrance, dated 4 January, see RCS:Mass., 1026-27.
- 2. For several depositions, dated 3 and 4 January, see RCS:Mass., 962-65.
- 3. For the remonstrance, dated 3 January, see RCS:Mass., 1068-69.
- 4. Both the Convention *Debates* and the *Massachusetts Centinel*, 12 January, state that the committees were enjoined to sit "immediately" (both in Mfm:Mass.).

Convention Journal, 11 January, P.M.

Met according to adjournment.

The Committee appointed to wait upon the Propritors of the Meeting House in Brattle Street &c reported that they had attended that service agreeably to their commission.

The Committee on the remonstrance of certain inhabitants of Sheffield made report that there was no evidence to support the said remonstrance Ordered that the same lie on file.¹

The Committee appointed to examine the returns of the members made report²

Whereupon it was Voted that the returns certified by the Selectmen be considered as valid, except in the disputed cases specially committed.³

There being two returns from the town of Taunton, Voted that the return of the last date which was not attested by the selectmen, be committed to a Committee of five. Mr. Davis, Mr. Nason, Mr. Tompson of Topsham, Dr. Taylor, and Mr. Winthrop were appointed on the committee.

Voted that a Committee be appointed to consider of the expediency of the Convention removing to another place in Boston, and to ascertain whether a more convenient House cannot be obtained for their use. General Brooks, General Lincoln, Mr. Bowdoin of Dorchester, Mr. Sedgwick, Dr. Spring, Mr. Nason, and Mr. Wedgerly were appointed on the said committee.

Dr. Tufts and Mr. White had leave of absence.

Voted that when the Convention are adjourned, they be adjourned to meet in the Representative Chamber.

Voted that the Convention be adjourned to 10. o Clk in the morning. Adjourned accordingly.

- 1. See RCS:Mass., 1172.
- 2. The committee's report is printed immediately below.
- 3. This vote was taken on a motion made by Tristram Dalton of Newbury. (See "Newspaper Report of Convention Proceedings," 11 January, P.M., RCS:Mass., 1172.)
- 4. For a full discussion of the effort to find a new meeting place, see RCS:Mass., 1163–65.

Committee Report on Election Returns, 11 January, P.M.¹

Report of the Committee appointed to examine ye Returns of the Members of the Convention.

- —The County of *Suffolk* have made proper Returns from the several Towns and the Members return'd are all of them entitled to a Seat in ye. Convention.—
- —This we find to be the case in the County of *Essex*, except ye. Town of Beverly who have sent 3 Members, when they have but 592 Polls by ye. last Valuation;² but ye. Selectmen & Assessors have certified that they have upwards of six Hundred Polls.—
- —The returns from the County of *Hampshire* are all of them agreeable to ye. Constitution.—appear to be Regular
- —*Middlesex*, have made proper Returns, except the Town of Marlborough, who have sent two Delegates & have but 370 Polls which is five short.—
- York, have return'd no more Members then they were entitled too, except Coxhall & Waterborough, ye. former having only 124 Polls and the latter 110 Polls who have only 110 Polls.
- —*Cumberland*, have made proper Returns, except Portland and Falmouth, who have sent 4 Delegates, and had but 774 Polls & shoud have but 825, being 51 short at the return of the last Valuation.—But have since been Divided into two Towns.—
- —*Lincoln.* From the Town of Pownalborough, there are two Members, but by the last Valuation they have only 333 Polls; and the Certificate from the Selectmen & Assessors is in general terms, & no Number mentioned; but certify their right to two Members as having a sufficient number of Polls to qualify them therefor.3—
- —*Plimouth*, The returns are strictly agreeable to ye Constitution, except the return from the Town of Plimpton, which have but 316 Polls by ye. last Valuation, and yet have sent 2 Members.—The Assessors certify, that they have 387 Polls.—

Barnstable, The only exceptionable return is from the Town of Sandwich, who have sent 2 Members and have 372 Polls only by ye. last Valuation. The Assessors & Selectmen having sent no Certificate.—

Bristol, Dighton have sent two Members, and have but [356?] Polls. The Certificate certifies, That they have upwards of four Hundred.—

Taunton has return'd a Certificate dated ye. 26th of Novr. last, which appears to be legal; but a second Meeting was call'd & held upon ye. 7th of January instant, & there is a second Certificate of an additional Choice but not from the Selectmen.⁴—All the other Returns from the County are legal, & the Members have an undoubted Election as far as has come to our knowledge.

Dukes County, two Delegates only, & legally chosen & returned, Tisbury, & Edgartown.

Worcester, The Town of Worcester have returned 2 Members & have only 357 Polls according to ye. last Valuation.—The Town of Petersham have returned 2 Members, & have but 349 Polls.—All the other Returns from other Towns are agreeable to ye Constitution.

Nantucket, No return.—

Berkshire. The Returns appeared to be all of them agreeable to ye. Constitution.—

- 1. MS, Constitutional Convention, 1788, M-Ar. This undated report was docketed, "Report of the Committee appointed to examine the Returns." Appearing also in the docketing are the names of the five committee men appointed to examine one of the returns from Taunton that had not been certified by Taunton's selectmen.
- 2. For the constitutional provision respecting the number of rateable polls that the towns needed for representation in the state House of Representatives (that also became the rule for the Convention), see RCS:Mass., 889.
- 3. Dated 11 December 1787, the certificate states "that the number of poles in the Town of Pownalboro—By the Constitution of ye Common Wealth qualified to Vote for Representatives Intitles This Town to Send two Members to the General Court. Therefore return two members to wit Thomas Rice Esqr and Mr David Sylvester to meet in Convention . . ." (Mfm:Mass.).
- 4. For the documents respecting the Taunton election of Convention delegates, see RCS:Mass., 1049-52.

Newspaper Report of Convention Proceedings, 11 January, P.M.

Massachusetts Centinel, 12 January¹

The Committee on the remonstrance of several inhabitants of Sheffield, against the election of Col. Ashley, reported, that it was not supported by any evidence: on which a motion was made that it be dismissed, which passed in the negative—it was ordered to lie on the table.

The committee appointed to examine returns reported—and on motion of Mr. *Dalton* it was voted, that the returns of delegates, already made, be considered as valid, excepting those of Sheffield, Great-Barrington, Williamstown,² and the last return from Taunten, which last was committed to a separate committee.

The House in which the Convention were sitting, on account of the difficulty of hearing, being found inconvenient,³ a committee was raised to provide one more suitable—after which it was voted to adjourn to Saturday morning, then to meet in the Representatives' chamber.

- 1. Reprinted in the American Herald and Boston Gazette, 14 January; Massachusetts Gazette and Salem Mercury, 15 January; Essex Journal, 16 January; Cumberland Gazette and Worcester Magazine, 17 January; and in whole or in part in nine other newspapers by 30 January: N.H. (1), R.I. (3), Conn. (4), Pa. (1).
- 2. The report of the committee to examine election returns (printed immediately above) does not refer to these three towns.
- 3. For more about the inability to hear the debates in the Brattle Street Church, see RCS:Mass., 1164.

The Massachusetts Convention Saturday 12 January 1788

Convention Journal, 12 January¹

Met according to adjournment

The Committee appointed to consider of the expediency of the Convention's removing to another place &c. being called upon to report

a motion was made that the said committee be enjoined to proceed in the business of their commission, and the question being put passed in the negative.

The Committee on the return from the Town of Taunton made a report of a state of facts Whereupon it was moved that the sense of the House be taken whether the two members mentioned in the last return from the said Town be intitled to their seats? and the question being put, passed in the affirmative.²

The Committee on the Remonstrance from certain inhabitants of Williamstown reported that they did not find any evidence to support the facts stated by the Remonstrants, or that the election of the Hon. Thompson J. Skinner Esqr. was illegal. Which report was accepted.³

A paper called a remonstrance of seven inhabitants of the town of Sheffield, having been read and committed, and there appearing no evidence, nor any person in support of the allegations therein contained, Ordered that the said remonstrance be dismissed.

On motion, that the vote for not enjoining the Committee appointed to consider of the expediency of the convention's removing to another place &c. to proceed in the business of their commission, might be reconsidered, and that the said committee be directed to sit again for further enquiry, the question of reconsideration was put and passed in the negative.⁴

The Committee on the remonstrance of certain inhabitants of Great Barrington reported unanimously that it was not supported, and that the Remonstrants have liberty to withdraw the same. Report accepted, and Ordered accordingly.

[Unrecorded motion]⁵

Adjourned to Monday morning 10. o Clk

- 1. On this day, according to the *Massachusetts Centinel*, 16 January, the contested elections were all settled in favor of sitting members (Mfm:Mass.).
 - 2. For the committee's report, see RCS:Mass., 1051-52.
 - 3. For the committee's report, see RCS:Mass., 1069.
- 4. On this day a motion was also made to permit the Lieutenant Governor, the Council, and others to have seats in order to hear the debates. Tristram Dalton of Newbury opposed the motion because the Convention was already "so much Crouded" (William Lambert to Enos Hitchcock, 12 January, RCS:Mass., 698; and Winthrop Sargent to Henry Knox, 12 January, RCS:Mass., 1527). During the morning session of 23 January, according to the Journal, such a motion was considered again, but it was permitted to subside.
- 5. For an unrecorded motion concerning a seat for Elbridge Gerry, see RCS:Mass., 1175–76.

Newspaper Reports of Convention Proceedings, 12 January

American Herald, 14 January¹

On Saturday last, the Hon. Convention, now sitting in this town, determined all the contested elections which were under their consideration, and the result was, in every instance, in favour of the sitting members. A most liberal attention was shewn through the whole to the great privilege of representation; and it was a very fortunate circumstance that the general regularity of the returns, and the fairness of the disputed elections, enabled them to avoid depriving a single corporation of this invaluable right.—The body now convened is perhaps one of the compleatest representations of the interests and sentiments of their constituents, that ever were assembled. No liberal or mechanic profession, no denomination in religion, or party in politicks, are excluded.—All men, whose principles can claim a toleration under any just government, will feel themselves represented in this Convention; and, it is hoped, will therefore heartily acquiesce in their final determination upon the important subject which is before them.

Boston Gazette, 14 January²

The Hon. Convention met again in the Representatives Chamber, where they decided all the disputed elections in FAVOUR of the members returned. The sense of the Convention was twice taken AGAINST removing to any other Place.—329 members is the highest number that has been returned on any decision in the House.

Adjourned to Monday, 10 o'clock, A. M.

- 1. Reprinted in the Massachusetts Gazette, 15 January; Hampshire Chronicle and Hampshire Gazette, 23 January; and in nine other newspapers by 13 February: N.H. (1), Conn. (3), N.Y. (1), Pa. (3), Va. (1).
- 2. Reprinted in the Essex Journal, 16 January; Cumberland Gazette and Worcester Magazine, 17 January; and five other newspapers by 30 January: R.I. (3), Conn. (1), Pa. (1).

Jeremy Belknap: Notes of Convention Debates, 12 January¹

Saturday 12. returned to $\langle \text{the} \rangle$ State Ho[use] $\langle \text{the} \rangle$ Number of $\langle \text{them} \rangle$ this day was 329. A mixture of all sorts of Characters! Some of $\langle \text{the} \rangle$ Insurgents of last winter among them. Several of Shays's Captains & Counsellors.

1. MS, Belknap Diary, MHi.

Editors' Note Elbridge Gerry and the Massachusetts Convention 12–22 January 1788

On 17 September 1787 Elbridge Gerry was one of three Constitutional Convention delegates who refused to sign the Constitution. (Nathaniel Gorham and Rufus King signed for Massachusetts.) On 18 October, while in New York City, Gerry wrote to the Massachusetts General Court, giving his objections to the Constitution (RCS:Mass., 94–100). This letter, read in the legislature and published in all of the state's newspapers, aroused much criticism, which probably convinced Gerry not to stand for election to the state Convention from his home town of Cambridge. The other Massachusetts delegates to the Constitutional Convention were all elected, including Caleb Strong who left the Convention early and Francis Dana whose ill health had prevented him from attending.

On Saturday, 12 January, Antifederalist William Widgery made a motion in the state Convention (seconded by Samuel Adams) that Gerry be invited to attend the Convention in order to give information about the Constitutional Convention that "had Escaped the Memory of the other Gentlemen of the General Convention." This motion was not

recorded in the Journal, but "a Majority appeared against it" (Winthrop Sargent to Henry Knox, 12 January; and Jeremy Belknap to Ebenezer Hazard, 13 January, RCS:Mass., 1527, 1528).

On Monday, 14 January, Widgery again moved that Gerry be given a seat "to answer any question of fact from time to time, that the convention may want to ask respecting the passing of the constitution." Federalists countered with a motion that, since Gerry had not signed the Constitution, he "be requested to attend this convention to state the facts & reasons which induced him to decline signing the same." The Convention then defeated a motion that the consideration of both motions subside, and a third motion that the consideration of the first motion subside in favor of the second. Following "strenuous debates" and "considerable opposition," the first motion was adopted. Justus Dwight of Belchertown recorded that this motion was passed by a vote of 175 to 110; while Theodore Sedgwick of Stockbridge said it passed by a majority of 20 in a house of about 320 (Convention Journal, 14 January, A.M., RCS:Mass., 1182-83; Dwight: Notes of Convention Debates, 14 January, A.M., and Massachusetts Gazette, 15 January, both in Mfm:Mass.; and Sedgwick to Henry Van Schaack, 18 January, RCS: Mass., 741).

Federalist delegates Rufus King and Benjamin Lincoln reported that the first motion passed because some Federalists joined with Antifederalists. King stated that Federalists, not certain they could defeat Antifederalists on this issue, did not want to make the issue "a trial of strength" (to James Madison, 16 January, RCS:Mass., 1530). Lincoln wrote that a compromise was reached because "so many, were anxious to gratify the opponents in attaining, what they thought information on the subject" (to George Washington, 20 January, RCS:Mass., 1541). (The New York Journal, 28 January, noted that private letters from Boston, dated 20 January, indicated that the resolution appointing this committee was adopted by a two-thirds majority [RCS:Mass., 1555].) A committee of three Antifederalists—Phanuel Bishop, Marshall Spring, and William Widgery—was appointed to inform Gerry of the Convention's invitation. According to Benjamin Lincoln, six months earlier Gerry and "evry good man" had "heartily despised" all three members of this committee because of their involvment in the Shaysite disturbances (to Washington, 20 January, RCS:Mass., 1542. Lincoln incorrectly named Antifederalist leader Samuel Nasson as being a member of the committee instead of Phanuel Bishop, who had also been a Shaysite sympathizer.). Gerry accepted the invitation and attended the Convention on Tuesday, 15 January (Jeremy Belknap to Ebenezer Hazard, 20 Ianuary, and Lincoln to Washington, 20 January, RCS:Mass., 1534, 1541–42. Gerry attended the debates through 19 January, although he was not present on the afternoon of 16 January when delegate Samuel Perley wanted to ask him a question.).

A newspaper editor questioned whether or not Gerry could contribute any knowledge that was "not EQUALLY well known to those gentlemen of the delegation [to the Constitutional Convention] who are LEGAL members of convention." Gerry would only be able to amplify on the objections to the Constitution that he had already published. A newspaper correspondent thought that Gerry's experience in the Convention would prove mortifying; he would be "a *proper* mark for the shaft of the satyrist." And another newspaper correspondent criticized Gerry's defenders for recounting his good deeds before he opposed the Constitution. By such reasoning, even the conduct of Benedict Arnold could be supported (*Massachusetts Gazette*, 15, 18, and 22 January, RCS:Mass., 727, 744, 773).

On Wednesday, 16 January, Rufus King wrote that "Tomorrow we are told certain Enquiries are to be moved for by the Opposition, & that Mr. Gerry under the Idea of stating Facts is to state his reasons &c—this will be opposed and we shall on the division be able to form some Idea of our relative Strength" (to James Madison, RCS:Mass., 1530). No such inquiries were made on Thursday, 17 January.

Gerry "sat biting the head of his Cane" until the afternoon of Friday, 18 January, when Federalist Abraham Fuller asked him, "Why in the last requisition of Congress, the portion required of this State, was thirteen times as much as of Georgia, and yet we have but eight Representatives in the general government, and Georgia has three?" Gerry asked the President to reduce the question to writing and the President obliged him. When Gerry began to answer the question, Francis Dana moved that Gerry reply to the question in writing so that his answer would not be "differently understood & represented." (The previous evening Gerry himself had recommended to Dana that all questions be put to him in writing and that he be permitted to respond in writing.) The Convention voted to put the question to Gerry in writing and requested he answer in writing (Jeremy Belknap to Ebenezer Hazard, 20 January; Convention Debates, 18 January, P.M.; "A Spectator," Massachusetts Centinel, 2 February; and Benjamin Lincoln to George Washington, 20 January, RCS:Mass., 1534, 1251, 1273-74, 1542).

After some debate on the morning of Saturday, 19 January, the Convention read Gerry's written response to Fuller's question into the record and then continued its consideration of the Senate (Convention Journal, 19 January, RCS:Mass., 1254). During this debate, Caleb Strong informed the delegates that Gerry had been a member of the grand

committee of the Constitutional Convention that had recommended that the states be represented equally in the Senate. Upon hearing his name, Gerry moved to a table near the Secretary and wrote for about half an hour (Jeremy Belknap to Ebenezer Hazard, 20 January, RCS: Mass., 1535). After a time, Gerry rose and informed the delegates that he was preparing a letter on the subject of the Senate. Francis Dana asked if a question had been put to Gerry in writing, and the President said that none had been. Dana insisted that questions and answers be reduced to writing ("A Spectator," *Massachusetts Centinel*, 2 February, RCS:Mass., 1273–74. "A Spectator" has the best account of the 19 January debate concerning Gerry's status in the Convention.).

At this point, William Widgery moved that the Convention abandon its resolution of 14 January and allow Gerry to speak without having a question put to him. Interrupting Gerry and insisting upon his right as a delegate to speak, Theophilus Parsons questioned the propriety of permitting Gerry to speak without being asked a question (Jeremy Belknap: Notes of Convention Debates, 19 January; and Belknap to Ebenezer Hazard, 20 January, RCS:Mass., 1261, 1535). According to another account, Parsons declared that, "however humiliating and mortifying it might be to him," he was willing (if agreeable to the Convention) to permit Gerry to take part fully in the debates. Antifederalist Samuel Thompson moved that Gerry be admitted into the debates as a Convention delegate for every purpose except voting. Federalist Joseph Bradley Varnum opposed the motion as "a violation of the right of election of the inhabitants of Cambridge," who had not elected Gerry as one of their delegates. Dana said that the Convention had no right to admit Gerry under the conditions of Thompson's motion. Others might seek the same privilege ("A Spectator," Massachusetts Centinel, 2 February, RCS:Mass., 1274).

When someone asked that the motion be reduced to writing, Widgery moved "that the Hon. E. Gerry Esqr. be requested to give what information he may have in his mind respecting the Senate" (Convention Journal, 19 January, RCS:Mass., 1254). Federalist Eleazer Brooks raised a question about the ambiguity of the word "information"—did it mean "information in matters of fact, or information resulting from reasoning upon facts." Widgery "cried out 'both'." After some debate, the Convention adjourned for the day at about one o'clock (it being a Saturday) without coming to any decision on the matter. Commenting on Gerry's dilemma, Jeremy Belknap notes in his account that "if G had any regard to his own personal Dignity he (would) not sit there to be moved as a Machine only by (the) pull of both parties" ("A Spectator," Massachusetts Centinel, 2 February; Jeremy Belknap: Notes of Con-

vention Debates, 19 January; and Belknap to Ebenezer Hazard, 20 January, RCS:Mass., 1274–75, 1261, 1535).

After the adjournment, Gerry charged Francis Dana "with a design of injuring his Reputation by partial Information, & preventing his having an Opportunity to communicate important Truths to the Convention." Gerry also stated that the Convention had no right to ask him why he had not signed the Constitution. Only the legislature, which had appointed him, had that right; he had already given that body his reasons. Furthermore, he "was obliged to attend Convention." Dana denied these charges and statements. As the "altercation" grew "warm," delegates gathered about the two men, taking "sides as they were for or against the Constitution." The Convention was "in Danger of the utmost Confusion." At that point several delegates and friends, led by Rufus King, separated Gerry and Dana. King wrote a friend that he had learned that Gerry "intends addressing a letter to the Convention complaining of his situation" (Rufus King to James Madison, Benjamin Lincoln to George Washington, Henry Jackson to Henry Knox, Jeremy Belknap to Ebenezer Hazard, and Rufus King to Horatio Gates, all five letters dated 20 January, RCS:Mass., 1540, 1543, 1538, 1535. 1539).

It should be noted that Boston's newspapers, which were closely reporting the debates, did not detail the debate occasioned by Gerry's interruption or the altercation between Gerry and Dana that occurred after the Convention adjourned. Note-taker Jeremy Belknap briefly summarized both incidents, while Theophilus Parsons ignored them in his notes. The fullest account of the debate was printed as part of an article written by "A Spectator," *Massachusetts Centinel*, 2 February, in response to a letter that Gerry wrote to the Vice President of the Convention on 21 January.

Addressed to Vice President William Cushing, the Convention's presiding officer, Gerry's letter of 21 January gave his version of the events, protested his treatment by the Convention, and criticized Francis Dana. To his letter, Gerry appended "A State of Facts," which, according to Theophilus Parsons' notes of debates for 19 January (RCS:Mass., 1264), Gerry had also promised to submit. The "State of Facts" reviewed the actions of the Constitutional Convention respecting the equal representation of the states in the U.S. Senate.

Gerry's letter was read in the Massachusetts Convention, as the first order of business, in the afternoon session of Tuesday, 22 January. When the "State of Facts" was about to be read, Federalist Christopher Gore objected, "not, he said 'from a wish to preclude information from his own mind, or from the minds of the Convention; but from his duty

to his constituents; and the desire he had to guard against infringments on the orders of the Convention.'" Gore was charged with being out of order, but he continued with his objection. Whereupon, Francis Dana, who supported Gore, said a few words and then "retired from the Convention until the consideration of the letter should be gone through with." Federalist Theodore Sedgwick, to appease the Convention which seemed "affronted and out of Temper," proposed that the "State of Facts" be read, which the Convention proceeded to do. After "much debate" over the appointment of a committee to report on Gerry's letter, the Convention voted that further consideration of the letter subside (RCS:Mass., 1307; and Justus Dwight: Notes of Convention Debates, 22 January, P.M., Mfm:Mass.). Gerry's 21 January letter to the Convention's presiding officer, the "State of Facts," and the reaction to them, are printed below under 19 January (RCS:Mass., 1265–76).

According to one commentator, Francis Dana left the Convention "with a determination not to return unless the Convention justified his conduct—nothing has as yet been done, nor has he been within the walls" (Henry Jackson to Henry Knox, 23 January, RCS:Mass., 1546). How long Dana was absent is uncertain; he participated in the debates as early as 26 January. Gerry, who "left the convention in du[d]geon," did not return after 19 January, and no motion was made to reinvite him. On 3 February, Rufus King wrote that "Gerry keeps close at Cambridge and his Adherents have made no motion for his recall" (Benjamin Lincoln to George Washington, 27 January; and Rufus King to Henry Knox, 27 January and 3 February, RCS:Mass., 1555, 1553, 1571. See also King to James Madison, 23 January, RCS:Mass., 1546.).

On 23 January the Massachusetts Centinel printed Gerry's 21 January letter to the Convention with this preface: "The publick being desirous to know the result of the conversation in Convention, on Saturday last, on the pròpriety of Mr. Gerry being permitted to give any other information than of facts particularly asked after, and which it appears has given Mr. G. offence, we lay before our readers a copy of that gentleman's letter to the Convention, as read yesterday afternoon." The letter was reprinted in the Independent Chronicle, 24 January; American Herald, 28 January (without the preface); Salem Mercury, 29 January; Essex Journal, 30 January; Cumberland Gazette and Worcester Magazine, 31 January; and outside the state, in whole or in part, eighteen times by 20 February: R.I. (2), Conn. (5), N.Y. (4), Pa. (5), Md. (1), Va. (1). Most of the out-of-state newspapers included the Centinel's preface.

The Antifederalist American Herald printed Gerry's "State of Facts" on 28 January in the same issue that contained his letter of 21 January. The "State of Facts" was reprinted in the Independent Chronicle, 31 January (supplement); Salem Mercury, 5 February; and Essex Journal, 6 February. Each of these three newspapers noted that the "State of Facts" had accompanied Gerry's 21 January letter and that each newspaper had reprinted the letter earlier. Outside Massachusetts, the statement was reprinted in the Newport Herald and Providence United States Chronicle, both on 7 February; New York Journal, 11 February; New York Morning Post, 12 February; and Pennsylvania Packet, 8 March. The New York Morning Post, 4 March, and New York Journal, 8 March, reprinted the statement a second time "by particular desire."

Federalists criticized Gerry's actions. Rufus King charged that "Gerry's conduct . . . cannot be excused, and convinces me of one thing that he will not hesitate at small matters." Henry Jackson described Gerry's conduct as "very extraordinary & unaccountable" and declared that Gerry's friends were "at a loss what can be his motives." Jeremy Belknap believed that "Gerry is all in ye wrong" (King to Horatio Gates, 20 January; Jackson to Henry Knox, 23 January; and Belknap to Ebenezer Hazard, 25-26 January, RCS:Mass., 1539, 1546, 1548. See also Belknap: Notes of Convention Debates, 19 January; and Jackson to Knox, 20 January, RCS:Mass., 1261, 1538.). A correspondent noted in the Massachusetts Gazette, 25 January, that Gerry has "fallen, fallen, fallen, fallen, fallen, fallen, fallen, fallen" (RCS:Mass., 1549). "A Spectator," Massachusetts Centinel, 2 February, published a point-bypoint refutation of Gerry's letter (RCS:Mass., 1271-76). And several days after the Massachusetts Convention ratified the Constitution, Belknap declared, "Gerry is crest-fallen but acquiesces" (to Ebenezer Hazard, 10 February, RCS:Mass., 1584).

Antifederalists defended Gerry. On 24 January, the *Cumberland Gazette* could not understand why some delegates objected to having Gerry in the Convention. He was a man of "ability" and "integrity," and he had a "thorough knowledge of the subject in debate." The delegates that wanted to exclude Gerry were not "honest enquirers after truth" (RCS:Mass., 1547). Jonathan Sayward of York, Maine, noted in his diary on 31 January that Gerry's letter was "masterly" and did "Great Honor to his abilities" (RCS:Mass., 1563–64). On 11 February the *American Herald* published a paragraph, at a correspondent's request, stating that the article by "A Spectator," which was "so replete with illiberal invective against Mr. GERRY, is also fraught with gross falsehoods" (Mfm: Mass.).

The Massachusetts Convention Monday 14 January 1788

Convention Journal, 14 January, A.M.

Met according to adjournment

The Constitution or Frame of Government, for the United States of America as reported by the Convention of Delegates, from the United States, begun and held at Philadelphia, on the first Monday of May 1787 &c. Together with the Resolution of Congress of the 28 of September 1787 for transmitting the same to the several Legislatures; and the Resolution of the General Court of this Commonwealth of the 25th day of October 1787 for calling a Convention, agreeably to the said Resolution of Congress, were Ordered to be read.

On motion.

Voted That the Convention sensible how important it is that the great subject submitted to their determination should be discussed and considered with moderation, candour, and deliberation, will enter into a free conversation on the several parts thereof by paragraphs untill every member shall have had opportunity fully to express his sentiments on the same, after which the Convention will consider and debate at large the question, whether this Convention will adopt & ratify the proposed constitution, before any vote is taken expressive of the sense of the Convention, upon the whole or any part thereof²

Resolve of the General Court of this Commonwealth of the 10th of March 1787 appointing Delegates for the Convention of the States held at Philadelphia. Ordered to be read.³

A motion was made and seconded that the Hon Elbridge Gerry Esqr. be requested to take a seat in the house to answer any question of fact from time to time, that the convention may want to ask respecting the passing of the constitution?

A motion was then made and seconded that the consideration of the said motion subside to give place to the following viz That Whereas the Hon. Elbridge Gerry Esqr. was a Delegate from this Commonwealth in the Convention held at Philadelphia, and Whereas he did not sign the constitution reported by the said Convention

Voted that the said E[1]bridge Gerry Esqr. be requested to attend this convention to state the facts & reasons which induced him to decline signing the same.

A motion was then made and seconded, that the consideration of both questions should subside, and the question being put passed in the negative. The motion that the first question should subside to give place to the second was then put & passed in the negative also.

The first motion was then put & passed in the affirmative.⁴ Adjourned to 3. o Clk PM.

- 1. For these resolutions, see RCS:Mass., 143-46.
- 2. Caleb Strong of Northampton made this motion (Convention Debates, 14 January, A.M., Mfm:Mass.). On 16 January, the *Massachusetts Centinel* stated, "The Hon. Mr. Adams expressed his approbation of the motion; but wished that previous to its being put, the proposed Constitution might be read. This mode of proceeding, quadrating with the general ideas of the Convention, the Constitution, together with the resolves accompanying it, were accordingly read; after which Mr. Strong's motion passed." Justus Dwight of Belchertown indicated that Daniel Cooley of Amherst took part in the debate on Strong's motion (Notes of Convention Debates, 14 January, A.M., Mfm:Mass.).
 - 3. For this resolution, see RCS:Mass., 458-60.
- 4. For a full discussion of the Convention's invitation to Elbridge Gerry to attend the debates of the Convention, see RCS:Mass., 1175–81.

Convention Journal, 14 January, P.M.

Met according to adjournment.

Ordered that a Committee of three be appointed to wait upon the Hon. E[l]bridge Gerry Esqr. and acquaint him with the vote of this morning requesting him to take a seat in the House to answer any question of fact from time to time, that the convention may want to ask respecting the passing of the constitution.

Mr. Bishop, Mr. Wedgery and Dr. Spring were appointed on the said committee.

Ordered that the Secretary be permitted to furnish any Printer with the proceedings of the Convention, who may apply for the same for the press.

On the petition of Benja. Russell and Messrs. Adams and Nourse Printers praying to be allowed a place for the purpose of taking minutes of the debates¹ Ordered that the Monitors assign a place for the purpose requested.²

The Convention entered upon the consideration of the constitution or frame of government reported by the Convention held at Philadelphia and having debated thereon postponed the further consideration of the same to the morning.

Adjourned to Tuesday morng. 10. o Clk.

1. Dated 14 January, the petition of Benjamin Russell of the *Massachusetts Centinel* and the firm of Adams and Nourse, publishers of the *Independent Chronicle*, stated, "The utility, to the publick at large, of a faithful account of the proceedings, debates, &c. of the Hon. Convention, being taken, and published, being generally acknowledged—and the subscribers wishing to furnish, as far as possible, such an account (and being prevented, by

the great numbers who attend in the Gallery from making minutes in that place:) pray this Hon. Convention to allow them a place within the walls for that purpose. And, as in duty, shall pray" (Constitutional Convention, 1788, M-Ar).

2. When the Convention moved to the Long Lane Church on 17 January, the Convention—still fully aware of the needs of the printers—assigned them the stairs under the galleries (RCS:Mass., 1235).

Convention Debates, 14 January, P.M.

Before the Convention began this afternoon's debate on the Constitution section by section, Charles Turner read the preamble to the Constitution, observing that reference should have been made to religion (Justus Dwight: Notes of Convention Debates, 14 January, P.M., Mfm:Mass.). Benjamin Lincoln of Hingham reported that "the first paragraph of the Constitution [i.e., the Preamble] was read—objections were stated, that in so important a concern, an invocation of the deity ought to have preceded the plan—this was passed sub silentio" (to George Washington, 20 January, RCS:Mass., 1542).

On 24 January the *New York Journal* concluded its report of this day's debates with this comment: "We find by the papers received last evening, that the debates were *tedious* but interesting, though few of them were inserted, all upon the subject of the first section, viz. of *biennial* ELECTIONS. No judgment can yet be formed with respect to the *fate* of the constitution, that there is a great division in the convention is evident" (Mfm:Mass.). Other brief newspaper reports focused on the debate over whether or not to invite Elbridge Gerry to attend the debates. (See especially *Massachusetts Gazette*, 15 January, Mfm:Mass.)

For commentaries on the heated debates over biennial elections, which took place on 14, 15, 16, and 17 January, see "Ezra," *Massachusetts Centinel*, 23 January; *New York Journal*, 31 January; and Pennsylvania *Germantauner Zeitung*, 5 February (RCS:Mass., 785–87, 1093, 1097). On the issue of biennial elections, see also "The Republican Federalist" VI, *Massachusetts Centinel*, 2 February (extra) (RCS:Mass., 845–47).

Ordered, That a committee of three be appointed to wait upon the Hon. Elbridge Gerry, Esq. and acquaint him with the vote of this morning, requesting him to take a seat in the Convention, to answer to any questions of fact, from time to time, that the Convention may ask, respecting the passing the constitution.

Agreeably to the resolution passed in the forenoon, the Convention proceeded to consider the FIRST SECTION of the Constitution, and after a short conversation, entered upon the discussion of the second section, the first paragraph of which caused a lengthy debate.¹

The Convention entered upon the consideration of the proposed Constitution, and having debated thereon, thro' the day, postponed the further consideration thereof to the next morning.

It had been mentioned by some gentlemen, that the introduction of tyranny into several nations had been by lengthening the duration of

their Parliaments, or legislative bodies; and the fate of those nations was urged as a caution against lengthening the period for which Congress is to be chosen.—The Hon. Mr. Sedgwick wished to know what were the nations which had been thus deprived of their liberties; he believed they were few in number—in fact, he did not recollect any.— After shewing by several examples How nations had been deprived of their liberties, he continued—Is it not necessary, Mr. President, that the Federal Representatives should be chosen for two years? Annual elections in a single state may be the best, for a variety of reasons: But when the great affairs of thirteen States—where their commerce may be extended, and where it is necessary to be restricted—what measure may be most expedient, and best adapted to promote the general prosperity thereof, are to be the objects of deliberation. Is not such a period too short? Can a man called into public life divest himself of local concerns, and instantly initiate himself in a general knowledge of such extensive and weighty matters? After several other arguments in favour of the section, he begged the indulgence of the Convention while he made a personal observation: "It has been given out, Sir, by several persons, that I have said the Constitution must go down—right or wrong—I beg leave to declare, sir, on my honour, that so far from having made such a declaration, the idea of it has not ever entered my mind."

Mr. G. Dench² wished to know how the representation was secured—as by the 4th section, Congress were empowered to make or alter the regulation of the times, places, and manner of holding elections—Mr. D. was continuing, but was called to order by Mr. Parsons, who said the subject in debate was *the expediency* of *biennial elections*, and that an answer, to the gentleman from Hopkinton, would more properly be given when the 4th section was under consideration.

Dr. Taylor. Mr. President, I am opposed to *biennial*, and am in favour of *annual* elections, annual elections have been the practice of this State ever since its settlement, and no objection to such a mode of electing has ever been made—it has, indeed, sir, been considered as the safeguard of the liberties of the people—and the annihilation of it the avenue through which tyranny will enter. By the articles of confederation, annual elections are provided for, though we have additional securities in a right to recall any, or all of our members from Congress—and a provision for rotation.³ In the proposed Constitution, there is no provision for rotation—we have no right by it to recall our delegates. In answer to the observation, that by frequency of elections, good men will be excluded, I answer, if they behave well, it is probable they will be continued—but if they behave ill, how shall we remedy the

evil. It is possible, that rulers may be appointed who may wish to root out the liberties of the people. Is it not, Mr. President, better, if such a case should occur, that at a short period they should politically die, than that they should be proceeded against by impeachment. These considerations, and others, said the Doctor, make me in favour of annual elections; and the further we deviate therefrom, the greater is the evil.

The Hon. Mr. Sprague⁴ was in favour of the section as it stood—He thought the same principles ought not to guide us, when considering the election of a body whose jurisdiction was coextensive with a great continent, as when regulating that of one whose concerns are only those of a single state.

Mr. T. Dawes,⁵ after a short exordium, said he had not heard it mentioned by any gentleman who had spoken in the debate, that the right of electing Representatives in the Congress, as provided for in the proposed Constitution, will be the acquisition of a new privilege by the people, as it really will be. The people will then be immediately represented in the Federal Government; at present they are not;⁶ therefore it will be in favour of the people, if they are even chosen for forty instead of two years: and he adduced many reasons to shew that it would not conduce to the interest of the United States, or the security of the people, to have them for a shorter period (than two years).⁷

The Hon. Mr. White said he was opposed to the section—he thought the security of the people lay in frequent elections—for his part he would rather they should be for six months than for two years—and concluded by saying he was in favour of annual elections.

Dr. Jarvis, Gen. Brooks, Gen. Heath, and Hon. Mr. Turner,⁸ each spoke a few words on the subject—when a motion was made to postpone the consideration of the 2d section until the next morning, which passing, the Convention adjourned.⁹

- 1. At this point, Massachusetts Centinel, 16 January, states that "The following sketches faintly pourtray the leading features of it." The Independent Chronicle, 17 January, printed the debates for this session under the heading: "Summary of the arguments used in Convention, on the debates respecting Biennial Elections."
- 2. Gilbert Dench of Hopkinton (1742–1807), a militia captain during the Revolution, was a member of the state House of Representatives, 1780, 1781–83, 1785–86, 1787–88, 1795–97.
- 3. Under Article V of the Articles of Confederation, congressional delegates had oneyear terms, and no delegate was to serve "for more than three years in any term of six years." The state legislatures retained the power to recall delegates "and to send others in their stead, for the remainder of the Year" (CDR, 87).
- 4. Before it recorded John Sprague's remarks that follow, the Massachusetts Centinel, 16 January, noted that Sprague "said a few words which we could not distinctly hear."

Sprague (1740–1800), a lawyer and Harvard College graduate (1765), represented Lancaster in the state House of Representatives, 1782–85, 1794–1800, and Worcester County in the state Senate, 1785–86. He was sheriff of Worcester County, 1788–92, and chief judge of the county Court of Common Pleas, 1798–1800.

5. Thomas Dawes, Jr. (1758–1825), a lawyer and Harvard College graduate (1777), represented Boston in the state House of Representatives, 1787–89. He was a judge of probate for Suffolk County, 1790–92, 1823–25; a justice of the state Supreme Judicial Court, 1792–1802; and a judge of the municipal court of Boston, 1802–22.

6. Under the Articles of Confederation, delegates to Congress were appointed annually "in such manner as the legislature of each state shall direct" (CDR, 87). While most state legislatures elected their delegates to Congress directly, some provided for the popular election of delegates to Congress.

7. The words in angle brackets do not appear in the *Massachusetts Centinel*, 16 January, but appear in the *Independent Chronicle*, 17 January.

- 8. Justus Dwight of Belchertown noted that John Brooks of Medford asserted that it would be expensive and inconvenient to elect representatives annually; while Charles Turner suggested that representatives would be reelected again and again if they performed well (Notes of Convention Debates, 14 January, P.M., Mfm:Mass.). James Bowdoin of Boston maintained that Turner said "that nature pointed out the propriety of *annual* elections, by its *annual* renewal" (Convention Debates, 15 January, A.M., RCS:Mass., 1193).
- 9. Justus Dwight named several speakers on sections 1 and 2 of Article I of the Constitution whose names do not appear in the Convention Debates. They were Nathaniel Gorham, Rufus King, and Theophilus Parsons (Notes of Convention Debates, 14 January, P.M., Mfm:Mass.).

The Massachusetts Convention Tuesday 15 January 1788

Convention Journal, 15 January, A.M.

Met according to adjournment.

The Committee appointed to wait upon the Hon. Elbridge Gerry Esqr. reported that they had attended the service assigned them.

A motion was made and seconded, that the vote of yesterday prescribing the manner of proceeding in the consideration of the constitution under debate, should be reconsidered for the purpose of making the following addition thereto viz "It is nevertheless the opinion of this Convention, that if any member conceives any other clause or Paragraph of the constitution to be connected with the one immediately under consideration, that he have full liberty to take up such other clause or paragraph for that purpose" and the question of reconsideration being put, passed in the affirmative.¹

On the question whether the addition should be made, it was determined in the affirmative.

A Letter from the Hon. Elbridge Gerry Esqr. informing that he would attend the Convention agreeably to their request of yesterday. Read.²

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia and having debated thereon postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

- 1. This motion was made by Francis Dana of Cambridge (RCS:Mass., 1188-89).
- 2. Gerry's letter of 15 January is printed immediately below.

Elbridge Gerry to the President of the Massachusetts Convention Cambridge, 15 January¹

I was honored last evening, with a vote of the honorable Convention by the hands of their Committee, requesting me "to take a seat in the house to answer any question of *fact*, from time to time, that the Convention may want to ask respecting the passing of the constitution" & I shall in compliance with their request wait on that honorable body, this afternoon if possible, 2 & continue with them during their Session.

I have the honor to be Sir with the highest respect for the Convention & yourself

- 1. RC, Constitutional Convention, 1788, M-Ar.
- 2. Benjamin Lincoln of Hingham and the Reverend Jeremy Belknap both stated that Gerry attended the Convention on this day (Lincoln to George Washington, and Belknap to Ebenezer Hazard, both 20 January, RCS:Mass., 1541, 1534).

Convention Debates, 15 January, A.M.

The Massachusetts Centinel, 16 January, announced that "We had not time to prepare any of the debates of yesterday [15 January]—as well as our weak abilities will permit us we shall attempt laying a part of them before the publick in our next" [19 January]." The Independent Chronicle, 17 January, printed only the lengthy speech made by Fisher Ames during the morning session. Immediately below Ames's speech, separated by a hairline, the Chronicle summarized some of the objections to the lack of a provision in the Constitution for rotation in office and recall of congressional delegates (RCS:Mass., 1208–9).

A motion was made by Mr. Dana, that the vote of yesterday, prescribing the manner of proceeding in the consideration of the Constitution, should be reconsidered, for the purpose of making the following addition thereto, viz.

"It is nevertheless, the opinion of this Convention, that if any member conceives any other clause or paragraph of the Constitution to be

connected with the one immediately under consideration, that he have full liberty to take up such other clause or paragraph for that purpose." And the question of reconsideration being put, passed in the affirmative.

On the question whether the addition should be made, it was determined in the affirmative.¹

The Hon. Mr. Strong rose to reply to the inquiry of the Hon. Mr. Adams, why the alteration of elections from annual to biennial, was made, and to correct an inaccuracy of the Hon. Mr. Gorham, who, the day before, had said that that alteration was made to gratify South-Carolina.—He said he should then have arisen to put his worthy colleague right—but his memory was not sufficiently retentive to enable him immediately to collect every circumstance—He had since recurred to the original plan. When the subject was at first discussed in Convention some gentlemen were for having the term extended to a considerable length of time—others were opposed to it, as it was contrary to the ideas and customs of the Eastern States-but a majority were in favour of three years, and it was, he said, urged by the Southern States, which are not so populous as the Eastern, that the expense of more frequent elections, would be great—and concluded by saying that a general concession produced the term as it stood in the section—although it was agreeable to the practice of South-Carolina.²

Mr. AMES.³ I do not regret, Mr. President, that we are not unanimous upon this question. I do not consider the diversity of sentiment which prevails, as an impediment in our way to the discovery of truth. In order that we may think alike upon this subject at last, we shall be compelled to discuss it, by ascending to the principles upon which the doctrine of representation is grounded.

Without premeditation, in a situation so novel, and awed by the respect which I feel for this venerable assembly, I distrust extremely my own feelings, as well as my competency to prosecute this inquiry. With the hope of an indulgent hearing, I will attempt to proceed. I am sensible, sir, that the doctrine of frequent elections, has been sanctified by antiquity; and is still more endeared to us by our recent experience, and uniform habits of thinking. Gentlemen have expressed their zealous partiality for it. They consider this as a leading question in the debate, and that the merits of many other parts of the constitution are involved in the decision. I confess, sir, and I declare that my zeal for frequent elections, is not inferior to their own. I consider it as one of the first securities for popular liberty, in which its very essence may be supposed to reside. But how shall we make the best use of this pledge and instrument of our safety? A right principle, carried to an extreme,

becomes useless. It is apparent that a delegation for a very short term, as for a single day, would defeat the design of representation. The election in that case would not seem to the people to be of any importance, and the person elected would think as lightly of his appointment. The other extreme is equally to be avoided. An election for a very long term of years, or for life, would remove the member too far from the controul of the people, would be dangerous to liberty, and in fact repugnant to the purposes of the delegation. The truth as usual, is placed somewhere between the extremes, and I believe is included in this proposition: The term of election must be so long, that the representative may understand the interests of the people, and yet so limited, that his fidelity may be secured by a dependence upon their approbation.

Before I proceed to the application of this rule, I cannot forbear to premise some remarks upon two opinions, which have been suggested.

Much has been said about the people divesting themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates.—I cannot agree to either of these opinions.—The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is, to destroy a government. That they cannot erect a government is evinced by our being thus assembled, on their behalf. The people must govern by a majority, with whom all power resides. But how is the sense of this majority to be obtained? It has been said that a pure democracy is the best government for a small people who may assemble in person. It is of small consequence to discuss it, as it would be inapplicable to the great country we inhabit. It may be of some use in this argument, however, to consider, that it would be very burdensome, subject to faction and violence, decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing, or care nothing about the subject; or by interested men, or those who vote for their own indemnity. It would be a government not by laws, but by men. Such were the paltry democracies of Greece and Asia Minor, so much extolled, and so often proposed as a model for our imitation. I desire to be thankful, that our people are not under any temptation, to adopt the advice. I think it will not be denied, that the people are gainers by the election of representatives. They may destroy, but they cannot exercise the powers of government, in person; but by their servants, they govern—they do not renounce their power—they do not sacrifice their rights—they become the true sovereigns of the country when they delegate that power, which they cannot use themselves, to their trustees.

I know, sir, that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it, when we enter into society. This is declamation against matter of fact. We cannot live without society; and as to liberty, how can I be said to enjoy that which another may take from me, when he pleases. The liberty of one depends not so much on the removal of all restraint, from him, as on the due restraint upon the liberty of others. Without such restraint, there can be no liberty—liberty is so far from being endangered or destroyed by this, that it is extended and secured. For I said, that we do not enjoy that, which another may take from us. But civil liberty cannot be taken from us, when any one may please to invade it: For we have the strength of the society on our side.

I hope, sir, that these reflections, will have some tendency to remove the ill impressions which are made by proposing to divest the people of their power.

That they may never be divested of it, I repeat that I am in favour of frequent elections. They who commend annual elections, are desired to consider, that the question is, whether biennial elections are a defect in the constitution: For it does not follow, because annual elections are safe, that biennial are dangerous: For both may be good. Nor is there any foundation for the fears of those, who say that if we who have been accustomed to chuse for one year only, now extend it to two, the next stride will be to five, or seven years, and the next for term of life: For this article, with all its supposed defects, is in favour of liberty. Being inserted in the constitution, it is not subject to be repealed by law. We are sure that it is the worst of the case.

It is a fence against ambitious encroachments, too high and too strong to be passed: In this respect, we have greatly the advantage of the people of England and of all the world. The law which limits their parliaments, is liable to be repealed.

I will not defend this article, by saying that it was a matter of compromise in the federal Convention: It has my entire approbation as it stands. I think that we ought to prefer, in this article, biennial elections to annual, and my reasons for this opinion, are drawn from these sources.

From the extent of the country to be governed.

The objects of their legislation.

And the more perfect security of our liberty.

It seems obvious, that men who are to collect in Congress from this great territory, perhaps from the bay of Fundy, or from the banks of the Ohio, and the shore of Lake Superiour, ought to have a longer

term in office, than the delegates of a single state, in their own legislature. It is not by riding post to and from Congress, that a man can acquire a just knowledge of the true interests of the union. This term of election, is inapplicable to the state of a country, as large as Germany, or as the Roman empire in the zenith of its power.

If we consider the objects of their delegation, little doubt will remain. It is admitted that annual elections may be highly fit for the state legislature. Every citizen grows up with a knowledge of the local circumstances of the state. But the business of the federal government will be very different. The objects of their power are few and national. At least two years in office will be necessary to enable a man to judge of the trade and interests of states which he never saw. The time I hope, will come, when this excellent country will furnish food, and freedom, (which is better than food, which is the food of the soul) for fifty millions of happy people. Will any man say that the national business can be understood in one year?

Biennial elections appear to me, sir, an essential security to liberty. These are my reasons.

Faction and enthusiasm are the instruments by which popular governments are destroyed. We need not talk of the power of an aristocracy. The people when they lose their liberties are cheated out of them. They nourish factions in their bosoms, which will subsist so long as abusing their honest credulity shall be the means of acquiring power. A democracy is a volcano, which conceals the fiery materials of its own destruction.4 These will produce an eruption, and carry desolation in their way. The people always mean right, and if time is allowed for reflection and information, they will do right. I would not have the first wish, the momentary impulse of the publick mind, become law. For it is not always the sense of the people, with whom, I admit, that all power resides. On great questions, we first hear the loud clamours of passion, artifice and faction. I consider biennial elections as a security that the sober, second thought of the people shall be law. There is a calm review of publick transactions, which is made by the citizens who have families and children, the pledges of their fidelity. To provide for popular liberty, we must take care that measures shall not be adopted without due deliberation. The member chosen for two years will feel some independence in his seat. The factions of the day will expire before the end of his term.

The people will be proportionally attentive to the merits of a candidate. Two years will afford opportunity to the member to deserve well of them, and they will require evidence that he has done it.

But, sir, the representatives are the grand inquisition of the union. They are by impeachment to bring great offenders to justice. One year will not suffice to detect guilt, and to pursue it to conviction: therefore they will escape, and the balance of the two branches will be destroyed, and the people oppressed with impunity. The senators will represent the sovereignty of the states. The representatives are to represent the people. The offices ought to bear some proportion in point of importance. This will be impossible if they are chosen for one year only.

Will the people then blind the eyes of their own watchmen? Will they bind the hands which are to hold the sword for their defence? Will they impair their own power, by an unreasonable jealousy of themselves?

For these reasons I am clearly of opinion, that the article is entitled to our approbation as it stands: and as it has been demanded, why annual elections were not preferred to biennial, permit me to retort the question, and to inquire in my turn, what reason can be given why, if annual elections are good, biennial elections are not better?

The enquiry in the latter part of Mr. Ames's speech, being directed to the Hon. Mr. Adams—that gentleman said, he only made the inquiry for information, and that he had heard sufficient to satisfy himself of its propriety.

Mr. Dench said his objections to biennial elections were removed. But he wished to recur to the 4th section and to inquire, whether *that election was secured*, as by this section, Congress has power to regulate the time, place, and manner of holding it.

(A question now arose, whether the consideration of the 4th section, was in order, and much debate was had thereon—but the propriety, as expressed by a worthy member, of "elucidating scripture by scripture" being generally admitted, the motion made by the Hon. Mr. Dana, passed, which put an end to the conversation.)

The Hon. Mr. Bowdoin remarked on the idea suggested by the Hon. Gentleman from Scituate (Mr. Turner)⁵ who had said that nature pointed out the propriety of annual elections, by its annual renewal, and observed, that if the revolution of the heavenly bodies is to be the principle to regulate elections, it was not fixed to any period; as in some of the systems it would be very short; and in the last discovered planet it would be 80 of our years. Gentlemen, he said, who had gone before him in the debate, had clearly pointed out the alteration of the election of our federal representatives, from annual to biennial to be justifiable. Annual elections may be necessary in this State; but in the choice of representatives for the continent, it ought to be longer; nor did he see any danger in its being so. Who, he asked, are the men to be elected? Are they not to be from among us? If they were to be a distinct body, then the doctrine of precaution which gentlemen use would be necessary:—But, Sir, they can make no laws, nor levy any

taxes, but those to which they themselves must be subservient—they themselves must bear a part; therefore, our security is guaranteed, by their being thus subject to the laws, if by nothing else.

Gen. HEATH.⁶ Mr. President, I consider myself not as an inhabitant of Massachusetts, but as a citizen of the United States—my ideas and views are commensurate with the continent—they extend in length from the St. Croix, to the St. Maria, and in breadth from the Atlantic to the Lake of the Woods; for over all this extensive territory, is the federal Government to be extended.

I should not have risen on this paragraph, had it not been for some arguments which gentlemen have advanced, respecting elections, and which I think tend to make dangerous impressions on the minds of the rising generation. It has been the general opinion that the liberties of the people are principally secured by the frequency of elections, and power returning again into their own hands. The first Parliament ever called in Europe, was called by Constantine the third—and to continue for one year. The worthy gentleman from Boston, (Mr. Dawes) has mentioned a writer as a good authority, and who, he says, was twenty years compiling his works; I will produce one observation from this celebrated writer, Baron Montesquieu, it is as follows, "The greatness of power, must be compensated by the brevity of the duration; most legislators have fixed it to a year, a longer space would be dangerous."⁷ Here, sir, we have not only the opinion of this celebrated writer, but he has also mentioned that most legislators were of the like opinion; but I shall come to our own country, where we shall find in what respect annual elections have always been held, this was the wisdom of our ancestors, it has been confirmed by time, therefore, sir, before we change it, we should carefully examine, whether it be for the better, local circumstances may render it expedient, but we should take care not to hold up to the rising generation that it is a matter of indifference, whether elections be annual or not; and this is what induced me to rise.

It is a novel idea, that representatives should be chosen for a considerable time, in order that they may learn their duty; the representative is one who appears in behalf of, and acts for others, he ought therefore to be fully acquainted with the feelings, circumstances and interests of the persons whom he represents, and this is learnt among them, not at a distant Court; how frequently, on momentary occasions, do the members of the British Parliament wish to go home and consult their constituents, before they come to a decision. This shows from what quarter they wish to obtain information—with respect to the obtaining a knowledge of the circumstances, and abilities of the other States, in order to an equal taxation, this must be acquired from the returns, of

the number of inhabitants, &c. which are to be found on the files of Congress, for I know not how length of time could furnish other information, unless the members should go from State to State, in order to find out the circumstances of the different States. I think representatives ought always to have a general knowledge of the interests of their constituents, as this alone can enable them properly to represent them.

But, sir, if there be charms in the paragraph now under consideration, they are these, Congress at present are continually sitting, but under the new Constitution it is intended, that Congress shall sit but once annually for such time as may be necessary, and then adjourn; in this view, every gentleman acquainted with the business of legislation, knows that there is much business in every session, which is taken up and partly considered, but not finished; an adjournment keeps all this business alive, and at the next session it is taken up and completed, to the benefit of the people, in a great saving of expense, which would otherwise be lost; for a new legislature would not see through the eyes of those who went before them, consequently all business partly finished would be time lost, to the injury of the publick. Therefore as it seems to be intended, that Congress shall have but two sessions in the two years, for which the representatives are to be chosen, this consideration has reconciled me to the paragraph, and I am in favour of Biennial Elections.

The Hon. Mr. Turner, in reply to the Hon. Mr. Bowdoin, said, he thought it an important consideration whether the elections were to be for one year or for two years; he was, he said, greatly in favour of annual elections, and he thought, in the present instance, it would be establishing a dangerous precedent to adopt a change: for, says he, the principle may so operate, as in time, our elections will be as *seldom* as the revolution of the star the Hon. Gentleman talks of.

Mr. Dawes, in answer to Gen. Heath, said, that the passage quoted from Montesquieu, applied to *single* governments and not to *confederate* ones.⁸

Gen. Brooks, (of Medford) in reply to Gen. Heath, said, he recollected the passage of Montesquieu—but he also recollected that that writer had spoken highly of the British government. He then adverted to the objection to this section, of Gen. Thompson, and others, that biennial elections were a novelty, and said we were not to consider whether a measure was new, but whether it was proper. Gentlemen had said that it had been the established custom of this country to elect annually: But he asked, have we not gone from a colonial to an independent situation? We were then Provinces, we are now an Independent Empire; our measures, therefore, says he, must change with our

situation. Under our old government, the objects of legislation were few and divided—under our present, they are many and must be united—and it appears necessary that according to the magnitude and multiplicity of the business, the duration should be extended—he did not, he said, undertake to say how far. He then went into a view of the history of Parliaments, the modern northern nations, he said, had parliaments, but they were called by their kings—and the time, business, &c. of them, depend wholly on their wills—We can, therefore, says he, establish nothing from these: One general remark, was, that in the reigns of weak princes, the power and importance of Parliaments increased—in the reigns of strong and arbitrary kings, they always declined: and, says he, they have been triennial, and they have been septennial. The General combated the idea, that the liberties of the people depended on the duration of Parliament, with much ability. Do we hear, asked he, that the people of England are deprived of their liberties or that they are not as free now as when they had short Parliaments? On the contrary, do not writers agree, that life, liberty, and property, are no where better secured than in Great-Britain—and that this security arises from their Parliaments being chosen for seven years.¹¹ As such is the situation of the people of England, and as no instance can be given wherein biennial elections have been destructive to the liberties of the people, he concluded by asking, whether so much danger is to be apprehended from such elections as gentlemen imagined?

Gen. Thompson. Sir, Gentlemen have said a great deal about the history of old times—I confess, I am not acquainted with such history—but I am, sir, acquainted with the history of my own country. I had the honour to be in the general court last year, and am in it this year. I think, sir, that had the last administration continued one year longer, our liberties would have been lost, and the country involved in blood. Not so much, sir, from their bad conduct, but from the suspicions of the people of them. But, sir, a change took place, from this change pardons have been granted to the people, and peace is restored. This, sir, I say, is in favour of frequent elections.

(General T. was called to order, on the idea that he reflected on the last administration, a debate ensued, which ended on the Hon. Mr. White's saying, he wished to $\langle put \ out \ every \ spark \ of \ the fire that appeared to be kindling: <math>\rangle$ therefore moved to adjourn.)¹²

1. The *Independent Chronicle*, 17 January, printed the three preceding paragraphs, separate from the rest of its report of the proceedings and debates for 15 January. The *Massachusetts Centinel*, 19 January, omitted them entirely. However, the first two paragraphs appeared (in slightly different form) in the *Massachusetts Centinel* on 16 January as part of the report on the debates and proceedings for 14 January, although the *Centinel* indicated that the action described in these paragraphs occurred on 15 January.

- 2. The Virginia Resolutions presented to the Constitutional Convention on 29 May 1787 did not stipulate the length of the term for a member of the House of Representatives. On 12 June Roger Sherman and Oliver Ellsworth, both of Connecticut, moved for the annual election of representatives. John Rutledge of South Carolina proposed biennial elections, while Daniel of St. Thomas Jenifer of Maryland and James Madison of Virginia recommended triennial elections. By a vote of 7 states to 4 the Convention agreed on triennial elections. On 21 June Edmund Randolph of Virginia proposed biennial elections. Ellsworth and Caleb Strong of Massachusetts recommended annual elections. The Convention voted 7 states to 3 (one divided) to strike out three years and then voted unanimously for two years. South Carolina voted against three years on 12 June; while on 21 June it voted to strike out three years and insert two years (Farrand, I, 214–15, 360–62). In South Carolina, the members of the lower house were elected every two years (Thorpe, VI, 3251).
- 3. Fisher Ames (1758–1808), a Dedham lawyer and graduate of Harvard College (1774), was the author of the five "Camillus" essays favoring a strong central government that were printed in the *Independent Chronicle* in February and March 1787. He was a member of the state House of Representatives, 1788–89; the U.S. House of Representatives, 1789–97; and the state Council, 1799–1801.
- 4. This sentence was cited in "A Countryman," *American Herald*, 21 January (RCS:Mass., 757–58).
- 5. For a briefer version of Charles Turner's remarks on 14 January, see RCS:Mass., 1187, note 8.
- 6. William Heath's speech that follows was substantially revised and lengthened in the Convention Debates. As originally printed in the Massachusetts Centinel, 19 January, it reads, "General HEATH-said, he considered himself not as an inhabitant of Massachusetts, but as a citizen of the United States-and his ideas and views were commensurate with the continent—they extended in length from the St. Croix, to the St. Maria, and in breadth from the Atlantick to the Lake of the Woods. Having premised this, the worthy General said, he should not have risen, had he not heard gentlemen speak so lightly of lengthening of elections. The opinion of all great writers on government was, that the liberties of the people have always been dependent on the duration of Parliament—that this was the opinion of Montesquieu, and several other celebrated legislators: And, says he, the history of our own country will shew us in what respect frequent elections have been held-It was the wisdom of our ancestors that formed the measure of annual elections, and it is sanctified by age: Therefore, Sir, before we alter it, we should carefully examine, that it be for the better.—It is a novel idea, said the General, that the representatives ought to have time to learn their duty—he thought they ought always to have a general knowledge of the interest of their constituents. Having mentioned a circumstance, that the British Parliament have frequent occasion, before they can determine some important points, to return home to their constituents, to obtain information—and as Congress are to have but one session in a year, and may want such an opportunity to gain information, he sat down by observing, that he was in favour of biennial elections.'
- 7. Montesquieu stated, "In all magistracies, the greatness of the power must be compensated by the brevity of the duration. This most legislators have fixed to a year; a longer space would be dangerous, and a shorter would be contrary to the nature of government" (*Spirit of Laws*, I, Book II, chapter III, 20).
 - 8. See note 7 above.
- 9. See especially *Spirit of Laws*, I, Book XI, chapter VI (Of the Constitution of England), and Book XIX, chapter XXVII (How the Laws contribute to form the Manners, Customs, and Character of a Nation).
- 10. Thompson's remarks have not been located among any of the accounts of the debates.

- 11. Parliament adopted the Septennial Act in 1716.
- 12. On 19 January the *Massachusetts Centinel* placed the text in angle brackets within single quotation marks.

Theophilus Parsons: Notes of Convention Debates, 15 January, A.M.¹

The paragraph in debate was the biennial election of the representatives.

CALEB STRONG. Stated the grounds proceeded on in Federal Convention; determined at first to be triennial; afterwards reduced to biennial; South Carolina having at home biennial elections, and it was a compromise.

FISHER AMES. People cannot, without a representation, exercise any powers but pulling down a government. Man has no natural liberty in a state of nature, because he has no security for it. Too long or too short a time for elections is dangerous and inconvenient. The time must be regulated by the nature of the business the representatives have to do. 1. The extensive dominion to be governed. 2. The object of legislation. 3. The security of the liberties of the people.

GILBERT DENCH. Immaterial whether biennial or annual. My difficulty is, whether biennial elections are secured to the people in the fourth section. He was called to order, for reasoning on that section, by Mr. Dana. After debate, Mr. Dench stated, he was satisfied he was out of order.

Gov. Bowdoin. Thought that Dench was in order. He was called to order by Mr. Parsons, when, after some debate, the following question was put:—

To reconsider the order of debate passed yesterday, so far as to amend it by allowing any member to refer to any other paragraph which in his opinion relates to the paragraph under debate, and it passed in the affirmative.

Then Gov. Bowdoin arose. There was no reason for annual elections arising from the course of the sun, for the time of election would then be varied in every planet. He then argued in favor of a biennial election. 1. There was no danger, as they cannot alter the Constitution. 2. They can lay no burdens but such as they bear their part of. 3. A shorter election would not give sufficient time for information.

Gen. Heath showed the importance of the subject from the extent of country. Opinions of the best writers show that short elections are necessary. Montesquieu says more than a year would be dangerous.² In this country we have always had annual elections; that length of time is necessary to acquaint themselves with their business is a novel observation, for being a representative of the people implies a knowledge

of their circumstances. While sitting in Congress how can they learn the situation of other States? Members of British Parliament return home for the knowledge of the situation of their constituents. He was, however, in favor of biennial elections, as there will be but one session in a year, and all the business not being then done will be left, if the same body cannot meet again.

CHARLES TURNER, Esq. Is for a year, because it is the most proper length of time. If we allow two years, then by some means or other there will be a stretch as long as the new star's revolution.

Mr. Dawes. Montesquieu's opinion applies only to single governments, not to a confederated one.

Gen. Brooks, of Medford. Montesquieu gives the greatest plaudits to the British government, where elections were never annual. In answer to the objection that biennial elections are novel: But our situation is new—which he states—rising from dependent colonies to independent States. Then reasons from the state of parliaments in Europe.

Gen. SAM. THOMPSON. Argues for frequent reëlections, because if the administration had not been changed last year, we should now be in blood. He was called to order by Dr. Jarvis. After debate, it was moved that he proceed. Then Dr. Spring³ presented a letter to the Convention from Mr. Gerry. After some debate, a motion was made to adjourn, which passed in the affirmative.

- 1. Printed: Convention Debates (1856), 287-88.
- 2. See RCS:Mass., 1194, at note 7.
- 3. Marshall Spring of Watertown was a member of the three-man committee (all Antifederalists) appointed to inform Elbridge Gerry that he had been invited to take a seat in the Convention (RCS:Mass., 1183).

Convention Journal, 15 January, P.M.

Met according to adjournment

Ordered that the Messenger exclude from the floor of the House all persons not belonging to the Convention, except such as are admitted by special order.

The Convention proceeded in the consideration of the constitution or Frame of Government reported by the Convention held at Philadelphia, and having debated thereon, postponed the further consideration thereof to the morning.

Ordered that a Committee be appointed to provide a more convenient place for the Convention to sit in. Mr. Dalton, Mr. Field, Mr. Nasson, Mr. Spooner, Dr. Jarvis, Mr. Dawes and Dr. Taylor were appointed on the said Committee.¹

Adjourned to Wednesday morng. 10. o Clk

1. On 16 January the *Massachusetts Centinel* stated that "In order that the great number of people, who are anxious to hear the all-important debates of the Convention, may be gratified, on motion of Mr. [Samuel] NASON, that hon. body yesterday raised a Committee to inquire whether a more convenient place can be obtained, where their deliberations may be carried on, and the people accommodated, than that in which they now sit."

For the report of the committee to find a new meeting place for the Convention, see RCS:Mass., 1224.

Convention Debates, 15 January, P.M.

Dr. Taylor, opened the conversation of the afternoon, by calling upon Gen. Thompson to proceed.

Gen. Thompson, accordingly said, that however just, however good, and however upright the administration may be, there was still a great necessity for annual elections.

He thought a change of election was for the best, even if the administration pleased the people.—Do the members of Congress, says he, displease us, we call them home, and they obey, now where is the difference of their having been elected for one or two years?—It is said that the members cannot learn sufficiently in that time—Sir, I hope we shall never send men who are not learned.—Let these members know their dependence upon the people, and I say it will be a check on them, even if they were not good men; here the General broke out in the following pathetick apostrophe: "O! my country, never give up your annual elections, young men never give up your jewel!" He apologized for his zeal. He then drew a comparison between the judges, &c. of this country before the revolution, who were dependent on Great-Britain for their salaries, and those representatives dependent on the continent; he concluded by hoping that these representatives would be annually elected, and thereby feel a greater dependence on the people.

Mr. Gore. It has been observed, that in considering this great and momentous question, we ought to consult the sentiments of wise men, who have written on the subject of government, and thereby regulate our decision on this business. A passage is adduced from Montesquieu, stating, That where the people delegate great power, it ought to be compensated for by the shortness of the duration.² Though strictly agreeing with the author, I do not see that it applies to the subject under consideration. This might be perfectly applicable to the ancient governments, where they had no idea of representation, or different checks in the legislature or administration of government; but in the proposed Constitution, the powers of the whole government are limited to certain national objects, and are accurately defined; the House of Representatives is but one branch of the system, and can do nothing

of itself; Montesquieu, in the sentiment alluded to, must have had in his mind the Epistates of Athens, or the Dictators of Rome, but certainly observations drawn from such sources can have no weight in considering things so essentially different: again, sir, gentlemen have said, that annual elections were necessary to the preservation of liberty, and that in proportion as the people of different nations have lengthened, beyond the term of a year, the duration of their representatives, they have lost their liberties, and that all writers have agreed in this. I may mistake, but I know no such thing as a representation of the people in any of the ancient republicks; in England, from whence we receive many of our ideas on this subject, King John covenanted with his people to summons certain classes of men to Parliament³—by the Constitution of that country, the King alone can convoke, and he alone, previous to the revolution, could dissolve the Parliament—but in the reign of William III. the patriots obtained an act limitting the duration of Parliaments to three years⁴—soon after, a Parliament then sitting and near expiring, a rebellion broke out, and the tories and Jacobites were gaining strength to support the pretender's claim to the crown:5— Had they dissolved themselves, and a new Parliament been convoked, probably many of the very opponents to the government might have been elected. In that case they might have effected by law, what they, in vain, attempted by arms.

The Parliament, therefore, extended their duration from triennial to septennial; this was acquiesced in by the people, and the next Parliament sanctified the act; 6 no evil, but great good, has been supposed to follow from their duration being thus extended; and if Montesquieu, and Doctor Adams think the British Constitution so perfect, how much greater must be our security, when we reflect that our representation is equal; that the powers of the government are so limited, and the checks so nicely appointed. If there be a representation of the people in any other countries, and annual elections therein have been considered as the basis of their freedom, I pray gentlemen to mention the instances; I confess I know none. People adopt a position which is certainly true, viz. that elections ought to be frequent; but then, as we have been in the custom of chusing our representatives annually, we have determined annually to be frequent, and that biennially, or any longer term than annual, is not frequent:—But if gentlemen will only consider the objects over which this government is to have rule and authority—and the immense and wide extended tracts of country over which the representatives are to pass before they reach the seat of government, I think they will be convinced that two years is a short time

for the representatives to hold their office; further, sir, we must consider this subject with respect to the general structure of the Constitution. The Senate represents the sovereignty of the States—the House of Representatives, the people of the United States: The former have a longer term in their office, it is then necessary that that body which represents the people should have a permanence in their office, to resist any operations of the Senate which might be injurious to the people, if they were annual I submit it to the good sense of this house whether they would be able to preserve that weight in the system, which the Constitution intended they should have, and which is absolutely necessary for the security of the rights of the people.

The Hon. Mr. King said, he would not detain the Convention by any exordium, for the purpose of obtaining their attention. He declared, however, that he thought the subject might be freed from certain prejudices connected with its examination, and that thereby the question might receive a fairer decision—this should be the object of his address.

The Hon. Gentleman observed, that the Convention would do well to lay aside the terms annual or biennial, and consider the subject as it could be supported by principles—Much had been said of the instruction to be derived from history on this point; he said, he presumed to doubt whether this was the case.—From the continent of Europe he believed, that we could receive no instruction; their Parliaments after the overthrow of the Roman empire, were not constructed upon the principle of a representation of the people. The conqueror of a given district of country, was, by the feudal system, the prince or king of the people within his conquered territories; when he wished the advice of any persons, he summoned usually a number of his principal officers, or the barons of his kingdom, to give him their council; but the people, or as they were degradingly called, the vassals, were never consulted this certainly cannot be considered as a representation of the people: This mode of assembling a Parliament probably obtained in the early stages of the English history; but those who have written on this subject agree that their information is very imperfect relative to the origin of English Parliaments; they are not certain, who composed the Parliament, how long they held their office, or concerning what points they were consulted.

Nothing clear on this subject appears before the 12th century. Magna Charta is the foundation of the imperfect representation of England;⁸ improvements have since been made in favour of the more equal and certain representation of the people; but it is still extremely imperfect

and insecure. Perhaps the people of America are the first, who by the social compact, ever obtained a right to a full and fair representation, in making the laws of their country.

If then, continued Mr. K. history can afford little or no instruction on this subject, the Convention must determine the question upon its own principles—It seems proper, that the representatives should be in office time enough to acquire that information which is necessary to form a right judgement; but that the time should not be so long as to remove from his mind the powerful check upon his conduct, that arises from the frequency of elections, whereby the people are enabled to remove an unfaithful representative. or to continue a faithful one. If the question is examined by this standard, perhaps it will appear, that an election for two years is short enough for a representative in Congress; if one year is necessary for a representative to be useful in the State legislature, where the objects of his deliberations are local, and within his constant observation; two years does not appear too long, where the objects of deliberation are not confined to one state, but extend to thirteen States—where the complicated interests of united America, are mingled with those of foreign nations, and where the great duties of national sovereignty will require his constant attention.—When the representatives of the colony of Massachusetts were first chosen, the country was not settled more than fifteen or twenty miles from Boston, they then held their offices of one year. The emigrants from Massachusetts, who settled on Connecticut River, appointed the representatives to meet in the General Court of that colony, for only six months—Massachusetts, although her settlements have extended over almost her whole territory, have continued to depute representatives for only one year, and Connecticut for only six months; but as in each of these colonies, when under the British government, the duties of the representatives were merely local, the great duties of sovereignty being vested in their king, so since the revolution their duties have continued local, and many of the authorities of sovereignty being vested in Congress. It is now proposed to increase the powers of Congress—this will increase the duties of the representatives, and they must have a reasonable time to obtain the information necessary to a right discharge of their office.

It has been said, that our ancestors never relinquished the idea of annual elections—This is an errour—In 1643, the colonies of Plymouth, Massachusetts, Connecticut and New-Haven, united in a confederacy, which continued about 40 years: Each colony sent two commissioners as their representatives, and by the articles they were to be

annually elected: About the year 1650, the General Court of Massachusetts instructed their commissioners to propose that the elections, instead of being annual, should be only once in three years. The alteration did not take place, but the anecdote proves, that our ancestors have not had an uniform predilection for annual elections.

Mr. K. concluded by observing, that on a candid examination of this question, he presumed, that the Constitution would not be objected to on account of the biennial election of the house of representatives.

Judge Dana. (Mr. President—The feeble state of my health will not permit me to enter so largely into the debates of this house, as I should otherwise be inclined to do. The intention of my rising, at present, is to express my perfect acquiescence in the sentiments advanced by the hon, gentleman from Newbury-port, (Mr. King) in favour of the expediency of biennial elections of our federal representatives.)10 From my own experience, I think them preferable to annual elections. I have, sir, seen gentlemen in Congress, and delegates from this state too, sitting in that hon, body, without a voice—without power to open their mouths, or lift up their hands, when matters of the highest importance to their State have been under consideration. I have seen members in Congress, for the space of three months, without power, sir, waiting for evidence of their re-election. (Besides, sir, that the more frequent elections are, the oftener States will be exposed to be deprived of their voice and influence in the National Councils, I think annual elections are too short for so extensive an empire.)11 They keep the members always travelling about; and I am of opinion, that elections for two years are in no way subversive of the liberties of the people. I, sir, am one of the people, thank God! and am happy in having an opportunity of expressing my personal satisfaction of such elections. For these, and a variety of other reasons, Mr. D. suggested that he thought this State ought to be the first to adopt this method of election.

The Hon. Mr. WHITE still thought, that Congress might perpetuate themselves, and so reign emperours over us.

Hon. Mr. Gorham observed (in continuation of Mr. Dana's observation) that there was not *now* a Congress, although the time of their meeting had considerably elapsed. Rhode-Island, Connecticut, and several other States, had not gone on; that there was now only five States in Congress, when there ought to have been thirteen two months ago.

Mr. Carnes¹² rose to confirm it, and accordingly read part of a letter from the Hon. Mr. Otis,¹³ the purport of which was, that there was much business to do—that only five States were represented, and that the probability of an Indian war, &c. evinced the great necessity of the

establishment of an efficient federal government, which will be the result of the adoption of the proposed Constitution.

Dr. Taylor rose to answer two objections which had been made against annual elections: The *distance* of *place* was not so great but the delegates might reach Philadelphia in a fortnight; and as they were answerable to the people for their conduct, he thought it would prevent a *vacancy*; and concluded by saying he did not conceive the arguments in favour of *biennial* elections well founded.

A letter from the Hon. Elbridge Gerry, Esq. informing that he would attend the Convention, agreeably to their vote of yesterday, was received and read.

On motion of Mr. Nason, *ordered*, That a committee be appointed to provide a more convenient place for the Convention to sit in.¹⁴

- 1. The *Massachusetts Centinel*, 19 January, identifies the speaker as Dr. Charles Jarvis. The *Independent Chronicle*, 24 January, identifies the speaker as Dr. John Taylor.
 - 2. See RCS:Mass., 1194, at note 7.
- 3. The reference is probably to chapter XIV of the Magna Carta (1215), which required King John to summon the archbishops, bishops, abbots, earls, and greater barons in order "to obtain the common counsel of the realm for the assessment" of any tax. This chapter provided the machinery to put into effect chapter XII which declared that no tax "is to be levied in our realm except by the common counsel of our realm" (Holt, Magna Carta, 455).
- 4. In 1694 Parliament passed the Triennial Act, or an act for the frequent meeting and calling of Parliaments. It reaffirmed the Triennial Act of 1664, which had stated that Parliament was to meet at least once every three years. The act of 1694 also declared that no Parliament was to sit for longer than three years, and that the Parliament then in session was to expire on 1 November 1696, unless the king saw fit to dissolve it sooner.
- 5. In 1707 England and Scotland formed the Union of Great Britain, despite considerable opposition in Scotland. In March 1708 the son of James II, James Edward Stuart (later known as the Old Pretender), seeking to take advantage of this Scotlish discontent and supported by a French fleet and troops, tried but failed to land in Scotland in order to gather support to overthrow Queen Anne, his half-sister. Anne's second Parliament was about to expire at this time, having first met in 1705. Anne received the support of the nation. In May 1708 general elections were held for Anne's third Parliament.
 - 6. Parliament adopted the Septennial Act in 1716.
- 7. In his *Defence of the Constitutions* (CC:16), John Adams stated that "the English constitution is, in theory, the most stupendous fabrick of human invention, both for the adjustment of the balance, and the prevention of its vibrations; and that the Americans ought to be applauded instead of censured for imitating it, as far as they have. Not the formation of languages, not the whole art of navigation and ship building, does more honour to the human understanding than this system of government" (Volume I, Letter XX). (Harvard College had conferred a doctor of laws degree on Adams in 1781.)
 - 8. See note 3 above.
- 9. In 1643 the colonies of Massachusetts, New Plymouth, Connecticut, and New Haven signed articles of confederation or union creating the "United Colonies of New England"

or New England Confederation. They had come together to protect themselves against incursions by the Dutch, French, and Indians, and to form a united front in negotiating with these groups. They also hoped that the union would help to settle disputes over boundaries. The articles of confederation guaranteed each colony its independence and territorial integrity. Two commissioners from each colony were to meet annually and on extraordinary occasions. With a vote of six commissioners, the confederation could declare war, make peace, apportion military expenses, and settle boundary disputes. The commissioners or delegates from each of the colonies met annually from 1643 to 1664, triennially after that until 1684, and for the last time in 1689. The Massachusetts General Court, in 1648, recommended that the meetings be held triennially, but the commissioners rejected this and other recommendations by the General Court. On 6 January 1788 Rufus King sent James Madison a copy of the articles of confederation of the "United Colonies of New England" and extracts from the journals of its commissioners. On 7 June Madison used some of this material in a speech to the Virginia Convention (RCS:Va., 1031–32).

10. The text in angle brackets replaced the following sentence that appeared in the Massachusetts Centinel, 19 January: "The intention of my rising, sir, is to acquiesce with the gentleman from Newbury-Port, in favour of the expediency of biennial elections of our federal representatives."

11. The text in angle brackets replaced the following sentence that appeared in the Massachusetts Centinel, 19 January: "Annual elections, sir, are not long enough in so great

a continent."

12. John Carnes (1723–1802), a Boston native and graduate of Harvard College (1742), had been a Congregational minister in Stoneham, Wrentham, Rehoboth, and Carlisle; a Boston retailer of liquor; and a chaplain in the Continental Army. He represented the town of Lynn and the district of Lynnfield in the state House of Representatives, 1784–91, 1794–96.

13. Perhaps a letter that Samuel A. Otis, a Massachusetts delegate to Congress, wrote on 25 December 1787 to Theodore Sedgwick, a Stockbridge delegate to the Massachusetts Convention (CC:375). On 2 January 1788 Otis also wrote a letter to Elbridge Gerry, which, however, did not mention the probability of an Indian war (CC:404).

14. These last two paragraphs were not printed in the Massachusetts Centinel, 19 January, but they appear in the Independent Chronicle, 17 January.

Theophilus Parsons: Notes of Convention Debates, 15 January, P.M.¹

3 о'сьоск, Р. М.

Gen. Thompson. Was in favor of annual elections, for the end of government is to please the people, who can please themselves by annual elections, and the people are quieted by a new election, the last year. It is said the elected will want time to learn, but he hopes the people will not send men who are unlearned; it is the duty of a representative to know the interests of his own constituents, and then to determine, by comparing their situation with the state of the nation. Also, he objects that the representatives pay themselves; compares it to the king's government and the judges being paid by the king; here they pay themselves.

Mr. Gore. We must be careful in taking the opinion of writers on the subject of government. Opinions deduced from the state of ancient governments do not apply. They did not check their governments by having different branches, with negatives. He then observes on the nature of British parliaments, and applies his observations in favor of biennial elections; was in favor of frequent elections, but the true rule is to give them time to inform themselves, and not too much time to feel independent of the electors.

Mr. King. The rule is, that the elected should have time enough to inform themselves, and not so much time as will make them independent of the electors. He states the rise of parliaments upon the feudal system. Elections longer than annual have been thought of by Massachusetts; instanced in the confederation of the united New England colony. Remarks on Heath's notion, that any man chosen a representative has knowledge enough. Thought there was no danger of loss of liberty from biennial elections.

Hon. Charles Turner charges King with ridiculing him about the planets, and resents it.

Mr. King explains himself. He did not mean to ridicule any argument, and had a profound opinion for the gentleman.

Hon. Mr. Dana. From annual elections, States, in Congress, have frequently been deprived of their votes for want of the delegates receiving their commissions.

Hon. Abram White says, our delegates being chosen in June, there is time enough.

Hon. Mr. Dana. He applies to the southern States.

Hon. Mr. Gorham says, Congress is not represented at present for the same reason; observes, as Congress will have but one session a year, and our General Court have two, biennial elections for Congress will not be longer than annual elections for this State.

Mr. Nasson. If members will not engage in business for fear of not finishing, then no man would undertake any business lest he should die and leave it unfinished to his executors or administrators.

Mr. Gorham, in reply, referred to the situation of our General Court the last session, when the whole session was employed in collecting and arranging materials for the next session.

Mr. Carnes reads part of a letter from Mr. Otis, that Congress was now not sitting, as only five States were represented.

Hon. Job [i.e., John] Sprague. The advantages of biennial elections have been sufficiently demonstrated. If any still object, it is incumbent on them to prove the inconveniences.

Hon. JNO. TAYLOR. If one session in a year is not sufficient to originate and complete the business, then let them have two sessions, or sit all the year, if necessary.

Capt. Southworth,² from Stoughton. He thought the advantages of a biennial election had been sufficiently stated; his difficulty was, whether the fourth section did not render the right of biennial elections insecure.

Adjourned to to-morrow.

- 1. Printed: Convention Debates (1856), 288-90.
- 2. Jedidiah Southworth (1745–1809) attended Harvard College for two years, but left before graduating due to ill health. He served as a captain in the Massachusetts militia during the Revolution. The town of Stoughton instructed Southworth and his fellow delegate Elijah Dunbar to use their discretion when voting on the Constitution (RCS:Mass., 1043–44). Southworth voted against ratification, while Dunbar voted for ratification.

Jeremy Belknap: Notes of Convention Debates, 15 January¹

Tuesday 15. They chuse a Committee to provide some other place—this Committee came to me to speak for our meeting Ho[use] in Long Lane—I informed our Society's Comte of it & they agree to meet \(\text{them} \) tomorrow—

This day A M. (the) Convention were passionate & clamorous—P M —more mild—it is now sd (that) if a Vote were to be taken at this time it would be against (the) Constitution²—Some are determined agt it—others for it—all (the) hope is (that) Converts will be made among (the) moderate men—

- 1. MS, Belknap Diary, MHi.
- 2. One day later, Federalist delegate Nathaniel Gorham agreed with Belknap, stating that "the prospect not very good—numbers are at present against us"; while Federalist Henry Jackson was less pessimistic, declaring that the outcome could not be determined (Gorham to Henry Knox; and Jackson to Knox, RCS:Mass., 730).

Newspaper Report of Convention Debates, 15 January

Independent Chronicle, 17 January¹

It was objected by some gentlemen, in the course of the debates, on Tuesday last, that the lengthening of the time for setting in Congress was rendered more ineligible from the want of a provision for a rotation in office, and for recalling the Delegates. In case of misbehaviour it is much better to drop them by silent neglect, than to turn them out by impeachment. The necessary information of a Representative is to be obtained at home as well as at Congress. It is at home he is to verse

himself in the interests and feelings of his particular constituents, and if a long time is necessary to give him an understanding of foreign affairs, the opportunity may be afforded him by re-elections, which have taken place, in almost every instance with respect to the present and late Delegates of Massachusetts. As to the saving of expense, the observation cannot apply to this State, as the elections are annual, and no additional trouble would be created from chusing Representatives to Congress, at the same time with those of the Commonwealth. This too was applicable to most, if not to all of the States, except South Carolina, in some of which the elections were even semi-annual.²

- 1. Reprinted in the *Massachusetts Gazette*, 18 January, and in whole or in part in seven other newspapers by 4 February: N.H. (3), R.I. (1), Conn. (2), N.Y. (1). The *New Hamp-shire Gazette* reprinted this item twice, on both 23 and 30 January.
- 2. On the length of terms of members of the lower houses of state legislatures, see "Cassius" VI, Massachusetts Gazette, 14 December, note 2 (RCS:Mass., 426).

The Massachusetts Convention Wednesday 16 January 1788

On 17 January the editors of the *Independent Chronicle* apologized that "The debates of yesterday [16 January] we are obliged to omit for want of time and room." The *Chronicle*, however, noted, "The Convention entered upon the consideration of the proposed Constitution, and having debated thereon, through the day, postponed the further consideration thereof to the morning [of Thursday, 17 January]." The *Massachusetts Centinel*, 19 January, printed a portion of the debates for the afternoon session of 16 January, stating that "As we intend to continue the debates regularly, their length will apologize for our being so far behind hand in them—we shall endeavour to get up with them as soon as possible." On 23 January the *Centinel* published the rest of the afternoon's debates. The next day the *Independent Chronicle* reprinted the entire afternoon's debates from the *Centinel*. Neither newspaper published any debates for the morning session of 16 January.

The Convention Journal for both sessions of 16 January stated only that the Convention debated the Constitution. As usual, the morning session was adjourned until 3:00 p.m., and the afternoon session was adjourned to 10:00 a.m., the next morning (Mfm:Mass.).

Theophilus Parsons: Notes of Convention Debates, 16 January, A.M.¹

Voted to pass to the next paragraph.

Moved to reconsider the vote, and debate thereon, but it did not prevail. The next paragraph was read, viz.: "No person shall be a representative, &c., in which he shall be chosen."

Mr. Dench observed that he wished to add something on the paragraph last debated, and asked leave, and it was granted. His difficulty was, that no provision was made to qualify the election but by the intervention of the State legislatures, and still under the control of the Congress, and so the rights of election are insecure.

Mr. Gorham cannot see how Mr. Dench's objection applies to biennial elections, for if biennial elections are insecure, so would annual elections, or elections for any shorter time, be.

That the practice of the several States, in conducting elections, is various, and the legislature of each State will devise the best possible way for itself.

That the age of twenty-five was necessary, that the man might be old enough to understand public business, and a citizenship of seven years is necessary to give his electors evidence of his knowledge and attachment to their interests.

Hon. Mr. White. Though the legislature may devise and ordain the manner of election, and Congress can and will control it, and so we shall be slaves to the southern States.

Mr. Gorham said, he did not mean to consider the effect of the revising power of Congress; it was time enough to consider that when we come to it.

Mr. Pierce,² of Partridgefield, said he had no objection to the qualifications in the article under debate, but he wanted to be satisfied why there was no qualification in point of property.

Mr. King said it was necessary to show the certainty of the people's exercising the right of election. It is clearly certain and positive in the paragraph last under debate, and the question is, whether it is rendered insecure by the fourth section.

Now, that does not render it insecure; for 1. Time of election does not mean the term for which the representatives are chosen; 2. Nor the place where elections are held; nor 3. The manner of holding elections. Therefore the controlling power of Congress does not extend to altering biennial elections. The legislatures of the several States shall prescribe in these cases; it is their duty. But the difficulty is, why should Congress have those powers? For the same reasons that the General Court have power to compel every town to send representatives; otherwise the electors may be negligent, and the liberties of the people may be utterly destroyed, without the vigilance and coercion of government.

Dr. TAYLOR. My difficulty is, Congress may make such regulations as to deprive the people of the right of electing. I make no difficulty as

to the time, but as to the place; Congress may fix the place in Berkshire or Lincoln, where the people cannot attend.

Hon. Mr. Sedgwick. We are to consider in what terms the clauses are expressed. The first clause is in the affirmative and positive, and the second clause extends only to the when, where and how, and not to the term of election. Dr. Taylor's objection supposes the power will be used to the worst possible purposes; if we are to suppose that, we had better dissolve all governments, and live as the savages.4 But in forming a government, we must grant the necessary powers, and not contemplate only the possible abuse of power; otherwise there is the same objection to our own government—they may call every man into the field, take away all our money, erect courts in every street, give judges £10,000 a year, unite all the counties into one, and make Penobscot a shire town. But to suppose this, is to suppose the legislature devils, or worse. A sufficient check against the wanton abuse of power is the spirit of the people, as in the encroachments of Great Britain; but where there is a common interest we are not to presume an abuse of power.

But this controlling power is necessary to preserve the general government. Those who wish this power alone existed in the several legislatures, are influenced because it would be safe from the common interest. The same reason applies to the general legislature. Attend to the conduct of Rhode Island last winter; without any reason, they recalled their delegate and refused to send any.⁵ The same may happen under the general government.

If it should be said that the place may be fixed in Boston, that the mercantile interest may choose their representatives; but if that was the case the country party within twelve miles could come in and out-vote it.

Dr. Taylor rises, and asks whether he remembered the time when a corrupt administration kept the General Court moving, to inflame the members.⁶

Mr. Sedgwick replies: Yes; and that the effect was a greater firmness in opposition to the administration.

Gov. Bowdoin observes that there is a positive injunction upon the several legislatures to determine the time, place and manner, and it is fit; otherwise, as in the case of Rhode Island, the Union may be dissolved. The controlling power in Congress is necessary, from the different manner in which the elections are made in the different States, and to prevent partiality and indirect and improper conduct in the several States.

Gen. Thompson. We have now got forward to the fourth paragraph, and we had as good thump it about and see what is in it. I do not know the hearts of men, but I believe men are as wicked now as ever. I should make no difficulty to give Congress this power, in case a State should refuse; but now Congress may order us to go to South Carolina, to choose where they choose, over head and heels; in which case we shall not be safe. But as I shall have a further opportunity to thump it, I will now sit down.

N. B. He observed that there was no danger from the legislature, but

great danger from Congress.

Hon. Mr. Adams. We have gone from the point in debate. We are now on the fourth section, which is a very different subject, and spoke to order.

Hon. Mr. Sedgwick spoke to order, and exculpated himself. Adjourned.

1. Printed: Convention Debates (1856), 290-93.

- 2. Ebenezer Peirce (1745–1802), a justice of the peace from 1786 to 1801, represented Partridgefield in the state House of Representatives, 1782–86, 1788–89, 1792–93, 1794–95, 1799–1800.
- 3. Chapter I, section III, article II, of the state constitution of 1780 states, "And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution" (Thorpe, III, 1898). For William Widgery's response to Rufus King, see Theophilus Parsons: Notes of Convention Debates, 17 January, A.M. (RCS:Mass., 1231).

4. In his notes of debates, delegate Justus Dwight declared that Theodore Sedgwick said that, since Congress was connected to the people, it would not alter the place of

election (Mfm:Mass.).

5. In December 1786 the Rhode Island legislature provided funds for Peleg Arnold and James M. Varnum to represent the state in Congress. Arnold attended from 9 April to 15 May 1787; Varnum attended sporadically from 13 February to 10 August. They were together only from 9 to 26 April, which meant that Rhode Island was represented only for those days. Both delegates wrote the governor on 24 April 1787, hoping for "the supplies" to which their appointments entitled them. Therefore, in May 1787, the legislature provided funds for the delegates. Reporting on the legislature's proceedings editor Peter Edes noted in his *Newport Herald* on 10 May that "It was the sense of the house, not to continue the delegates in congress during the sitting of the [Constitutional] convention, as it was not probable there would be a congress—and of this the delegates were to be immediately informed." Arnold left Congress soon after, but Varnum remained until early August. (For a description of Peter Edes's reports, see RCS:Mass., 1222, note 2.)

Because of the poor attendance in Congress, the Secretary and President of Congress, respectively, wrote letters in July and August to several states (including Rhode Island), asking that they send delegates to Congress. The President's letter reminded the states that the Constitutional Convention of 1787 would soon adjourn and report to Congress. In September 1787, when no Rhode Island delegate was in Congress, the Rhode Island legislature resolved that two delegates be directed to attend Congress when that body convened for the new federal year on the first Monday in November. It also requested

the governor to inform Congress that the state was not ordering its delegates forward at this time because Congress would not take up any important matters until the new federal year. On 17 September the governor informed Congress. Varnum, however, returned to Congress on 18 October and remained until the 27th (John Russell Bartlett, ed., *Records of the State of Rhode Island* . . . [10 vols., Providence, 1856–1865], X, 225–26, 244, 246–47, 256–57; and Smith, *Letters*, XXIV, 349–50, 403–4).

In the afternoon session, Sedgwick was answered by Phanuel Bishop, who, in turn, was answered by Rufus King and Nathaniel Gorham (Convention Debates, 16 January, P.M., RCS:Mass., 1214–15). For a criticism of Sedgwick's use of Rhode Island as an example in this context, see "Agrippa" XIII, *Massachusetts Gazette*, 22 January (RCS:Mass., 770).

The issue did not disappear after the Convention adjourned. On 14 February the *Independent Chronicle* printed a statement from Henry Ward, Rhode Island's secretary of state, certifying that Rhode Island had not recalled its delegates. At the instigation of Nathaniel Gorham, Rufus King drafted a newspaper article, signed "Proculus," supporting the position that Rhode Island had recalled its delegates. For political reasons, however, Gorham did not have the article published. For the text of "Proculus" and supporting documents, see Mfm:Mass., 16 January 1788; and Gorham to Henry Knox, 9 March and 25 March (RCS:Mass., 1673, 1728).

6. Early in 1769 British imperial authorities authorized Massachusetts Governor Francis Bernard to use his own discretion, depending upon the situation, regarding where to hold sessions of the General Court—Boston, Cambridge, or Salem. Bernard opted for Cambridge. Late in the year, acting governor Thomas Hutchinson was ordered to meet the legislature in Boston unless he thought otherwise, whereupon Hutchinson also decided on Cambridge. The legislature did not again meet in Boston until June 1772. Under these conditions, the legislature sometimes refused to transact important business.

Convention Debates, 16 January, P.M.¹

The 2d par. of the 2d sect. of the 1st art. was read at the table—a desultory conversation ensued on the mode of conducting the discussion—it was *again* agreed, that in the debate on any paragraph gentlemen might discuss any other part he might suppose had relation to that under consideration.

Mr. Pierce (from Partridgefield) after reading the 4th sect. wished to know the opinion of gentlemen on it—as Congress appeared thereby to have a power to regulate the time, place, and manner of holding elections. In respect to the manner, said Mr. P. suppose the legislature of this State should prescribe, that the choice of the Federal Representatives should be in the same manner as that of Governour—a majority of all the votes in the State, being necessary to make it such—and Congress should deem it an improper manner—and should order that it be, as practiced in several of the southern States, where the highest number of votes make a choice—have they not power by this sect. so to do? Again, as to the place, continues Mr. P. may not Congress direct that the election for Massachusetts shall be held in Boston: And if so, it is possible that previous to the election, a number

of electors may meet, agree upon the eight delegates—and propose the same to a few towns in the vicinity—who agreeing in sentiment, may meet on the day of election, and carry their list by a major vote. He did not, he said, say that this would be the case; but he wished to know if it was not a possible one. As the Federal Representatives, who are to form the democratical part of the general government, are to be a check on the representatives of the sovereignty, the Senate, he thought the utmost caution ought to be used, to have their elections as free as possible. He observed, that as men have been ever fond of power—we must suppose they ever will continue so—and concluded by observing, that our caution ought in the present case to be greater as by the proposed Constitution no qualification of property was required in a Representative—and it might be in the power of some people, thereby to choose a bankrupt for the Representative, in order to give such Representatives employment, or that he might make laws favourable to such a description of people.

Gen. PORTER (from Hadley)² endeavoured to obviate the objections of Mr. Pierce, by shewing the almost impossibility of Congress' making a law whereby eight men could be elected as Mr. Pierce had supposed—and he thought it equally impossible for the people to choose a person to take care of their property, who had none himself.

Mr. Bishop rose and observed, that by the 4th sect. Congress would be enabled to controul the elections of Representatives: It has been said, says he, that this power was given, in order that refractory States may be made to do their duty: But if so, sir, why was it not so mentioned? If that was the intention, he asked why the clause did not run thus, "The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but" if any State shall refuse or neglect so to do, "Congress may, &c." This, he said would admit of no prevarication. I am, says Mr. B. for giving Congress as much power to do good as possible. It has been said, Mr. President, that the conduct of Rhode-Island, in recalling its Delegates from Congress, has demonstrated the necessity of such a power being lodged in Congress. I have been informed by people belonging to Rhode-Island, sir, that that State never has recalled its Delegates from Congress, I do not believe it has. And I call upon the gentleman who mentioned it, to authenticate the fact.3

The Hon. Mr. King rose, and assured the Convention that the State of Rhode-Island did by a solemn resolution, some time since, recal its Delegates from Congress.

The Hon. Mr. GORHAM confirmed what Mr. K. had said, and added, that during the session of the Federal Convention, when seven States

only were represented in Congress, application was made by two companies for the purchase of lands,⁴ the sale of which would have sunk seven or eight millions of dollars, of the continental debt, and that the most pressing letters were sent on to Rhode-Island to send on its delegates, but that State refused—the consequence was the contract could not then be made.

Mr. BISHOP confessed himself convinced of the fact. He proceeded to observe; that if the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it—But if they [i.e., the states] do their duty, Congress ought not to have a power to controul elections. In an uncontrouled representation, says Mr. B. lies the security of freedom: And he thought by these clauses, that that freedom was sported with.—In fact, says he, the moment we give Congress this power, the liberties of the yeomanry of this country are [at] an end. But he trusted they would never give it—and he felt a consolation from the reflection.

The 4th section, which provides that the state legislatures shall prescribe the time, place, and manner of holding elections—and that Congress may at any time make or alter them, except in those of senators, (though not in regular order) under deliberation.

The honourable Mr. STRONG followed Mr. BISHOP and pointed out the necessity there is for the 4th section. The power, says he, to regulate the elections of our federal representatives must be lodged somewhere—I know of but two bodies wherein it can be lodged—The legislatures of the several states—and the general Congress. If the legislative bodies of the states, who must be supposed to know at what time, and in what place and manner, the elections can best be held, should so appoint them; it cannot be supposed that Congress, by the power granted by this section will alter them: But, if the legislature of a state should refuse to make such regulations—the consequence will be, that the representatives will not be chosen, and the general government will be dissolved. In such case, can gentlemen say, that a power to remedy the evil is not necessary to be lodged somewhere? And where can it be lodged but in Congress? I will consider its advantage in another respect; we know, sir, that a negligence in the appointment of rulers, is the characteristick of all nations: In this state, and since the establishment of our present constitution, the first officers of government have been elected by less than one tenth part of the electors in the state. We also know that our town meetings, for the choice of officers, are generally attended by an inconsiderable part of the qualified voters. People attend so much to their private interest, that they are apt to neglect this

right. Nations have lost their liberties by neglecting their privileges; consequently Congress ought to have an interposing power to awaken the people, when thus negligent. Even supposing, sir, the provisional clause suggested by the worthy gentleman from Norton [Abraham White], should be added—would not Congress then be the judges whether the elections in the several states were constitutional and proper? If so, it will then stand on the same ground it now does. It appears evident that there must be a general power, to regulate general elections. Gentlemen have said, the proposed constitution was in some places ambiguous—I wish they would point out the particular instances of ambiguity; for my part I think the whole of it is expressed in the plain common language of mankind. If any parts are not so explicit as they could be, it cannot be attributed to any design; for I believe a great majority of the men who formed it were sincere and honest men.

Mr. BISHOP said the great difficulty with him was, that the power given by the 4th sect. was unlimited—and he did not yet see that any advantage would arise from its being so.

Mr. Cabot (of Beverly)⁵ not having spoke upon the question of biennial elections of representatives, begged leave to revert to that subject, so far as to add to what had been said by others, that we should consider of the particular business which that body will be frequently called upon to transact, especially in the way of revenue; we should consider that on a question of supplies of money to support a war, or purchase a treaty, it will be impossible for those representatives to judge of the expediency or inexpediency of such supplies, until they shall have had time to become acquainted with the general system of federal politicks, in its connection or relation to foreign powers—because upon the situation of those must depend the propriety or impropriety of granting supplies: If to this be added a due attention to the easiest way of raising such supplies, it must appear, that biennial elections are as frequent as is consistent with using the power of the representatives, for the benefit of their constituents.

Mr. C. then turned to the 4th section now under debate, and said, it gives me no pain to see the anxiety of different gentlemen concerning the paragraph under consideration, as it evidences a conviction in their minds of what I believe to be true, that a free and equal representation is the best, if not the only, foundation upon which a free government can be built, and consequently that the greatest care should be taken in laying it. I am, sir, one of the people; such I shall continue, and with their feelings I hold "that the right of electing persons to represent the people in the federal government, is an important and sacred right." The

opinions that have been offered upon the manner in which the exercise of this right is provided for by the 4th section, satisfies me that we are all solicitous for the same end, and that we only differ as to the means of attaining it, and for my own part. I confess that I prize the 4th section as highly as any in the constitution: Because I consider the democratick branch of the national government, the branch chosen immediately by the people, as intended to be a *check* on the *federal* branch, which latter is not an immediate representation of the people of America, and is not chosen by them, but is a representation of the sovereignty of the individual states, and its members, delegated by the several state legislatures, and if the state legislatures are suffered to regulate conclusively the elections of the democratick branch, they may, by such an interference, first weaken, and at last destroy that check—they may at first diminish, and finally annihilate that controul of the general government, which the people ought always to have through their immediate representatives—as one of the *people*, therefore, I repeat that, in my mind, the 4th section is to be as highly prized as any in the constitution.

Mr. Parsons contended for the vesting in Congress the powers contained in the 4th sect. not only as those powers were necessary for preserving the union, but also for securing to the people their equal rights of election—He considered the subject very fully, but we are able to give our readers very imperfectly the heads of his speech.—In the Congress, not only the sovereignty of the states are represented in the senate, but to balance their power, and to give the people a suitable and efficient check upon them, the federal representatives are introduced into Congress—The legislatures of the several states are the constituents of the senate, and the people are the constituents of the representatives—These two branches, therefore, have different constituents, and as they are designed as mutual checks upon each other, and to balance the legislative powers, there will be frequent struggles and contentions between them—The senate will wish to controul, depress, and render inefficient, the representatives—The same disposition in the representatives towards the senate, will produce the like exertions on their part—The senate will call upon their constituents the legislatures for aid—The representatives will look up to the people for support. If, therefore, the power of making and altering the regulations defined in this sect. are vested absolutely in the legislature, the representatives will very soon be reduced to an undue dependence upon the senate, because the power of influencing and controlling the election of the representatives of the people, will be exerted without controul

by the constituents of the senators. He further observed, that there was much less danger in trusting these powers in Congress, than in the state legislatures. For if the federal representatives wished to introduce such regulations as would secure to them their places, and a continuance in office, the federal senate would never consent, because it would increase the influence and check of the representatives; and on the other hand, if the senate were aiming at regulations to increase their own influence by depressing the representatives, the consent of the latter never would be obtained, and no other regulations would ever obtain the consent of both branches of the legislature, but such as did not affect their mutual rights, & the balance of government, & those regulations would be for the benefit of the people. But a state legislature, under the influence of their senators, who would have their fullest confidence, or under the influence of ambitious or popular characters, or in times of popular commotion, and when faction and party spirit run high, would introduce such regulations as would render the rights of the people insecure and of little value. They might make an unequal and partial division of the State into districts for the election of representatives, or they might even disqualify one third of the electors. Without these powers in Congress, the people can have no remedy: But the 4th sect, provides a remedy—A controlling power in a legislature, composed of senators and representatives of twelve States, without the influence of our commotions and factions, who will hear impartially, and preserve and restore to the people their equal and sacred rights of election. Perhaps it then will be objected, that from the supposed opposition of interests in the federal legislature, they may never agree upon any regulations; but regulations necessary for the interests of the people, can never be opposed to the interests of either of the branches of the federal legislature, because the interests of the people require that the mutual powers of that legislature should be preserved unimpaired, in order to balance the government. Indeed, if the Congress could never agree on any regulations, then certainly no objection to the 4th sect. can remain, for the regulations introduced by the state legislatures will be the governing rule of elections, until Congress can agree upon alterations.

Mr. Widgery, insisted, that we had a right to be jealous of our rulers; who ought never to have a power which they could abuse. The 4th sect. ought to have gone further—it ought to have had the provision in it mentioned by Mr. Bishop—there would then be a mutual check—and he still wished it to be further explained. (The worthy gentleman contested the similitude made by the honourable gentleman from Newbury-Port [Rufus King], between the power to be given to Congress by

the 4th section, to compel the states to send representatives, and the power given to the legislature by our own constitution, to oblige towns to send representatives to the general court, by observing, that the case was materially different—as in the latter, if any town refuses to send representatives, a power of *fining* such town only is given.⁶ It is in vain, says Mr. Widgery, to say that rulers are not subject to passions and prejudices. In the last General Court, of which I was a member, I would willingly have deprived the three western counties from sending delegates to this house; as I *then* thought it necessary. But, sir, what would have been the consequence? A large part of the state would have been deprived of their dearest privileges. I mention this, sir, to shew the force of passion and prejudice.)⁷

The honourable Mr. White said, we ought to be jealous of rulers. All the godly men we read of have failed—nay, he would not trust "a flock of Moseses."—If we give up this sect. says he, there is nothing left. Suppose the Congress should say, that none should be electors but those worth 50 or an 100 l. sterl[ing] cannot they do it. Yes, says he, they can, and if any lawyer (alluding to Mr. Parsons) can beat me out of it, I will give him 10 guineas.

Col. Jones (of Bristol)⁸ thought, by this power to regulate elections, Congress might keep themselves in to all duration.

The Reverend Mr. Perley wished Mr. Gerry might be asked some questions on this section. (But Mr. Gerry was not in the house.)

Mr. J. C. Jones¹⁰ said, it was not right to argue the *possibility of the abuse of any measure*, against its adoption. The power granted to Congress by the 4th section, says he, is a *necessary* power—it will provide against *negligence*, and *dangerous designs*. The senators and representatives of this state, Mr. President, are now chosen by a small number of electors; and it is likely we shall grow equally as *negligent* of our federal elections: Or, sir, a state may *refuse* to send to Congress its representatives, as Rhode-Island has done.¹¹ Thus we see its necessity. To say that the power may be abused—is saying what will apply to all *power*. The federal representatives will represent *the people*—they will be *the people*—and it is not *probable* they will abuse themselves. Mr. J. concluded with repeating, that the arguments against this power could be urged against any power whatever.

Doctor Jarvis. Many gentlemen have inferred from the right of regulating elections, by the 4th sect. being invested in the federal head, that the powers of wresting this essential privilege from the people would be equally delegated: But it appeared to him, he said, that there is a very material distinction in the two cases—for however possible it may be that this controuling authority may be abused, it by no means

followed, that Congress in any situation could strip the people of their right to a direct representation—if he could believe in this he should readily join in sentiment with gentlemen on the other side of the house, that this section alone would be a sufficient objection to the constitution itself. The right of election, founded on the principle of equality, was, he said, the basis on which the whole superstructure was erected; this right was inherent in the people—it was unalienable in its nature, & it could not be destroyed without presuming a power to subvert the constitution of which this was the principle; and by recurring to the second section it would appear that "representatives and direct taxes shall be apportioned among the several states according to their respective numbers;" it equally appeared that 30,000 inhabitants were entitled to send a representative, and that wherever this number was found they would have a right to be represented in the federal legislature: if it was argued that Congress might abuse their power, and by varying the places of election, distress the people, it could only be observed, that such a wanton abuse could not be supposed: But if it could go to the annihilation of the right, he contended the people would not submit— He considered the constitution as an elective democracy, in which the sovereignty still rested in the people, and he by no means could believe that this article was so alarming in its nature, or dangerous in its tendency, as many gentlemen had supposed.

Mr. Holmes, in reply to Doctor *Jarvis*, said, the worthy gentleman's superstructure must fall to the ground; for the constitution does not provide, that every 30,000 shall send a representative, but that it shall not exceed one for every 30,000.

- 1. The Convention *Debates* does not make a distinction between the morning and afternoon sessions, but the debates printed here were printed by the *Massachusetts Centinel* on 19 and 23 January under the heading "WEDNESDAY, January 16, P.M."
- on 19 and 23 January under the heading "Wednesday, January 16, P.M."

 2. Elisha Porter of Hadley (1742–1796), a brigadier general in the state militia and a graduate of Harvard College (1761) trained as a lawyer, was sheriff of Hampshire County, 1775–95; a member of the Third Provincial Congress, 1775; and a member of the state House of Representatives, 1777–78.
 - 3. See RCS:Mass., 1212, note 5.
- 4. The reference is to the Ohio Company whose request to purchase land was presented by the Rev. Manasseh Cutler to Congress in July 1787 and to a company headed by John Cleves Symmes of New Jersey which petitioned Congress in August 1787. A contract with the Ohio Company was signed in October 1787 and another was signed with the second group in October 1788 (CC:Vol. 5, 179n–80n).
- 5. George Cabot (1752–1823), a wealthy merchant, was a member of the state constitutional convention, 1779–80; a state senator (Essex County), 1782–83; and a U.S. Senator, 1791–96. In 1786 he declined an appointment to be a delegate to the Annapolis Convention.
 - 6. See RCS:Mass., 1210, at note 3.

- 7. The text in angle brackets appears neither in the Massachusetts Centinel, 23 January—the first newspaper to publish the debates for this afternoon session—nor in the Independent Chronicle, 24 January. This text first appeared in the Massachusetts Gazette, 25 January, and it was reprinted in the Boston Gazette, 28 January, and New York Journal, 5 February.
- 8. William Jones (1724–1811), a native of Ireland and a Bristol, Maine, carpenter, was a colonel in the state militia during the Revolution, and a member of the state House of Representatives, 1775–76, 1783–91.
- 9. Samuel Perley (1742–1831), a graduate of Harvard College (1763) and a Presbyterian minister, lawyer, and physician in Gray, Maine, was a member of the state House of Representatives, 1788–89.
- 10. John Coffin Jones (c. 1750–1829), a wealthy Boston merchant, banker, and graduate of Harvard College (1768), was a member of the state House of Representatives, 1786–88, 1790–94, 1802–3 (speaker), and a state senator (Suffolk County), 1795–96, 1797–1801, 1803–4. In 1786 Jones declined to serve as a delegate to the Annapolis Convention.
- 11. When reprinting an abbreviated version of the debates, the *Essex Journal*, 30 January, added a footnote at this point: "The state of Rhode-Island did, by a solemn resolution, some time since, recall its delegates from Congress.—And during the session of the federal Convention, when seven states only were represented in Congress, application was made by two companies for the purchase of lands, the sale of which would have sunk 7 or 8 millions of dollars of the continental debt—the most *pressing* letters were sent on to Rhode-Island to send on its delegates, but that state *refused*—the consequence was, the contract could not then be made." This information was taken verbatim from speeches by Rufus King and Nathaniel Gorham delivered earlier in the afternoon of 16 January (RCS:Mass., 1214–15). The *Essex Journal* did not publish their speeches in its abbreviated version of the debates.

Theophilus Parsons: Notes of Convention Debates, 16 January, P.M.¹

3 o'clock, P. M.

Mr. Pierce, of Partridgefield. He objects, 1. That Congress may declare that he that has the most votes shall be chosen, not he who has a majority of votes. 2. That Congress may order Boston to be the place of election, and by that means may influence elections. Congress may do so, and may have sufficient motives so to do. 3. A bankrupt may be chosen.

Col. PORTER. If a State should require a majority of the votes in the State it ought to be altered, and there is no reason to presume a majority of the people would choose a bankrupt.

Mr. Bishop. He should have no objection to the controlling power of Congress in case the States refuse to make the necessary regulations—but to give Congress this controlling power when a State does not refuse, is to give up the liberties of the people.

Gov. Bowdoin. As to Rhode Island, he has not the records of Rhode Island, but has always so understood it, and the printed accounts of their journals, as published in the newspapers, confirm it.²

Mr. King affirms that the State of Rhode Island did recall their delegates, as appears by the journals of Congress.³

Mr. BISHOP does not believe it.

Mr. GORHAM affirms as Mr. King did.

Mr. BISHOP says he has been informed to the contrary.

Col. PORTER. If Mr. Bishop will not believe it, it is—

Mr. BISHOP now believes it, and repeats his former objections to the Constitution.

Hon. Mr. Strong. It is clear that the Federal Constitution could not provide a general regulation for elections, as the practice of different States will be different. There were, then, but two ways of obtaining this regulation—either by Congress, or the State legislatures. But it will not be safe to trust it wholly with the States; the people will be remiss in exercising their privileges, and a disunion may be the consequence.

Mr. BISHOP admits that Congress may have this power in case the States do not make proper regulations; if this was the case, still Congress must judge of the regulations, which comes to the same thing.

Mr. BISHOP says his objection is against the unlimited power to which he can see no end.

Mr. Cabot, of Beverly. As to the propriety of biennial elections he would add one thing—the necessity of continuing long enough to form a system. But as to the fourth section. The representative branch is the popular branch, they are designed to balance and check the Federal Senate.

Mr. Adams, of Ashley [i.e., Ashby].

Mr. Parsons.

Mr. Dalton.

Mr. Jones.

Dr. Jarvis.4

- 1. Printed: Convention Debates (1856), 293-94.
- 2. Between March 1787 and January 1790, the *Newport Herald* contained a series of reports on the proceedings of the Rhode Island General Assembly. See Irwin H. Polishook, "Peter Edes's Report of the Proceedings of the Rhode Island General Assembly, 1787–1790," *Rhode Island History*, XXV (1966), 33–42, 87–97, 117–29; XXVI (1967), 15–31.

In this speech, Bowdoin is probably answering Phanuel Bishop's assertion that Rhode Island did not recall its delegates from Congress in 1787. (For Bishop's speech, see RCS:Mass., 1214, at note 3.) For a discussion of this issue, see RCS:Mass., 1212, note 5. For the particular report(s) in the *Newport Herald* to which Bowdoin probably refers, see *Rhode Island History*, XXV, 92–95, 117–22.

- 3. See RCS:Mass., 1212, note 5.
- 4. The 1856 edition of the *Convention Debates* noted that "These gentlemen appear from the Minutes to have taken part in the debate; but their names only were recorded" (p. 294).

The Massachusetts Convention Thursday 17 January 1788

In a letter that delegate Rufus King wrote on 16 January, he expressed concern about a planned parliamentary maneuver by the opponents of the Constitution that might occur on 17 January regarding the role of Elbridge Gerry, who was invited to attend the debates and answer questions put to him. King told Madison that "Tomorrow we are told certain Enquiries are to be moved for by the Opposition, & that Mr. Gerry under the Idea of stating Facts is to state his reasons [for opposing the Constitution] &c—this will be opposed and we shall on the division be able to form some Idea of our relative Strength" (to James Madison, RCS:Mass., 1530). The opponents of the Constitution made no such "Enquiries," and no delegate asked Gerry a question until 18 January, even though Gerry began attending on the 15th. For a discussion of his role in the Convention, see RCS:Mass., 1175–81.

Convention Journal, 17 January, A.M.

Met according to adjournment

Ordered that Mr. Carnes, Mr. Shurtliff, Mr. Neal, Mr. Hosmer and Mr. Webber be a Committee to prepare a Pay Roll for the travel & attendance of the members of the Convention, & report.

A Letter from His Excellency Samuel Huntington Esqr. Governour of Connecticut enclosing a copy of the doings of the Convention of that State. dated Janry. 9. 1788. Read.¹

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and having debated thereon postponed the further consideration of the same to the afternoon.

The Committee appointed to provide a more suitable place for the Convention to sit in made report that the Meeting House in long lane in Boston was prepared for that purpose² Whereupon

Voted That when the Convention adjourn they will adjourn to that place

Voted That the said Committee return the thanks of the Convention to the said Proprietors for their offer of the use of the said Meeting House.

Adjourned to 3. o Clk PM.

1. The *Independent Chronicle*, 24 January, noted that "On Thursday last [17 January], a letter from his Excellency Samuel Huntington, Esq. Governour of the State of Connecticut, enclosing a copy of the doings of their Convention, was received, and read by the Convention of this State." Huntington's letter has not been located, nor is the date of

the letter known. On 9 January, however, Governor Huntington wrote the Secretary of Congress that on that day the Connecticut Convention ratified the Constitution "by a majority of more than three to one" (RCS:Conn., 565–66).

2. The committee's report, dated 16 January and signed by chairman Tristram Dalton, is printed immediately below. For a discussion of the move to the church in Long Lane, see RCS:Mass., 1164–65.

Committee Report on Place of Meeting, 16 January¹

The Committee appointed to "provide a more convenient place for the setting of the Convention" have attended to that Service and ask leave to report—

That they have examined the Meeting House in Long Lane, wherein the Revd Mr Belknap officiates—and are unanimously of opinion that the Members of the Convention can all be commodiously disposed so as to hear and be heard—by having the pews on the ground floor assigned for that purpose—That the galleries would accommodate the Spectators—

That Gentlemen have offered to put up at their own Expence a Stove—temporary Stairs—a temporary porch—and to make other dispositions for the accommodating of the Convention—

And That the Committee of the Proprietor of said Meeting House have offered the Use of the same during the Setting of the Convention—

That the Committee of the Convention have given directions for the necessary preparations to be made for their reception—

Tristram Dalton # Order

1. MS, Constitutional Convention, 1788, M-Ar. For a discussion of the move to the church in Long Lane, see RCS:Mass., 1164-65.

Convention Debates, 17 January, A.M.¹

The 4th section still under deliberation.

Hon. Mr. Turner. Mr. President, I am pleased with the ingenuity, of some gentlemen in defence of this section. I am so impressed with the love of our liberty so dearly bought, that I heartily acquiesce in compulsory laws, for the people ought to be obliged to attend to their interest. But I do not wish to give Congress a power which they can abuse; and, I wish to know whether such a power is not contained in this section? I think it is. I now proceed, sir, to the consideration of an idea, that Congress may alter the place for chusing representatives in the general Congress—they may order that it may be at the extremity of a state, and by their influence, may there prevail that persons may

be chosen, who otherwise would not; by reason that a part of the qualified voters in part of the state, would be so incommoded thereby, as to be debarred from their right as much as if they were bound at home. If so, such a circumstance would militate against the constitution, which allows every man to vote. Altering the place will put it so far in the power of Congress, as that the representatives chosen will not be the true and genuine representatives of the people, but creatures of the Congress; and so far as they are so, so far are the people deprived of their rights, and the choice will be made in an irregular and unconstitutional manner. When this alteration is made by Congress-may we not suppose whose re-election will be provided for? Would it not be for those who were chosen before? The great law of self preservation will prevail. It is true, they might, one time in an hundred, provide for a friend, but most commonly for themselves. But, however honourable the convention may be who proposed this article, I think it is a genuine power for Congress to perpetuate themselves—a power that cannot be unexceptionably exercised in any case whatever:—Knowing the numerous arts, that designing men are prone to, to secure their election, and perpetuate themselves, it is my hearty wish that a rotation may be provided for. I respect and revere the convention who proposed this constitution. In order that the power given to Congress may be more palatable, some gentlemen are pleased to hold up the idea, that we may be blessed with sober, solid, upright men in Congress. I wish that we may be favoured with such rulers; but I fear they will not all, if most be the best moral or political characters. It gives me pain, and I believe it gives pain to others, thus to characterize the country in which I was born. I will endeavour to guard against any injurious reflections against my fellow citizens. But they must have their true characters, and if I represent them wrong, I am willing to make concessions. I think that the operation of paper money, and the practice of privateering, have produced a gradual decay of morals—introduced pride—ambition envy—lust of power—produced a decay of patriotism, and the love of commutative justice; and I am apprehensive these are the invariable concommitants of the luxury, in which we are unblessedly involved, almost to our total destruction. In the lower ranks of people, luxury and avarice operate to the want of publick duty and the payment of debts. These demonstrate the necessity of an energetick government: As people become more luxurious, they become more incapacitated of governing themselves. And are we not so? A like people, a like prince: But suppose it should so happen, that the administrators of this constitution should be preferable to the corrupt mass of the people, in point of manners, morals, and rectitude; power will give a keen edge

to the principles I have mentioned. Ought we not, then, to put all checks and controuls on governours for the publick safety: therefore, instead of giving Congress powers they may not abuse; we ought to withhold our hands from granting such, as must be abused if exercised. This is a general observation. But to the point: at the time of the restoration, the people of England were so vexed, harassed and worn down, by the anarchical and confused state of the nation, owing to the commonwealth not being well digested, that they took an opposite career; they run mad with loyalty, and would have given Charles any thing he could² have asked—Pardon me, sir, if I say I feel the want of an energetick government, and the dangers to which this dear country is reduced, as much as any citizen of the United States; but I cannot prevail on myself to adopt a government, which wears the face of power, without examining it. Relinquishing an hair's breadth in a constitution is a great deal; for by small degrees has liberty in all nations, been wrested from the hands of the people. I know great powers are necessary to be given to Congress, but I wish they may be well guarded.

Judge Sumner,³ remarking on Gen. *Thompson*'s frequent exclamation of "O! my country!" expressed from an apprehension that the Constitution would be adopted, said, that expression might be used with greater propriety, should this Convention reject it. The Hon. Gentleman then proceeded to demonstrate the necessity of the 4th sect.— the absurdity of the supposition, that Congress would remove the places of election to remote parts of the States;—combated the idea, that Congress would, when chosen, act as bad as possible—and concluded by asking, if a war should take place, (and it was supposable) if France and Holland should send an army to collect the millions of livres they have lent us in the time of our distresses, and that army should be in possession of the seat of government of any particular State, (as was the case when Lord Cornwallis ravaged Carolina) and the state legislature could not appoint the elections,⁴ is not a power to provide for such elections necessary to be lodged in the general Congress?

Mr. Widgery denied the statement of Dr. Jarvis (that every 30,000 persons can elect one representative) to be just, as the Constitution provides, that the number shall not exceed one to every 30,000—it did not follow, he thought that the 30,000 shall elect one.⁵ But admitting that they have a right to chuse one—we will suppose Congress should order an election to be in Boston in January, and from the scarcity of money, &c. not a fourth part could attend—would not three quarters of the people be deprived of their right?

Rev. Mr. West.⁶ I rise to express my astonishment at the arguments of some gentlemen against this section!—They have only started *possible*

objections—I wish the gentlemen would shew us, that what they so much deprecate is probable. Is it probable that we shall choose men to ruin us? Are we to object to all governments; and because power may be abused, shall we be reduced to anarchy and a state of nature? What hinders our state legislature from abusing their power? They may violate the Constitution—they may levy taxes oppressive and intolerable, to the amount of all our property. An argument which proves too much, it is said, proves nothing. Some say, Congress may remove the place of elections to the State of South-Carolina; this is inconsistent with the words of the Constitution, which says, "that the elections shall be prescribed in each State by the legislature thereof," &c. and that representation shall be apportioned according to numbers; it will frustrate the end of the Constitution—and is a reflection on the gentlemen who formed it: Can we, sir, suppose them so wicked, so vile, as to recommend an article so dangerous: Surely gentlemen who argue these possibilities, shew they have a very weak cause. That we may all be free from passions, prepossessions and party spirit, I sincerely hope, otherwise reason will have no effect. I hope there are none here but who are open to conviction, as it is the sured method to gain the suffrage of our consciences. The Hon. Gentleman from Scituate [Charles Turner] has told us, that the people of England, at the restoration, on account of the inconveniencies of the confused state of the Commonwealth, run mad with loyalty. If the gentleman means to apply this to us, we ought to adopt this Constitution—for if the people are running mad after an energetick government, it is best to stop now, as by his rule they may run further and get a worse one; therefore the gentleman's arguments turn right against himself. Is it possible that imperfect man can make a perfect Constitution. Is it possible that a frame of government can be devised by such weak and frail creatures, but what must savour of that weakness? Though there are some things that I do not like in this Constitution, vet I think it necessary that it should be adopted. For may we not rationally conclude, that the persons we shall chuse to administer it, will be in general good men?

Gen. Thompson. Mr. President, I have frequently heard of the abilities and fame of the learned and reverend gentleman last speaking, and now I am witness to them: But, sir, one thing surprizes me—it is, to hear the worthy gentleman insinuate that our federal rulers will undoubtedly be *good men*, and that therefore, we have little to fear from their being intrusted with all power—This, sir, is quite contrary to the common language of the clergy, who are continually representing mankind as reprobate and deceitful, and that we really grow worse and worse day after day. I really believe we do, sir, and I make no doubt to

prove it before I sit down, from the old testament. When I consider the man that slew the lion and the bear, and that he was a man after *God's own heart;* when I consider his son, blest with *all wisdom*⁷—and the errors they fell into, I extremely doubt the infallibility of human nature. Sir, I suspect my own heart, and I shall suspect our rulers.

Dr. Holten⁸ thought this paragraph necessary to a complete system of government. (But the Hon. gentleman spoke so low that we could not hear him distinctly throughout.)

Capt. Snow.9 It has been said, Mr. President, that there is too much power delegated to Congress, by the section under consideration—I doubt it; I think power the hinge on which the whole Constitution turns. Gentlemen have talked about Congress moving the place of elections from Georgia to the Mohawk river, but I never can believe it. I will venture to conjecture we shall have some honest men in our Congress. We read that there were two who brought a good report, Caleb and Joshua¹⁰—Now, if there are but two in Congress who are honest men, and Congress should attempt to do what the gentlemen say they will, (which will be high treason) they will bring a report of it—and I stand ready to leave my wife and family—sling my knapsack—travel westward—to cut their heads off.¹¹ I, sir, since the war, have had commerce with six different nations of the globe, and I have enquired in what estimation America is held—and if I may believe good, honest, credible men, I find this country held in the same light by foreign nations, as a well behaved negro is, in a gentleman's family. Suppose, Mr. President, I had a chance to make a good voyage, but I tie my Captain up to such strict orders, that he can go to no other island to sell my vessel, although there is a certainty of his doing well: the consequence is, he returns, but makes a bad voyage, because he had not power enough to act his judgment: (for honest men do right:) Thus, sir, Congress cannot save us from destruction, because we tie their hands and give them no power; (I think people have lost their privileges by not improving them) and I like this power being vested in Congress as well as any paragraph in the Constitution: for as the man is accountable for his conduct, I think there is no danger. Now, Mr. President, to take all things into consideration, something more must be said, to convince me to the contrary.

(Several other gentlemen went largely into the debate on the 4th section, which those in favour of it demonstrated to be necessary: 12 first, as it may be used to correct a negligence in elections: secondly, as it will prevent the dissolution of the government by designing and refractory states: thirdly, as it will operate as a check, in favour of the people, against any designs of the federal senate, and their constituents, the state legislatures, to deprive the people of their right of

election; and fourthly, as it provides a remedy for the evil, should any state, by invasion, or other cause, not have it in its power to appoint a place, where the citizens thereof may meet to chuse their federal representatives. Those against it urged, that the power is unlimitted and unnecessary.¹³—)

The committee appointed to provide a more suitable place for the Convention to sit in, reported that the meeting house in Long-Lane, in Boston, was prepared for that purpose: Whereupon, *Voted*, That when this Convention adjourn they will adjourn to that place.¹⁴

- 1. For an abbreviated version of this morning's debates that appeared in the Massachusetts Gazette, 18 January, see RCS:Mass., 1233–35. The Gazette's version was printed before the comprehensive version of the Massachusetts Centinel of 23 January. The Massachusetts Gazette reprinted the Centinel's longer version on 25 January.
 - 2. "Should" in the Massachusetts Centinel, 23 January.
- 3. Increase Sumner (1746–1799), a Roxbury lawyer, farmer, and graduate of Harvard College (1767), served in the state House of Representatives, 1776–79; the constitutional conventions of 1777–78 and 1779–80; the state Senate, 1781–82; and the Supreme Judicial Court, 1782–97. Sumner was governor from 1797 to 1799. He was elected to Congress in 1782 but did not serve.
- 4. In November 1781 South Carolina Governor John Rutledge called for the election of a new legislature. The elections for Charleston and other areas still under British control were held outside of but close to their boundaries.
 - 5. For Charles Jarvis' statement, see RCS:Mass., 1220.
- 6. The Reverend Samuel West (1730–1807), a graduate of Harvard College (1754) and a founder of the American Academy of Arts and Sciences, was pastor of the First Congregational Society of New Bedford, 1761–1803, and a delegate to the state constitutional convention, 1779–80.
- 7. Before David became King of Israel, he slew the lion and the bear (1 Samuel 17:34–37). His son, King Solomon, was given great wisdom by God (1 Kings 4:29–31).
- 8. Samuel Holten (1738–1816), a Danvers physician, was a member of the colonial and state Houses of Representatives, 1768–76, 1787–88; the three provincial congresses, 1774–75; the state Council, 1776–78, 1780; the Continental and Confederation congresses, 1778–80, 1783–85, 1787; the state Executive Council, 1780–83, 1784–85, 1786–87, 1790–93, 1795–97; and the U.S. Congress, 1793–95. From 1796 to 1815, Holten was judge of probate for Essex County.
- 9. Isaac Snow (b. 1736) commanded a privateer during the Revolution and represented Harpswell in the state House of Representatives, 1776–80, 1781–83, 1790–91, 1792–93.
- 10. Moses sent a member from each of the twelve tribes of Israel to spy out the land of Canaan. Only Caleb and Joshua reported that Canaan could be conquered if the Israelites trusted in God (Numbers 13 and 14).
- 11. James Bridge of Pownalborough, Maine, a former Harvard College classmate of John Quincy Adams, used these words of Isaac Snow in complimenting delegate Francis Dana and in attacking Elbridge Gerry. Bridge stated that "The fire of Judge Dana's language & conduct, in particular charmed me—leaving me, at some moments, in a disposition 'to sling my Knapsack, travel westward and cut off G——s head' to use the words of that Royal fellow, Capt Snow'' (to John Quincy Adams, 4 May, Mfm:Mass.).
- 12. In reprinting portions of this paragraph, the *Essex Journal*, 30 January, replaced the phrase "to be necessary" with "its necessity" and rendered the word "necessity" in bold-face type.

13. At this point, the following sentence (also in italics) appears in the *Massachusetts Centinel*, 23 January: "But having entered so largely into the debate on this sect. already, notwithstanding we have been at much pains and expense to prepare the speeches in which the arguments are used, for the press, we must omit them." The *Independent Chronicle*, 24 January, omits this sentence.

14. This paragraph does not appear in the Massachusetts Centinel, 23 January.

Theophilus Parsons: Notes of Convention Debates, 17 January, A.M.¹

Hon. Mr. TURNER objects to the fourth section. He has no objection to a coercive power in Congress to make the people attend to their privileges, but he does not see any such power vested in Congress: by this section, Congress may fix on so inconvenient a place as to influence the situation in favor of creatures of Congress, and no reason can be given why the place of election should be altered by Congress but for that purpose, and that it be to influence the election in favor of the members then in Congress, or their friends; and therefore he considers it as a system to perpetuate the members of Congress in their places; for the power can never be exercised unexceptionably in any case whatever; and he thinks a rotation necessary in the lower house to guard against the deep arts of popular men; has well grounded fears that some of the rulers would be bad men—we must therefore guard against them; that paper money and privateering has introduced corruption and immorality, and a disregard to private and public justice. In consequence of that corruption, it requires a more energetic Federal government; but the rulers will be taken out of this corrupt mass. Like brince, like people, and promotion will increase the corruption. Every possible guard must be devised, therefore, against rulers; therefore, Congress must not have the power in the fourth section, because they cannot use it without abusing it. Let us not act like the people of England at the Restoration, who, from their sufferings under anarchy, run mad with loyalty. He has a strong sense of the difficulties of this country, arising from the want of an energetic Federal government, but is not disposed, for that cause, to adopt any government without examination.

Hon. Mr. Sumner. Our situation is very alarming. If this Constitution should be rejected from trivial or ill founded objections. The objection to the fourth section is of this kind. The delegation of the powers in this section is not dangerous to the people; it is possible it may be abused, but it is exceedingly improbable. It may be necessary that Congress may regulate the time, for public convenience, and the manner, for uniformity. As to the place, if the Congress should enact an inconvenient place, it must be but temporary, for the people will certainly choose members to redress any grievance they feel. But cases may arise when Congress ought to have this power, as when by foreign force half a State may be possessed by an enemy, as in South Carolina.²

Mr. Wedgery is willing that the general government should have power to support itself, but shall they have a general power? The discretionary power is more safely trusted in the State legislature than in Congress. Mr. King said the same discretionary power is trusted in by the government over towns. It is not true; they can only fine.³ Dr. Jarvis has raised an argument because every thirty thousand shall have a member.⁴ It is not true. This power in the fourth section is therefore unlimited, and to trust this power in Congress is more dangerous than to trust the State; is contented with this power in Congress, when States refuse or neglect, but no further.

Rev. Mr. West. To argue against the grant of powers because they may be abused, is an argument against all governments—against our own; and an argument which proves too much, proves nothing. Those who object ought to show that it is probable Congress will abuse the power. It has been said that Congress may appoint a place out of the State, but the words of the article are against it, for the place is to be appointed in this place. It is not presumable Congress would appoint an improper place. Also sorry to see obstinacy, party spirit and prejudice. We are not to reject the Constitution merely because we have some objections; we ought to determine, upon comparing the advantages of adopting or rejecting.

Gen. Thompson is sensible all powers may be abused, but this power can only be abused, and not used to any good; the place may be appointed out of the State; then tells the story of David and Absalom;⁵ objects, because after a certain age, when people grow old, they are not disqualified.

Col. SMITH.⁶ Observes on the guarantee of a republican form of government.

Dr. Holton. Observes on the supposition that the present delegates are not as much the representatives of the people as they were formerly. All agree the present Confederation is defective. I will confine myself to state facts. When this Convention has laid open to them every defect in the old government, they will determine better. He is in distress about our present situation, but we should take care not to make bad worse. If we agree to have this consolidated form, he thinks the power in the fourth section proper, and necessary to give energy. We are to consider whether the government can be carried into effect without war; it is *imperium in imperio.*⁷ Questions between the general government and each State will soon arise, and then force will settle it.

Dr. Snow. The question is, if Congress have this power, whether it will not be more dangerous than beneficial. Most of the objections have been considered. There will be some good men and some bad men in the government. The bad men will take off their heads if they are

traitors. I think Congress must have great powers, or we are ruined; and we must be careful whom we choose. Our character abroad is infamous, like a negro in a rich family. He is for the powers in the fourth section to be trusted in Congress, and there is no danger of abuse, because it must be exerted by both branches, who will be opposed to each other.

Gen. Lincoln thinks the danger of trusting Congress not proved by Mr. Turner; for, admitting the Federal representatives may appoint a place, to continue themselves in place, yet ambitious men in General Court may by this influence appoint an improper place to obtain an election. Dr. Holton observed that he had no objection to this power, if this form of government is to be adopted. That is a general question, and cannot now be considered.

GILBERT DENCH. The difficulty he had yesterday is not altogether removed. The argument of Mr. Cabot⁸ was so sweet, that on any other occasion he should be convinced, but in this case he had not such a relish as to satisfy him, because Congress may make these regulations, whether the States neglect it or not. Was it my own personal right alone concerned, I should make no difficulty; but it concerns the unborn. What will be the law providing these regulations? The first Congress will probably please their constituents, as far as they can; popular commotions will probably occasion these regulations. Had any Federal government ever such powers?

Rev. Mr. NILES.⁹ Ås to Congress fixing on an inconvenient place, let us suppose the worst. Suppose they fix on the most inconvenient places for election,—it will then be considered as an abuse, and the people will call a Convention and amend the Constitution. What greater security can we wish for?

Hon. Mr. Dana proposes not to go into the debate, but to suggest one idea. It seems agreed there would be no objection if Congress only had this power when the State neglected or refused; and it has been asked, what necessity there can be for this power in any other case. I will state a case. A State may make provision, but it may not be agreeable to the spirit of the Federal Constitution. It is not enough that a State sends its complement of representatives, but all the people ought to have equal influence, and the State regulation is unequal and unjust. Suppose a State should proportion the representatives according to corporations, unequal among themselves. Though our Constitution will restrain our legislature, yet our legislature is not bound to incorporate new places, and give the people the right of election; or, when our Constitution is revised, the present restraint may be removed. There may, therefore, be a case put, when Congress ought to have this power,

when a State may not neglect. Power may be abused, but the spirit of the people is the surest and a certain defence.

Dr. Taylor. Arguments drawn from the amendment of the proposed Constitution, have no foundation. It will be almost impossible to amend it; and reasons from the manner in which amendments are to be made, have also no foundation. We have not in our Constitution an equal representation.

Adjourned to 3 o'clock, P. M.

- 1. Printed: Convention Debates (1856), 294-98.
- 2. See Convention Debates, 17 January, A.M. (RCS:Mass., 1229, note 4).
- 3. For Rufus King's remarks, see Theophilus Parsons: Notes of Convention Debates, 16 January, A.M. (RCS:Mass., 1210).
 - 4. For Charles Jarvis' remarks, see RCS:Mass., 1220.
- 5. Absalom rebelled against his father, King David, seized control of the government, but he was eventually defeated and killed by David's army. (See 2 Samuel 13–18.)
- 6. Jonathan Smith of Lanesborough (c. 1740–1802), a farmer and a militia colonel during the Revolution, was a member of the state House of Representatives, 1775–77, 1778–79, 1780–81, 1782–83, 1787–88; the state constitutional convention, 1779–80; and the state Senate, 1783–84.
 - 7. Latin: a sovereignty within a sovereignty.
 - 8. For George Cabot's remarks, see RCS:Mass., 1216-17.
- 9. Samuel Niles (1745–1814), a 1769 graduate of the College of New Jersey (Princeton), had been pastor of Abington's Congregational church since 1771. In his journal, delegate Dummer Sewall reported that on the evening of 17 January, Reverend Niles preached "pungintly" at the Second Baptist Church of the Reverend Thomas Gair (RCS:Mass., 1519).

Newspaper Report of Convention Debates, 17 January

Massachusetts Gazette, 18 January¹

Mr. Turner, speaking of the power given to Congress in the 4th section of the constitution, observed, that he was very far from approving of Congress' having a power that they could abuse, and that such a power was included in the 4th section, then under consideration, was his opinion. That he wished they might be favoured with such continental rulers as might have no disposition to abuse their power, but that he had well grounded fears of the contrary. That there had been a decay of morals and communicative justice, the invariable concommitant of luxury, and that this apparent decline seemed to have commenced with the introduction of paper money and the business of privateering. That, therefore, in proportion to this decay, there ought to be a more energetick continental government. That, from these considerations, all possible restraints ought to be laid upon rulers. That he wished they might conduct such an important matter with the utmost

sobriety, and that nothing might turn them aside from the way of their duty; and be careful to guard against those extremes to which human nature is liable.

Hon. Judge Sumner observed, that it had been objected, that the delegation of such power to Congress would be dangerous to the people, as they might order the electors to a remote part of the country; but this, he said, appeared to him chimerical, as it would be in the power of the states to redress such grievance in future elections; and asked, whether it was not more consistent, in the nature of things, to suppose, that the representatives in Congress would use their utmost endeavours for the good of their constituents, than that they would abuse their power, in such a manner as some of the gentlemen, who had risen before him, had insinuated: And that such a power vested in Congress, appeared more necessary, upon supposition that a war should take place, and a state should be reduced to the unhappy situation of Carolina, when Cornwallis was in possession, and ravaging that part of the continent, which must be unrepresented, without such a power vested in Congress.²

Mr. Wedgery observed, speaking upon the 3d paragraph of sect. 2d, that one representative to a state was fixed and determinate; and that after the enumeration should be made, notwithstanding this state was entitled to chuse eight representatives, previous to that time, it would be in the power of Congress to reduce the number to one, and that he was not willing to risk an unlimitted power with Congress.

Mr. West asked, whether we should be reduced to a state of nature because Congress might abuse their power? and observed, that the objections with regard to the abuse of their power, were raised merely against possibilities, but by no means against probabilities; and upon supposition that Congress should remove the electors to any remote or ineligible place, it would entirely frustrate the very design of the election. He said, that such arguments appeared to him so chimerical that the gentlemen who made use of them, seemed to make a tacit confession that they were endeavouring to support a very weak cause.

Mr. Dench. Representation and direct taxes must always keep peace with each other; but it appeared to him, that for Congress to appoint time and place for holding elections, was giving them power to do as they pleased, whether the states would or would not, acquiesce. That the honourable Convention ought to consider, that they were deliberating upon a constitution, for generations yet unborn; that he was in favour of a federal system, but not to lay a foundation to subvert that freedom which the people had so industriously sought after.

Hon. Mr. Varnum.³ It has been said, that Congress may appoint the county of Lincoln as the place of election for this commonwealth; but, said he, what greater check can we have against such an abuse of power, than that of two thirds of the legislature?

Mr. King, Mr. Sedgwick, Mr. Parsons, and some other gentlemen in favour of the plan, spoke at different times, and argued strongly in behalf of the subject in debate, and reasoned with the opposition so candidly, as, in our opinion, must have a tendency to remove those prejudices, which had been imbibed, from all minds open to conviction.

Mr. Wedgery, General Thompson, and some more, who are opposed to the constitution, rose often, and urged their pleas in so strenuous a manner as seemed to denote they had the good of their constituents at heart.

For want of time we cannot insert the debates of this day intire; but, imperfect as they may be, we give them, and shall continue to through the course of the session of the honourable Convention.

- 1. Reprinted, in whole or in part, in the American Herald, 21 January; Essex Journal, 23 January; Hartford American Mercury, 28 January; and Providence United States Chronicle, 31 January.
 - 2. See RCS:Mass., 1229, note 4.
- 3. Joseph Bradley Varnum (1751–1821), a Dracut farmer and a militia colonel, was a member of the state House of Representatives, 1780–82, 1783–85; the state Senate, 1785–95, 1817–21; the U.S. House of Representatives, 1795–1811 (speaker, 1807–11); and the U.S. Senate, 1811–1817 (president pro tempore, 1813–14).

Convention Journal, 17 January, P.M.

Met according to adjournment

Voted That the Pulpit be assigned for the Gentlemen of the Clergy who may be in Town, and that the Monitors provide seats for such as cannot be accommodated there.¹

Voted That the Stairs under the Galleries be assigned for the Printers.²

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and after debate thereon, postponed the further consideration of the same to the morning.

Adjourned to Friday morng. 10. o Clk.

1. For new spaper commentaries on the admission of clergymen to the Convention, see $RCS:Mass.,\ 813-14.$ 2. While the Convention was meeting in the State House, it first had been made aware of the printers' need for space in order to take notes of the debates and it had accommodated them (RCS:Mass., 1183–84n).

Convention Debates, 17 January, P.M.

The 2d paragraph of the 2d sect. of the 1st art. was reverted to—and some debate had thereon—Gen. Thompson thought there should have been some qualification of *property* in a representative, for, says he, when men have *nothing to lose* they have *nothing to fear*.

Hon. Mr. Sedgwick said, that this *objection* was founded on an anti-democratical principle—and was surprized that gentlemen who appeared so strenuously to advocate the rights of the people, should wish (to exclude from the federal government a *good* man, because he was not a *nich* one.)¹

Mr. King, said, that gentlemen had made it a question—why a qualification of property in a representative is omitted—and that they thought the provision of such a qualification necessary—he thought otherwise, he never knew that property was an index to abilities:—We often see men, said he, who though destitute of property, are superiour in knowledge and rectitude. The men who have most injured the country, have most commonly been rich men. Such a qualification was proposed in convention: but by the delegates of Massachusetts, it was contested that it should not obtain.2 He observed that no such qualification is required by the confederation. In reply to Gen. Thompson's question, why disqualification of age was not added, the Hon. Gentleman said, that it would not extend to all parts of the continent alike. Life, says he, in a great measure depends on climate. What in the southern states would be accounted long life, would be but the meridian in the northern—what here is the time of ripened judgement, is old age there. Therefore the want of such a disqualification, cannot be made an objection to the constitution.

The third paragraph of the 2d sect. being read,

Mr. King rose to explain it. There has, says he, been much misconception of this sect[ion]. It is a principle of this constitution, that representation and taxation should go hand in hand. This paragraph states, that the numbers of free persons shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. These persons are the slaves. By this rule is representation and taxation to be apportioned. And it was adopted, because it was the language of all America.³ According to the confederation, ratified in 1781, the sums for the general welfare and defence, should be

apportioned according to the surveyed lands, and improvements thereon, in the several states.⁴ But that it hath never been in the power of Congress to follow that rule; the returns from the several states being so very imperfect.

Dr. Taylor thought that the number of members to be chosen for the house of representatives, was too small. The whole union was intitled to send but 65; whereas by the old confederation, they send 91;5 a reduction of 30 per cent. He had heard it objected, that if a larger number was sent the house would be unwieldy. He thought our house of representatives, which sometimes consists of 150, was not unwieldy; and if the number of the federal representatives was enlarged to twice 65, he thought it would not be too large. He then proceeded to answer another objection, "that an increase of numbers would be an increase of expense," and by calculation demonstrated that the salaries of the full number he wished, would in a year amount only to £.2980, about one penny on a poll; and by this increase, he thought every part of the commonwealth would be represented. The distresses of the people would thereby be more fully known and relieved.

Mr. WIDGERY asked, if a boy of six years of age, was to be considered as a free person?

Mr. King, in answer, said, all persons born free, were to be considered as freemen; and to make the idea of *taxation by numbers* more intelligible, said, that five Negro children of South-Carolina, are to pay as much tax as the three governours of New-Hampshire, Massachusetts, and Connecticut.

Mr. Gorham, thought the proposed sect. much in favour of Massachusetts; and if it operated against any state, it was Pennsylvania, because they have more white persons *bound* than any other. Mr. G. corrected an observation of Dr. Taylor's, that the states now send 91 delegates to Congress—which was not the case. The states do not, he said, send near that number—and instanced Massachusetts, which sends but 4. He concluded by saying, that the constitution provides for an increase of members, as numbers increase—and that in fifty years there will be 360—in 100 years 14 or 1500—if the constitution last so long.

(Judge Dana, remarking on the assertions of Dr. Taylor, that the number of Representatives were too small; that the whole Union was now entitled to send but 65, whereas by the *Confederation* they might send 91, a reduction of 30 per cent, said, if the Constitution under consideration, was in fact what its opposers had often called it, a consolidation of the States, he should readily agree with that gentleman that the representation of the people was much too small; but this was

a charge brought against it without any foundation in truth. So far from it, that it must be apparent to every one, that the federal government springs out of, and can alone be brought into existence, by the State Governments. Demolish the latter, and there is an end of the former.— Had the Continental Convention then have doubled the representation, agreeably to that gentleman's ideas, would not the people of this commonwealth have been the first to complain of it as an unnecessary burthen laid upon them: that in addition to their own domestick government they had been charged with the support of so numerous a national government. Would they not have contended for the demolition of the one or the other as being unable to support both. Would they have been satisfied by being told that doubling the representation would vearly amount only "to about one penny upon a poll." Does not the gentleman know that the expense of our own numerous representation has excited much ill will against the government? Has he never heard it said among the people that our publick affairs would be as well conducted by half the number of representatives? If he has not, I have sir, and believe it to be true. But the gentleman says there is a reduction of 30 per cent. in the Federal Representation, as the whole Union can send but 65 members, when under the confederation they may send 91. The gentleman has not made a fair calculation. For, if to the 65 Representatives under the proposed Constitution we add two Senators from each State amounting to 26 in all, we shall have the same number 91, so that in this respect there is no difference. Besides, this representation will increase with the population of the States and soon become sufficiently large to meet that gentleman's ideas. I would just observe that by the confederation this State has a right to send seven members to Congress, yet although the legislature hath sometimes chosen the whole number, I believe at no time have they had or wished to have more than four of them actually in Congress. Have any ill consequences arisen from this small Representation in the National Council? Have our liberties been endangered by it? No one will say they have. \6 The honourable gentlemen drew a parallel between the eastern and southern states, and shewed the injustice done the former, by the present mode of apportioning taxes, according to surveyed land and improvements; and the consequent advantage therefrom to the latter; their property not lying in improvements, in buildings, &c. In reply to the remark of some gentlemen, that the southern states were favoured in this mode of apportionment, by having 5 of their negroes set against 3 persons in the eastern, the honourable judge observed, that the negroes of the southern states, work no longer than when the eye of the driver is on them. Can, asked he, that land flourish like this, which is cultivated by the hands of freemen? And are not *three* of these independent freemen of more real advantage to a state, than *five* of those poor slaves? As a friend to equal taxation, he rejoiced that an opportunity was presented in this Constitution, to change this unjust mode of apportionment: Indeed, concluded he, from a survey of every part of the Constitution, I think it the best that the wisdom of men could suggest.

Mr. Nasson remarked on the statement of the honourable Mr. King, by saying that the honourable gentleman should have gone further, and shewn us the other side of the question. It is a good rule that works both ways—and the gentleman should also have told us, that three of our infants in the cradle, are to be rated as high as five of the working negroes of Virginia. Mr. N. adverted to a statement of Mr. King, who had said, that five Negro children of S. Carolina were equally rateable as three governours of New-England, and wished, he said, the Hon. Gentleman had considered this question upon the other side—as it would then appear that this State will pay as great a tax for three children in the cradle, as any of the southern States will for five hearty working Negro men. He hoped, he said, while we were making a new government, we should make it better than the old one: for if we had made a bad bargain before, as had been hinted, it was a reason why we should make a better one now.

Mr. Randal⁸ begged leave to answer a remark of the Hon. Mr. Dana, which he thought reflected on the barrenness of the southern states. He spoke from his own personal knowledge, he said, and he could say, that the land in general in those states was preferable to any he ever saw.

Judge Dana rose to set the gentleman right, he said it was not the quality of the lands, but the manner of tilling it, that he alluded to.9

- 1. The text in angle brackets was quoted and commented upon in "The Republican Federalist" VI, Massachusetts Centinel, 2 February (RCS:Mass., 845). Neither the Independent Chronicle, 24 January, nor the Massachusetts Centinel, 26 January, rendered the words "good" and "rich" in italics.
- 2. On 10 August the Convention rejected a motion that the President and every member of Congress be required to swear that they held "clear unincumbered" estates to an unspecified value. This rejection was "so general . . . that the States were not called" (Farrand, II, 248–49).
- 3. On 11 June the Constitutional Convention adopted the three-fifths clause 9 states to 2. Massachusetts voted with the majority, although Elbridge Gerry spoke against the clause (Farrand, I, 193, 201, 205–6). The three-fifths rule had been part of the 1783 amendment to the Articles of Confederation calling for the sharing of expenses among the states according to population. Eleven states adopted this amendment. (See CDR, 148–50.)
 - 4. Article VIII (CDR, 89).

5. Under Article V of the Articles of Confederation, each of the thirteen states could send as many as seven delegates to Congress, making a total of 91 delegates (CDR, 87).

Most states usually elected no more than five delegates.

6. The text in angle brackets represents a substantial revision and expansion of the text that first appeared in the *Independent Chronicle*, 24 January, and *Massachusetts Centinel*, 26 January. The text in the *Chronicle* reads: "Judge Dana, remarking on the assertion that the number of federal Representatives was so small as to endanger the liberties of the people, said, that this State was at liberty to send 7 members to Congress, and though as many have been elected, the Legislature had never yet thought proper to send more than four, and that liberty had not been endangered thereby."

7. The *Independent Chronicle*, 24 January, printed the text of Samuel Nasson's speech only to this point. The *Massachusetts Centinel*, 26 January, published the remainder of the

speech proceeding from this point, but never reprinted the first portion.

8. Benjamin Randall (c. 1745–1808) represented Sharon in the state House of Representatives, 1787–88, 1789–90, 1795–96.

9. These last two speeches by Benjamin Randall and Francis Dana were printed in the *Massachusetts Centinel*, 26 January, but not in the *Independent Chronicle*, 24 January.

Theophilus Parsons: Notes of Convention Debates, 17 January, P.M.¹

3 o'clock, P. M.

Hon. Mr. White objects to the qualifications, as no value in property is required; for I may have three sons, who may have spent two or three thousand dollars that I have given them, and then get into Congress and serve the States in the same manner.

Mr. Pierce says he has the same objection, for he should not choose to trust any man with his concerns who had no property; and why should we trust a man in public matters?

Hon. Mr. Sedgwick says, this objection is democratic; the people may choose at large, and no man without property will ever be chosen, unless he is a man of great talents and virtues.

Gen. Thompson thinks the objection of no weight, as the poor man has generally as much integrity as a rich man.

Hon. Mr. King thinks property no mark of integrity or talents. Those who have ruined the liberties of their country, were generally rich. If a certain property was required, still it could not be ascertained whether the elected was qualified in point of property or not. If property was required, the different States would have different ideas on the subject. The old Confederation requires no property. As to the exclusion of men of advanced years, there is a difficulty; for in the southern States an old man, is, in the eastern States a man of vigor and maturity of judgment.

Mr. Jones, of Bristol. I could not hear him.

Mr. BACKUS.² In Connecticut there is no exclusion on account of age, and no inconvenience has resulted from it.

Mr. Hubbard.³ In Connecticut no qualification in point of property is required of the electors, which is the reason why the elected there have no qualifications either as to property or age. Here we have qualifications for electors, therefore there should be for the elected.

Hon. Mr. Dana. If we consider the impossibility of ascertaining the quantum of property, we shall be satisfied. Beside, why should we bridle the people in their elections? and in framing the Constitution the Convention have acted wisely.

Mr. Dench thinks the objection of no weight, from the great number of electors every representative should have.

Mr. Thomas, of Middleborough,⁴ thinks they should have property, otherwise they cannot feel the burdens they lay on the people.

Hon. Mr. Dana. The people will take care of that. If a man has not property they will not choose him, unless he has qualifications that can dispense with his poverty.

Mr. Wedgery thinks there can be no weight in the objection. Rich men will most commonly be the object of their choice.

Ordered to proceed to the next paragraph, viz.: "Representatives and direct taxes, &c., &c.—Georgia three."

Hon. Mr. King. The principle on which this paragraph is founded is, that taxation and representation should go hand in hand. By the Confederation, the apportionment is upon surveyed land, the buildings and improvements. The rule could never be assessed. A new rule has been proposed by Congress, similar to the present rule, which has been adopted by eleven States—all but New Hampshire and Rhode Island.⁵

Mr. Wedgery objects to the rule, as apprentices are not freemen, but blunders about it.

Mr. King explains—

Mr. Shurtleff. His difficulty is, our negroes are free, but those of other States are not. But the number of representatives first chosen—

Gen. Thompson. The rule is unequal; as we have more children than the luxurious inhabitants of the southern States. Congress will have no impost or excise, but lay the whole tax on polls. We live longer than they live. We live to one hundred; they to forty.

Dr. Taylor. If eleven States have agreed to the rule of polls, twelve have agreed to alter the Confederation. So the agreement of eleven States is no reason. But I object to another part; the number of representatives shall not exceed one to thirty thousand. The representation will not be numerous enough. It may be objected, that if a larger number, it would be unwieldy—but it is not unwieldy. It may not be increased, it may be said, and that we may increase the expense. But the expense will be trifling, compared to the advantage to let every

class be represented. The additional expense is but three pence per poll. Supposed twelve instead of eight, at forty shillings per day. The smallest representation that ever was. It is trifling.

Mr. Wedgery wants to know whether all white infants are free persons? If they are, we are over-taxed.

Hon. Mr. King. All persons born free are counted among free persons, to which three-fifths of all persons born or imported slaves, make the census.

Mr. Wedgery. If Mr. King is right, then we shall pay one-quarter of the debt.

Mr. Gorham. Mr. Wedgery is totally in the wrong. It will lessen our old proportion nearly one-seventh. As eleven States have agreed to this rule, among which was Massachusetts,⁸ it is a rule most likely to be adopted. As to representation mentioned—

Col. Fuller. The arguments against the representation are groundless. As the rule of proportion is by numbers, five slaves to three freemen is but equal, for slaves are but chattels.

Hon. Mr. DANA. If this government was a consolidation and not a confederation, he should then think the number too small. But as it is Federal, and we have our own governments to support, the expense would have been too great. We can send seven on the old plan, but have only sent four or five, which proves the sense of the people not to have a large representation. The Constitution provides for increasing the representatives. 'Tis true Congress are not bound to increase representation as numbers increase, nor should they; for, from the rapidity of population, the representation would be enormous. We can instruct our representatives; they will not dare to disobey them. The old rule of apportionment by lands was against this State. Our lands are worth more by the acre. Lands cultivated by slaves are not worth as much as lands cultivated by freemen. Slaves are their masters' moneys, and at their risk, and it would be unjust to tax a slave as much as a freeman. If we think there should be a difference, the only question would be, what difference. The States have agreed, in Convention, on materials, which we have not. The southern States have not half the value of buildings we have, arising from the climate and manner of living.

Hon. Mr. White. If we are to be taxed by numbers, it will ruin all the poor people; but I do not understand the matter, and will wait to hear it explained.

Mr. Shurtleff wants to know whether five smart negro slaves are to be equal to three of our children?

Mr. NASSON thinks both sides should be stated. Mr. King says five of their infant slaves are equal to three of our governors; but three of our infants are equal to five of their healthy strong slaves. Besides, though

our climates make us build houses, yet we have to work all summer for winter. Also, the representation is unequal between us and New Hampshire; also, our negroes are all free, and theirs are slaves.

Mr. Randal. Lands in the southern States are as good as ours; if not better. It produces every thing. Mr. Dana is mistaken; but as to the slaves, he is about right. The laboring part of the free men in the southern States can live upon two days' work, as easily as we can upon six. They can work all winter, we cannot.

- 1. Printed: Convention Debates (1856), 298-301.
- 2. Isaac Backus (1724–1806), a native of Norwich, Conn., and a former New Light Congregational minister, was pastor of the First Baptist Church of Middleborough from 1756 until his death and a trustee of Rhode Island College (Brown University), 1765–99. An historian of New England and the Baptist Church in America and a prolific pamphleteer, Backus supported the democratic control of local churches and was the most prominent proponent of religious liberty and the separation of church and state since Roger Williams. In particular, he fought against the payment of taxes to support the established Congregational Church in Massachusetts.
- 3. Jonathan Hubbard (1750–1831) of Leverett, probably a farmer, served briefly in the state militia during the Revolution. By 1790, he appears to have emigrated to New York state.
- 4. Benjamin Thomas (c. 1722–1800), a deacon of the First Congregational Church in Middleborough, represented that town in the state House of Representatives, 1776–78, 1779–80, 1788–89.
- 5. For the text of the proposed amendment (1783), which stated that Continental expenses should be apportioned among the states according to population rather than by the value of land, see CDR, 148–50. It had been ratified by every state (including Massachusetts in July 1785) except New Hampshire and Rhode Island.
- 6. Francis Shurtliff (1738–1794), a militia officer during the Revolution and a former Plympton town clerk and selectman, represented Plympton in the state House of Representatives, 1780–81, 1782–91, and Carver, 1791–93.
 - 7. Only Rhode Island refused to send delegates to the Constitutional Convention.
 - 8. See note 5 above.
- 9. Abraham Fuller (1720–1794), a Newton farmer, was a member of the colonial and state House of Representatives, 1764–77, 1786–87, 1788–91; all three provincial congresses, 1774–75; the state Council, 1779–80; and the state Senate, 1780–85. He was also a justice of the Middlesex County Court of Common Pleas, 1779–94 (chief justice, 1791–94).

The Massachusetts Convention Friday 18 January 1788

Convention Debates, 18 January, A.M.

The 3d par. of the 2d sect. of art. I. still under consideration.

Hon. Mr. Dalton opened the conversation with some remarks on Mr. Randal's positive assertions of the fertility of the southern states¹—

who said from his own observation, and from accounts he had seen, which were better, he could say that the gentleman's remark was not perfectly accurate—the Hon. Gentleman shewed why it was not so, by stating the inconsiderable product of the land; which, though it might in part be owing to the faithlessness and ignorance of the slaves who cultivate it, he said, was in a greater measure owing to the want of *heart* in the soil.

Mr. RANDAL. Mr. President, I rise to make an observation on the suggestion of the Hon. Gentleman from Newbury [Tristram Dalton]. I have, sir, travelled into the southern states, and should be glad to compare our knowledge on the subject together. In Carolina, Mr. President, if they don't get more than 20 or 30 bushels of corn from an acre, they think it a small crop. On the low lands they sometimes get 40. I hope, sir, these great men of eloquence and learning will not try to make arguments to make this Constitution go down, right or wrong. An old saying, sir, is, that a good thing don't need praising; but, sir, it takes the best men in the state to gloss this Constitution, which they say is the best that human wisdom can invent. In praise of it, we hear the Rev. Clergy, the Judges of the Supreme Court, and the ablest Lawyers, exerting their utmost abilities.—Now, sir, suppose all this artillery turned the other way, and these great men would speak half as much against it, we might complete our business, and go home in 48 hours. Let us, sir, consider we are acting for the *people*, and for ages unborn; let us deal fairly and above board. Every one comes here to discharge his duty to his constituents, and I hope none will be biassed by the best orators; because we are not acting for ourselves: I think Congress ought to have power, such as is for the good of the nation, but what it is, let a more able man than I tell us.

Mr. Dawes said, he was sorry to hear so many objections raised against the paragraph under consideration. He thought them wholly unfounded; that the black inhabitants of the southern states must be considered either as slaves, and as so much property, or in the character of so many free men; if the former, why should they not be wholly represented? Our own State laws and Constitution would lead us to consider those blacks as free men, and so indeed would our own ideas of natural justice: If then, they are free men, they might form an equal basis for representation as though they were all white inhabitants. In either view, therefore, he could not see that the Northern States would suffer, but directly to the contrary. He thought, however, that gentlemen would do well to connect the passage in dispute with another article in the Constitution, that permits Congress, in the year 1808, wholly to prohibit the importation of slaves, and in the mean time to

impose a duty of ten dollars a head on such blacks as should be imported before that period. Besides, by the new Constitution, every particular state is left to its own option totally to prohibit the introduction of slaves into its own territories. What could the Convention do more? The members of the Southern States, like ourselves, have *their* prejudices. It would not do to abolish slavery, by an act of Congress, in a moment, and so destroy what our Southern brethren consider as property. But we may say, that although slavery is not smitten by an apoplexy, yet it has received a mortal wound and will die of a consumption.

Mr. D. said the par[agraph] in debate related only to the rule of apportioning internal taxes, but gentlemen had gone into a consideration of the question, whether Congress should have the power of laying and collecting such taxes; which he thought would be more properly discussed under the section relative to the *Powers* of Congress: But as objections had been suggested—the answers might be hinted as we went along. By the old articles, said he, Congress have a right to ascertain what sums are necessary for the union, and to appropriate the same—but have no authority to draw such monies from the States. The States are under an honorary obligation to raise the monies—but Congress cannot compel a compliance with the obligation; so long as we withhold that authority from Congress, so long we may be said to give it to other nations—Let us contemplate the loan we have negociated with the Dutch, our ambassadour has bound us all jointly and severally to pay the money borrowed.2 When pay day shall come, how is the money to be raised? Congress cannot collect it; if any one State shall disobey a requisition, the Dutch are left in such a case to put their own demand in force for themselves. They must raise by arms what we are afraid Congress shall collect by the law of peace. There is a prejudice, said Mr. Dawes, against direct taxation, which arises from the manner in which it has been abused by the errours of the old Confederation. Congress had it not in their power to draw a revenue from commerce, and therefore multiplied their requisitions on the States. Massachusetts, willing to pay her part, made her own trade law, on which the trade departed to such of our neighbours as made no such impositions on commerce:3 Thus we lost what little revenue we had, and our only recourse was, to a direct taxation. In addition to this, foreign nations knowing this inability of Congress, have on that account been backward in their negociations, and have lent us money at a premium which bore some proportion to the risk they had of getting payment; and this extraordinary expense has fallen at last on the land.—Some gentlemen have said, that Congress may draw their revenue wholly by direct taxes; but they cannot be induced so to do; it is easier for them to have resort

to the impost and excise: But as it will not do to over-burthen the impost, (because that would promote smuggling, and be dangerous to the revenue) therefore Congress should have the power of applying, in extraordinary cases, to direct taxation. War may take place, in which case it would not be proper to alter those appropriations of impost which may be made for peace establishments, it is inexpedient to divert the publick funds, the power of direct taxation would in such circumstances be a very necessary power. As to the rule of apportioning such taxes, it must be by the quantity of lands, or else in the manner laid down in the paragraph under debate. But the quantity of lands is an uncertain rule of wealth-compare the lands of different nations of Europe—some of them have great comparative wealth and less quantities of lands, while others have more lands and less wealth. Compare Holland with Germany. The rule laid down in the paragraph is the best that can be obtained for the apportionment of the little direct taxes which Congress will want.

- 1. For Benjamin Randall's remarks on 17 January, see RCS:Mass., 1239, 1243.
- 2. On 1 June 1787, John Adams signed an agreement for a Dutch loan of one million florins (\$400,000). The loan was necessary, in part, to pay the interest due on Dutch loans obtained the previous June. On 11 October, Congress approved the loan (JCC, XXXIII, 412–15, 649).
- 3. Massachusetts adopted a navigation act in June 1785. The act was partially repealed in November 1785 and entirely repealed in July 1786. (See RCS:Mass., xxxiii and xlvii, note 12.)

Theophilus Parsons: Notes of Convention Debates, 18 January, A.M.¹

Mr. Dalton is in favor of the method of fixing the census; it is much in our favor.

Mr. Cooley² asks how the direct [tax] is to be apportioned among the inhabitants of any State?

Gen. Brooks, of Lincoln. No rule is fixed in the Constitution; that is a legislative act, for Congress to determine.

Mr. RANDAL wants to know how far Mr. Dalton has travelled. Denies Mr. Dalton's facts.

Dr. Holton rises to give light; mentions the old rule of the census; found impracticable; compelled to have recourse to numbers, after long debate. As to the rule of representing a State's proportion, Congress must hereafter determine the matter, and make an internal tax, which is an *imperium in imperio*; it will bring on a war. I think the new rule is not in our favor, but am in favor of it, for it is all the rule we can get.

Dr. Davis³ wants to know of Dr. Holton, why our proportion has been lessened?

Dr. Holton does not recollect, but Massachusetts always insisted we stood too high; but the reduction was on no fixed principle.

SAM. THOMPSON. What States, in the debate, opposed the rule of numbers? Asks Dr. Holton.

Dr. Holton does not recollect. He was against the rule of numbers, because the southern States had more land and less numbers, than the eastern.

Hon. Mr. Dana. Answers Dr. Davis's question, as it lays in his mind. The reason why our taxes were higher during the war than since, was because we were free from the public enemy, and money must be obtained where it could be had. Since the war, other States have been recovering.

Mr. Dawes observes that Dr. Holton likes this paragraph, if the Constitution prevails. Mr. Randal need no longer lament the want of abilities and eloquence on his side, since Dr. Holton has spoken. But to the question. Though slaves are reckoned five equal to three now, yet in a few years slavery must be abolished, and in the mean time, slaves may be taxed on importation, sixty shillings per head. Slavery will not die of an apoplexy, but of a consumption. As to direct taxation, Congress now have powers to make requisitions, but not to enforce them. Considers the revenue, as it relates to borrowing money abroad. Congress may never exercise direct taxes. Lands are not a proper rule of census; numbers are a better rule.

Mr. RANDAL. Sorry to hear it said that after 1808 negroes would be free. If a southern man heard it, he would call us pumpkins.

Mr. Wedgery objects to Mr. Dana's description of the southern States. Their land is better than ours.

Mr. Dana says he never compared the value of the eastern or southern lands; he compared only the mode of cultivation.

Mr. Wedgery says if this rule is for an equal poll tax, he has no objection. But for a rule of apportionment, it is unjust, southern land being better than ours. In Virginia, one thousand acres has forty-eight polls; in Massachusetts, a family of six, to fifty acres, makes one hundred and twenty polls to the one thousand acres. In legislation, one southern man with sixty slaves, will have as much influence as thirty-seven freemen in the eastern States.

Mr. Strong. This mode of census is not new. Our General Court have considered it, and the General Court have agreed. The southern States have their inconveniences; none but negroes can work there; the buildings are worth nothing. When the delegates were apportioned, forty thousand was the number. Massachusetts had eight, and a fraction; New Hampshire two, and a large fraction. New Hampshire was

allowed three; Georgia three, &c. Representation is large enough, because no private local interests are concerned. Very soon, as the country increases, it will be larger. He considered the increasing expense.

Mr. Wedgery asks whether the poverty of our lands was considered?

Mr. Sedgwick.

Mr. RANDAL talks a great deal, and says, as he sits down, that he has done better than he expected.

Col. Porter.

Mr. RANDAL.

Col. Porter.

Mr. ——, of Kittery,⁵ spoke against the slave trade. We shall all suffer for joining with them, when they allow the slave trade.

Mr. Cabot asks the gentleman from Sharon [Benjamin Randall], whether, in his five hundred miles travel, he saw five thousand people who live as well as five thousand people of the lowest sort here. As to the slave trade, the southern States have the slave trade, and are sovereign States. This Constitution is the best way to get rid of it.

Mr. RANDAL says he believes he has, but is not certain. If they do not, it is their own fault.

Mr. Nasson. Southern States are not poor.

Gen. THOMPSON. As to age—slavery—religion.

Adjourned to 3 o'clock.

1. Printed: Convention Debates (1856), 302-4.

2. Daniel Cooley (1752–1810) was a farmer and a graduate of Yale College (1773). He represented Amherst in the state House of Representatives, 1787–89, and he served as a justice of the peace, 1789–99.

3. Five Convention delegates were named "Davis"; four voted to ratify the Constitution, one (the Reverend Joseph Davis of Holden) voted against ratification. None of the five, not even the Reverend Davis, is known to have been addressed with the title of "Dr."

- 4. Article I, section 2, clause 3, of the Constitution provides that "The Number of Representatives shall not exceed one for every thirty Thousand" (RCS:Mass., 463). That ratio did not become part of the Constitution until 17 September, the last day the Constitutional Convention was in session. Previous to that day, the ratio had been not to exceed one for every 40,000 (CC:233).
- 5. Probably James Neal (1736–1821), a farmer and Quaker preacher, who spoke out several times against the slave-trade clause and slavery (see RCS:Mass., 1354, 1356, 1358, 1377). Federalist Jeremy Belknap was distressed by Neal's fierce opposition to the slave trade. (See Belknap to Benjamin Rush, 12 February, CC:Vol. 2, pp. 529–30.)

Convention Journal, 18 January, P.M.

Met according to adjournment

Upon an invitation from the Honble Samuel Adams Esqr. to the Delegates in Convention, to attend the Funeral of his son tomorrow afternoon precisely at four. o Clk¹

Voted That the Convention will adjourn to-morrow to attend the Funeral accordingly.

The Convention proceeded in the consideration of the Constitution or Frame of Gover[n]ment reported by the Convention held at Philadelphia and after debate

Voted That the following question be put to the Hon. E Gerry Esqr. viz. Why in the last requisition of Congress, the portion required of this State was thirteen times as much as of Georgia & yet We have but eight Representatives in the general government, and Georgia has three? and that he be requested to put his answer in writing.²

The further consideration of the said Constitution was postponed to the morning

Adjourned to Saturday morng. 10. o Clk.

1. For Adams's invitation—communicated to the Convention by James Bowdoin—see Mfm:Mass. Dr. Samuel Adams, Jr., a Boston physician and a graduate of Harvard College (1770), died on 17 January. His funeral was held on 19 January. The *American Herald*, 21 January, reported that the casket was "followed by the Gentlemen who compose the Honourable Convention now convened in this metropolis, (his father being one of that venerable body) as also many other characters of eminence."

On 18 January, Boston lawyer Benjamin Lincoln, Jr., the son of Hingham delegate Benjamin Lincoln, also died. The *American Herald*, 21 January, reported that Lincoln's funeral would be held on 23 January, at 3:30 p.m., and that "his relatives, friends, and acquaintance, are requested to attend." On 23 January the Convention rejected a motion to adjourn that would have allowed the members to attend Lincoln's funeral (Convention Journal, 23 January, P.M., at note 2, and note 2, RCS:Mass., 1332–33n).

2. For the manuscript version of the Convention's question to Gerry, see Mfm:Mass. For Gerry's reply, see RCS:Mass., 1254. On 24 January the *Independent Chronicle* printed this question and Gerry's reply.

Convention Debates, 18 January, P.M.

On 26 January the Massachusetts Centinel, which printed a full account of this day's debates, prefaced the afternoon debates with this statement in brackets: "The 3d par. still under debate.—We are exceedingly unhappy that our attention being called to prepare debates for our paper of Saturday [19 January], prevented our hearing all the discussion of this afternoon [18 January]—we can only say, in brief, from oral information, that the justice in general, and superiour advantage to the northern States in particular, of the rule of apportionment in this par[agraph] to that in the Confederation, were amply shewn by Mr. Gore, Mr. Parsons, Mr. Jones, (of Boston) and the Hon. Mr. King. We came in while the Hon. Judge Dana was speaking on it; but, captivated by the fire—the pathos—and the superiour eloquence of his speech—we forgot we came to take minutes—and thought to hear alone was our duty: Our memory will not enable us to do it justice;—but we shall attempt a feeble sketch of it." Only the New Hampshire Gazette, 13 February, reprinted this complete statement. The Salem Mercury, 29 January, and the Worcester Magazine, 31 January, reprinted excerpts. For another commentary on Dana's speech, see RCS:Mass., 1229, note 11.

Mess'rs. King, Gore, Parsons, and Jones (of Boston) spoke of the advantage to the *northern states*, the rule of apportionment in the 3d paragraph (still under debate) gave to them—as also the Hon. Judge Dana, the sketch of whose speech is as follows:

The learned Judge began with answering some objections to this paragraph, and urging the necessity of Congress being vested with power to levy direct taxes on the States, and it was not to be supposed that they would levy such, unless the impost and excise should be found insufficient in case of a war. If, says he, a part of the union is attacked by a foreign enemy, and we are disunited, how is it to defend itself? Can it by its own internal force? In the late war, this state singly was attacked, and obliged to make the first defence.—What has happened may happen again. The State, oppressed, must exert its whole power, and bear the whole charge of the defence: but common danger points out for common exertion; and this Constitution is excellently designed to make the danger equal. Why should one state expend its blood and treasure for the whole? Ought not a controuling authority to exist, to call forth, if necessary, the whole force and wealth of all the States? If disunited, the time may come when we may be attacked by our natural enemies.-Nova-Scotia, and New-Brunswick, filled with tories and refugees, stand ready to attack and devour these states, one by one. This will be the case, if we have no power to draw forth the wealth and strength of the whole, for the defence of a part. Then shall we, continues the Hon. Gentleman, see, but too late, the necessity of a power being vested somewhere, that could command that wealth and strength when wanted. I speak with earnestness, said he, but it is for the good of my native country. By God and nature made equal, it is with remorse I have heard it suggested by some, that those gentlemen who have had the superiour advantages of education, were enemies to the rights of their country? Are there any among this honourable body, who are possessed of minds capable of such narrow prejudices? If there are, it is in vain to reason with them; we had better come to a decision and go home. After dilating on this matter a short time, the learned judge begged gentlemen to look around them, and see who were the men that composed the assembly.—Are they not, he asked, men who have been foremost in the cause of their country, both in the cabinet and in the field? and who, with halters about their necks,1 boldly and intrepidly advocated the rights of America, and of humanity, at home and in foreign countries? And are THEY not to be trusted? Direct taxation is a tremendous idea: but may not necessity dictate it to be unavoidable? We all wish to invest Congress with more power. We disagree only in the quantum, and manner in which Congress shall levy taxes on the States. A capitation tax is abhorrent to the feelings of human nature, and I venture to trust will never be adopted by Congress. The learned judge pointed out, on various grounds, the utility of the power to be vested by the Congress, and concluded by observing, that the proposed constitution was the best that could be framed;—that, if adopted, we shall be a great and happy nation; if rejected, a weak and despised one: we shall fall as the nations of antient times have fallen;—that this was his firm belief; and, says he, I would rather be annihilated than give my voice for, or sign my name to a constitution, which in the least should betray the liberties or interests of my country.

Mr. Widgery. I hope, Sir, the Hon. Gentleman will not think hard of it, if we ignorant men cannot see as clear as he can. The strong must bear with the infirmities of the weak; and it must be a weak mind indeed that could throw such illiberal reflections against gentlemen of education, as the Hon. Gentleman complains of. To return to the par[agraph].—If Congress, continues Mr. W. have this power of taxing directly; it will be in their power to enact a poll tax—Can gentlemen tell why they will not attempt it, and by this method make the poor pay as much as the rich.

Mr. Dench, was at loss to know how Congress could levy the tax, in which he thought the difficulty of many consisted—yet had no doubt but that Congress would direct that these States should pay it *in their own way*.

Hon. Mr. Fuller² begged to ask Mr. Gerry—"Why in the last requisition of Congress, the portion required of this State, was thirteen times as much as of Georgia, and yet we have but eight Representatives in the general government, and Georgia has three?"—Until this question was answered, he was at a loss to know how taxation and representation went hand in hand.

(It was then voted, that this question be asked Mr. Gerry.—A long and desultory debate ensued on the manner in which the answer should be given—it was at last voted that Mr. G. reduce his answer to writing.)

- 1. Writing under the pseudonym "A Columbian Patriot," Mercy Otis Warren quoted and criticized this statement in a pamphlet that she published in Boston at the end of February 1788. (See CC:Vol. 4, p. 283, at note 19.)
- 2. Writing to Ebenezer Hazard on 20 January, Jeremy Belknap described Abraham Fuller as "an honest member" who, he believed, was "a Federalist" (RCS:Mass., 1534). The next day, the *American Herald* printed this item: "A Correspondent observes, that the Hon. Mr. Fuller has done himself great honor, in declaring, that he would not give his vote for the New Federal Constitution, until he was satisfied of the propriety of this State's paying THIRTEEN times more than Georgia, when Georgia is allowed by the proposed Constitution THREE Representatives, and this only EIGHT!" Only the *Newport Mercury* of 28 January reprinted this item. Theophilus Parsons' notes for this day (RCS:Mass., 1252) also portray Fuller as having some reservations about the Constitution.

Theophilus Parsons: Notes of Convention Debates, 18 January, P.M.¹

3 o'clock, P. M.

Mr. Gore spoke upon the rule of census, upon the number of representatives.

Mr. Parsons.

Dr. Taylor.

Mr. Jones, of Boston.

Mr. COOLEY asks how the quota is to be apportioned upon the inhabitants of the State.

Mr. King. Perhaps Congress may never exercise this power. They must first demand it of the State, and if they will not assess and pay it, then Congress will assess and collect it, and it is to be presumed that Congress will adopt the usual rule in a State.

Mr. Shurtleff. He now understands it.

Hon. Mr. Dana. The question now seems to be, whether Congress will ever have the necessity of levying direct taxes—an attack of one State is an attack upon all—guards against the prejudice of education—the advocates for the Constitution are the friends of the people—high Whigs—they early braved the common danger. The nation should have power to avail itself of all the national resources. There is no danger—New England will have a sufficient influence to preserve itself. No standing army, because in no sudden danger.

Mr. Wedgery. The question is, how that is to be apportioned? Merchants in Congress will oppose imposts, and have direct taxation on polls.

DENCH. He is satisfied.

Maj. Fuller is for direct taxes in time of war only. Georgia has too many representatives. Remove these doubts, and I am for the Constitution.

Hon. Mr. White has difficulty about Georgia, and two or three States at the southward.

Mr. RANDAL moves Mr. Gerry may be asked to satisfy Major Fuller's difficulty.

Mr. Wedgery objects, and moves that a time may be assigned to ask questions, and it is seconded; but the motion is withdrawn, and Mr. Randal's motion prevailed, to ask Mr. Gerry the reasons for the requisition.

1. Printed: Convention Debates (1856), 304-5.

Jeremy Belknap: Notes of Convention Debates, 18 January¹

Friday—18. The same Subject continued thro' (the) day

P M—Dana made an excellent Speech—spoke like an honest Patriot & a Man of firmness—Gerry had been sitting & biting (the) head of

his Cane till this PM—When a Q[uestio]n was asked him wh[ich] he desired might be reduced to writing—it was & after a debate he was desired to give his answer in writg (the) Q[uestio]n was—Why Georgia had 3 Reps to our 8 & yet their last Tax was but ½3 of ours?—

1. MS, Belknap Diary, MHi. See also Jeremy Belknap to Ebenezer Hazard, 20 January (RCS:Mass., 1534–35).

The Massachusetts Convention Saturday 19 January 1788

On 14 January the Massachusetts Convention invited Elbridge Gerry, a former delegate to the Constitutional Convention, to attend its debates and answer any questions put to him respecting the Constitution. Four days later, Gerry was asked a question by Abraham Fuller, who wanted to know why the proposed Constitution did not allot more Representatives to Massachusetts. The Convention ordered that Fuller's motion be reduced to writing and that Gerry answer in writing. On 19 January, Gerry's response was read into the Convention's record.

On that date, the Massachusetts Convention also debated the issue of the equality of the states in the Senate, during the course of which Caleb Strong, another Constitutional Convention delegate, referred to Gerry's role in that body. Without being asked a question, Gerry informed the Massachusetts Convention he was preparing a letter on the subject of the Senate. His interruption touched off a vigorous debate, led by Federalist Francis Dana and Antifederalist William Widgery, on the propriety of Gerry's action. The Convention adjourned for the day without resolving the matter of Gerry's proper role in the Massachusetts Convention. After the adjournment, Gerry and Dana got into an altercation, but were separated by other delegates.

Elbridge Gerry did not return to the Massachusetts Convention, nor was he reinvited. On 21 January, Gerry wrote William Cushing, the Convention's presiding officer, protesting the Convention's treatment, giving his version of the events of the 19th, and criticizing Francis Dana. To his letter, Gerry appended "A State of Facts," reviewing the actions of the Constitutional Convention respecting the equality of the states in the Senate. On 22 January Gerry's letter and the "State of Facts" were read in the Massachusetts Convention. "A Spectator" published a point-by-point refutation of Gerry's letter in the Massachusetts Centinel on 2 February. Gerry's letter and its appended "State of Facts," and the essay by a "A Spectator" are printed below following the notes of debates for 19 January (RCS:Mass., 1265–76).

For a fuller discussion of the events described in this headnote, see "Elbridge Gerry and the Massachusetts Convention," 12–22 January (RCS:Mass., 1175–81).

Convention Journal, 19 January

Met according to adjournment.

The Hon. E Gerry Esqr answered the question proposed to him yesterday, as follows viz.¹

Saturday morning 19th January

Sir,

I have no documents in Boston, and am uncertain whether I have any at home, to assist me in answering the question, "Why in the last requisition of Congress, the portion required of this State was thirteen times as much as of Georgia & yet we have but eight representatives in the general Government and Georgia has three." but if my memory serves me, the reason assigned by the committee who made the apportionment for giving such a number to Georgia, was, that that State had of late greatly increased its' numbers by migration, and if not then, would soon be entitled to the proportion assigned her. I think it was also said, that the apportionment was made, not, by any fixed principle, but by a compromise. These reasons not being satisfactory, a motion was made on the part of Massachusetts, for increasing her number of representatives, but it did not take effect.

I have the honour to be Sir with the highest respect Yr. most obedt. & very humb Servt

E Gerry

Hon Wm. Cushing

Vice President of the Convention

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and after debate, a motion was made and seconded that the Hon. E. Gerry Esqr. be requested to give what information he may have in his mind respecting the Senate.² A motion was then made & seconded that the Convention adjourn, and on the question for adjournment, it was determined in the affirmative.³

Adjourned to Monday morng. 10. o Clk

1. On 24 January the *Independent Chronicle* published the question posed to Gerry on 18 January and his reply which appears here.

2. The docketing on the manuscript draft of this motion reveals that William Widgery made the motion (Mfm:Mass.).

3. After the Convention adjourned for the day, many delegates attended the funeral of Samuel Adams, Jr., scheduled for four o'clock in the afternoon (see RCS:Mass., 1248, 1249n).

Convention Debates, 19 January

The Hon. Mr. Singletary thought we were giving up all our privileges, as there was no provision that men in power should have any

religion—and though he hoped to see Christians, yet by the Constitution, a Papist or an Infidel, were as eligible as they: It had been said that men had not degenerated—He did not think men were better now than when men after God's own heart¹ did wickedly.—He thought in this instance, we were giving great power to—we know not whom.

General Brooks, (Medford) If good men are appointed, government will be administered well. But what will prevent bad men from mischief is the question;—If there should be such in the Senate—we ought to be cautious of giving power, but when that power is given with proper checks, the danger is at an end.—When men are answerable, and within the reach of responsibility, they cannot forget that their political existence depends upon their good behaviour. The Senate can frame no law but by consent of the Representatives—and is answerable to that house for its conduct:—If their conduct excites suspicion, they are to be impeached—punished (or prevented from holding any office, which is a great punishment.) If these checks are not sufficient, it is impossible to devise such as will be so.

(Mr. Gerry's answer to Mr. Fuller's question,² was read, the purport is, that Georgia had encreased in its numbers by migration—and if it had not then, would soon be intitled to the proportion assigned her.)

Hon. Mr. King. It so happened that I was both of the Convention and Congress at the same time, and if I recollect right the answer of Mr. G. does not materially vary. In 1778, Congress required the States to make a return of the houses and lands surveyed—but one State only complied therewith, New-Hampshire. *Massachusetts did not.*³ Congress consulted no rule; it was resolved that the several States should be taxed according to their ability, and if it appeared any state had paid more than her just quota, it should be passed to the credit of that state, with lawful interest.⁴

Mr. Dalton said we had obtained a great deal by the new constitution—By the confederation each state had an equal vote—Georgia is now content with three eighths of the voice of Massachusetts.

Colonel Jones, (Bristol) objected to the length of time—If men continue in office four or six years they would forget their dependence on the people, and be loath to leave their places—men elevated so high in power, they would fall heavy when they came down.

Mr. Ames observed, that an objection was made against the constitution, because the senators are to be chosen for six years. It has been said, that they will be removed too far from the controul of the people, and that, to keep them in proper dependence, they should be chosen annually. It is necessary to premise, that no argument against the new plan has made a deeper impression than this, that it will produce a consolidation of the states. This is an effect which all good men will

deprecate. For it is obvious, that, if the state powers are to be destroyed, the representation is too small. The trust in that case would be too great to be confided to so few persons. The objects of legislation would be so multiplied and complicated, that the government would be unwieldy and impracticable. The state governments are essential parts of the system, and the defence of this article is drawn from its tendency to their preservation.

The senators represent the sovereignty of the states; in the other house, individuals are represented. The senate may not originate bills.⁵ It need not be said, that they are principally to direct the affairs of war and treaties. They are in the quality of ambassadours of the states, and it will not be denied that some permanency in their office is necessary to a discharge of their duty:-Now, if they were chosen yearly, how could they perform their trust? If they would be brought by that means more immediately under the influence of the people, then they will represent the state legislatures less, and become the representatives of individuals. This belongs to the other house. The absurdity of this, and its repugnancy to the federal principles of the constitution, will appear more fully, by supposing that they are to be chosen by the people at large. If there is any force in the objection to this article, this would be proper. But whom in that case would they represent? Not the legislatures of the states, but the people. This would totally obliterate the federal features of the constitution. What would become of the state governments, and on whom would devolve the duty of defending them against the encroachments of the federal government? A consolidation of the states would ensue, which, it is conceded, would subvert the new constitution, and against which this very article, so much condemned, is our best security. Too much provision cannot be made against a consolidation. The state governments represent the wishes and feelings and local interests of the people. They are the safe guard and ornament of the constitution—they will protract the period of our liberties—they will afford a shelter against the abuse of power, and will be the natural avengers of our violated rights.

A very effectual check upon the power of the senate is provided. A third part is to retire from office every two years. But⁶ this means, while the senators are seated for six years, they are admonished of their responsibility to the state legislatures. If one third new members are introduced, who feel the sentiments of their states, they will awe that third, whose term will be near expiring. This article seems to be an excellence of the constitution, and affords just ground to believe, that it will be in practice as in theory, a *federal* republick.

AFTERNOON.7

The 3d sect[ion] respecting the construction of the senate, under debate.

Col. Jones said, his objection still remained—that senators chosen for so long a time will forget their duty to their constituents—We cannot, says he, recall them. The choice of representatives was too long—the senate was much worse—it is, says he, a bad precedent—and is unconstitutional.⁸

Mr. King said, as the senate preserved the equality of the States their appointment is equal. To the objection to this branch, that it is chosen for too long a period, he observed, if the principle of classing them is considered, although it appears long, it will not be found so long as it appears⁹—One class is to serve two years—another four and another six years—the average therefore is four years. The senators, said Mr. K. will have a powerful check, in those men who wish for their seats, who will watch their whole conduct in the general government—and will give the alarm in case of misbehaviour.—And the state legislature, if they find their delegates erring, can and will instruct them—will not this be a check?¹⁰ when they hear the voice of the people solemnly dictating to them their duty, they will be bold men indeed to act contrary to it. These will not be instructions sent them in a private letter, which can be put in their pockets—they will be publick instructions, which all the country will see, and they will be hardy men indeed to violate them. The honourable gentleman said, the power to controul the senate, is as great as ever was enjoyed in any government; and that the members therefore will be found not to be chosen¹¹ for too long a time. They are, says he, to assist the executive in the designation and appointment of officers; and they ought to have time to mature their judgments; if for a shorter period, how can they be acquainted with the rights & interests of nations, so as to form advantageous treaties? To understand these rights is the business of education:—Their business being naturally different, and more extensive than the other branch, 12 they ought to have different qualifications; and their duration is not too long for a right discharge of their duty.¹³

Dr. Taylor said, he hoped the honourable gentleman [Rufus King] did not mean¹⁴ to deceive us, by saying, that the senate are not to be chosen for six years; for they are really to be chosen for six years: and as to the idea of classing, he did not know who, when chosen for that time, would go out at a shorter. He remarked on Mr. King's idea of checks, and observed, that such indeed were the articles of confederation, which provides for delegates being chosen annually—for rotation, and the right of recalling. But in this, they are to be chosen for six years; but a shadow of rotation provided for, and no power to recall;

and concluded by saying, that if they are once chosen, they are chosen forever.

The Hon. Mr. Strong, mentioned the difficulty which attended the construction of the senate in the Convention; and that a committee, consisting of one delegate from each state, was chosen to consider the subject, who reported as it now stands; and that Mr. Gerry was on the committee, from Massachusetts.¹⁵

(Mr. Gerry rose, and informed the President, that he was then preparing a letter on the subject in debate; which would set the matter in its true light—and which he wished to communicate; this occasioned considerable conversation, which lasted until the Convention adjourned.)

- 1. Upon the request of the Israelites, God anointed Saul as their king, but when Saul disobeyed God, David became the anointed one. See 1 Samuel 13:14, where the prophet Samuel speaks to Saul: "But now thy kingdom shall not continue: the Lord hath sought him a man after his own heart, and the Lord hath commanded him to be captain over his people, because thou hast not kept that which the Lord commanded thee." See also Acts 13:22, for David as someone of God's "own heart."
- 2. For Abraham Fuller's question, see Convention Journal, 18 January, P.M., at note 2; and Convention Debates, 18 January, P.M., at note 2 (RCS:Mass., 1249, 1251).
- 3. Congress actually adopted this measure on 17 February 1783. Under Article VIII of the Articles of Confederation federal expenses were to be apportioned among the states according to the value of land. Under the resolution adopted on 17 February 1783, the states were required to make surveys of their lands, buildings, and inhabitants (distinguishing white from black); this work was to be completed by 1 March 1784. The totals were to be transmitted to Congress, which would then set in motion machinery leading to the adoption of a rule for apportioning expenses among the states to remain in practice for no longer than five years (JCC, XXIV, 135–37). The New York Journal, 12 February 1788, in reprinting the Massachusetts Convention's debates for this day, changed "1778" to "1783." In his notes for this day (below), delegate Theophilus Parsons renders the date as "1782."

Not content with this method of apportioning expenses among the states, Congress on 18 April 1783 proposed an amendment to the Articles of Confederation that would abandon this method in favor of one based on population. The address accompanying this proposed amendment informed the states that, even though Congress believed that the amendment would be adopted, the states were still required to provide accounts respecting the value of their lands and buildings (CDR, 146–48, 148–50; and JCC, XXIV, 256–61, 277–83).

A five-man committee of Congress reporting on the status of the population amendment informed Congress on 8 March 1786 that only New Hampshire had transmitted estimates of the value of its houses, buildings, and lands in its attempt to comply with the requirement of 17 February 1783. The committee, however, found New Hampshire's report inadequate (JCC, XXX, 85, 102–8). Rufus King was a member of Congress at this time

- 4. The 17 February 1783 resolution of Congress did not mention the payment of lawful interest. However, the 18 April 1783 resolution stated that money would be refunded to any state that overpaid its share. (See note 3 above.)
- 5. Under Article I, section 7, of the Constitution, all bills for raising revenue had to originate in the House of Representatives.

- 6. "By" in the Massachusetts Centinel, 26 January, and Independent Chronicle, 31 January.
- 7. "AFTERNOON" denotes only that the debate took place in the afternoon. The Convention had only one session on Saturdays. Jeremy Belknap's notes of debates (immediately below) reveal that the Convention met at least until 1:00 P.M.
- 8. By "unconstitutional," William Jones meant that the two-year term of Representatives and six-year term of Senators violated the traditional one-year legislative terms in Massachusetts.
- 9. This sentence in the *Independent Chronicle*, 31 January, reads, "An objection to this branch is, that it is chosen for too long a period: But if the principle of classing the senate is considered, although it appears long, will not be found so long as it appears."
- 10. Article XIX of the Massachusetts Declaration of Rights (1780) states that "The people have a right, in an orderly and peaceable manner, to . . . give instructions to their representatives" (RCS:Mass., 444). The Constitution has no provision specifically giving the state legislatures the authority to instruct their U.S. Senators.
- 11. In the *Independent Chronicle*, 31 January, the phrase "the members therefore will be found not to be chosen," reads "therefore they could not be chosen."
 - 12. This clause does not appear in the *Independent Chronicle*, 31 January.
- 13. Although neither the Convention *Debates* nor the notes of debates of Jeremy Belknap and Theophilus Parsons (RCS:Mass., 1260–61, 1263) reveal that Rufus King spoke reluctantly about the issue of the Senate in the Constitutional Convention, King's behavior on this day apparently drew the following comment in the *American Herald*, 21 January: "A correspondent observes, that he is at a loss to determine the reasons, which induced the Hon. Mr. King, to signify his unwillingness to answer interrogations in Convention, to agree to the several componant parts of the proposed Constitution.—One would have thought, that Mr. King, would have taken the greatest pleasure, in holding up to view, every motive which induced that honorable body to adopt such a system.—Surely, the honorable Gentleman, could not be afraid the Convention should be possessed of those motives; they were undoubtedly worthy and honorable motives."
 - 14. "Attempt" in the Independent Chronicle, 31 January.
- 15. Caleb Strong, a former delegate to the Constitutional Convention, refers to the grand committee (one committee member from each state) appointed on 2 July 1787 to consider representation in the Senate and the House of Representatives (Farrand, I, 509).

Jeremy Belknap: Notes of Convention Debates, 19 January¹

Saturday 19. (the) Continental Senate under Consideran—(the) Speakers as follows—

Cooley—(Querist) moved to pass it over

Singletary fro[m] Sutton, against it—\(\text{the}\) Time for wh[ich] they are chosen too long—

Deacon Davis, of Bo[ston] spoke in favor of it-

Dr Taylor, of Douglas-agt it-

Tho Dawes—pro—

Singletary fro[m] Sutton—Danger to posterity—

Cooley (Querist to query)

Gen Brooks jr—Senate unde[r] suffic[ien]t Checks—

Then Gerry's answer in writing was read—the Tax was by Compromise—Massa moved for more than 8 Reps but could not obtain it—

Rufus King—explained & enlarged on \(\text{the}\) same Subject—said \(\text{that}\) no certain Rule ever had been in \(\text{the}\) Power of Congress—therfore laid their Taxes as they found \(\text{the}\) States able—\(\text{the}\) judgment founded on Conjecture—& \(\text{the}\) money paid considered as so much loaned on Credit by each state—& to be settled hereafter—\(\text{the}\) Case of Georgia was—before \(\text{the}\) War small—much harrassed by it—since rapidly increasing—the No of Reps no more than w[ha]t they had or \(\text{would have}\) a r[igh]t to conside their increasing popula[tio]n.

Parsons asked whether they (had) not suffd by Indian War.

Thomson—bro't in \(\text{the} \) Case of Bagaduce or Penobscot² in wh[ich] we had advanced more \(\text{than our} \) proportion

King answd—we never should gain a recompence but by such a Constitution as now proposed—

Thomson—a parcel of pathetic nonsense—

Dawes reads requisitions [i.e., resolutions] of Congress ab[ou]t money proportioned amg (the) States³—

Dalton answers Thomson—\(\text{the}\) pres[en]t Constitut gives us an adv[anta]g[e]—over Georgia & other small states—\(\text{the}\) Confederan gave each one Vote—now we \(\text{have}\) 8 to their 3. or takg in NHampe 9 to 3

Wedgery asks whether their influence in the Senate was not as much as ever?

Dalton—answers gain upon (the) whole—

Snow—Somethg ab[ou]t a Porcupine by a member I know not who Dana. The Senate represents & secures (the) Sovereignty of each State, therefore (equal) voice—

Strong. a detail of proceedges in Convention ab[ou]t Senate—(that) Gerry was of (the) Committee ab[ou]t proportiong (the) Senate (that the) Comtee was aptd [i.e., appointed] because (the) small states were jealous of (the) large ones—& (the) Convention was nigh breakg up but for this.

Dawes Query—Was (the) same Comtee ab[ou]t Rep—Ans[wer] no. Jones of Bristol—obj[ects] to (the) duration of (the) Senate

Ames. $\langle \text{the} \rangle$ Senate is to prevent $\langle \text{the} \rangle$ Consolidation of $\langle \text{the} \rangle$ States & keep alive their individuality & Sov[ereign]ty—

Shurtliff—obj[ects] to Consolidation—of (the) States

Parsons distinguish Consolidation of $\langle \text{the} \rangle$ States from $\langle \text{that} \rangle$ of $\langle \text{the} \rangle$ Union—if $\langle \text{the} \rangle$ former, then all States swallowed up in one—but $\langle \text{the} \rangle$ Union is rendered firm & indissoluble by the Constitution

Jones renews objec[tio]n

King answers—Senate will be checked by (the) Contin[enta]l Reps—by (the) Legislat of each State who have a *right to instruct* & he is *very*

bold who will dare disobey. it is nec[essar]y they sh[oul]d (have) a long duration nature of business requires it—

Taylor for recalling Delegates within (the) year—

Cooley Querist—Whether a Majority of Senators present make treaties if only 3—

Dana answers—'tis no Senate with[ou]t a Quorum ¾ of a Quorum nec[essar]y.—

Gerry informed (the) President (that) he was stating a Number of facts respecting (the) Senate (he had been writing at (the) table for some time)—Dana—adverted to (the) Transaction of yesterday & moved (that) if G was preparing any thing it was proper (that) a Q[uestio]n sh[oul]d (be) proposed to him in writing. G attempted to speak—Parsons insisted on his right (as) a Member to be heard—a long altercation ensued about G's attendance—his right to state facts & give reasons & (the) Time for adjournmt came without his having oppo[rtunity] to give in what he intended tho' a Q[uestio]n was reduced to writing by Wedgery—to this purpose—"(that) Mr G be desired to give Information respecting (the) Senate".

Remarks—

It appeared to me (that) Gerry was premature in offering his statement before he was called upon—(that) Dana was right in moving for a written Question & I suppose had not many other members interposed their Opinions (the) matter might (have) gone on but as they also insisted to be heard (the) matter was protracted till 1 a clock—G certainly was (the) first yesterday to insist on having a Q[uestio]n in writing—he then acquiesced in (the) determina[tio]n to give his answer so—as he had now been preparing a written statement he ought to have either waited till a Q[uestio]n was proposed—or to (have) privately procured somebody to put (the) Q[uestio]n—his offering it was premature & iregular.

after (the) adjornmt & before they got out of (the) Ho[use] Gerry & Dana had some *pretty high words*—on (the) affair—

It is my Opinion (that) if G had any regard to his own personal Dignity he (would) not sit there to be moved as a Machine only by (the) pull of *both* parties.—

- 1. MS, Belknap Diary, MHi.
- 2. For the disastrous Penobscot expedition of 1779 which cost Massachusetts dearly in men and money, see RCS:Mass., 41n. Bagaduce is a head of land within Maine's Penobscot Bay.
- 3. According to Theophilus Parsons, Dawes read the resolves of Congress in support of King's statement (RCS:Mass., 1263, at note 4. For the resolutions of Congress, see RCS: Mass., 1258, note 3.).

Theophilus Parsons: Notes of Convention Debates, 19 January¹

Proceeded to the next paragraph—no debate. To the next—no debate. To the next—the Senate—

Mr. COOLEY. As it has been proved that the biennial elections are better than annual, so sexennial are better; therefore, we had better proceed.

Hon. Mr. SINGLETARY is against the Senate being chosen for six years—they may make themselves perpetual—will move their families there—have high wages—no religion is necessary—we may have an atheist or a pagan.

Dr.² Davis. Mr. Singletary has not reverted to the rotation. There will probably be but one session in a year, and there is no reason to suppose senators for so short a time will carry their families with them.

Mr. Shurtleff. The rotation is only in the first choice; afterwards there is no rotation.

Dr. TAYLOR. The rotation is a shadow and not a substance, and will be no security for the people. There will be more than one session; probably they will be there all the time.

Mr. Dawes. The senators can never feel independent; every two years one-third will come fresh from the people. They ought to have a longer tenure than the representatives, as a balance; and their business being more difficult, they should have more time to inform themselves.

Gen. Thompson is against the power of the Senate, as each State, however small, has as much influence as a great State.

Mr. Singletary repeats his old objections, and wishes to have it discussed fully.

Mr. Cooley is against the present mode of arguing. We should confine ourselves to mere inquiry and information, and not go so deep into the merits of the several paragraphs.

Gen. Brooks, of Medford. His object is to grant the necessary powers for the benefit of the people, and then to provide suitable checks; that is the case here. 1. The choice by the legislatures. 2. They feel all the inconveniences they lay on others. 3. They can do nothing without the consent of the representatives, who will always watch over them, and impeach them if they behave amiss.

Mr. Wedgery. They are only answerable to their constituents, by not being rechosen at the end of six years.

Mr. Gerry's answer, in writing, produced and filed—respecting Georgia having three representatives.

Mr. King will give the answer, which he does at large. The estimate by which the requisitions are made, was made in 1782;3 no alteration

since. Georgia has great additions and emigration, and is now in an Indian war. Connecticut and New Hampshire have paid nothing. If I was for it now, it is improper, till we are more united.

Mr. Dawes reads resolves of Congress to support Mr. King's statements.⁴

Mr. Dalton. All the difficulties Gen. Thompson has made, show the necessity of adopting this government, to do us justice.

Hon. Mr. Dana says the reason why the small States have the same weight in the Senate, is because the Senate represents the sovereignty. The large gain by having the popular branch introduced.

Hon. Mr. STRONG. There were large debates on this subject in the Convention. The Convention would have broke up if it had not been agreed to allow an equal representation in the Senate. It was an accommodation, reported by a Committee, of which Mr. Gerry was one.

Mr. Jones, of Bristol, objects to length of time for which the Senate are chosen. Is for their being chosen annually. If they behave well, they may be rechosen, otherwise they ought not. Senators will now carry their families with them to the seat of government, and forget their own States. We had not yet asked advice of God about it. Should have had a fast before. He moved for one in the house; he was not seconded. We have hurried too much, and the election of delegates to this Convention, was too soon. We first must adore God.

Mr. Ames. Senate not chosen for too long a time. Consolidation not proper—country too large for that purpose. We must guard against the consolidation of the States—representation must therefore be equal among the States in the Union who represent the sovereignty. They should have a longer tenure than the representatives—their business is more important—they negotiate with foreign powers—and every two years one-third of the Senate will return to the people.

Mr. Shurtleff. The Convention says they aimed at consolidating the *Union*.

Mr. Parsons. The distinction is between consolidation of the States, and a consolidation of the Union.

Mr. Jones, of Bristol, is still for annual elections—great danger from a longer time.

Mr. King. The average length of time is but four years, for every time one-third is chosen, one-third will vacate in two years, and one-third in four years. As to their forgetting their States, the legislature will instruct them from time to time. No senator will dare to disobey—necessary they have time to inquire into the character of men, as they advise to the appointment of officers, and negotiate with foreign States.

Dr. TAYLOR. Mr. King's object is to show that the election of senators is not sexennial, and that the States have a greater check now than in the old Confederation. But they are always chosen for six years, and the check under the new Constitution is not so great—they are chosen annually—a rotation—and are liable to be recalled.

Mr. COOLEY. Experience teaches us that rulers should be under restraint. Congress have great powers—sometimes a majority of a quorum is required—sometimes two-thirds present, as in treaties.

Gen. Brooks, of Lincoln, denies the fact.

Mr. Reed moves Mr. Gerry may be asked about the matter. Then Mr. Gerry said he was putting in writing a state of facts upon this matter. Adjourned.

- 1. Printed: Convention Debates (1856), 305-8.
- 2. The nineteenth-century transcriber of Parsons' notes probably misread this abbreviation. It was apparently intended to be "Dn" for "deacon" because Jeremy Belknap identifies this speaker as Deacon Caleb Davis of Boston. (See Belknap's notes, immediately above.) Caleb Davis (1738–1797), a merchant and sugar refiner, a deacon of the Hollis Street Church, and a member of The Ancient and Honorable Artillery Company of Massachusetts, was a member of the state House of Representatives, 1776–82, 1783–88 (speaker, 1780–81), and a presidential elector, 1789.
- 3. The Convention *Debates*, 19 January (RCS:Mass., 1255), rendered the date 1778, although the action described by Parsons took place in 1783. (See RCS:Mass., 1258, note 3.)
 - 4. For these resolves of Congress, see RCS:Mass., 1258, note 3.
- 5. Days of prayer, fasting, and humiliation were proclaimed occasionally in times of severe crisis in order to appeal to God for guidance, assistance, and forgiveness.
- 6. Probably Samuel Reed who voted against ratification. Reed (1737–1806), a former militia officer during the Revolution, represented Littleton in the state House of Representatives, 1787–89.

Newspaper Report of Convention Debates, 19 January

New York Morning Post, 4 February

An Eastern correspondent has favoured us with the following intelligence:—The Hon. Mr. *Singletary*, a Member of the State Convention of Massachusetts, who is as remarkable for his taciturnity, as his zeal for religion, on the 19th ult. made the following curious and laconic speech before that honourable body; previous to which he hemmed thrice, and wiped his face with a clean white handkerchief, which, it is said, he put into the right pocket of his great coat.

"Mr. President or Mr. Moderator,

"I think we are giving up all our privileges, as there is no provision in *this here* self same constitution, that men in power should have any religion—and though I hope to see Christian Cre[a]tures, yet by this here

constitution a *Papish* or an *Infidelist* are as eligible as they:—It has been said, that men have not degenerated—I do not think that men are better now, than when men after God's own heart¹ did wickedly: I mean David and Solomon that we read about in the Bible on a *Sabba[th]-Day* between Meetings."

1. See RCS:Mass., 1255, 1258n.

Defense of Elbridge Gerry's Actions in the Massachusetts Convention on 19 January

Elbridge Gerry to William Cushing Cambridge, 21 January¹

Sir

It is with great reluctance that I trespass a moment on the time of the honorable Convention, employed as it is, on a subject of the highest importance to this country, but I am under the necessity of stating some facts, & their consequences, as they relate to myself—

On the 14th of this month, the Convention passed a vote requesting me "to take a seat in the house, to answer any question of fact from time to time, that the Convention may want to ask, respecting the passing of the constitution." this request was unexpected, & I complied with it, contrary to my inclination, not doubting in the least that I should be treated with delicacy & candor.

Every Gentleman who will reflect but a moment, must be sensible, that my situation on the floor of the convention, was not elegible: that it was a humiliating condition, to which nothing could have produced my submission, but the respect I entertained for the honorable Convention, & the desire I had of complying with their wishes—

after having on saturday morning [19 January] stated an answer to the question proposed the preceding evening, I perceived that your honorable body were considering a paragraph which respected an equal representation of the States in the Senate, & one of my honorable Colleagues² observed, that this was agreed to by a Committee consisting of a member from each state, & that I was one of the number. this was a partial narrative of facts, which I conceived placed my conduct in an unfavorable point of light, probably, without any such intention on the part of my colleague.

I was thus reduced to the disagreable alternative of addressing a letter to your honor for correcting this error, or of sustaining the injuries resulting from its unfavorable impressions: not in the least suspecting, that when I had committed myself to the convention without the right

of speaking in my own defence, any Gentleman would take an undue advantage from being a member of the House, to continue the misrepresentation by suppressing every attempt on my part to state the facts. I accordingly informed your honor, that I was preparing a letter to throw light on the subject, & at my request you was so obliging as to make this communication to the house. my sole object was, to state the matter as it respected my conduct, but I soon perceived, that it was misunderstood by the honorable Judge Dana, who rose with an appearance of party virulence which I did not expect, & followed one misrepresentation with another, by impressing the House with the Idea, that I was entering into their debates. I requested leave repeatedly to explain the matter, but he became more vehement, & I was subject to strictures from several parts of the House, till it adjourned without even being permitted to declare, that I disdained³ such an intention, & did not merit such unworthy treatment.

(I confess to you sir, that the indelicacy & disingenuity of this procedure distressed my feelings beyond anything I had ever before experienced: \(\rangle \) for, had every member of the honorable House, requested me by a vote to partake in their debates, I should have considered it as improper, & unconstitutional, & from principles of decency, & propriety, should have declined their request: and Judge Dana has been too long in public life with me, not to know, that it has never been my practice, to attain objects by improper means, indeed, sir, so remote were my wishes from entering into your debates, that after having passed a judgment on the constitution in the federal convention, I would not have taken a seat in the state convention, with the unanimous suffrages of the citizens of Massachusetts, because in a matter of such important consequence, it was my wish that the final decision should be made by themselves, this was a fact early known to my particular friends, & I do not mention it to suggest an impropriety in accepting a seat in both conventions, but merely to shew the injustice done me on this occasion.

If Judge Dana was apprehensive that the facts which I should state, would eventually prejudice the cause he so ardently advocated, still I conceive, he could not be justified in precluding those facts, which were necessary to do me justice; for bad indeed must be that cause which will not bear the light of truth.

Judge Dana took sanctuary under the rules of the House, but I never yet heard of a rule, that was intended to prevent an injured person from addressing a letter to the body who should redress his wrongs, or from giving information of such an intention: and I conceive sir, that neither the honorable convention, or any republican body on earth,

who had requested an individual to attend them for the purpose of giving them information, would have had any objection to granting him leave to *speak*, much less to address to them a letter, merely for the purpose of setting a matter right, which in the progress of debates, had by an erroneous statement tended to his injury.

It is true, sir, I differ in opinion from a number of respectable members of your honorable House, on the subject of the proposed constitution, but I flattered myself, that not a member could be found so deficient in liberality, as to bear animosity towards me on this account. the strong impressions which I felt, & which I still feel, that this system without amendment will destroy the liberties of America, inferred on me an indispensible obligation to give it my negative: ⁶ & having done this, I feel the approbation of my own mind, which is infinitely preferable to universal Applauses without it. if, nevertheless, my conduct in this instance has given offence; if there is at this time so little freedom in America, as that a person in discharging a most important public trust, cannot conduct according to the obligations of honor, & dictates of his Conscience, it appears to me of little consequence, what form of Government we adopt, for we are not far removed from a state of slavery.

I shall only add sir, that I have subjoined a state of facts, founded on documents relative to my consent that the lesser States should have an equal representation in the senate—that I still entertain the highest respect for the honorable Convention who I am sure will never countenance unfair proceedings of any member of the house,⁷ but that I cannot again place myself in a situation, where I must hear my conduct misrepresented without the privilege of requesting leave of your honorable body to establish facts & promote Justice—

I have the honor to be sir with the highest respect for the honorable Convention & yourself, your most obedt. & very humble servt

A State of Facts

a State of Facts, referred to in the preceeding letter-

The Business of the federal Convention having been opened by Governor Randolph of Virginia, & the outlines of a plan of Government having been proposed by him, they were referred to a Committee of the whole House, & after several weeks debate, the Committee reported general principles for forming a constitution, amongst which were the two following—

7th "That the right of suffrage in the first branch of the national Legislature" (by which was intended the house of Representatives)

"ought not to be according to the rule established in the articles of Confederation, but according to some equitable ratio of representation Vizt in proportion to the whole number of white & other free citizens & Inhabitants, of every age, sex, & condition, including those bound to servitude for a term of years & three fifths of all other persons not comprehended in the foregoing description, except indians not paying taxes in each state"—

8thly "That the right of suffrage in the second branch of the national legislature, meaning the Senate, ought to be according to the rule established for the first" 8

In the Committee of the whole, the eighth Article above recited, for which I voted, was carried, if my memory serves me by six States against five; & when under consideration of the convention, it produced a ferment, & a seperate meeting as I was informed of most of the delegates of those five States—the result of which was a firm determination on their part not to relinquish the right of an equal representation in the Senate, confirmed as it was to those States by the articles of confederation. the matter at length became so serious, as to threaten a dissolution of the Convention, & a Committee consisting of a member from each state was appointed, to meet (if possible) on the ground of accomodation.—the members from the three large states of Virginia, pennsylvania & Massachusetts, were Mr Mason Doctor Franklin & myself, & after debating the subject several days, during which time the convention adjourned, the Committee agreed to the following report

"That the subsequent propositions be recommended to the Convention, on condition that both shall be generally adopted.

first ["]That in the first branch of the legislature, each of the States now in the union be allowed one member for every forty thousand Inhabitants, of the description reported in the seventh Resolution of the committee of the whole House—that each state not containing that number shall be allowed one member—that all Bills for raising or appropriating money, & for fixing the salaries of the officers of Government of the united States shall originate in the first branch of the legislature, & shall not be altered or amended by the second branch & that no money shall be drawn from the treasury of the united States, but in pursuance of appropriations to be originated by the first branch—

secondly "That in the second branch of the Legislature, each state shall have an equal vote" $^{10}\,$

The Number of 40,000 inhabitants to every member in the House of Representatives, was not a subject of much debate, or an object insisted on, as some of the committee were opposed to it—accordingly

on the 10th of July a motion was made "to double the number of Representatives being sixty five" & it passed in the negative.¹¹

The admission however of the smaller States to an equal representation in the Senate, never would have been agreed to by the Committee or by myself as a member of it without the provision "that all bills for raising or appropriating money & for fixing the salaries of the officers of Government" should originate in the house of Representatives & "not be altered or amended" by the Senate "& that no money should be drawn from the treasury" "but in pursuance of such appropriations" ¹²

This provision was agreed to by the convention at the same time & by the same vote, as that which allows to each State an equal voice in the senate, 13 & was afterwards referred to the Committee of detail & reported by them as a part of the Constitution, as will appear by documents in my possession. 14 nevertheless the smaller States, having attained their object of an equal voice 15 in the Senate, a new provision now in the Constitution was substituted, whereby the Senate have a right to propose amendments to money revenue bills; & the provision reported by the committee was *effectually destroyed*. 16

It was conceived by the committee to be highly unreasonable & unjust, that a small State which would contribute but one sixty fifth part of any tax should nevertheless have an equal right with a large state, which would contribute eight or ten sixty fifths of the same tax, to take money from the pockets of the latter, more especially as it was intended, that the powers of the new legislature should extend to internal taxation—it was likewise conceived, that the right of expending should be in proportion to the ability of raising money—that the larger States would not have the least Security for their property, if they had not the due command of their own purses—that they would not have such command, if the lesser states in either branch had an equal right with the larger to originate or even to alter¹⁷ money bills—that if the Senate should have the power of proposing amendments, they may propose that a bill originated by the house to raise one thousand should be increased to one hundred thousand pounds—that altho the house may negative amendments proposed by the Senate, yet the giving them power to propose amendments would enable them to increase the Grants of the house, because the Senate (as well as the house) would have a right to adhere to their votes & would oblige the house to consent to such an increase on the principle of accomodation—that the lesser States would thus have nearly as much command of the property of the Greater as they themselves—that even if the representation in the senate had been according to numbers in each State, money bills

should not be originated or altered by that branch, because by their appointments the members would be farther removed from the people, would have a greater & more independent property in their offices, would be more extravagant, & not being so easily removed, would be ever in favour of higher Salaries than members of the House.—that it was not reasonable to suppose the aristocratical branch would be as saving of the public money as the democratical branch—last but that on the other hand, should the senate have only the power of concurrence, or nonconcurrence of such bills they would pass them altho the Grants should not equal their wishes: whilst with the power of amendment they would never be satisfied with the Grant of the House—that the Commons of Great Britain had ever strenuously & successfully contended for this important right, which the Lords had often but in vain endeavoured to exercise—that the preservation of this right, (the right of holding the purse strings,\)18 was essential to the preservation of Liberty—& that to this right perhaps was principally owing the liberty that still remains in great Britain-

These are the facts & reasons whereon was grounded the admission of the smaller States to an equal representation in the Senate, & it must appear that there is an essential difference between an unqualified admission of them to an equal representation in the Senate, & admitting them (from necessity), on the (express condition) provided in the recited report of the committee—it must also appear, that had that provision been preserved in the constitution & the senate precluded from a right to alter or amend money or revenue bills, agreably to the said report, the lesser States would not have that (undue) command of the property of the larger States which they are now to have by the constitution—& that I never consented to an equal representation of the States in the Senate as it now stands in the new plan of Government System¹⁹—

1. RC, Constitutional Convention, 1788, M-Ar. This letter, in Gerry's handwriting, was addressed to "His Honor Judge Cushing Vice-president of the Convention of Massachusets" and docketed "Mr. Gerrys Letter of 21 January 1788. & State of facts." A draft of this letter, also in Gerry's handwriting, is at the Pierpont Morgan Library in New York City. Gerry's letter was printed in the *Massachusetts Centinel* on 23 January. (For its printing and circulation, see RCS:Mass., 1180.) These three versions of Gerry's letter differ in punctuation, capitalization, and spelling. Significant differences that exist between Gerry's draft of the letter and the recipient's copy are given in notes 3 to 6 (below). See also note 7 (below).

"A State of Facts," which accompanied Gerry's letter, was printed in the *American Herald* on 28 January. The manuscript differs from the *Herald's* version in punctuation, capitalization, spelling, and paragraphing. Significant differences between the manuscript and the *Herald's* versions are given in notes 15–19 (below). (For the printing and circulation of "A State of Facts," see "Elbridge Gerry and the Massachusetts Convention," 12–22 January, RCS:Mass., 1181.)

- 2. Caleb Strong, a former delegate to the Constitutional Convention.
- 3. In Gerry's draft, he crossed out the words "had no" and replaced them with "disdained."
- 4. In Gerry's draft, the text in angle brackets appears in the margin. The original paragraph began "Had any member. . . ."
 - 5. "Should" replaced "might" which is in Gerry's draft.
 - 6. "Negative" replaced "dissent" which is in Gerry's draft.
- 7. The phrase "of any member of the house" is not in the *Massachusetts Centinel* of 23 January.
- 8. These two resolutions were submitted by the Constitutional Convention to the Committee of Detail on 24 July 1787 (CDR, 257–58). They were revisions of the resolutions that Governor Edmund Randolph of Virginia presented to the Convention on 29 May (CDR, 249).
- 9. On 11 June the vote on the eighth resolution was 6 states to 5, with Massachusetts in the majority (Farrand, I, 193, 201–2, 206).
- 10. This grand committee was appointed on 2 July, and the next day it elected Gerry its chairman (Farrand, I, 509, 516, 519–20, 522). On 5 July the committee recommended these two resolutions, and two days later the second resolution was adopted 6 states to 3, with 2 states (including Massachusetts) divided (*ibid.*, 524, 526, 548–49, 550–51).
- 11. On 10 July James Madison made this motion to double the number of representatives in the lower house. The motion was defeated 9 states to 2, with Massachusetts voting in the majority. Gerry spoke in favor of the motion (Farrand, I, 564–65, 568–70).
- 12. The provision was adopted on 6 July, 5 states to 3, with 3 states (including Massachusetts) divided. Gerry spoke in favor of the provision (Farrand, I, 538–39, 545, 547).
- 13. On 16 July the Constitutional Convention agreed to these provisions when it voted for the entire amended report of the grand committee established on 2 July. The vote was 5 states for the report, 4 against, and 1 divided (Massachusetts). Gerry and Caleb Strong voted for the report, Rufus King and Nathaniel Gorham against it (Farrand, II, 13–14, 15).
- 14. For the provisions as submitted to the Committee of Detail on 24 July, see CDR, 257–58. For the provisions reported out by that committee on 6 August, see CDR, 261–62.
 - 15. "Representation" instead of "voice" in the American Herald.
- 16. On 8 August the provision denying the Senate the right to originate, alter, or amend money bills was struck out by a vote of 7 states to 4, with Massachusetts voting in the minority (Farrand, II, 214–15, 224–25, 226). The words "effectually destroyed" were not rendered in italics in the *American Herald*.
 - 17. "Alter" is italicized in the American Herald.
 - 18. The text in angle brackets is italicized in the American Herald.
 - 19. The text in angle brackets in this paragraph is italicized in the American Herald.

Criticism of Elbridge Gerry's Actions in the Massachusetts Convention on 19 January

A Spectator

Massachusetts Centinel, 2 February¹

A short History of a recent FREAK.

Mr. Russell, You seem to apologize for the publication of the very extraordinary letter of the Hon. Mr. *Gerry*, to the Vice-President of the State Convention, occasioned by a debate upon a question of mere

order, in that body, by saying, "The publick being desirous to know the result of the conversation in Convention, on Saturday last, on the propriety of Mr. *Gerry* being permitted to give any other information than of facts *particularly asked for*, and which it appears has given Mr. *Gerry* offence, we lay before our readers a copy of that gentleman's letter, as read yesterday afternoon."

If, Sir, the desire of the publick is only to be informed of the propriety or impropriety of that hon. gentleman's giving any other information than of facts "particularly asked after," I think that gentleman has said enough in his letter to convince them of the impropriety of his attempting to do more. For, says he "on the 14th of this month, the Convention passed a vote, requesting me" "to take a seat in the house, to answer any question of fact from time to time, that the Convention may want to ask, respecting the passing the Constitution." Now Sir, let the publick judge (for to them has he appealed from the judgment of the Convention) whether the hon. gentleman could with propriety give any other information than of facts, particularly asked after, by some member of the Convention, or even then, before the Convention itself had approved of the inquiry, or in the language of their vote had signified their "want" of such an information from him. He indeed seems disposed not only to give information in point of fact, before it is asked after, but also to obtrude upon the Convention his opinion respecting the Constitution, provided such opinion has a tendency to obstruct the acceptance of it. In proof of this, we find that hon, gentleman declaring in this very letter, thus. "The strong impressions which I felt, and which I still feel, that this system without amendments will destroy the liberties of America, inferred on me an indispensible obligation to give it my negative." Had the hon. gentleman been requested to give his opinion of the consequences of accepting the Constitution without amendments? If not, was it not indecent, not to say, impertinent, in him to do it? Does that hon, gentleman think the Convention deficient in point of sagacity, to discern the probable effects and consequences of the system submitted to their consideration, and that they need a portion of his wisdom, and publick virtue, to point them out, and to prevent their sacrificing the liberties of America? Was he accountable to that hon, body for having given his negative to the system? On what other supposition, than that above-mentioned, can we then account for his very extraordinary conduct?—But slightly to pass over his officious letter to the legislature of this State, endeavouring to vindicate himself, before he had been called upon by them, for giving his negative to the proposed system of government:2 I would state a few facts, necessary for the information of the publick, to enable them to make up a right judgment in the present case.

The Convention, as Mr. E. Gerry says, were considering that part of the Constitution which relates to the *equal* representation of the States in the senate. When Mr. STRONG, one of his honourable colleagues in the Continental Convention, rose, and informed the House, that this was agreed to by a committee consisting of a member from each State, and that Mr. Gerry was one of the number: This information, however harmless in itself, roused the very irritable passions of Mr. E. Gerry; he changed his seat instantly to the table before the President, pulled forth his budget of peccadillos, displayed them in order before him, took pen, ink and paper, and, as he now informs us, set about writing "a letter to the President for correcting this errour" of his honourable colleague. Risum teneatis amici?3 But stop, what may be sport to us, might be death to him—I mean political death. What, shall it be understood in that honourable body, that Mr. E. Gerry had reported in favour of an equal representation of the States in the senate? For this is the utmost extent of the information of his honourable colleague. Yet is he greatly alarmed at it, and determines in a rage, to wipe away "the injuries resulting from its unfavourable impressions." He writes, then strikes out, writes on, strikes out again, until at last, no longer able to keep his seat (where he was left to go on without molestation from any mortal) he rises in the midst of the debates on that paragraph, to use his own words "to inform the President that he was preparing a letter" (for the gentleman has chosen that mode of opposition to the federal government) "to throw light on the subject," and request him to make this communication to the House. He did so. But what was to be done? Were all the debates to be suspended until Mr. E. Gerry had finished his very important letter to the President upon the subject? Were the Hon. Convention so benighted, in the opinion of Mr. E. Gerry. that it was not safe to leave them to go on in their debates, until he should have an opportunity "to throw light" in their path? Mr. E. Gerry well knew that no question was to be taken upon separate paragraphs, had he been capable of a moment's reflection; therefore, he must have seen that by waiting until the irritation of his spirits had subsided, even to the next week, he would not have lost an opportunity to have done his utmost to rescue "the liberties of America from destruction." of which he seems to conceive himself to be the great champion.—But so it was, friend Russell, Mr. E. Gerry could not rest quiet a moment under such attrocious imputations as his honourable colleague had cast upon him.

Thus matters stood, when the Hon. Gentleman [Francis Dana], with whose name and character Mr. E. Gerry has taken such indecent liberties, and who had but just before come into the house, rose, and asked the President, whether there was any question in writing laid on the table for

that gentleman to answer; being told that there was not, he added that it seemed to be the sense of the house that the question should be reduced to writing, and the answer also. This idea was questioned by some, and a debate ensued: The same gentleman arose again, and said, he did not wish to exclude light from the house by his inquiry, but that it ought to come in an orderly manner: The reason why he supposed it to be the sense of the house, that both question and answer should be in writing, was. that the day before, one, and the first too, was proposed to that gentleman verbally; it was so done, and the answer also. Further, that the hon, gentleman had applied to him the evening before, and proposed, that every question to be asked him, should be reduced to writing, and laid on the table, that he might consider them deliberately, and give his answer in writing also; that he then told the gentleman, he approved of his proposal, as well for the sake of preventing unnecessary discussion in the House, as a misrepresentation to his disadvantage.—That for these reasons, he had been induced to make the inquiry. A motion was then made by Mr. Wedgery, that the House should depart from their vote, and leave the hon. gentleman (Mr. Gerry) at full liberty to give his reasons at large, respecting the Constitution, without waiting for any question whatever to be put to him. This changed the nature of the debate, and brought up a gentleman from Newbury-Port, who said to this effect: If this house should signify their wishes to have the hon. gentleman admitted to enter fully into their debates as a member of it, he was so far from wishing to exclude any light from this House, that he would not oppose it, but would acquiesce in their decision, however humiliating and mortifying it might be to him. Hereupon the subject of debate was again changed, by a motion from another part of the House, by Gen. Thompson, That the hon. gentleman should be admitted into the debates as a member of it. This made the debate still more serious, when the Hon, Member from Dracut [Joseph Bradley Varnum], arose, and said, That he considered this a violation of the right of election of the inhabitants of Cambridge, (the residence of the letterwriter) who had not thought fit to send him as their delegate—they certainly well knew he said the gentleman's sentiments upon the subject, and they had chosen others to represent them—this motion would make him a member of the House to every purpose, but that of voting. He said, he was therefore against it. The gentleman who is the principal subject [Francis Dana] of Mr. E. Gerry's letter, said: To admit the hon. gentleman, agreeably to this motion, would be going further under the idea of obtaining light, than this House had a right to go. To day one gentleman would wish to introduce his friend in support of his own sentiments, and to-morrow a member of opposite sentiments would expect the same indulgence, with the same view, for his friend; and thus instead of our being the representatives of the people we should convert ourselves in effect, into electors of their representatives. The motion was then called

for in writing. Mr. Wedgery reduced it into writing to the following effect: "That the hon, gentleman should have liberty to give any information to the House he should have to communicate, respecting the passing of the Constitution, or (for I am not certain which) respecting the subject in debate." The Hon. Gen. Brooks, of Lincoln, then observed the motion was ambiguous, the word information, might mean either information in matters of fact, or information resulting from reasoning upon facts. He wished therefore to be informed which was the gentleman's meaning.—Mr. Wedgery cried out 'both.' The debates were then continued on this explanation, until, an adjournment was called for, which took place, without any decision of the House upon the foregoing matters. Thus have I gone through a state of facts relative to the transaction alluded to in Mr. E. Gerry's letter, and which is all the foundation he could have had, in support of the very bitter and indelicate assertions, or charges against the Hon. Judge DANA. Nothing more personal that I recollect, fell from that gentleman, than is mentioned. The only cause of offence against him, seems to be that his first inquiry lead on to all the debates which ensued, for which he cannot justly be made responsible. His motion, or inquiry, was as certainly in order, as Mr. E. Gerry's conduct was out of order and improper. He must therefore thank himself for all the consequences of it. If his "situation was not eligible," or his "condition was humiliating": He had consented to be placed there; and had he kept up to the terms of his invitation, nothing of the sort which did happen, could have happened. to mortify his feelings.

The gentleman conceives that he was denied "leave to speak," and even "to address a letter merely for the purpose of setting a matter right, which, in the progress of debates, had by an erroneous statement tended to his injury." Was this the case? How easy would it have been for him to have desired leave to set his Hon, colleague right in point of fact, and to have done it instantaneously. Surely no member would have opposed so reasonable a request. But instead of this, the gentleman rose only to request the President to inform the house "he was preparing a letter to throw light on the subject" generally; and not with any design to clear himself from any imputations which he had conceived affected his character: If therefore "he was misunderstood by the Hon. Judge DANA" as he says "he soon perceived he was," ought not Mr. Gerry to have reflected that he himself had lead that gentleman into the errour, (if any there was) of suggesting "that he was entering into their debates." In short, it is questionable in any view of this matter, whether Mr. E. Gerry can justify the indecent, illiberal treatment of that gentleman, he has so acrimoniously dealt out in his letter; apparently written before he had given time for his passions to subside, and his reason to dictate his pen. Besides, if his charges were in fact true,

does it not follow, that the Hon. Convention themselves must bear their portion of them, for permitting one of their members to persist, (according to his representation) in a course of conduct disorderly in the extreme. Certainly every one will suppose, had they viewed it in that light, they would soon have reminded that gentleman of his duty, and set him down in his turn. But I believe no member of the house thought Judge Dana's conduct in the least disorderly or reprehensible. If it had been, Mr. *Gerry* not being destitute of friends in that house, some of them would have been ready enough to have called Judge Dana to order, and have given Mr. *Gerry* compleat protection from the abuse of any man.

Boston, Jan. 29, 1788.

- 1. On 30 January the Massachusetts Centinel announced: "A circumstantial history of the freak, in the Hon. Convention, on Saturday, 19th inst. (alluded to in Mr. Gerry's letter, published in the Centinel of Wednesday, last week [23 January]) which sets that affair in its proper light, we have received from a correspondent: But from its length, and our previous engagements, we are unwillingly obliged to defer its publication until Saturday." The word "freak," as used by "A Spectator," probably means either a prank, a caper, a whim, or a capricious notion.
 - 2. See "Elbridge Gerry to the General Court," 18 October (RCS:Mass., 94-100).
 - 3. Latin: "Could you help laughing, my friends."
- 4. Theophilus Parsons is identified as the speaker by Jeremy Belknap (RCS:Mass., 1261, 1535)
- 5. The Convention Journal, 19 January (RCS:Mass., 1254) reads, "to give what information he [Gerry] may have in his mind respecting the Senate."

The Massachusetts Convention Monday 21 January 1788

Convention Journal, 21 January, A.M.¹

Met according to adjournment

On motion, Resolved as follows, viz.

Whereas there is a publication in "the Boston Gazette and the Country Journal" of this day as follows viz "Bribery and Corruption!!! The most diabolical plan is on foot to corrupt the members of the Convention, who oppose the adoption of the New Constitution. Large sums of money have been brought from a neighbouring State for that purpose, contributed by the wealthy;—if so, is it not probable there may be collections for the same accursed purpose nearer home?

CENTINEL.["]

Resolved that this Convention will take measures for enquiring into the subject of the said publication, and for acertaining the truth or falshood of the suggestion therein contained.²

Ordered that the Messenger be directed to request the Printers of the said Gazette to appear before this Convention forthwith, to give information respecting the said Publication.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and having debated thereon, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

- 1. On 21 January Charles Turner of Scituate informed the Convention's vice president that he was "unhappily confined through bodily indisposition" and would return to the Convention when his health permitted (Mfm:Mass.). It is not known exactly when Turner returned, but, as a member of the committee of twenty-five on John Hancock's amendments, he probably attended the meeting of the committee on Sunday, 3 February. Three days later Turner addressed the Convention.
- 2. In his notes of the debates, delegate Justus Dwight indicated that James Bowdoin introduced this motion. When debating the motion, delegates questioned whether the Convention should or could legitimately investigate the matter or whether it had the power to punish guilty parties. One delegate—commenting upon the *Boston Gazette* item—stated the printer had doubts about printing the item but that the individual who submitted it declared he could prove the charge. Before adopting the motion, the Convention defeated a motion to let the matter subside. This debate lasted at least until 12:00 P.M. (Mfm:Mass. Dwight was the only delegate who took notes on this debate.).

For a full discussion of the charges made in the *Boston Gazette* and reactions to it, see "The Alleged Bribery and Corruption of the Delegates to the Massachusetts Convention," 21 January–6 February (RCS:Mass., 759–67).

Convention Debates, 21 January, A.M.

4th sect. considered in its order.

Mr. Ames rose to answer several objections. He would forbear if possible to go over the ground which had been already well trodden. The fourth section had been, he said, well discussed, and he did not mean to offer any formal argument, or new observations upon it.—It had been said, the power of regulating elections was given to Congress. He asked if a motion was brought forward in Congress, on that particular, subjecting the states to any inconvenience—whether it was probable such a motion could obtain? It had been also said, that our federal legislature, would endeavour to perpetuate themselves in office—and that the love of power was predominant.—Mr. Ames asked how the gentlemen prevailed on themselves to trust the state legislature. He thought it was from a degree of confidence, that was placed in them.

At present we trust Congress with power—nay we trust the representatives of Rhode-Island and Georgia—he thought it was better to trust a general government, than a foreign state. Mr. A. acknowledged he came with doubts of the fourth sect. Had his objections remained, he would have been obliged to vote against the constitution: But now he thought if all the constitution was as clear as this sect. it would meet with little opposition.

Judge DANA. This sect[ion] Mr. President, has been subject to much dispute and difficulty. I did not come here, approving of every paragraph of this constitution. I supposed this clause dangerous—it has been amply discussed—and I am now convinced, that this paragraph is much better as it stands, than with the amendment, which is, that Congress be restricted in the appointing of "Time, place, &c." unless when the state legislatures refuse to make them. I have altered my opinion on this point—these are my reasons: It is apparent the intention of the Convention was to set Congress on a different groundthat a part should proceed directly from the people, and not from their substitutes the legislatures: Therefore the legislature ought not to controul the elections. The legislature of Rhode-Island has lately formed a plan, to alter their representation to corporations, which ought to be by numbers.2 Look at Great-Britain, where the injustice of this mode is apparent: Eight tenths of the people there, have no voice in the elections. A borough of but two or three cottages, has a right to send two representatives to Parliament, while Birmingham, a large and populous manufacturing town lately sprung up, cannot send one. The legislature of Rhode-Island are about adopting this plan, in order to deprive the towns of Newport and Providence of their weight; and that thereby the legislature may have a power to counteract the will of the majority of the people.

Mr. Cooley (Amherst) thought Congress in the present instance, would, from the powers granted by the constitution, have authority to controul elections, and thereby endanger liberty.

Dr. Taylor wished to ask the gentleman from Newbury-Port, whether the two branches of Congress could not agree to play into each other's hands; and, by making the qualifications of electors 100 l. by their power of regulating elections, fix the matter of elections, so as to keep themselves in.

Hon. Mr. King rose to pursue the inquiry why the "place and manner," of holding elections were omitted in the section under debate. It was to be observed, he said, that in the constitution of Massachusetts, and other states, that the manner and place of elections were provided for;

the manner was by ballot, and the places, towns—for said he, we happened to settle originally in townships. But it was different in the southern states; he would mention an instance. In Virginia, there are but 15 or 20 towns, and 70 or 80 counties: Therefore no rule could be adopted to apply to the whole. If it was practicable, he said, it would be necessary to have a district the fixed place—but this is liable to exceptions—as a district that may now be fully settled, may in time be sparcely inhabited-and the back country, now sparcely inhabited, may be fully settled. Suppose this state thrown into eight districts—and a member apportioned to each: If the numbers increase, the representatives and districts will be increased. The matter, therefore, must be left subject to the regulation of the state legislature, or the general government. Suppose the state legislature, the circumstance will be the same. It is truly said, that our representatives are but a part of the union—and that they may be subject to the controll of the rest; but our representatives make a ninth part of the whole—and if any authority is vested in Congress it must be in our favour. But to the subject; in Connecticut they do not chuse by numbers, but by corporations—Hartford one of their largest towns, sends no more delegates than one of their smallest corporations, each town sending two, except latterly when a town was divided. The same rule is about to be adopted in Rhode-Island.3 The inequality of such representation, where every corporation would have an equal right to send an equal number of representatives, was apparent. In the southern states, the inequality is greater. By the constitution of South-Carolina, the city of Charleston has a right to send 30 representatives to the General Assembly; the whole number of which amount to 200. The back parts of Carolina have increased greatly since the adoption of their constitution, and have frequently attempted an alteration of this unequal mode of representation; but the members from Charleston having the balance so much in their favour, will not consent to an alteration;4 and we see that the delegates from Carolina in Congress, have always been chosen from the delegates of that city. The representatives, therefore, from that state, will not be chosen by the people; but will be the representatives of a faction of that state. If the general government cannot controul in this case, how are the people secure? The idea of the Hon. Gentleman from Douglass [John Taylor], said he, transcends my understanding; for the power of controul given by this sect. extends to the manner of election, not the qualifications of the electors. The qualifications are age and residence, and none can be preferable.

On motion, Resolved as follows, viz.

Whereas there is a publication in "The Boston Gazette and the Country Journal," of this day as follows, viz.

"Bribery and Corruption!!!

"The most diabolical plan is on foot to corrupt the members of the Convention, who oppose the adoption of the new Constitution. Large sums of money have been brought from a neighbouring State for that purpose, contributed by the wealthy;—if so, is it not probable there may be collections for the same accursed purpose nearer home?

CENTINEL."

Resolved, That this Convention will take measures for inquiring into the subject of the said publication, and for ascertaining the truth or falshood of the suggestion therein contained.

Ordered, That the Messenger be directed to request the Printers of the said Gazette, to appear before this Convention, forthwith, to give information respecting the said publication.

- 1. In the Massachusetts Centinel, 30 January, the words "approving of" read "determined to vote for."
- 2. Rhode Island's colonial charter (1663), which became the state's constitution, did not provide for proportional representation. The four original towns-Newport, Portsmouth, Providence, and Warwick-were entitled to have more delegates in the lower house of the legislature than the towns that would be incorporated after 1663. Under the charter, Newport received six delegates and the other three original towns each got four. Towns incorporated after 1663 each were to receive two delegates. In 1787, then, the state's thirty towns were represented by seventy delegates. In March 1787 the Rhode Island legislature, controlled by the Country Party, attempted to amend the colonial charter so that each of the thirty towns would have the same number of delegates. The Country Party hoped to reduce the power of the Merchant Party, centered in the towns of Newport and Providence, and to correct the malapportionment that had developed since the charter's adoption in 1663. Because changing the constitution was so controversial, the legislature submitted the measure to the people in town meetings. After the towns debated the bill, it was sent back to the legislature, where it was twice deferred (2 November 1787 and 28 February 1788) to the following sessions and finally defeated in the lower house in April 1788.

For criticisms of the use of the case of representation in Rhode Island by supporters of the Constitution, see "Agrippa" XIV, *Massachusetts Gazette*, 25 January, at note 4, and note 4; and "Agrippa" XVI, *Massachusetts Gazette*, 5 February, at note 2 (RCS:Mass., 798, 799n, 863).

- 3. See note 2 above.
- 4. For a criticism of the Federalists' use of the case of representation in South Carolina, see "Agrippa" XIV, *Massachusetts Gazette*, 25 January, at note 2, and note 2 (RCS:Mass., 797, 799n).

Jeremy Belknap: Notes of Convention Debates, 21 January, A.M.1

Monday Jan 21. AM—An intimation in $\langle \text{the} \rangle$ Paper of this day— $\langle \text{that} \rangle$ an attempt had been made to bribe some members of $\langle \text{the} \rangle$ Con-

vention—occasioned \langle the \rangle appointment of a Committee to enquire into \langle the \rangle matter—The article respecting \langle the \rangle power of Congress to regulate \langle the \rangle *Time, place & manner* of holding Elections was under Consideration. The Speakers King, Dana, Parsons & Ames—Substance as follows—Sect 4—

It had been objected (that) this (would) give Congress power so to controul elections as to perpetuate themselves—

Ans[we]r. Reps must be chosen accorded to Numbers—& (the) p[eo]ple divided into districts—the *first* Elections must be made by (the) State-Legislatures—Men so chosen will not be fond of altering (the) mode of Elec[tio]n if they mean to keep (themselves) in Power—

If this State could confide in its own Legislature to regulate (the) Election of its own Members for Congress—yet w[ha]t controul could they (have) on (the) Legislatures of other States if they were to do wrong? (the) controul must be in the gen[era]l Govt.—Rh[ode] I[sland]—have now a bill before (them) to confine Elections to Corporations as in Engl[an]d—& this is one of (the) great grievances complained of in Engl[an]d they want to reduce Newport & Providence to 2 members only as (the) smaller Towns—Conectict is represented by Corporations also—South Carolina by districts—Charlestown sends 30—the back Counties complain of inequality—they want an alteration in their Constitution—it cannot be made—but Congress are now to have power to see (that the) p[eo]ple are represented on (the) great Principle of Numbers.

The Senate & Reps cannot play into one anothers hands—for \lambda the \gamma lace of Elec[tio]n of Senators is \textit{limited & \lambda the \rangle Reps can[n] ot alter it—} \lambda the \rangle Principle on wh[ich] Reps are elected is Numbers & this is unalterable—

1. MS, Belknap Diary, MHi.

Theophilus Parsons: Notes of Convention Debates, 21 January, A.M.¹

Mr. Parsons assigns the reasons why two-thirds of the senators are requisite for convictions.

Mr. Ames, on the fourth section. Assigns two reasons in favor of that section. 1. As the first Congress will be chosen pursuant to State regulations, and therefore equal, if Congress were to fix an unequal place, to influence the choice in favor of one member, it would be opposed by the other members. 2. If we can trust our own legislature, can we trust the legislatures of the other States rather than Congress? This section is not a trap, but a security for the liberties of the people, and introduced to guard them.

Mr. Dana once thought it dangerous and unnecessary; is now convinced to the contrary. 1. The representation is to proceed directly from the people—the people ought to be equally represented, and have equal influence—remarks on Rhode Island—there must be a power—

Mr. Cooley states any objection unnecessary, because the rights of the people are secured by oath.

Mr. Parsons.

Dr. Taylor.

Mr. Parsons, in reply.

Mr. King. Distinct ideas of time, place and manner—pursues Ames's ideas of trusting the legislatures of the other States—corporate representation not the same as by numbers—the present situation of Connecticut—South Carolina—Charleston sends thirty, and given districts send given numbers of representatives, without regard to the number of electors—the controlling power, therefore, is necessary.

Adjourned.

1. Printed: Convention Debates (1856), 308-9.

Convention Journal, 21 January, P.M.

Met according to adjournment

The Messenger informed the Convention that he had acquainted the Printers of the Boston Gazette &c. of the order of this morning respecting them, & was answered that one of them would attend the Convention this afternoon.¹

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and having debated thereon, postponed the further consideration of the same to the morning.

A Letter from Benjamin Edes and Son Printers of the Boston Gazette &c. relative to the publication entered this morning. Read and committed to Mr. Parsons, Mr. Nason, Mr. Gorham, Mr. Wedgery, Mr. Porter, Mr. Gore & Mr. Thomas of Plymouth.

Adjourned to Tuesday morng. 10. o Clk

1. For the reason for contacting the printers of the *Boston Gazette*, see RCS:Mass., 759-67, 1276-77.

Convention Debates, 21 January, P.M.

The Messenger informed the Convention that he had acquainted the Printers of the Boston Gazette, &c. of the order of this forenoon respecting them, and was answered that one of them would attend the Convention this afternoon.

A letter from Messrs. Benjamin Edes and Son, Printers of the Boston Gazette, &c. relative to the publication entered this morning. Read and committed to Mr. Parsons, Mr. Nason, Mr. Gorham, Mr. Widgery, Mr. Porter, Mr. Gore, and Mr. Thomas, of Plymouth.¹

The 5th section being read.

Dr. Taylor wished to know the meaning of the words "from time to time" in the 3d paragraph. Does it mean, says he, from year to year, from month to month or from day to day?

The Hon. Mr. KING rose, and explained the term.

Mr. WIDGERY read the paragraph, and said by the words, "except such parts as may require secrecy," Congress might withhold the whole journals under this pretence, and thereby the people be kept in ignorance of their doings.

The Hon. Mr. Gorham exposed the absurdity of any publick body publishing all their proceedings. Many things in great bodies are to be kept secret—and records must be brought to maturity before published: In case of treaties with foreign nations, would it be policy to inform the world of the extent of the powers to be vested in our ambassadour, and thus give our enemies opportunity to defeat our negotiations? There is no provision in the constitution of this state, or of Great-Britain, for any publication of the kind: And yet the people suffer no inconveniency. The Printers no doubt, will be interested to obtain the journals as soon as possible for publication, and they will be published in a book, by Congress, at the end of every session.

Rev. Mr. Perley described the alarms and anxiety of the people at the commencement of the war, when the whole country, he said cried, with one voice, "why don't General Washington march into Boston, and drive out the tyrants?" But, said he, heaven gave us a commander who knew better than to do this. The Rev. Gentleman said, he was acquainted with the Roman history, and the Grecian too, and he believed there never was, since the creation of the world, a greater General than Washington, except, indeed, Joshua, who was inspired by the Lord of Hosts, the God of the armies of Israel. Would it, he asked, have been prudent for that excellent man, General Washington, previous to the American army's taking possession of Dorchester heights, to have published to the world his intentions of so doing? No, says he, it would not.

The 1st paragraph of the 6th section read.

Dr. TAYLOR. Mr. President, it has hitherto been customary for the gentlemen of Congress, to be paid by the several state legislatures, out of the state treasury. As no state has hitherto failed paying its delegates, why should we leave the good old path? Before the revolution it was considered as a grievance, that the governours, &c. received their pay

from Great-Britain. They could not, in that case, feel their dependence on the people, when they received their appointments and salaries from the crown. I know not why we should not pay them now as well as heretofore.

General PORTER. Have not delegates been retained from Congress, which is virtually recalling them, because they have not been paid? Has not Rhode-Island failed to pay their delegates? Should there not be an equal charge throughout the United States, for the payment of the delegates, as there is in this state for the payment of the members of this Convention, met for the general good? Is it not advantageous to the people at large, that the delegates to this Convention are paid out of the publick treasury? If any inconvenience, however, can be shewn to flow from this plan, I should be glad to hear it.

Hon. Mr. Sedgwick hoped gentlemen would consider that the federal officers of government would be responsible for their conduct and as they would regard their reputations, will not assess exorbitant wages. In Massachusetts, and in every other state, the legislatures have power to provide for their own payment; and, he asked, have they ever established it higher than it ought to be? But on the contrary have they not made it extremely inconsiderable? The Commons of Great Britain, he said, have the power to assess their own wages, but for two centuries they have never exercised it. Can a man, he asked, who has the least respect for the good opinion of his fellow countrymen, go home to his constituents after having robbed them by voting himself an exorbitant salary? This principle will be a most powerful check: and in respect to economy, the power lodged as it is in this sect. will be more advantageous to the people, than if retained by the state legislatures. Let us see what the legislature of Massachusetts have done; they vote the salaries of the delegates to Congress, and they have voted them such as have enabled them to live in style suited to the dignity of a respectable state, but these salaries have been four times as much, for the same time, as they ever voted themselves. Therefore, concluded the Hon. Gentleman, if left to themselves to provide for their own payment, as long as they wish for the good opinion of mankind, they will assess no more than they really deserve, as a compensation for their services.

Hon. Mr. King said, if the arguments on the 4th sect. against an undue controul in the state legislatures, over the federal representatives, were in any degree satisfactory, they are so on this.

Gen. Thompson. Mr. President, the Hon. Gentleman means well, and is honest in his sentiments—It is all alike—When we see matters at large, and what it all is, we shall know what to do with it.

Mr. Parsons. In order that the general government should preserve itself, it is necessary it should preserve justice between the several states. Under the confederation the power in this sect. would not be just, for each state has a right to send seven members to Congress, though some of them do not pay one tenth so much of the publick expenses as others: it is a mere federal government of states, neither equal or proportionate. If gentlemen would use the same candour that the Hon. Gentleman from Topsham (Gen. Thompson) does, considering all the parts as connected with others, the constitution would receive a better discussion.

The 2d paragraph of the 6th sect. read.

Hon. Mr. Gorham said that this constitution contained restrictions which were not to be found in any other; and he wished gentlemen who had objected to every paragraph which had been read, would give the Convention credit for those parts which must meet the approbation of every man.

The 8th sect. of art. I. containing the POWERS OF CONGRESS, being read,³

General Brooks (*Lincoln*) said, this article contained more matter than any one yet read; and he wished to know, whether there are not to be some general restrictions to the general articles.

Hon. Mr. King. Mr. President, it is painful to me to obtrude my sentiments on the Convention, so frequently. However, sir, I console myself with the idea that my motives are as good as those of more able gentlemen, who have remained silent. Sir, this is a very important clause, and of the highest consequence to the future fortune of the people of America. It is not my intention to go into any elaborate discussion of the subject: I shall only offer those considerations which have influenced my mind in favour of the article, in the hope that it may tend to reconcile gentlemen to it. It shall not be with a view of exhibiting any particular knowledge of mine: for such is not my intention. Hitherto we have considered the construction of the general government. We now come, sir, to the consideration of the powers with which that government shall be clothed. The introduction to this constitution is in these words: "We the people, &c." The language of the confederation is, "We the states, &c." The latter is a mere federal government of states. Those, therefore, that assemble under it have no power to make laws to apply to the individuals of the states confederated; and the attempts to make laws for collective societies, necessarily leave a discretion to comply with them or not. In no instance has there been so frequent deviations from first principles, as in the neglect or refusal to comply with the requisitions of general governments for the

collection of monies. In the ancient governments this has been a principal defect. In the United Provinces of the Netherlands it has been conspicuously so. A celebrated political writer, I mean John de Witt, formerly pensioner of Holland, says, that in the confederacy of 1570, though the articles were declared equally binding on the several provinces, yet any one had it in its power to comply with the requisitions of the generality, or not; and some provinces taking advantage of this discretionary power, never paid any thing. During 40 years of their war with Spain, the Province of Holland paid 58 parts of an hundred, of all the expenses thereof. Two or three of the Provinces never so much as passed a resolution to pay any thing; and de Witt says, that two of them paid not a single gilder. What was the consequence? In one instance, Holland compelled a neighbouring province to comply with the requisitions, by marching a force into it. This was a great instance of usurpation, made in the time of a war. The Prince of Orange, and the generality, found that they would not continue the war, in this manner. What was to be done? They were obliged to resort to the expedient of doubling the ordinary requisitions on the states. Some of the provinces were prevailed upon to grant⁴ these requisitions fully, in order to induce Holland to do the same. She seeing the other states appearing thus forward, not only granted the requisitions, but paid them. The others did not. Thus was a single province obliged to bear almost the whole burdens of the war; and one hundred years after, the accounts of this war, were unsettled. What was the reason? Holland had but one voice in the states-general.⁵ That voice was feeble when opposed by the rest. This fact is true. The history of our own country, is a melancholy proof of a similar⁶ truth. Massachusetts has paid, while other states have been delinquent. How was the war carried on with the paper money? Requisitions on the states for that money were made. Who paid them?— Massachusetts, and a few others. A requisition of 29,000,000 dollars was quotaed on Massachusetts, and it was paid. This state has paid in her proportion of the old money. How comes it then, that gentlemen have any of this money by them? Because the other states have shamefully neglected to pay their quotas. Do you ask for redress? You are scoffed at. The next requisition, was for 11,000,000 of dollars, 6,000,000 of which, were to be paid in facilities, the rest in silver money, for discharging the interest of the national debt. If the legislatures found a difficulty in paying the hard money, why did they not pay the paper? But 1,200,000 dollars have been paid. And six states have not paid a farthing of it.8

(After mentioning another requisition equally disregarded, Mr. King said,) two states have not paid a single farthing, from the moment they

signed the confederation, to this day;10 if my documents are to be depended on, and they are open to inspection of all. Now, sir, what faith is to be put in requisitions on the states, for monies to pay our domestick creditors, and discharge our foreign debts—for monies lent us in the day of difficulty and distress. Sir, experience proves, as well as any thing can be proved, that no dependence can be placed on such requisitions. What method then can we devise to compel the delinquent states to pay their quotas? Sir, I know of none. Laws to be effective, therefore, must not be laid on states, but upon individuals. Sir, it has been objected to the proposed constitution, that the power is too great, and by this constitution is to be sacred. But if the want of power, is the defect in the old confederation, there is a fitness and propriety in adopting what is here proposed, which gives the necessary power wanted. Congress now have power to call for what monies, and in what proportion they please; but they have no authority to compel a compliance therewith. It is an objection in some gentlemen's minds, that Congress should possess the power of the purse and the sword. (But, Sir, I would ask, whether any government can exist—or give security to the people which is not possessed of this power? The first revenue will be raised from the impost, to which there is no objection, the next from the excise; and if these are not sufficient, direct taxes must be laid. To conclude, sir, if we mean to support an efficient federal government, which under the old confederation can never be the case the proposed constitution is, in my opinion, the only one that can be substituted.)11

Hon. Mr. White said, in giving this power we give up every thing; and Congress, with the pursestrings in their hands, will use the sword with a witness.

Mr. Dawes said, he thought the powers in the paragraph under debate should be fully vested in Congress. We have suffered, said he, for want of such authority in the federal head. This will be evident if we take a short view of our agriculture, commerce and manufactures. Our agriculture has not been encouraged by the imposition of national duties on *rival* produce: nor can it be, so long as the several states may make contradictory laws. This has induced our farmers to raise only what they wanted to consume in their own families; I mean however, after raising enough to pay their TAXES: For I insist, that upon the *old plan*, the land has borne the burden. For as Congress could not make laws whereby they could obtain a revenue, *in their own way*, from impost or excise, they multiplied their requisitions on the several states. When a state was thus called on, it would perhaps impose new duties on its own trade, to procure money for paying its quota of federal demands.

This would drive the trade to such neighbouring states as made no such new impositions: Thus the revenue would be lost with the trade, and the only resort would be a direct tax.

As to commerce, it is well known that the different states now pursue different systems of duties in regard to each other. By this, and for want of general laws of prohibition through the union, we have not secured even our own domestick traffick, that passes from state to state. This is contrary to the policy of every nation on earth. Some nations have no other commerce. The great and flourishing empire of China has but little commerce beyond her own territories; and no country is better circumstanced than we, for an exclusive traffick from state to state: Yet even in this we are rivalled by foreigners—by those foreigners to whom we are the least indebted. A vessel from Roseway or Halifax finds as hearty a welcome with its fish and whale bone at the southern ports, as though it was built, navigated and freighted from Salem or Boston. And this must be the case, until we have laws comprehending and embracing alike all the states in the union.

But it is not only our coasting trade, our whole commerce is going to ruin. Congress has not had power to make even a trade law, which shall confine the importation of foreign goods to the ships of the producing or consuming country: If we had such a law, we should not go to England for the goods of other nations; nor would British vessels be the carriers of American produce from our sister states. In the states southward of the Delaware, it is agreed, that three fourths of the produce are exported, and three fourths of the returns are made in British bottoms. It is said, that for exporting timber one half the property goes to the carrier, and of the produce in general, it has been computed, that when it is shipped for London from a southern state, to the value of one million of dollars, the British merchant draws from that sum three hundred thousand dollars, under the names of freight and charges. This is money which belongs to the New-England States, because we can furnish the ships as well as, and much better, than the British. Our sister states are willing we should receive these benefits, and that they should be secured to us by national laws; but until that is done, their *private* merchants will, no doubt, for the sake of long credit, or some other such temporary advantage, prefer the ships of foreigners: And yet we have suffered these ignominious burthens, rather than trust our own representatives with power to help us; and we call ourselves free and independent states? We are independent of each other, but we are slaves to Europe. We have no uniformity in duties, imposts, excises or prohibitions. Congress has no authority to withhold advantages from foreigners, in order to obtain advantages from them. By the

9th of the old articles, Congress may enter into treaties and alliances under certain provisos, but Congress cannot pledge, that a single state shall not render the whole treaty of commerce a nullity.

Our manufactures are another great subject, which has received no encouragement by national duties on foreign manufactures, and they never can by any authority in the old confederation. It has been said, that no country can produce manufactures until it be overstocked with inhabitants. It is true, the United States have employment, except in the winter, for their citizens in agriculture—the most respectable employment under heaven: But it is now to be remembered, that since the old confederation there is a great emigration of foreign artizans hither, some of whom are left here by the armies of the last war, and others, who have more lately sought the new world, from hopes of mending their condition—these will not change their employments. Besides this, the very face of our country leads to manufactures. Our numerous falls of water, and places for mills, where paper, snuff, gun powder, iron works, and numerous other articles are prepared—these will save us immense sums of money, that otherwise would go to Europe. The question is, have these been encouraged? Has Congress been able, by national laws to prevent the importation of such foreign commodities as are made from such raw materials as we ourselves raise. It is alledged, that the citizens of the United States have contracted debts within the last three years, with the subjects of Great-Britain, for the amount of near six millions of dollars, and that consequently our lands are mortgaged for that sum. So Corsica was once mortgaged to the Genoese merchants for articles which her inhabitants did not want, or which they could have made themselves, and she was afterwards sold to a foreign power.¹² If we wish to encourage our own manufactures to preserve our own commerce—to raise the value of our own lands, we must give Congress the powers in question.

The Hon. Gentleman from Norton [Abraham White] last speaking, says, that if Congress have the power of laying and collecting taxes, they will use the power of the sword. I hold the reverse to be true. The doctrine of requisitions, or of demands upon a whole state, implies *such a power*: For surely a whole state, a whole community, can be compelled only by an army; but taxes upon an individual, implies only the use of a *collector of taxes*. That Congress, however, will not apply to the power of direct taxation, unless in cases of *emergency*, is plain; because, as thirty thousand inhabitants will elect a representative, eight tenths of which electors perhaps are *yeomen*, and holders of farms, it will be their own faults if they are not represented by such men as will never permit the land to be injured by unnecessary taxes.¹³

Mr. Bodman¹⁴ said, that the power given to Congress, to lay and collect duties, taxes, &c. as contained in the section under consideration, was certainly unlimited, and therefore dangerous: And wished to know, whether it was necessary to give Congress power to do harm, in order to enable them to do good. It had been said, that the sovereignty of the States remains with them—but if Congress has the power to lay taxes—and in cases of negligence or non-compliance, can send a power to collect them—he thought that the idea of sovereignty was destroyed. This, he said, was an essential point: and ought to be seriously considered. It had been urged that gentlemen were jealous of their rulers—he said, he thought they ought to be so—it was just they should be so—for jealousy was one of the greatest securities of the people, in a republick. The power in the 8th section, he said, ought to have been defined—that he was willing to give power to the federal head—but he wished to know what that power was.¹⁵

Hon. Mr. Sedgwick, in answer to the gentleman last speaking, said, if he believed the adoption of the proposed constitution would interfere with the state legislatures, he would be the last to vote for it; but he thought all the sources of revenue ought to be put into the hands of government, (who were to protect, and secure us: and powers to effect this had always been necessarily unlimitted.)¹⁶ Congress would necessarily take that which was easiest to the people; the first would be impost, the next excise, (and a direct tax, will be the last;)¹⁷ for, says the Hon. Gentleman, drawing money from the people, by direct taxes, being difficult and uncertain, it would be the last source of revenue applied to, by a wise legislature—and hence, says he, the people may be assured that the delegation of a power to levy them would not be abused. Let us suppose—and we shall not be thought extravagant in the supposition—continued Mr. S. that we are attacked by a foreign enemy, that in this dilemma our treasury was exhausted, our credit gone; our enemy on our borders; and that there was no possible method of raising impost or excise: In this case, the only remedy would be a direct tax. Could, therefore, this power being vested in Congress, lessen the many advantages which may be drawn from it.

Mr. Singletary thought no more power could be given to a despot, than to give up the purse-strings of the people.

Col. Porter asked, if a better rule of yielding power could be shewn than in the constitution; for what we do not give (said he) we retain.

Gen. Thompson. ¹⁸ Mr. President, I totally abhor this paragraph. Massachusetts has ever been a leading state; now let her give good advice to her sister states. Suppose nine States adopt this Constitution, who shall touch the other four? Some cry out, force them. I say draw them.

We love liberty. Britain never tried to enslave us until she told us we had too much liberty. We cannot have too much liberty. The confederation wants amendments; shall we not amend it? The Convention were sent on to Philadelphia to amend this confederation; but they made a new creature; and the very setting out of it is unconstitutional. In the Convention, Pennsylvania had more members than all New-England, and two of our delegates only were persuaded to sign the Constitution. Massachusetts once shut up the harbours against the British. There I confess I was taken in. Don't let us be in a hurry again. Let us wait to see what our sister states will do. What shall we suffer if we adjourn the consideration of it for five or six months? It is better to do this than adopt it so hastily. Take care we don't disunite the states. By uniting we stand, by dividing we fall.

Major Kingsley.²¹ Mr. President, after so much has been said on the powers to be given to Congress, I shall say but a few words on the subject. By the articles of confederation the people have three checks on their delegates in Congress; the annual election of them, their rotation, and the power to recall any, or all of them, when they see fit: in view of our federal rulers, they are the servants of the people: in the new constitution, we are deprived of annual elections, have no rotation, and cannot recall our members; therefore our federal rulers will be masters and not servants. I will examine what powers we have given to our masters. They have power to lay and collect all taxes, duties, imposts and excises; raise armies, fit out navies, to establish themselves in a federal town of ten miles square, equal to four middling townships, erect forts, magazines, arsenals, &c.—Therefore, should the Congress be chosen of designing and interested men, they can perpetuate their existence, secure the resources of war; and the people will have nothing left to defend themselves with. Let us look into ancient history.—The Romans, after a war, thought themselves safe in a government of ten men, called the Decemviri: these ten men were invested with all powers, and were chosen for three years. By their arts and designs they secured their second election; but finding, from the manner in which they had exercised their power, they were not able to secure their third election, they declared themselves masters of Rome, impoverished the city, and deprived the people of their rights.²² It has been said that there was no such danger here; I will suppose they were to attempt the experiment, after we have given them all our money, established them in a federal town, given them, the power of coining money, and raising a standing army; and to establish their arbitrary government; what resources have the people left? I cannot see any.—The parliament of England was first chosen annually; they afterwards lengthened their duration to three

years; and from triennial they became septennial.²³ The government of England has been represented as a good and happy government, (but some parts of it, their greatest political writers much condemn: especially that of the duration of their Parliaments: \(\rangle^{24}\) Attempts are yearly made to shorten their duration, from septennial to triennial; but the influence of the ministry is so great, that it has not yet been accomplished. From this duration, bribery and corruption are introduced. Notwithstanding they receive no pay, they make great interest for a seat in Parliament, one or two years before its dissolution, and give from five to twenty guineas, for a vote; and the candidates sometimes expend from 10,000 l to 30,000 l. Will a person throw away such a fortune and waste so much time, without the probability of replacing such a sum with interest? Or can there be security in such men? Bribery may be introduced here as well as in Great-Britain—and Congress may equally oppress the people—because we cannot call them to an account; considering that there is no annual election—no rotation—no power to recall them, provided for.

- 1. These first two paragraphs do not appear in the Massachusetts Centinel, 30 January.
- 2. See RCS:Mass., 1212-13, note 5.
- 3. On 23 January the *Massachusetts Centinel*, commenting on the start of this debate on the 8th section, noted, "The Hon. Convention have now come to the 8th sect. of the Constitution, which specifies the POWERS with which Congress shall be INVESTED." This item was reprinted in the *Hampshire Chronicle*, 30 January, and in four other newspapers by 8 February: Pa. (3), Md. (1).
 - 4. "Grant" is italicized in the Massachusetts Centinel, 30 January.
- 5. See John de Witt, *The True Interest and Political Maxims of the Republick of Holland and West-Friesland* (London, 1702), Part II, chapter 11, especially pp. 302–5. In 1662 this book was originally published anonymously in Dutch by its author, Peter de la Court, who included two chapters probably written by Dutch patriot and republican John de Witt (1625–1672). (De Witt was Grand Pensionary of Holland from 1653 to 1672.) In 1669 Court published a revised and enlarged edition of the book. The volume published in London in 1702 was the first English translation of this work. The confederacy mentioned by Rufus King was probably the Union of Utrecht (1579), which was composed of seven provinces each having an equal voice.
 - 6. "The same" replaces "a similar" in the Massachusetts Centinel, 30 January.
- 7. In order to finance the War for Independence, the Continental Congress issued paper currency, which in time depreciated badly in value. In September 1779 it set a limit on the amount to be issued at \$200,000,000, of which \$160,000,000 had already been emitted. On 18 March 1780 it revalued this paper currency at 40 to 1 in specie, and it requested that the states call in this money through taxes, at the rate of \$15,000,000 per month. Each state was required to call in a set amount, whereupon Congress would issue \$2 in new bills for every \$40 of old bills brought in by state taxes. Four-tenths of the new bills would go to Congress, the rest to the states. A report made by the United States Treasury in May 1790 reveals that, with the exception of Georgia and South Carolina, all of the thirteen states redeemed some of the old Continental money, although some were still calling in the money in 1786, 1787, and 1788. In 1781 and 1782 Massachusetts called in \$29,861,006, the total amount of the state's quota. Delaware and New

Hampshire were the only other states to meet their full quotas, although Rhode Island came very close. Four states called in less than half of their quotas.

- 8. The "next requisition" was probably the special requisition of August 1780 through which Congress sought to raise the equivalent of \$3,000,000 in specie value. The congressional resolutions of 26 August, requesting this sum, called for the exchange of old Continental bills for new ones pursuant to Congress' resolution of 18 March 1780 (note 7 above). The resolutions also provided that commissary and quartermaster certificates (i.e., "facilities") could be used to pay taxes in the same manner as old Continental bills.
- 9. The text in angle brackets was italicized and enclosed in square brackets in the Massachusetts Centinel, 30 January.
- 10. Georgia was the only state that did not pay anything on its quota of the congressional requisitions levied between October 1781 and October 1787. As the second state, King probably had in mind North Carolina, which paid only three percent of its quota (RCS:Va., 652n).
- 11. In the Massachusetts Centinel, 30 January, the text in angle brackets reads, "But, Sir, I would ask, whether every government is not possessed of this power—and the security of the people lies in their having it. The first revenue will be raised from the Impost, to which there is no objection—the next from the Excises—and if these are not sufficient, direct taxes must be laid. Sir, my intention in rising, was to say, that if we mean to support an efficient federal government, the old Confederation being inadequate thereto, the proposed Constitution is the only one that can be substituted." After Rufus King's speech, the Centinel printed a speech delivered by General Samuel Thompson. The Convention Debates, however, inserts Thompson's speech near the end of the day, just before the last speech recorded for the day. The notes taken by Theophilus Parsons (immediately below) agree with the Convention Debates, as does the Independent Chronicle of 31 January.
- 12. In 1768 the republic of Genoa, which had dominated Corsica almost continuously since the 14th century, signed a treaty with France, whereby it sold the sovereignty of Corsica to the French.
- 13. In completing its printing of the above portion of this day's debates, the *Massa-chusetts Centinel*, 30 January, announced that "We wish it were in our power to comply with the desire of many of our good friends, by publishing our paper oftener than twice in the week: But we cannot. Our time is wholly occupied in taking minutes of, preparing, and arranging, even the imperfect sketches of the debates we now publish: We, therefore, solicit their indulgence, if our adherence to regularity should still keep us in the REAR of the debates." On 2 February the *Centinel* published the rest of the day's debates.
- 14. William Bodman (1741–1835) represented Williamsburgh in the state House of Representatives, 1783–90, 1792–97.
- 15. The Convention Debates substantially revised Bodman's speech, which, in the Massachusetts Centinel, 2 February, reads, "Mr. Bodman said, if Congress possessed the power of levying direct taxes, &c. it was to him a power unlimited. He granted that power was necessary to be delegated to Congress; but they may do hurt, to do good; he contested that the sovereignty should remain in the states, and that they alone should lay direct taxes;—his reason was, that if the requisitions of Congress were not complied with, and they should send a power to collect them—there would be no sovereignty left in the states;—and that we ought never to give up this essential point: He was jealous of the liberties of the people—it was right so to be,—for without jealousy no republican government ever could exist: Without a better definition of these powers was given, than what he had heard, he never could vote for the federal head."
- 16. In the *Independent Chronicle*, 31 January, and *Massachusetts Centinel*, 2 February, the text in angle brackets reads, "and in cases of emergency the power of levying taxes had been always unlimited."

- 17. In the *Independent Chronicle*, 31 January, the text in angle brackets reads, "and the last a direct tax, which is hard money." The remainder of the sentence from this point does not appear in the *Chronicle*.
- 18. For the location of Samuel Thompson's speech as reported in the *Massachusetts Centinel*, 30 January, see note 11 (above).
- 19. Nine New England delegates—two from New Hampshire, four from Massachusetts, and three from Connecticut—attended the Constitutional Convention. Six of them—including Rufus King and Nathaniel Gorham from Massachusetts—signed the Constitution, while all eight Pennsylvania delegates signed.
- 20. A reference to the Massachusetts navigation act adopted in June 1785 (RCS:Mass., xxxiii and xlvii, note 12).
- 21. Martin Kingsley (1754–1835), a graduate of Harvard College (1778) and a Shaysite sympathizer, was town treasurer of Hardwick, 1787–92, and a member of the state House of Representatives, 1787–93, 1794–97. He moved to Hampden, Maine, in either 1797 or 1798. Between 1801 and 1821, he was variously a state representative, a state senator, a member of the Executive Council, a U.S. Representative, and a judge. For commentaries on Kingsley's speech, see "Helvidius Priscus" IV, Massachusetts Gazette, 5 February, at note 2; and "Portius," Massachusetts Gazette, 8 February, at note 4, and note 4 (RCS:Mass., 858, 882, 883n).
- 22. At this point, the following sentence appears in the *Massachusetts Centinel*, 2 February: "They even suffered themselves to be defeated in the field, thereby the better to subjegate the people of Rome."

In 451 B.C. a Commission of Ten was created in the Roman Republic in response to pressure brought by plebeians who wanted laws published so that patricians could not interpret custom as they saw fit. These *decemvirs*, all patricians, issued a code of law consisting of ten tables. These laws were sanctioned by the *Comitia Centuriata*, or legislative assembly, that was composed of both patricians and plebeians. The next year another commission, which included some plebeians, added two more tables, which Cicero later labeled as unjust. The commission began to rule dictatorially, bringing on a reign of terror. Eventually, the plebeians seceded from the commission, the decemvirs abdicated, and constitutional government was restored in 449. The code of the Twelve Tables, however, remained in effect.

Note-taker Theophilus Parsons asserted that Kingsley had misconstrued the story of the decemvirs (immediately below).

- 23. For the Triennial Act (1694), see RCS:Mass., 1205, note 4. The Septennial Act was adopted in 1716.
- 24. In the Massachusetts Centinel, 2 February, the text in angle brackets reads, "but I believe it is a mistake."

Theophilus Parsons: Notes of Convention Debates, 21 January, P.M.¹

3 о'сьоск, Р. М.

Mr. Parsons gives the reasons why two-thirds are necessary to expulsion.

Dr. TAYLOR objects. As to publishing journal from time to time, is uncertain; it means any thing or nothing.

Mr. King says, the phrase must be determined according to the subject matter to which it is applied—from session to session.

Mr. Wedgery. He has no doubt as to the words "from time to time," but objects as to the clause of secrecy—each house may think it proper to keep every thing secret.

Mr. Gorham. As to secrecy, the interest of the State requires, many times, secrecy. No other government ever required in its Constitution that the journals should be published. In cases of treaties, secrecy is necessary.

Dr. TAYLOR. His only objection is, as to the time.

Rev. Mr. Perley. Alarms of Lexington—God raised up Washington, a better man than General Thompson. Should Washington have published his secret council to his armies, he could not have defied Gen. Howe, &c.

Dr. TAYLOR, to the sixth section. Under the old Confederation, each State paid its own delegates, and no corruption; is not for an alteration.

Col. PORTER. There has been complaint. Rhode Island would pay their delegates in paper money—some States have not sent because they had not money—equal, it should be a common charge—this Convention is so supported.

Mr. Sedgwick. In favor of the section—the practice in every State.

Mr. King. If the section does not take place the people may be deprived of privileges, by the legislatures refusing to make provision.

Paragraph, exclusion from office.

Mr. GORHAM. To take away all inducement to ill-administration, the exclusion was provided.

Mr. Parsons added, that if a member was to resign, he could not take a place until the time for which he was elected was expired.

Section seventh—no debate.

Section eighth, first paragraph—for laying duty, &c.

Gen. Brooks, of Lincoln. Has doubts about the clause of the general welfare—whether there should not have been some limitation.

Gen. Thompson seems to think nobody now understands it.

Mr. King. The present clause the most important. We have already considered the organization of the legislature, and now come to powers to be vested in it. This Constitution is to be formed by the people, the old Confederation by the States—the old Confederation radically defective as to raising money. In Holland the several provinces never advanced the quota, though strictly bound—Holland, by force, compelled one of the states to pay its quota—to relieve the state, they used to demand double of what they wanted, and get what they could—Holland advanced almost the whole, and having but one vote, could never get the accounts settled. Considers the conduct of the several

American States during the late war. Nobody will object to the impost and excise, but to direct taxation.

Hon. Mr. White. The other States will always out-vote us. As to Holland, they are already got into Lordships—no collecting the money but by the point of the sword—that is the design of this Constitution, after they have built the forts and got the ten miles square.

Mr. Dawes. The reason of giving this power is to render the sword unnecessary, for without this power Congress cannot compel a State to pay, without an army—perhaps Congress may never have the necessity, as they now have imposts and excises. But Congress will not raise direct taxes but for necessity. They will be chosen by the people, and will feel as the people feel, and therefore will not abuse their power—necessary that Congress should have the power of imposts and excises—that they encourage agriculture by checking the importation and consumption of foreign produce—necessity of Congress having the regulation of commerce—talks about agriculture and manufactures—population from migration—convenient places for mills for manufacturing. But we cannot encourage manufactures until Congress have these powers when they have these powers, Congress will have but little occasion for direct taxation—we may have war, and want money—to collect it by requisition is nugatory—without an army—Congress will first demand it, and each State may raise it in such a way as they like best.

Mr. Bodman. Objects to direct taxation. Congress should have some powers, but it is difficult to draw the line, but it ought to be drawn between the sovereignty of general government and of each State. Now, the sovereignty of this State is given up, as the general government may prevent our collecting any taxes. Now if the power had been conditional, if a State refused, he should have no objection. Now, Congress may prevent each State from supporting its own government.

Mr. Sedewick. The same objection applies as between a State and its towns—states the necessity of Congress having this power.

Mr. Singletary. The power is unlimited in Congress—he objects against it—a new case—as much power as was ever given to a despotic prince—will destroy all power in this of raising taxes, and we have nothing left—the only security is, we may have an honest man, but we may not have—we may have an atheist, pagan, Mahommedan—must take care of posterity—few nations enjoy the liberty of Englishmen. Is for giving up some power, but not every thing—no bill of rights—civil and sacred privileges will all go.

Col. Fuller.

Gen. THOMPSON. He would not adopt the Constitution if it was perfect, till he saw what our sister States will do. Massachusetts being a

leading State, ought to stand by. We send delegates to Convention to amend, and not make a new one. Only two of our delegates signed it—overpowered by Pennsylvania delegates. This Constitution will not help our trade—if the other States who have not paid, will not pay, we must make them by fair means—better draw than drive—we must support the old Confederation—if only nine accept, we cannot touch the other four—if we attempt to force them, we shall be torn to pieces, for foreign States will help them. The Constitution is in doubtful terms; it can't be understood. Union is necessary; division will destroy us.

Maj. KINSLEY. Power is not dangerous, if people have proper checks—checks were proper under the old Confederation—we have them not under the new. Under the old Confederation, the delegates were our servants; now they are our masters, and we have no control over any usurpation of theirs—they have all our money, a standing army, a Federal town. Tells the story of the Decemviri, but mistakes it. The British Parliament first altered from annual to triennial, then to septennial—people uneasy under it—every session an exertion is made to repeal the septennial bill, but fails through bribery and corruption—our Senate, on an average, for four years²—we shall soon see the time when bribery and corruption will be employed to obtain elections—under these circumstances, he is not for trusting these powers with any one body of men.

- 1. Printed: Convention Debates (1856), 309-12.
- 2. On 19 January Rufus King, seeking to demonstrate that the terms of senators were not as long as they appeared, said that "One class is to serve two years—another four—and another six years—the average therefore is four years." This notion was challenged immediately by Dr. John Taylor (RCS:Mass., 1257).

The Massachusetts Convention Tuesday 22 January 1788

Convention Debates, 22 January, A.M.

Section 8th, still under consideration.

[For Tristram Dalton's speech, see Newspaper Report of Convention Proceedings and Debates, 22 January, A.M., immediately below.]

Judge Sumner.¹ The powers proposed to be delegated in this sect. are very important, as they will in effect place the purse-strings of the citizen in the hands of Congress for certain purposes. In order to know whether such powers are necessary, we ought, sir, to inquire what the

design of uniting under one government is. It is, that the national dignity may be supported, its safety preserved, and necessary debts paid—Is it not necessary then to afford the *means* by which alone those objects can be attained? Much better, it appears to me, would it be for the States not to unite under one government which will be attended with some expense, than to unite and at the same time withhold the powers necessary to accomplish the design of the union. Gentlemen say, the power to raise money may be abused—I grant it: And the same may be said of any other delegated power. Our General Court have the same power; but did they ever dare abuse it? Instead of voting themselves 6/8, they might vote themselves £.12 a day; but there never was a complaint of their voting themselves more than what was reasonable—If they should make an undue use of their power, they know, a loss of confidence in the people would be the consequence, and they would not be re-elected; and this is one security in the hands of the people. Another is, that all money-bills are to originate with the house of representatives: And can we suppose, the representatives of Georgia, or any other State, more disposed to burden their constituents with taxes, than the representatives of Massachusetts—it is not to be supposed—for whatever is for the interest of one State in this particular, will be the interest of all the States; and no doubt attended to, by the house of representatives. But why should we alarm ourselves with imaginary evils—an impost will probably be a principal source of revenue; but if that should be insufficient, other taxes, especially in time of war, ought to supply the deficiency. It is said, that requisitions on the States ought to be made in cases of emergency; but we all know there can be no dependence on requisitions: The Hon. Gentleman from Newbury-Port, gave us an instance from the history of the United Provinces to prove it, by which it appears they would have submitted to the arms of Spain, had it not been for the surprizing exertions of one Province. But there can be no need of recurring to ancient records, when the history of our own country furnishes an instance, where requisitions have had no effect. But some gentlemen object further, and say, the delegation of these great powers, will destroy the state legislatures; but I trust this never can take place, for the general government depends on the state legislatures for its very existence—the president is to be chosen by electors under the regulation of the State legislatures—the senate is to be chosen by the State legislatures; and the representative body, by the people, under like regulations of the legislative body, in the different States.—If gentlemen consider this, they will, I presume alter their opinion, for nothing is clearer, than that the existence of

the legislatures in the different States, is essential to the *very being* of the general government. I hope, sir, we shall all see the necessity of a federal government, and not make objections, unless they appear to us to be of some weight.

Mr. Gore.³ This section, Mr. President, has been the subject of many observations, founded on real or pretended jealousies of the powers herein delegated to the general government—and by comparing the proposed Constitution, with things in their nature totally different, the mind may be seduced from a just determination on the subject.—Gentlemen have compared the authority of Congress, to levy and collect taxes from the people of America, to a similar power assumed by the Parliament of Great-Britain—if we but state the relation which these two bodies bear to America, we shall see that no arguments drawn from one, can be applicable to the other. The House of Commons, in the British Parliament, which is the only popular branch of that assembly, was composed of men, chosen exclusively by the inhabitants of Great-Britain, in no sort amenable to, or dependent upon the people of America, and secured by their local situation, from every burthen they might lay on this country. By impositions on this part of the empire, they might be relieved from their own taxes, but could in no case be injured themselves. The Congress of the United States is to be chosen, either mediately or immediately by the people. They can impose no burthens but what they participate in common with their fellow-citizens:-The Senators and Representatives during the time for which they shall be elected, are incapable of holding any office which shall be created, or the emoluments thereof be increased during such time—this is taking from candidates, every lure to office, and from the administrators of the government, every temptation to create or increase emoluments to such degree as shall be burthensome to their constituents. Gentlemen who candidly consider these things, will not say that arguments against the assumption of power by Great-Britain can apply to the Congress of the United States. Again, sir, it has been said that because ten men of Rome, chosen to compile a body of laws for that people, remained in office after the time for which they were chosen, therefore the Congress of America will perpetuate themselves in Government. The Decemviri in their attainment to their exalted station, had influence enough over the people to obtain a temporary sovereignty, which superseded the authority of the Senate and the Consuls, and gave them unlimited controul over the lives and fortunes of their fellow-citizens—They were chosen for a year—At the end of this period, under pretence of not having completed their business, they

with the alteration of some few of their members were continued for another year; at the end of the second year, notwithstanding the business for which they were chosen was completed, they refused to withdraw from their station, and still continued in the exercise of their power⁴—But to what was this owing? if history can be credited, it was to an idea universally received by the Roman people, that the power of the magistrate was supposed to [be] determine[d] by his own resignation, and not by expiration of the time for which he was chosen—this is one, among many instances which might be produced of the small attainments of the Roman people, in political knowledge—And I submit it, sir, to the candour of this Convention, whether any conclusions can be fairly drawn, against vesting the proposed government with the powers mentioned in this section, because the magistrates of the ancient republicks usurped power, and frequently attempted to perpetuate themselves in authority.

Some gentlemen suppose it is unsafe and unnecessary to vest the proposed government with authority to "lay and collect taxes, duties, imposts and excises."—Let us strip the subject of every thing that is foreign, and refrain from likening it with governments which in their nature and administration have no affinity—and we shall soon see that it is not only safe, but indispensibly necessary to our peace and dignity, to vest the Congress with the powers described in this section—to determine the necessity of investing that body with the authority alluded to, let us inquire what duties are incumbent on them?—To pay the debts, and provide for the common defence, and general welfare of the United States—To declare war, &c.—To raise and support armies—To provide and maintain a navy: These are authorities and duties incident to every government.—No one has, or I presume will, deny that whatever government may be established over America ought to perform such duties; the expense attending these duties is not within the power of calculation—The exigencies of government are in their nature illimitable, so then must be the authority which can meet these exigencies—where we demand an object, we must afford the means necessary to its attainment—whenever it can be clearly ascertained, what will be the future exigencies of government, the expense attending them, and the product of any particular tax, duty or impost, then, and not before, can the people of America limit their government to amount and fund. Some have said that the impost and excise would be sufficient for all the purposes of government in times of peace; and that in war, requisitions should be made on the several states for sums to supply the deficiencies of this fund—Those who are best informed, suppose this fund inadequate to, and none pretend that it can exceed the expenses of a peace establishment; what then is to be done? Is America to wait until she is attacked, before she attempts a preparation for defence—this would certainly be unwise—It would be courting our enemies to make war upon us—The operations of war are sudden and call for large sums of money—collections from states are at all times slow and uncertain—and in case of refusal, the non-complying state must be coerced by arms, which in its consequences would involve the innocent with the guilty, and introduce all the horrours of a civil war—but it is said we need not fear a war—we have no enemies—let gentlemen consider the situation of our country, they will find we are circumscribed with enemies from Maine to Georgia. I trust therefore that upon a fair and candid consideration of the subject, that it will be found indispensibly requisite to the peace, dignity and happiness of America, that the proposed government should be vested with all the powers granted by the section under debate.

Hon. Mr. Phillips,⁵ (Boston) (I rise to make a few observations on this section, as it contains powers absolutely necessary.\6 If social government did not exist, there would be an end of individual government; therefore our very being depends on social government. On this article is founded the main pillar of the building—take away this pillar and where is your government? Therefore, I conceive, in this view of the case, this power is absolutely necessary. There seems to be a suspicion that this power will be abused, but is not all delegation of power equally dangerous? If we have a castle, shall we delay to put a commander into it, for fear he will turn his artillery against us? My concern is for the majesty⁷ of the people; if there is no virtue among them, what will the Congress do? If they had the meekness⁸ of Moses, the patience of Job, and the wisdom of Solomon, and the people were determined to be slaves, sir, could the Congress prevent them? If they set heaven at defiance no arm of flesh can save them. Sir, I shall have nothing to do in this government. But we see the situation we are in, we are verging towards destruction, and every one must be sensible of it. (I suppose the New-England states have a treasure offered to them, better than the mines of Peru:9 and it cannot be to the disadvantage of the southern states.)10 Great-Britain and France come here with their vessels; instead of our carrying our produce to those countries in American vessels, navigated by our own citizens. When I consider the extensive sea-coast there is to this state alone, so well calculated for commerce, viewing matters in this light, I would rather sink all this continent owes me, than that this power should be withheld from Congress. Mention is made that Congress ought to be restricted of the power to keep an army except in times of war; I apprehend that great mischiefs would

ensue from such a restriction. Let us take means to prevent war, by granting to Congress the power of raising an army. If a declaration of war is made against this country, and the enemy's army is coming against us, before Congress could collect the means to withstand this enemy, they would penetrate into the bowels of our country, and every thing dear to us, would be gone in a moment. The Hon. Gentleman from Topsham has made use of the expression "O! my country" from an apprehension that the constitution should be adopted; I will cry out "O! my country" if it is not adopted. I see nothing but destruction and inevitable ruin, if it is not. The more I peruse and study this article, the more convinced am I of the necessity of such a power being vested in Congress—the more I hear said against it, the more I am confirmed in my sentiments of its expediency—for it is like the pure metal, the more you rub it, the brighter it shines. It is with concern I hear the Hon. Gentleman from Topsham make use of language against the gentlemen of the law. Sir, I look on this order of men to be essential to the liberties and rights of the people; and whoever speaks against them as speaking against an ordinance of Heaven. Mr. President, I hope every gentleman will offer his sentiments candidly on this momentous affair, that he will examine for himself and consider that he has not only the good of this Commonwealth under his consideration, but the welfare of the United States.

Doctor Willard¹² entered largely into the field of ancient history, and deduced therefrom arguments to prove that where power had been trusted to men, whether in great or small bodies, they had always abused it, and that thus republicks had soon degenerated into aristocracies. He instanced Sparta, Athens, and Rome. The Amphictionick league, he said, resembled the confederation of the United States—while thus united, they defeated Xerxes—but were subdued by the gold of Philip, who bought the council to betray the interest of their country.

Hon. Mr. Gorham, (in reply to the gentleman from *Uxbridge*) exposed the absurdity of conclusions and hypotheses drawn from ancient governments—which bore no relation to the confederacy proposed; for those governments had no idea of representations as we have. He however warned us against the evils which had ruined those states, which he thought was the want of an efficient federal government. As much as the Athenians rejoiced in the extirpation of a Lacedemonian, will, if we are disunited, a citizen of Massachusetts, at the death of a Connecticut man, or a Yorker. With respect to the proposed government degenerating into an aristocracy, the Hon. Gentleman observed, that the nature and situation of our country rendered such a circumstance impossible: As from the great preponderance of the agricultural

interest in the United States—that interest would always have it in its power to elect such men, as would, he observed, effectually prevent the introduction of any other than a perfectly democratical form of government.¹³

Hon. Mr. [George] CABOT went fully into a continuation of the arguments of the Hon. Gentleman last up. In a clear and elegant manner he analysed the ancient governments mentioned by Dr. Willard, and by comparing them with the proposed system, fully demonstrated the superiority of the latter, and in a particular manner, the section under debate.

Mr. Randal said, the quoting of ancient history was no more to the purpose, than to tell how our fore fathers dug clams at Plymouth; He feared a *consolidation* of the thirteen states. Our manners, he said, were widely different from the southern states—their elections were not so *free and unbiassed*; therefore, if the states were consolidated he thought it would introduce manners among us which would set us at continual variance.

Mr. Bowdoin¹⁴ pointed out other instances of dissimilarity between the systems of the ancient republicks, and the proposed constitution, than those mentioned by the Hon. Gentlemen from Charlestown and Beverly;¹⁵ in the want of the important checks in the former, which were to be found in the latter—to the want of which, in the first, was owing, he said, the usurpation which took place. He instanced the decemviri, who though chosen for a short period, yet *unchecked*, soon subverted the liberties of the Romans;¹⁶ and concluded with a decided opinion in favour of the constitution under debate.

1. The version of Increase Sumner's speech that was printed in the Convention Debates also appeared in the Massachusetts Centinel, 2 February. A shorter version, printed in the Independent Chronicle, 31 January, reads, "The power in the present section is very important; at present my opinion is in favour of bestowing this power in the general government, nevertheless I may change my opinion. The prosperity and happiness of this country depends in a great measure on the subject under consideration. It is said that this is a great power, but will not the same objection lie against the delegation of any power? They have a power to levy taxes; they may levy more than is necessary,—instead of voting themselves 6/8 per day, they may vote themselves £.12. If they abuse their power in this manner, the only convenient way is to keep them from office.—They know if they make an undue use of the confidence reposed in them, they will not be re-elected. Again, it is said that the house of representatives is too small. We know all money bills are to originate in the representative body: Can we suppose that Georgia or any small state, will have as strong a voice to tax us, as Massachusetts? But why shall we alarm ourselves with imaginary difficulties. I suppose if the impost and excise should produce insufficient for the exigencies of government, direct taxes must supply the deficiency, and in case of a war, would not the power of raising those taxes be necessary? What would be our case if Congress had not this power? The Hon. gentleman from Newbury-Port yesterday adduced proof that such power was requisite, in the example of the United Provinces. The history of our own times shows us that, requisitions have been ineffectual; some states have paid,

while others have been delinquent.—I think, Mr. President, we shall never get to be a respectable nation without a federal government. Another objection has been made to this Constitution: It is said that the general power destroys the State Legislature. If we consider that the general government depends on the State Legislature, that the President is to be elected by the Senate, the Senate by the State Legislatures, the Representatives by the people; we find the general government cannot exist without the State Legislatures. I hope sir, we shall see the necessity of a federal government, and not make any objections, unless of greater weight."

2. See Rufus King's 21 January speech (RCS:Mass., 1286, 1295-96).

- 3. A shorter version of Christopher Gore's speech was first printed in the Independent Chronicle on 31 January. This version reads, "This section, Mr. President, has been the subject of much jealousy,-Gentlemen have compared the delegation of the power of making taxes, to the government of Great-Britain—cases which do not agree: It has also been compared to ten men of Rome, chosen to compile a system of laws. These people usurped the power-to what was this owing? To the feeble idea of those people, who had no idea of representation. Can we compare the government of the United States of America, to Rome? Is a government, whose Representatives are chosen from the mass of the people, to be compared to ten men of Rome, who had power over the lives and laws of the people? No more, sir, than a well regulated government to a mob. It is said the Representatives of Great-Britain receive no pay; but consider the difference between the Representatives of this country, and the pretended Representatives of Great-Britain! Consider the checks upon our Delegates, and the dissimilarity is obvious. Some gentlemen cannot see the necessity of taxation being lodged in the general Government. Let us inquire into the duties of the general Government. We find they are to pay debts, provide for public safety—raise armies—build navies, and support them. Can any one tell what will be the exigencies of government? Where we demand an end, we ought to give the means of attaining it."
- 4. See Convention Debates, 21 January, P.M., at note 22, and note 22 (RCS:Mass., 1291, 1294).
- 5. William Phillips, Sr. (1722–1804), a Boston merchant, banker, and leader of the opposition to British imperial policy, was a member of the colonial and state House of Representatives, 1772–74, 1782–85; the state Council, 1776–77; the state Senate, 1785–88, 1789–91; and the Executive Council, 1788–89, 1791–92. For more on what Phillips said, see Ebenezer Peirce's response on 23 January (RCS:Mass., 1313).
- 6. In the *Massachusetts Centinel*, 2 February, the sentence in angle brackets reads, "I rise to bestow a few considerations on this section, as it appears to me absolutely necessary."
 - 7. "Majority" in the Massachusetts Centinel, 2 February.
 - 8. "Weakness" in the Massachusetts Centinel, 2 February.
- 9. Writing for the *Massachusetts Centinel*, 15 March, "An Observing Countryman" changed this phrase to read, "was equal to the mines of Peru." Four days later, he was answered in the *Massachusetts Centinel* by "A Tradesman," who used the phrase as written by "An Observing Countryman." (See Mfm:Mass. for both items.)
- 10. In the Massachusetts Centinel, 2 February, the text in angle brackets reads, "Many people cry out—'take time—see Virginia—they are not in haste'—Sir, there are merchants in Virginia, who wish to defeat this Constitution. It will raise the New-England States, so that they are afraid we shall become too powerful for them. We shall freight their tobacco, &c.—I suppose the New-England States hath a treasure offered to them, better than the mines of Peru: For they who become the carriers of a nation soon become their rivals in trade."
 - 11. For Samuel Thompson's remarks on 15 January, see RCS:Mass., 1200.

- 12. Samuel Willard (1748–1811), a graduate of Harvard College (1767), an Uxbridge physician, and a Loyalist, was a prominent Shaysite leader in 1786 and 1787 and a member of the state House of Representatives, 1787–89 (see "Portius," *Massachusetts Gazette*, 8 February, at note 6, and note 6, RCS:Mass., 883, 883n). For commentaries on Willard's speech, see "Helvidius Priscus" IV, *Massachusetts Gazette*, 5 February, at note 3; and "Portius," *Massachusetts Gazette*, 8 February, at notes 5 and 6 (RCS:Mass., 858, 882, 883).
- 13. For a commentary on this speech, see "Helvidius Priscus" IV, Massachusetts Gazette, 5 February, at note 4 (RCS:Mass., 859).
- 14. It is uncertain whether former governor James Bowdoin or James Bowdoin, Jr., delivered this speech. Usually the elder Bowdoin is referred to as "Gov. Bowdoin" or "the Hon. Mr. Bowdoin," while the younger Bowdoin is referred to as "Mr. Bowdoin (of Dorchester)." No other source records this speech.
 - 15. Nathaniel Gorham and George Cabot.
- 16. See Convention Debates, 21 January, P.M., at note 22, and note 22 (RCS:Mass., 1291, 1294).

Newspaper Report of Convention Debates, 22 January, A.M.

Independent Chronicle, 31 January¹

Hon. Mr. Dalton. It is apparent, sir, that government should have an efficient power delegated to them: If they have no power, it cannot be said to be a government: A Constitution is now established with that defect; with no money and no dependence; such a government will in time ruin us; from experience, we know sir, here lies the evil: Let us see to whom we are to give this power; is it not to men of our own choosing? The delegation of power to the federal legislature will prevent the numerous evils: They have the power of saving us from destruction: The danger of accepting this Constitution is not equal to the danger of refusing it: Look to the kingdom of France, there you see, a power however high, cannot be exercised, to the prejudice of the people; in the recent instance of the notables and the parliament of Paris rejecting; and withstanding a tax proposed by the King; but when they are exercised it must be for the good of the nation:² If Congress have authority to levy a direct tax, it is supposed they will exercise it only in a time of war: In peace the impost and excise will answer the purposes of government, but if a war breaks out, they will not answer, resource must be had to a direct tax. Some have supposed that the Congress by perpetuating themselves, might introduce a kind of aristocracy: the power after a short time, returns to the people, and they delegate it again: They feel their dependence on the people, and therefore will not abuse the confidence placed in them. Have not other parts of America the spirit of freedom to resist the collection of direct taxes, as well as New-England? The more I reflect on this section, the more I am convinced of the necessity of this power being lodged in the federal head.

- 1. Tristram Dalton's speech does not appear in the Convention *Debates*. It was printed in the *Independent Chronicle*, 31 January, and *Massachusetts Centinel*, 2 February. Both published it under the heading "Section 8th, still under consideration." It was reprinted in the *Massachusetts Gazette*, 1 February; *Boston Gazette*, 4 February; *Salem Mercury*, 5 February; *Worcester Magazine*, 7 February; *Essex Journal*, 13 February; *Hampshire Gazette*, 20 February; and in ten other newspapers by 20 March: N.H. (2), R.I. (3), Conn. (3), N.Y. (1), Pa. (1).
- 2. In February 1787 the Assembly of Notables censured a direct land tax proposed by one of Louis XVI's ministers. In April Louis dismissed this minister. Another minister increased the stamp tax, but the Notables said that they did not have the power to consent to taxes. They were dissolved in May. In the summer the Parlement de Paris remonstrated against the stamp tax and took additional aggressive actions that were supported by some other groups. The minister backed down, and in September the Parlement de Paris restored the old taxes.

Convention Debates, 22 January, P.M.

On 14 January the Massachusetts Convention invited former Constitutional Convention delegate Elbridge Gerry to attend its debates in order to answer any questions about the Constitution that delegates might put to him. During the Massachusetts Convention's 19 January debate concerning the equal representation of the states in the U.S. Senate, Caleb Strong (another former Constitutional Convention delegate) informed the delegates that Gerry had represented Massachusetts on the committee of the Constitutional Convention that considered "the construction of the Senate." Shortly after, Gerry rose to state that he was preparing a letter about the Senate.

Because no delegate had asked Gerry a question, a heated dispute broke out over the propriety of his interruption, and Antifederalists and Federalists debated whether or not Gerry should be permitted to take full part in the debates. The Convention, however, adjourned for the day without deciding the matter. After the adjournment, an altercation erupted between Gerry and delegate Francis Dana, who had been unequivocally opposed to giving Gerry the right to take part in the debates.

Gerry did not return to the Massachusetts Convention. On 21 January he wrote a letter to the Vice President of the Convention protesting his treatment by the Convention and criticizing Francis Dana. To his letter, Gerry appended "A State of Facts," reviewing the actions of the Constitutional Convention on the equal representation of the states in the Senate. The reading and consideration of Gerry's letter and its enclosure were the first order of business on 22 January.

For a full discussion of Gerry's role in the Massachusetts Convention, see RCS:Mass., 1175–81. For the texts of Gerry's letter and its enclosure, see RCS:Mass., 1265–71.

The first paragraph of the debates printed below, describing the Convention's actions taken on Gerry's letter during this afternoon's session, appears in square brackets in the Convention *Debates* at the end of the session, immediately following the speech of John Coffin Jones. The paragraph is moved

here because Gerry's letter was the first order of business. Both the *Massachusetts Centinel*, 2 February, and the *Independent Chronicle*, 7 February, printed this paragraph at the beginning of their reports on this afternoon's session.

(The Vice-President having informed the Convention in the forenoon, that he had received a long letter from the Hon. Mr. Gerry; the same was read, as soon as the Convention proceeded to business in the afternoon. When the Vice-President had read the letter; Mr. Gore rose, and objected to the reading a state of facts respecting the construction of the Senate in the Federal Convention, which accompanied the letter; not, he said "from a wish to preclude information from his own mind, or from the minds of the Convention; but from his duty to his constituents; and the desire he had to guard against infringments on the orders of the Convention." Mr. Gore was interrupted as being out of order, but was proceeding on his objection, when the Hon. Judge Dana begged Mr. Gore's leave to say a few words, which he did; after which he retired from the Convention until the consideration of the letter should be gone through with.) 1

Mr. Symmes.² Mr. President, in such an assembly as this, and on a subject, that puzzles the oldest politicians, a young man, sir, will scarcely dare to *think* for himself; but if he venture to *speak*, the effort must certainly be greater.—This Convention is the first representative body in which I have been honoured with a seat, and men will not wonder that a scene at once so new, and so august, should confuse, oppress, and almost disqualify me to proceed.

Sir, I wish to bespeak the candour of the Convention—that candour which I know, I need but ask to have it extended to me, while I make a few indigested observations on the paragraph now in debate. I have hitherto attended with diligence but no great anxiety, to the reasoning of the ablest partizans on both sides of the question. Indeed I could have wished for a more effectual, and (if I may term it so) a more feeling representation in the lower house, and for a representation of the people in the senate—I have been and still am desirous of a rotation in office, to prevent the final perpetuation of power in the same men.—And I have not been able clearly to see why the place and manner of holding elections should be in the disposal of Congress.

But, sir, in my humble opinion, these things are comparative by the lesser things of the law.—They doubtless have their influence in the grand effect, and so are essential to the system—But, sir, I view the section to which we have at length arrived, as the cement of the fabrick, and this clause as the key-stone, or (if I may apply the metaphor) the magick talisman on which the fate of it depends.

Allow me, sir, to recall to your remembrance that *yesterday*, when States were in doubt about granting to Congress a five per cent. impost,

and the simple power of regulating trade—the time, when so delicate was the patriotick mind, that power was to be transferred with reluctant, with a sparing hand—and the most obvious utility could scarcely extort it from the people. It appears to me of some importance, to consider this matter, and to demand complete satisfaction upon the question, why an unlimited power in the affair of taxation, is so soon required? Is our situation so vastly different, that the powers so lately sufficient, are now but the dust of the balance? I observe, sir, that many men, who within a few years past, were strenuous opposers of an augmentation of the power of Congress, are now the warmest advocates of power, so large as not to admit of a comparison with those which they opposed. Cannot some of them state their reasons then, and their reasons now, that we may judge of their consistency—or shall we be left to suppose that the opinions of politicians, like those of the multitude. vibrate from one extreme to the other, and that we have no men among us to whom we can entrust the philosophick task of pointing out the golden mean?

At present, Congress have no power to lay taxes, &c. nor even to compel a compliance with their requisitions. May we not suppose, that the members of the great Convention, had severely felt the impotency of Congress, while they were in it, and therefore were rather too keenly set for an effectual increase of power? That the difficulties they had encountered, in obtaining decent requisitions, had wrought in them a degree of impatience, which prompted them to demand the pursestrings of the nation, as if we were insolvent, and the proposed Congress were to compound with our creditors?—Whence, Sir, can this great, I had almost said, this bold demand have originated? Will it be said that it is but a consistent and necessary part of the general system? I shall not deny these gentlemen the praise of inventing a system completely consistent with itself, and pretty free from contradiction—but I would ask, I shall expect to be answered, how a system can be necessary for us, of which this is a consistent and necessary part?

But, Sir, to the paragraph in hand—Congress, &c.

Here, Sir, (however kindly Congress may be pleased to deal with us) is a very good and valid conveyance of all the property in the United States—to certain uses indeed, but those uses capable of any construction, the trustee may think proper to make. This body is not amenable to any tribunal, and therefore, this Congress can do no wrong—It will not be denied that they *may* tax us to any extent, but some gentlemen are fond of arguing that this body never *will* do any thing but what is for the common good. Let us consider that matter.

Faction, Sir, is the vehicle of all transactions in publick bodies, and when gentlemen know this so well, I am rather surprized to hear them so sanguine in this respect. The prevalent faction is the body—these gentlemen, therefore, must mean that the prevalent faction will always be right, and that the true patriots will always out number the men of less and selfish principles. From this it would follow, that no publick measure was ever wrong, because it must have been passed by the majority, and so, I grant no power ever was, or will be abused.—In short, we know that all governments have degenerated, and consequently have abused the powers reposed in them, and why we should imagine better of the proposed Congress than of myriads of publick bodies who have gone before them, I cannot at present conceive.

Sir, we ought (I speak it with submission) to consider that what we now grant from certain motives, well grounded at present, will be exacted of posterity as a prerogative when we are not alive, to testify the tacit conditions of the grant—that the wisdom of this age will then be pleaded by those in power—and that the cession we are now about to make will be actually clothed with (the venerable habit of ancestral sanction.)³

Therefore, sir, I humbly presume we ought not to take advantage of our situation in point of time, so as to bind posterity to be obedient to laws, they may very possibly disapprove, nor expose them to a rebellion which at that period will very probably end only in their farther subjugation.

The paragraph in question is an absolute decree of the people. The Congress shall have power—it does not say that they shall exercise it but our necessities say, they must and the experience of ages says, that they will, and finally, when the expenses of the nation, by their ambition are grown enormous, that they will oppress and subject.—For, sir, they may lay taxes, duties, imposts and excises! One would suppose that the Convention, sir, were not at all afraid to multiply words when any thing was to be got by it. By another clause, all imposts and duties, on exports and imports, wherever laid, go into the federal chest—so that Congress may not only lay imposts and excises, but all imposts and duties that are laid on imports and exports, by any State, shall be a part of the national revenue—and besides, Congress may lay an impost on the produce and manufactures of the country, which are consumed at home.—And all these shall be equal through the States.—Here, sir, I raise two objections; 1st. that Congress should have this power. It is a universal, unbounded permission; and as such, I think, no free people ought ever to consent to it, especially in so important a matter as that

of property. I will not descend, sir, to an abuse of this future Congress, until it exists, nor then, until it misbehaves, nor then, unless I dare. But I think that some certain revenue amply adequate to all necessary purposes, upon a peace establishment, but certain and definite would have been better, and the collection of it might have been guaranteed by every State to every other. We should then have known to what we were about to subscribe and should have chearfully granted it. But now, we may indeed grant, but who can *chearfully* grant he knows not what?

Again, sir, I object to the equality of these duties through the States. It matters not with me, in the present argument, which of them will suffer by this proportion. Some probably will, as the consumption of dutied articles will not, if we may judge from experience, be uniform in all.

But some say, with whom I have conversed, it was for this reason that taxes were provided, that by their assistance the defect of duties in some States ought to be supplied. Now then, let us suppose, that the duties are so laid, that if every State paid in proportion, to that which paid most, the duties alone would supply a frugal treasury. Some States will pay but half their proportion, and some will scarcely pay any thing. But those in general who pay the least duty, viz. the inland States, are least of all able to pay a land tax, and therefore I do not see but this tax would operate most against those who are least able to pay it.

I humbly submit it, sir, whether, if each State had its proportion of some certain gross sum assigned, according to its numbers, and a power was given to Congress, to collect the same, in case of default in the State, this would not have been a safer Constitution. For, sir, I also disapprove of the power to collect, which is here vested in Congress; it is a power, sir, to burden us with a standing army of ravenous collectors; harpies perhaps from another State, but who, however, were never known to have bowels for any purpose, but to fatten on the life-blood of the people. In one age or two this will be the case, and when the Congress shall become tyrannical, these vultures, their servants, will be the tyrants of the village, by whose presence, all freedom of speech and action, will be taken away.

Sir, I shall be told that these are imaginary evils—but I hold to this maxim, that power was never given (of this kind especially) but it was exercised, nor ever exercised but it was finally abused. We must not be amused with handsome probabilities, but we must be assured that we are in no danger, and that this Congress *could* not distress us, if they were ever so much disposed.

To pay the debts, &c. [Article I, section 8: "The Congress shall have Power To lay and collect Taxes . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ."]

These words, sir, I confess are an ornament to the page. And very musical words—But they are too general to be understood as any kind of limitations of the power of Congress, and not very easy to be understood at all. When Congress have the purse, they are not confined to rigid economy, and the word debts here is not confined to debts already contracted, or indeed, if it were, the term "general welfare" might be applied to any expenditure whatever. Or if it could not, who shall dare to gainsay the proceedings of this body at a future day, when according to the course of nature it shall be too firmly fixed in the saddle, to be overthrown by any thing but a general insurrection? An event not to be expected considering the extent of this Continent; and if it were to be expected, a sufficient reason in itself for rejecting this or any Constitution that would tend to produce it.

This clause, sir, contains⁴ the very sinews of the Constitution. And I hope the universality of it may be singular; but it may be easily seen, that it tends to produce in time, as universal powers in every other respect. As the poverty of individuals prevents luxury, so the poverty of publick bodies, whether sole or aggregate, prevents tyranny. A nation cannot, perhaps, do a more politick thing, than to supply the purse of its sovereign with that parsimony, which results from a sense of the labour it costs, and so to compel him to comply with the genius of his people, and conform to their situation, whether he will or not. How different will be our conduct, if we give the entire disposal of our property to a body, as yet almost unknown in theory, in practice quite heterogeneous in its composition, and whose maxims are yet intirely unknown.

Sir, I wish the gentlemen, who so ably advocate this instrument, would enlarge upon this formidable clause and I most sincerely wish that the effect of their reasoning may be my conviction. For, sir, I will not dishonour my constituents, by supposing that they expect me to resist that which is irresistible; the force of reason. No, sir, my constituents ardently wish for a firm, efficient continental government, but fear the operation of this which is now proposed. Let them be convinced that their fears are groundless, and I venture to declare in their name, that no town in the commonwealth, will sooner approve the form, or be better subjects under it.

Mr. Jones, (Boston) enlarged on the various checks which the constitution provides; and which, he said, formed a security for liberty, and a prevention against power being abused:—The frequency of elections of the democratick branch—representation apportioned to numbers—the publication of the journals of Congress, &c. Gentlemen, he said, had compared the people of this country, to those of Rome—but, he

observed, the comparison was very erroneous—the Romans were divided into two classes—the nobility and plebeians—the nobility kept all kinds of knowledge to their own class; and the plebeians were in general very ignorant—and when unemployed, in time of peace, were ever ready for revolt, and to follow the dictates of any designing patrician: But, continued the worthy gentleman, the people of the United States, are an enlightened, well-informed people—and are therefore not easily imposed on by designing men. Our right of representation, concludes Mr. J. is much more just and equitable than the boasted one of Great-Britain; whose representatives are chosen by corporations, or boroughs, and those boroughs in general, are the property, or at the disposal of the nobility, and rich gentry of the kingdom.⁵

- 1. At this point the following text appears in the *Massachusetts Centinel*, 2 February: "a desultory conversation then ensued—a detail of which, appears in the 4th page of this day's Centinel." In a new paragraph, outside of parentheses, the *Centinel* continued, "When the above conversation subsided, the sect. under debate in the forenoon was read." With the exception of the reference to the "detail" in the *Centinel*, this text also appears in the *Independent Chronicle*, 7 February. The "detail" was a reference to an article by "A Spectator" entitled "A short History of a recent FREAK," which includes the fullest account of the 19 January debates on Gerry's role in the Massachusetts Convention. For the text of "A Spectator," see RCS:Mass., 1271–76.
- 2. On 4 February the *American Herald* reprinted only William Symmes's speech under the heading "PROCEEDINGS OF CONVENTION. TUESDAY, January 22, P. M." For a commentary on the speech, see "Bob Short," *Massachusetts Gazette*, 5 February (RCS: Mass., 1578).
- 3. "Helvidius Priscus" IV, Massachusetts Gazette, 5 February, at note 6 (RCS:Mass., 859), borrowed the phrase appearing in angle brackets, although he rendered it as "the venerable garb of ancestorial sanction."
 - 4. The Massachusetts Centinel, 2 February, substituted the word "is" for "contains."
- 5. Appearing at this point in the Convention *Debates* is the first paragraph printed above for this afternoon's debates.

The Massachusetts Convention Wednesday 23 January 1788

Convention Journal, 23 January, A.M.¹

Met according to adjournment.

A motion was made and seconded that His Honour the Lieut Governour, the members of the Honble. Council, the Speaker of the House of Representatives, and the Secretary of the Commonwealth be admitted to seats on the floor of the House to hear the debates.²

A motion was then made and seconded that the consideration of the said motion subside, and the question for subsiding being put passed in the affirmative.

The Convention proceeded in the consideration of the Constitution or Frame of government reported by the Convention held at Philadelphia and having debated thereon, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

- 1. In his journal, Dummer Sewall noted that about eight inches of snow fell the previous night (RCS:Mass., 1519).
 - 2. For a similar motion that was made on 12 January, see RCS:Mass., 1174, note 4.

Convention Debates, 23 January, A.M.

Mr. Peirce¹ rose, he said, to make a few observations on the powers of Congress, in this section. Gentlemen, he said, in different parts of the house, (Mess'rs. Dalton, Phillips and Gore)2 had agreed that Congress will not lay direct taxes except in cases of war-for that to defray the exigencies of peace, the impost and excise would be sufficient—and as that mode of taxation would be the most expedient and productive it would undoubtedly be adopted—But it was necessary Congress should have power to lay direct taxes at all times, although they will not use it, because when our enemies find they have sufficient powers to call forth all the resources of the people, it will prevent their making war, as they otherwise would—as the Hon. Mr. Phillips used this proverb a "Stitch in time will save nine," his meaning, I suppose, was that we should have war nine times, if Congress had not such powers, where we should once if they had such powers—But these arguments to me are not conclusive; for if our enemies know they do not use such powers except in a war, although granted to them, what will be the difference if they have the powers only in the time of war. But, Mr. President, if Congress have the powers of direct taxes, in the manner prescribed in this section, I fear we shall have that mode of taxation adopted, in preference to imposts and excises; and the reasons of my fears are these: When the impost was granted to Congress in this state,4 I then being a member of court well remember the gentlemen in trade, almost with one consent, agreed that it was an unequal tax, bearing hard on them, for although it finally was a tax on the consumer, yet in the first instance it was paid by persons in trade, and also, that they consumed more than the landed interest of dutied articles, and nothing but necessity induced them to submit to grant said impost, as that was the only way Congress could collect money to pay the foreign debt,

under the regulations they were then under—and I fear part of this State's members in Congress, when this Constitution is adopted, will resume their own opinion, when they can lay direct taxes—and as Rhode-Island has always been against an impost,⁵ and as they have an equal representation in the Senate, and part of Connecticut will be interested with them, and the southern States having no manufactures of their own, and consuming much more foreign articles than the northern, it appears to me, we are not certain of availing ourselves of an impost, if we give Congress power to levy and collect direct taxes in time of peace.

While I am up, Mr. President, I would make some observations on what has been passed over, as I think it is within the orders of the House. The Hon. Mr. Sedgwick said, if I understood him right, that if he thought that this Constitution consolidated the union of the States. he should be the last man that should vote for it—but I take his meaning to be this, according to the reasoning of Mr. Ames, that it is not a consolidation of the union, because there is three branches in the union; and therefore it is not a consolidation of the union6—but. sir. I think I cannot conceive of a sovereignty of power existing within a sovereign power, nor do I wish any thing in this constitution to prevent Congress being sovereign in matters belonging to their jurisdiction for I have seen the necessity of their powers in almost all the instances that have been mentioned in this Convention, and also last winter, in the rebellion, I thought it would be better for Congress to have stilled the people, rather than people from amongst themselves; who are more apt to be governed by temper than others, as it appeared to me we were, in the disqualifying act,7 as in my opinion, we then did not keep strictly to our own Constitution; and I believe such a superior power ought to be in Congress—but I would have it distinctly bounded, that every one may know the utmost limits of it, and I have some doubts on my mind as to those limits which I wish to have solved. I have also an objection as to the term for which the Senate are to be in office, for as the democratical branch of the federal legislature is to continue in office two years, and they are the only check on the federal, and they, the Senate, to continue in office six years, they will have an undue advantage on the democratick branch, and I think they ought not to continue in office for a longer time than the other—and also, that if they conduct ill we may have a constitutional revolution in as short a period as two years, if needed—the Hon. Mr. King said, some days past,8 that the Senate going out by classes, if rightly considered, were not for but four years; because one third part were never more than six, another four, and a third two; therefore the medium was four-but I think that way of arguing would argue, that if they were all to go out at the end of six years, that they were but *three* years in office, because half their time they were under the age of three years, and the other half over the age of three years in office, therefore his arguing in that respect to me was not well founded.

Colonel VARNUM, in answer to an inquiry, why a bill of rights was not annexed to this Constitution, said, that by the Constitution of Massachusetts, the legislature have a right to make all9 laws not repugnant to the Constitution;¹⁰ now, says he, if there is such a clause in the Constitution under consideration, then there would be a necessity for a bill of rights. In the sect. under debate, Congress have an expressed power to levy taxes, &c. and to pass laws to carry their requisitions into execution; this, he said, was express, and required no bill of rights. After stating the difference between delegated power—and the grant of all power, except in certain cases, the Colonel proceeded to controvert the idea, that this Constitution went to a consolidation of the union—he said it was only a consolidation of strength—and that it was apparent, Congress had no right to alter the internal regulations of a state. The design in amending the confederation, he said, was to remedy its defects. It was the interest of the whole to confederate against a foreign enemy—and each was bound to exert its utmost ability to oppose that enemy; but it had been done at our expense in a great measure—and there was no way to provide for a remedy; because Congress had not the power to call forth the resources of every state—nor to coerce delinquent states. But, under the proposed government, those states which will not comply with equal requisitions, will be coerced—and this he said, is a glorious provision. In the late war, said the Colonel, the States of New-Hampshire and Massachusetts, for two or three years, had in the field half the continental army, under General Washington. Who paid these troops? The states which raised them, were called on to pay them. How, unless Congress have a power to levy taxes, can they make the states pay their proportion? In order that this, and some other states may not again be obliged to pay eight or ten times their proportion of the publick exigencies, he said, this power is highly necessary to be delegated to the federal head. He shewed the necessity of Congress being enabled to prepare against the attacks of a foreign enemy: And he called upon the gentleman from Andover, (Mr. Symmes)11 or any other gentleman, to produce an instance, where any government, consisting of three branches, elected by the people, and having checks on each other, as this has, abused the power delegated to them.

Mr. Choate¹² said, that this clause gives power to Congress to levy duties, excises, imposts, &c. considering the trust delegated to Congress, that they are to "provide for the common defence, promote the general welfare," &c.—If this is to be the object of their delegation,

the next question is, whether they shall not be vested with powers to prosecute it? And this can be no other, than an unlimited power of taxation, if that defence requires it. Mr. C. contended that it was the power of the people concentred to a point—that as all power is lodged in them, that this power ought to be supreme.—He shewed the necessity of its being so, not only for our common defence, but for our advantage in settling commercial treaties.—Do we wish to make a treaty with any power of Europe, we are told we have no stability, as a nation.—As Congress must provide for the common defence, shall they, asked Mr. C. be confined to the impost and excise?—They alone are the judges whether five or one per cent. is necessary or convenient. It has been the practice of all nations to anticipate their resources by loans—This will be the case of the United States, in war—and, he asked, if our resources are competent and well established, and that no doubt remained of them, whether in that case the individuals who have property, will not chearfully offer it for the general defence.— After adverting to the idea of some, of its being a consolidation of the union, Mr. Choate concluded, by a brief display of the several checks contained, and securities for the people to be found in this system.

Gen. THOMPSON. Sir, the question is, whether Congress shall have power. Some say, that if this sect, was left out, the whole would fall to the ground—I think so too—as it is all of a piece. We are now fixing a national consolidation. This sect. I look upon it, is big with mischiefs. Congress will have power to keep standing armies. The great Mr. Pitt says, standing armies are dangerous¹³—keep your militia in order—we don't want standing armies. A gentleman said, we are a rich state—I say so too: Then why shall we not wait five or six months, and see what our sister States do? We are able to stand our own ground against a foreign power—they cannot starve us out—they cannot bring their ships on the land—we are a nation of healthy strong men—our land is fertile, and we are encreasing in numbers. It is said we owe money; no matter if we do; our safety lies in not paying it—Pay only the interest. Don't let us go too fast. Shall not Massachusetts be a mediator. It is my wish she may be one of the four dissenting States; then we shall be on our old ground, and shall not act unconstitution[al]ly. Some people cry, it will be a great charge; but it will be a greater charge, and be more dangerous, to make a new one. Let us amend the old confederation. Why not give Congress power only to regulate trade? Some say, that those we owe will fall upon us; but it is no such thing: The balance of power in the old countries will not permit it—the other nations will protect us. Besides, we are a brave and a happy people. Let us be cautious how we divide the States—by uniting we stand, by dividing we

fall—we are in our childhood yet; don't let us grow too fast, lest we grow out of shape. If I have proved that we are a respectable people, in possession of liberty, property and virtue, and none in a better situation to defend themselves, why all this racket. Gentlemen say we are undone, if we cannot stop up the Thames: But, Mr. President, nations will mind their own interest, and not our's. Great-Britain has found out the secret to pick the subjects' pockets, without their knowing of itthat's the very thing Congress is after. Gentlemen say this sect. is as clear as the sun, and that all power is retained which is not given. 14 But where is the bill of rights which shall check the power of this Congress, which shall say, thus far shall ye come and no farther. 15—The safety of the people depends on a bill of rights—If we build on a sandy foundation is it likely we shall stand?¹⁶ I apply to the feelings of the Convention. There are some parts of this Constitution which I cannot digest; and, sir, shall we swallow a large bone for the sake of a little meat? Some say, swallow the whole now, and pick out the bone afterwards. But I say, let us pick off the meat, and throw the bone away.

This sect. sir, takes the purse-strings from the people. England has been quoted for their fidelity—but did their constitution ever give such a power as is contained in this Constitution? Did they ever allow Parliament to vote an army but for one year? But here we are giving Congress power to vote an army for two years—to tax us without limitation—no one to gainsay them, and no inquiry yearly, as in Britain—Therefore, if this Constitution is got down, we shall alter the system entirely, and have no checks upon Congress.

The Rev. Mr. NILES wished the hon. Gentleman would point out the limits to be prescribed to the powers given by this section.

Hon. Mr. Bowdoin.¹⁷ Mr. President. On the subject of government, which admits of so great a variety in its parts and combinations, a diversity of opinions is to be expected: And it was natural to suppose, that in this Convention, respectable for its numbers, but much more so for the characters which compose it, there would be a like diversity concerning the federal Constitution, that is now the subject of our consideration.

In considering it, every gentleman will reflect, how inadequate to the purposes of the union the confederation has been. When the plan of the Confederation was formed, the enemy were invading us; and this inspired the several States with such a spirit of union, and mutual defence, that a mere requisition or recommendation of Congress was sufficient to procure the needful aids, without any power of coercion: And for that reason, among others, no such power was given by the confederation. But since that reason has ceased, and the idea of danger being

removed by the peace, the requisitions of Congress, have in most of the States, been little regarded: notwithstanding they solemnly pledged their faith to comply with them.

This non-compliance has compelled Congress to encrease the foreign debt of the union, by procuring further loans, to pay the interest and instalments due on former loans; and in that way to preserve the publick faith, which had been pledged to foreign powers. 18 It has compelled them in order to prevent the consequences of a breach of faith, as relative to those powers, to enter repeatedly into those ruinous negociations, by which "the United States jointly, and each of them in particular, together with all their lands, chattels, revenues and products, and also the imposts and taxes already laid and raised in the same, or in time to come, to be laid and raised, are for the whole," mortgaged for the re-payment of those loans by instalments, and for payment of the interest on them annually. These debts must be paid bona fide according to contract; or be further increased by procuring, if procurable, further loans: which, ruinous as the measure is, must be continued, unless the States empower Congress to raise money for the discharging those debts. It will not be in the power of the United States, and I am sure it will not be in their inclination, to rid themselves of those debts in the same base and ignominious manner, in which a faction, in one of them, are endeavouring to get rid of their's. 19 To the same cause (a non-compliance with Congressional requisitions) are owing the repeated but necessary breaches of publick faith in regard to the payment of the federal domestick debt. And hence, as relative to the joint consolidated debt, the inefficiency of the publick finances, and the bankrupt state of the federal treasury: which can never be remedied without empowering Congress to levy adequate duties and taxes. Without such a power, the accumulating debt will never be paid, but by a forcible collection, which our foreign creditors know how, and are able to apply, if unhappily it should be necessary. The several loans, which by contract are to be paid by instalments, will, in case of the failure of any of the stipulated payments, become the whole of them, immediately payable; and any of the property of any of the States, whether publick or private, that can be most easily come at, will in that case be seized and applied for that purpose.

This mode of reimbursement or reprisal will be upon the trade and navigation of the United States; and in proportion as our's of this state may be larger and more extensive, than the trade and navigation of other states, we shall be the greatest sufferers. This ruin of our trade will involve in it, not only the ruin of the mercantile part of the state, and of the numerous body of mechanicks dependent upon it, but will

most essentially affect every other class of citizens; and operate most extensively to the injury of the commonwealth.

These are some of the consequences, certain and infallible, that will flow from the denial of *that* power to Congress. Shall *we* then, *we* of this state, who are so much interested in this matter, deny them *that* power—a power so essential to our political happiness?

But if we attend to our trade, as it is at present we shall find, that the miserable state of it is owing to a like want of power in Congress. Other nations prohibit our vessels from entering their ports, or lay heavy duties on our exports carried thither; and we have no retaliating or regulating power over their vessels and exports to prevent it. Hence, a decrease of our commerce and navigation, and of the duties and revenue arising from them.—Hence, an insufficient demand for the produce of our lands, and the consequent discouragement of agriculture. Hence, the inability to pay debts, and particularly taxes, which by that decrease are enhanced. And hence, as the necessary result of all these, the emigration of our inhabitants. If it be asked, how are these evils, and others that might be mentioned, to be remedied? The answer is short; by giving Congress proper and adequate power. Whether such power be given by the proposed constitution, it is left with the Conventions from the several states, and with us, who compose one of them to determine.

In determining on this question, every gentleman will doubtless consider the importance of cultivating a spirit of union among ourselves, and with the several states. This spirit procured our emancipation from British tyranny; and the same spirit, by uniting us in the necessary means, must secure to us our dear-bought, blood-purchased liberty and independence—and deliver us from evils, which unless remedied, must end in national ruin. The means for effecting these purposes are within our reach; and the adoption of the proposed constitution will give us the possession of them. Like all other human productions, it may be imperfect, but most of the imperfections imputed to it, are ideal and unfounded; and the rest are of such a nature that they cannot be certainly known, but by the operation of the constitution: And if in its operation it should, in any respect be essentially bad, it will be amended in one of the modes prescribed by it. I say, will be amended, because the constitution is constructed on such principles, that its bad effects, if any such should arise from it, will injure the members of Congress equally with their constituents; and therefore both of them must be equally induced to seek for and effectuate the requisite amendments.

There have been many objections offered against the constitution; and of these the one most strongly urged has been, the great power

vested in Congress. On this subject, I beg leave to make a few general observations, which ought to be attended to, as being applicable to every branch of that power.

It may therefore be observed, that the investiture of such power, so far from being an objection, is a most cogent reason for accepting the constitution. The power of Congress, both in the legislative and executive line, is the power of the people, collected through a certain medium, to a focal point; at all times ready to be exerted for the general benefit, according as circumstances or exigencies may require. If you diminish or annihilate it, you diminish or annihilate the means of your own safety and prosperity: which means if they were to be measured like mathematical quantities, would be in exact proportion, as the power is greater or less. But this is not the case: for power that does not reach, or is inadequate to the object, is worse than none. An exertion of *such* power would increase the evil it was intended to remove, and at the same time create a further evil, which might be a very great one—the expense of a fruitless exertion.

If we consider the objects of the power, they are numerous and important; and as human foresight cannot extend to many of them; and all of them are in the womb of futurity, the quantum of the power cannot be estimated. Less than the whole, as relative to federal purposes, may, through its insufficiency, occasion the dissolution of the union, and a subjugation or division of it among foreign powers. Their attention is drawn to the United States; their emissaries are watching our conduct, particularly upon the present most important occasion; and if we should be so unhappy as to reject the federal constitution proposed to us, and continue much longer our present weak unenergetick federal government, their policy will probably induce them to plan a division or partition of the states among themselves; and unite their forces to effect it.

But however *that* may be, *this* is certain, that the respectability of the United States among foreign nations, our commerce with them on the principles of reciprocity, and our forming beneficial treaties with them on those principles, their estimation of our friendship and fear of losing it, our capacity to resent injuries, and our security against interiour as well as foreign attacks, must be derived from such a power. In short, the commercial and political happiness, the liberty and property, the peace, safety and general welfare, both internal and external, of each and all the States, depend on that power: which as it must be applied to a vast variety of objects, and to cases and exigencies beyond the ken of human prescience, must be very great; and which *cannot* be limited without endangering the publick safety.

It will be and has been said, this great power may be abused; and instead of protecting, may be employed by Congress in oppressing their constituents. A possibility of abuse, as it may be affirmed of all delegated power whatever, is by itself no sufficient reason for withholding the delegation. If it were a sufficient one, no power could be delegated; nor could government of any sort subsist. The possibility however, should make us careful, that in all delegations of importance, like the one contained in the proposed constitution, there should be such checks provided, as would not frustrate the end and intention of delegating the power: But would, as far as it could be safely done, prevent the abuse of it: And *such* checks are provided in the constitution. Some of them were mentioned the last evening by one of my worthy colleagues: But I shall here exhibit all of them in one view.

The two capital departments of government, the legislative and executive, in which the delegated power resides, consisting of the President, Vice-President, Senate and Representatives, are directly, and by their respective legislatures and delegates, chosen by the people.

The President, and also the Vice-President, when acting as President, before they enter on the execution of the office, shall each "solemnly swear or affirm, that he will faithfully execute the office of President of the United States, and will to the best of his ability, preserve, protect and defend the Constitution of the United States."

"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."

"The President, Vice-President and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery or other high crimes or misdemeanours."

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office—which shall have been created, or the emoluments whereof shall have been increased during such time: And no person holding any office under the United States, shall be a member of either House, during his continuance in office."

"No title of nobility shall be granted by the United States, or by any particular state: And no person holding any office of profit or trust under the United States, shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state."

"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 domestick violence."

To these great checks may be added several other very essential ones: as—the negative, which each House hath, upon the acts of the other—the disapproving power of the president, which subjects those acts to a revision by the two Houses, and to a final negative, unless two thirds of each House shall agree to pass the returned acts, notwithstanding the President's objections—the printing the journals of each House, containing their joint and respective proceedings—and the publishing from time to time a regular statement and account of the receipts and expenditures of all publick money; none of which shall be drawn from the treasury, but in consequence of appropriations made by law.

All these checks and precautions, provided in the Constitution, must, in a great measure, prevent an abuse of power, at least in all flagrant instances, even if Congress should consist wholly of men, who were guided by no other principle than their own interest. Under the influence of such checks, this would compel them to a conduct, which in the general, would answer the intention of the Constitution. But the presumption is, and if the people duly attend to the objects of their choice, it would be realized, that the President of the United States, and the members of Congress would, for the most part, be men, not only of ability, but of a good moral character: In which case an abuse of power is not to be apprehended; nor any errour in the government, than such as every human institution is subject to.

There is a further guard against the abuse of power, which though not expressed, is strongly implied in the federal Constitution, and indeed in the constitution of every government, founded on the principles of equal liberty—and that is, that those who make the laws, and particularly laws for the levying of taxes, do in common with their fellow citizens, fall within the power and operation of those laws.

As then the individuals of Congress will all share in the burthens they impose, and be personally affected by the good or bad laws they make for the union, they will be under the strongest motives of interest to lay the lightest burthens possible; and to make the best laws: or such laws as shall not unnecessarily affect either the property, or the personal rights of their fellow-citizens.

With regard to rights, the whole constitution is a declaration of rights, which primarily and principally respect the general government intended to be formed by it. The rights of particular states and private citizens not being the object or subject of the Constitution, they are only incidentally mentioned. In regard to the former, it would require a volume to describe them, as they extend to every subject of legislation, not included in the powers vested in Congress: and in regard to

the latter, as all government is founded on the relinquishment of personal rights in a certain degree, there was a clear impropriety in being very particular about them. By such a particularity the government might be embarrassed, and prevented from doing what the private, as well as the publick and general good of the citizens and states might require.²⁰

The publick good, in which private is necessarily involved, might be hurt by too particular an enumeration; and the private good could suffer no injury from a deficient enumeration, because Congress could not injure the rights of private citizens without injuring their own; as they must in their publick as well as private character, participate equally with others in the consequences of their own acts. And by this most important circumstance, in connection with the checks abovementioned, the several states at large, and each citizen in particular, will be secured, as far as human wisdom can secure them, against the abuse of the delegated power.

In considering the Constitution, we shall consider it in all its parts, upon these general principles, which operate through the whole of it, and are equivalent to the most extensive bill of rights that can be formed.

These observations, which are principally of a general nature, but will apply to the most essential parts of the Constitution, are, with the utmost deference and respect, submitted to your candid consideration: with the hope, that as they have influenced my own mind, decidedly in favour of the Constitution, they will not be wholly unproductive of a like influence on the minds of the gentlemen of the Convention.

If the Constitution should be finally accepted and established, it will complete the temple of American liberty: and like the key stone of a grand and magnificent arch, be the bond of union to keep all the parts firm, and compacted together. May this temple, sacred to liberty and virtue—sacred to justice, the first and greatest political virtue, and built upon the broad and solid foundation of perfect union, be dissoluble only by the dissolution of nature: And may this Convention have the distinguished honour of erecting one of its pillars on that lasting foundation.

Dr. TAYLOR said, the consideration of the 8th sect. had taken up a great deal of time—that gentlemen had repeated the same arguments over and over again—and although the order of the Convention was, that the proposed Constitution should be considered by paragraphs—he was pleased, he said, to observe, that the Hon. Gentleman last speaking, had gone into the matter at large—and, therefore, he hoped that

other gentlemen would take the same liberty—and that all further observations might be on the system at large.

Mr. Parsons, (of *Newbury-Port.*) Mr. President. A great variety of supposed objections have been made, against vesting Congress with some of the powers defined in the 8th sect. Some of the objectors have considered the powers as unnecessary, and others, that the people have not the proper security that these powers will not be abused. To most of these objections answers, convincing in my opinion to a candid mind, have been given. But as some of the objections have not been noticed, I shall beg the indulgence of the Convention, while I very briefly consider them. And as it is my intention to avoid all repetition, my observations will necessarily be unconnected and desultory.

It has been said, that the grant in this sect. includes all the possessions of the people, and divests them of every thing; that such a grant is impolitick, for as the poverty of an individual guards him against luxury and extravagance, so poverty in a ruler is a fence against tyranny and oppression. Sir, gentlemen do not distinguish between the government of an hereditary aristocracy, where the interest of the governours is very different from that of the subjects, and a government to be administered for the common good by the servants of the people vested with delegated powers by popular elections at stated periods. The federal Constitution establishes a government of the last description, and in this case the people divest themselves of nothing: The government and powers which the Congress can administer, are the mere result of a compact made by the people with each other, for the common defence and general welfare—To talk, therefore, of keeping the Congress poor, if it means any thing, must mean a depriving the people themselves of their own resources. But if gentlemen will still insist, that these powers are a grant from the people, and consequently improper, let it then be observed, that it is now too late to impede the grant—it is already completed—the Congress under the confederation are invested with it by solemn compact—they have powers to demand what monies and forces they judge necessary for the common defence and general welfare—powers as extensive as those proposed in this Constitution. But it may be said, as the ways and means are reserved to the several States, they have a check upon Congress by refusing a compliance with the requisitions. Sir, is this the boasted check—a check that can never be exercised but by perfidy and a breach of publick faith by a violation of the most solemn stipulations? It is this check that has embarrassed at home, and made us contemptible abroad—and will any honest man plume himself upon a check which an honest man would blush to exercise?

It has been objected, that the Constitution provides no religious test by oath, and we may have in power unprincipled men, atheists and pagans. No man can wish more ardently than I do, that all our publick offices may be filled by men who fear God and hate wickedness; but it must remain with the electors to give the government this security an oath will not do it: Will an unprincipled man be entangled by an oath? Will an atheist or a pagan dread the vengeance of the christian's God, a being in his opinion the creature of fancy and credulity? It is a solecism in expression. No man is so illiberal as to wish the confining places of honour or profit to any one sect of christians: But what security is it to government, that every publick officer shall swear that he is a christian? For what will then be called christianity? One man will declare that the christian religion is only an illumination of natural religion, and that he is a christian; another christian will assert, that all men must be happy hereafter in spite of themselves; a third christian reverses the image, and declares, that let a man do all he can, he will certainly be punished in another world; and a fourth will tell us, that if a man use any force for the common defence, he violates every principle of christianity. Sir, the only evidence we can have of the sincerity and excellency of a man's religion, is a good life—and I trust that such evidence will be required of every candidate by every elector. That man who acts an honest part to his neighbour, will most probably conduct honourably towards the publick.21

It has been objected, that we have not so good security against the abuse of power under the new Constitution, as the confederation gives us. It is my deliberate opinion, that we have a better security. Under the confederation the whole power, executive and legislative, is vested in one body, in which the people have no representation, and where the states, the great and the small states, are equally represented; and all the checks the states have, is a power to remove and disgrace an unfaithful servant, after the mischief is perpetrated. Under this Constitution, an equal representation immediately from the people, is introduced, who by their negative, and the exclusive right of originating money bills, have the power to controul the Senate, where the sovereignty of the states are represented. But it has been objected, that in the old Confederation the states could at any time recall their delegates, and there was a rotation. No essential benefit could be derived to the people from these provisions, but great inconveniences will result from them. It has been observed by a gentleman who has argued against the Constitution, that a representative ought to have an intimate acquaintance with the circumstances of his constituents, and after

comparing them with the situation of every part of the union, so conduct as to promote the common good. The sentiment is an excellent one, and ought to be engraved on the hearts of every representative. But what is the effect of the power of recalling? Your representative, with an operating revocation over his head, will lose all ideas of the general good, and will dwindle to a servile agent, attempting to serve local and partial benefits by cabal and intrigue.—There are great and inseparable objections to a rotation—it is an abridgement of the rights of the people, and it may deprive them at critical seasons of the services of the most important characters in the nation. It deprives a man of honourable ambition whose highest glory is the applause of his fellowcitizens, of an efficient motive to great and patriotick exertions. The people individually have no method of testifying their esteem, but by a re-election: And shall they be deprived of the honest satisfaction of wreathing for their friend and patriot a crown of laurel more durable than monarchy can bestow?

It has been objected, that the senate are made too independent upon the State legislatures. No business under the Constitution of the federal Convention, could have been more embarrassing, than the constructing the senate—as that body must conduct our foreign negociations, and establish and preserve a system of national politicks, an uniform adherence to which can alone induce other nations to negociate with and confide in us—It is certain the change of the men who compose it should not be too frequent—and should be gradual: At the same time suitable checks should be provided to prevent an abuse of power, and to continue their dependence on their constituents—I think the Convention have most happily extricated themselves from the embarassment. Although the senators are elected for six years, yet the senate as a body composed of the same men, can exist only for two years, without the consent of the States: If the States think proper, one third of that body may at the end of every second year, be new men. When the senate act as legislators they are controulable at all times by the representatives; and in their executive capacity, in making treaties and conducting the national negociations, the consent of two thirds is necessary, who must be united to a man, which is hardly possible, or the new men biennially sent to the senate, if the States chuse it, can controul them; and at all times there will also be one third of the senate, who at the expiration of two years must obtain a re-election, or return to the mass of the people. And the change of men in the senate will be so gradual as not to destroy or disturb any national system of politicks.

It is objected, that it is dangerous to allow the senate a right of proposing alterations or amendments in money-bills—that the senate may by this power increase the supplies and establish profuse salaries—that for these reasons the lords in the British parliament have not this power, which is a great security to the liberties of Englishmen. I was much surprized at hearing this objection, and the grounds upon which it was supported. The reason why the lords have not this power is founded on a principle in the English constitution, that the commons alone represent the whole property of the nation; and as a money-bill is a grant to the king, none can make the grant but those who represent the property of the nation; and the negative of the lords is introduced to check the profusion of the commons, and to guard their own property. The manner of passing a money-bill, is conclusive evidence of these principles—for after the assent of the lords, it does not remain with the clerk of the Parliament, but is returned to the commons, who by their speaker, present it to the king, as the gift of the commons:— But every supposed controul the senate by this power may have over money-bills, they can have without it, for by private communications with the representatives, they may as well insist upon an increase of the supplies, or salaries, as by official communications:—But had not the senate this power, the representatives might tack any foreign matter to a money-bill, and compel the senate to concur, or lose the supplies; this might be done in critical seasons, when the senate might give way to the encroachment of the representatives, rather than sustain the odium of embarrassing the affairs of the nation—The balance between the two branches of the legislature, would in this way be endangered, if not destroyed; and the Constitution naturally injured. This subject was fully considered by the Convention for forming the Constitution of Massachusetts, and the provision made by that body after mature deliberation is introduced into the federal Constitution.²²

It was objected that by giving Congress a power of direct taxation, we give them power to destroy the state governments by prohibiting them from raising any monies:—But this objection is not founded in the Constitution. Congress have only a concurrent right with each state, in laying direct taxes, not an exclusive right; and the right of each state to direct taxation is equally extensive and perfect as the right of Congress—any law, therefore, of the United States for securing to Congress more than a concurrent right with each state, is usurpation and void.

It has been objected that we have no bill of rights. If gentlemen who make this objection, would consider what are the supposed inconveniences resulting from the want of a declaration of rights, I think they

would soon satisfy themselves that the objection has no weight. Is there a single natural right we enjoy, uncontrouled by our own legislature, that Congress can infringe? Not one. Is there a single political right secured to us by our constitution, against the attempts of our own legislature, which we are deprived of by this Constitution? Not one that I recollect. All the rights Congress can controul, we have surrendered to our own legislature, and the only question is, whether the people shall take from their own legislatures, a certain portion of the several sovereignties, and unite them in one head, for the more effectual securing of the national prosperity and happiness.

The Hon. Gentleman from Boston [James Bowdoin], has stated at large most of the checks the people have against usurpation, and the abuse of power, under the proposed Constitution; but from the abundance of his matter, he has, in my opinion, omitted two or three, which I shall mention. The oath the several legislative, executive and judicial officers of the several states, take to support the federal Constitution, is as effectual a security against the usurpation of the general government, as it is against the encroachment of the state governments. For an increase of the powers by usurpation, is as clearly a violation of the federal Constitution, as a diminution of these powers by private encroachment—and that the oath obliges the officers of the several states, as vigorously to oppose the one as the other. But there is another check, founded in the nature of the union, superiour to all the parchment checks that can be invented. If there should be an usurpation, it will not be upon the farmer and merchant, employed and attentive only to their several occupations, it will be upon thirteen legislatures, completely organized, possessed of the confidence of the people, and having the means as well as inclination, successfully to oppose it. Under these circumstances, none but mad men would attempt an usurpation. But, sir, the people themselves have it in their power effectually to resist usurpation; without being driven to an appeal to arms. An act of usurpation is not obligatory, it is not law, and any man may be justified in his resistence. Let him be considered as a criminal by the general government, yet only his own fellow citizens can convict him—they are his jury, and if they pronounce him innocent, not all the powers of Congress can hurt him; and innocent they certainly will pronounce him, if the supposed law he resisted was an act of usurpation.

^{1.} A shorter version of Ebenezer Peirce's speech, printed in the *Massachusetts Centinel* on 6 February, reads, "Mr. Pierce rose, he said, to make a few observations on the powers of Congress, in this sect. Gentlemen, he said, in different parts of the house, had agreed that Congress will not lay direct taxes except in cases of war—for that to defray the

exigencies of peace, the impost and excise would be sufficient—and as that mode of taxation would be the most expedient and productive—it would undoubtedly be adopted.—But, he observed, duties by impost had frequently been objected to, because they depressed trade, notwithstanding it was allowed, that the consumer pays the tax.— If this power of levying direct taxes, he said, is lodged in the general government, and a majority of the States should not be willing to levy an impost; he asked, whether we should not suffer ourselves to be loaded with a direct tax to pay the foreign debt: And, says he, when we consider, that the southern States are interested in commerce; and the smaller States are equally represented in the federal court, with larger ones—and have an equal vote (Rhode-Island, says he, for instance) they will not surely agree to regulations for the impost; but will resort to direct taxes, as less burthensome on themselves. Mr. P. objected to the term for which the Senate were to be chosen, for, said he, considering they are to operate as a check on the democratical branch of the federal legislature, they ought not to be chosen for a longer period than the representatives. In respect to the consolidation of the Union, continued Mr. P. several gentlemen (he mentioned the Hon. Mr. Sedgwick, and Mr. Ames) have mentioned, that it was to be a consolidation of the strength and power of the confederacy, not of the States—and that if it went to the latter, they would be the last to vote for it.—But, he said, he could not conceive, if the individual States are to retain their sovereignty, how a sovereign power could exist within a sovereign power and that he wished the doubts on his mind might be solved."

- 2. For the speeches by Tristram Dalton, William Phillips, and Christopher Gore on 22 January, see RCS:Mass., 1305, 1301–2, 1299–1301.
- 3. This proverb does not appear in any of the printings of William Phillips' 22 January speech (RCS:Mass., 1301–2).
- 4. Massachusetts adopted the Impost of 1783 on 20 October 1783, when Peirce was a member of the state House of Representatives.
- 5. The Rhode Island legislature refused to grant Congress the Impost of 1781 (CDR, 140–41). In July 1784 it also refused to ratify the Impost of 1783. In February 1785, however, the legislature adopted the Impost, and when Congress rejected this adoption, the legislature passed another ratifying act in March 1786.
- 6. This statement has not been located, but on 19 January Fisher Ames spoke on the question of a consolidated union (RCS:Mass., 1255–56).
- 7. The reference is to the disqualification act (16 February 1787) that harshly treated Shaysite rebels who had suffered their final defeat at the hands of state militia on 1 February 1787. The act pardoned any Shaysite through the rank of noncommissioned officer who agreed to give up his arms and take an oath before a justice of the peace. Those men who met these conditions were required to keep the peace for three years. They could not serve as jurors or town or state officers, or vote until after 1 May 1788; even then they had to demonstrate their unequivocal support of the government. Lastly, they were still liable for civil action. This act was widely criticized.
 - 8. See Rufus King's speech on 19 January (RCS:Mass., 1257).
 - 9. The Massachusetts Centinel, 6 February, italicized the word "all."
- 10. Chapter I, section I, article IV, of the state constitution (1780) states, "And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof . . . " (Thorpe, III, 1894).

- 11. For William Symmes's speech on 22 January, see RCS:Mass., 1307-11.
- 12. John Choate (1737–1791), a blacksmith and justice of the peace, represented Ipswich in the state House of Representatives, 1781–82, 1783–84, 1785–87, 1788–89.
- 13. Perhaps a reference to a speech that William Pitt made in the British House of Commons in 1738 during a debate on a motion to reduce the size of the standing army. Pitt said that the large standing army was "the chief cause of our discontents." In turn, these discontents had become "the chief pretence for keeping up such a numerous army. Remove therefore but the army, or a considerable part of it," said Pitt, "and the crowd, or the discontents you complain of, will cease." He viewed a standing army as "dangerous to the liberties" of the country.
- 14. Probably a reference to a speech made by James Wilson on 6 October 1787 before a Philadelphia public meeting. Wilson declared that "in delegating fœderal powers . . . the congressional authority is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of union. Hence it is evident, that . . . every thing which is not reserved is given" (CC:134, p. 339). For the reprinting of Wilson's speech in Massachusetts, see RCS:Mass., 120–22.
 - 15. Job 38:11.
- 16. Matthew 7:26. "And every one that heareth these sayings of mine, and doeth them not, shall be likened unto a foolish man, which built his house upon the sand."
- 17. On 18 February the *Newport Mercury* reprinted former Governor James Bowdoin's speech at the request of "A Federalist." Upon reading Bowdoin's speech, the Reverend James Cogswell of Scotland, Conn., described the speech in his diary on 1 March as "Excellent" and Bowdoin as "really a great Man" (Mfm:Mass.).
- 18. See, for example, Convention Debates, 18 January, A.M., at note 2, and note 2 (RCS:Mass., 1245, 1246).
- 19. During its March 1787 session, the Rhode Island legislature passed an act ordering that part of the state debt (6 percent notes) be liquidated in paper money in four installments by the fall of 1789. If a holder of state securities refused to accept this money during the allotted quarter, that quarter-part of his securities would be voided.
- 20. For an Antifederalist commentary on Bowdoin's assertion that the Constitution was a declaration of rights, see "A Columbian Patriot" (Mercy Otis Warren), *Observations on the Constitution*, Boston, February (CC:581, pp. 281–82). On 28 May New Yorker Alexander Hamilton, writing in *The Federalist* 84, stated, "The truth is . . . that the constitution is itself in every rational sense, and to every useful purpose, A BILL OF RIGHTS" (CC:765, p. 131).
- 21. This paragraph was quoted almost verbatim by the Reverend William Bentley in his diary for 11 February (Mfm:Mass.). In May James Bridge of Pownalborough, Maine, effusively praised Parsons' speech (to John Quincy Adams, 4 May, Mfm:Mass. Several months later Bridge joined Adams in studying law with Parsons.).

22. Chapter I, section III, article VII, of the Massachusetts constitution (1780) provides that "All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills" (Thorpe, III, 1899).

Theophilus Parsons: Notes of Convention Debates, 23 January, A.M.¹

Mr. Pierce, of Partridgefield. Is for a general government—if it will be safe—but if we grant a power to lay direct taxes, Congress will not lay imposts. Congress should not have power to lay direct taxes, but in war. Senate chosen for too long a time—should not be chosen longer than the house, and the house may balance them.

Hon. Mr. Varnum. The powers of Congress are sufficiently defined in the grant, and no need of a bill of rights—Congress have not all our resources, they have only a concurrent right to taxes and excises, and can make laws only to support a concurrent right, and so no consolidation of States—union would answer no purpose with these powers. Congress may abuse the power, but there is no probability. If Congress have no power to call on a delinquent State, it is an encouragement to delinquency. He then considers the conduct of the States lately—Congress must have this power in peace as well as in war—they can make no law but what is necessary for the common good.

Mr. Choate. Congress must defend us abroad, and preserve to us peace at home—they must therefore have the means, and the means are delegated by the people to their servants—depriving the delegates of these means, is depriving the people of the means of defence and self-preservation—it would also deprive us of the means of regulating our commerce and protecting our trade—there can be no dividing the supreme power—it must be wholly delegated, or wholly remain with the people, and limits are inconvenient—if direct tax was only when imposts and excises are insufficient, Congress might lay trifling imposts and excises—if it was limited, as to war, it would injure us in hiring, for, the better security we can give, the easier will be the terms—we may lay aside party spirit, as it is a subject of the most importance—our security is in elections at stated times.

Mr. COOLEY² asks, if Mr. Choate means that if the people delegate any power, they must delegate all?

Mr. Choate replies. He does not mean that if the people grant one kind of power, they must grant all kinds of power, but the kind of power we give, we must give all.

Dr. Jarvis. Mr. Choate's ideas are agreeable to his own, but asks why the French are pointed out as our best friends.

Gen. Thompson. Against these powers—not necessary—standing armies are a curse—take care of the militia, they are virtuous men—soldiers in a standing army are the worst men—standing armies are never necessary, witness Burgoyne—we are virtuous, enlightened, rich—raise our own produce—cannot be starved, or taken by Britain—can live without trade—the riches of the country are in a laboring people—Massachusetts will be one of the four, he hopes, and will stand out—Clinton against it before he knew what it was, but had a hint of it³—nations will not fall upon us—not true if one nation attacks us, another will defend us—we are in debt—that is an advantage, for they cannot carry the land—do not let us grow too fast, we shall grow out

of shape. Now, I have proved that we have liberty, property and virtue—we cannot influence other nations without they find their account in it. The Constitution is not clear—no bill of rights, which is a bar—the learned are not agreed about it. Some people say we should swallow a bone for the sake of the meat, and then pick the bone out. Now for the section—Britain never authorized the Parliament to pay an army for two years.

Rev. Mr. NILES, of Abington, wishes to know what limits would suit him.

Gen. THOMPSON says he is now tired.

Gov. Bowdon. A diversity of opinion is to be expected—when the Revolution commenced, such was the spirit of the people, that requisitions were sufficient, but not now. States have refused, and compelled Congress to increase the public debt by further loans—states the terms of the loans—they must be punctually complied with—Congress will not act like a faction in Rhode Island. Our foreign creditors are able to force payment by reprisal, which will essentially injure this Commonwealth.

Dr. TAYLOR wishes to have the Constitution discussed at large, and not by paragraphs.

Mr. Parsons.

Adjourned.

- 1. Printed: Convention Debates (1856), 312-14.
- 2. Daniel Cooley.
- 3. Governor George Clinton of New York was criticized anonymously by Alexander Hamilton for opposing the Constitutional Convention while that body was still in session. (See New York *Daily Advertiser*, 21 July 1787, CC:40–B. Between 10 and 29 August, Hamilton's newspaper article was reprinted seven times in Massachusetts: three times in Boston and once each in Newburyport, Northampton, Portland, and Springfield.)

Convention Journal, 23 January, P.M.

Met according to adjournment

A motion was made and seconded that the vote for considering the new constitution by paragraphs, be reconsidered, and that the convention take the whole constitution into consideration & mature deliberation.¹

A motion was made & seconded that the consideration of the said motion be referred to to-morrow morning 10. o Clk, and the question of reference being put, passed in the negative.

A motion was made & seconded that the Convention adjourn till to morrow morng. 10. o Clk & the question of adjournment being put,

passed in the negative.² The first motion was then withdrawn by the leave of the Convention.

Adjourned to Thursday morng. 9. o Clk-

- 1. The Convention *Debates* (immediately below) reveal that the motion was introduced by Antifederalist Samuel Nasson.
- 2. According to Justus Dwight's notes, this motion was intended to allow the delegates to attend the funeral of Benjamin Lincoln, Jr., whose father was a Convention delegate (Mfm:Mass.). For Lincoln's death, see RCS:Mass., 1249, note 1.

Convention Debates, 23 January, P.M.

At the end of its report of the debates for 23 January, the *Massachusetts Centinel*, 9 February, announced, in brackets in italics, "So heartily have we joined in the general joy, since our last [6 February], that we have not been enabled to prepare any more debates, than what we present our readers." The Massachusetts Convention had ratified the Constitution three days earlier.

As soon as the Convention met this afternoon, Mr. Nason, in a short speech introduced a motion to this effect; "That this Convention, so far reconsider their former vote to discuss the Constitution by paragraphs, as to leave the subject at large open for consideration." This motion met with a warm opposition from the several parts of the House.¹

Mr. Wales² said, that the time which had been spent in the discussion, had been well spent—and that he was much surprised to see gentlemen wishing thus to hurry the matter.

Mr. Widgery said, that necessity compelled them to hurry.

Mr. Dalton. Mr. President, we have been but six or seven days in the discussion of the Constitution. Sir, has not paragraph after paragraph been considered and explained? Has not great light been thrown on the articles we have considered—For my part, I profess to have received much light on them—We are now discussing the powers of Congress—Sir, shall we pass that over? Shall we pass over the article of the judiciary power, without examination—I hope, sir, it will be particularly inquired into. I am sorry to hear gentlemen alledge that they have been a long time from home; and that the want of money necessitates them to wish for an early decision. Sir, have not the General Court provided for the payment of the members of this Convention? and the treasurer, I am informed, is collecting money to comply with that provision. There are many parts which ought to be explained; I hope we shall attend to them with deliberation; and that for the sake of saving a little money, we may not pass over the Constitution, without well considering it.

Judge Sumner wished the motion might be withdrawn.

Mr. Nason said he would withdraw his motion for the present; but mentioned his intention of again making it at ten o'clock to-morrow morning.³

- 1. According to the Reverend Samuel Stillman, Antifederalists made this motion, "he suppos'd," in order "to prevent the increasing Conviction [in favor of the Constitution] which was very apparent." On this day or the next, Stillman, who had entertained doubts about the Constitution, spoke against the motion because "the Blaze of Evidence in its [the Constitution's] favour which its advocates had Display'd had Dispers'd his Doubts & fully Confirm'd him in his attachment to the System" (George Benson to Nicholas Brown, 29 January, RCS:Mass., 1556–57).
 - 2. Ebenezer Wales (1744–1813), a Dorchester merchant and justice of the peace, was

a member of the state House of Representatives, 1777-83, 1785-86.

3. Note-taker and delegate Theophilus Parsons noted, "A motion was made to consider the Constitution, at large. After debate, the motion was adjourned to ten o'clock, next morning" (Mfm:Mass.).

The Massachusetts Convention Thursday 24 January 1788

Convention Journal, 24 January, A.M.

Met according to adjournment.

A motion was made and seconded that the vote for considering the new constitution by Paragraphs, be reconsidered, and that the Convention take the whole constitution into consideration, and mature deliberation: and the question being put, passed in the negative.

The Convention proceeded in the consideration of the constitution or frame of government reported by the convention held at Philadelphia, and, after debate thereon, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

Convention Debates, 24 January, A.M.

On this day the Convention convened at 9:00 A.M., and as the first order of business it considered the clause in Article I, section 8, providing for raising and supporting armies (Justus Dwight: Notes of Convention Debates, 24 January, P.M., Mfm:Mass.). Note-taker and delegate Theophilus Parsons referred to this debate as "unimportant." At 10:00 A.M., Antifederalist Samuel Nasson, as he had promised the previous afternoon, renewed his motion to consider

the Constitution as a whole, rather than by paragraphs as provided by an earlier motion. According to Parsons, Nasson's motion "was ordered to subside, by a great majority." Delegate Samuel Stillman declared that "not more than 30 appeard for the Motion" (George Benson to Nicholas Brown, 29 January, RCS:Mass., 1556–57).

The defeat of Nasson's motion delighted some of the gallery. According to note-taker Jeremy Belknap "a boy clapped his hands in the Gallery & some who were by cried hush with a continued sound of the sh—this was interpreted a hiss—they [Antifederalists] sd they were insulted & were for removing or shutting up the Galleries & it was above an hour before they would let the matter subside" (to Ebenezer Hazard, 25–26 January, RCS:Mass., 1547–48). Without specifically referring to the incident, "An Auditor," Massachusetts Gazette, 25 January, declared that "it is scarcely necessary to suggest the propriety of observing PROFOUND SILENCE in the galleries, and carefully suppressing every demonstration either of approbation or dislike to whatever takes place in that very respectable assembly" (RCS:Mass., 1550).

After defeating Nasson's motion, the Convention returned to its debate on raising and supporting armies, a debate which delegate Dummer Sewall described in his journal as fruitless (RCS:Mass., 1519).

Mr. Nason renewed his motion for "reconsidering a former vote to discuss the Constitution by paragraphs, so that the whole might be taken up."

The Hon. Mr. Adams said he was one of those who had had difficulties and doubts respecting some parts of the proposed Constitution—He had, he said, for several weeks after the publication of it, laid by all the writings, in the publick papers, on the subject, in order to be enabled leisurely to consider them. He had, he said, still some difficulties on his mind; but that he had chosen rather to be an auditor, than an objector, and he had particular reasons therefor: As this was the case with him, and as others, he believed, were in a similar situation. he was desirous to have a full investigation of the subject; that thereby such might be confirmed, either in favour, or against the Constitution; and was therefore against the motion. We ought not, he said, to be stingy of our time, or the publick money, when so important an object demanded them: and the publick expect that we will not. He was sorry, he said, for gentlemen's necessities: but he would rather support the gentlemen, who were thus necessitated, or lend them money, to do it, than they should hurry so great a subject. He therefore, hoped that the question would be put, and that we should proceed as we began.

Hon. Mr. PITTS said it was impossible to consider the whole until the parts had been examined; our constituents, said he, have a right to demand of us the reasons which shall influence us to vote as we shall do; he must, he said, therefore, oppose the motion.

The Hon. Mr. King, Col. [Jonathan] Smith, and several other gentlemen, spoke against the motion.

Mr. Widgery opposed the motion's being winked out of sight—he wished, he said, the question might be put, that the sense of the Convention respecting it, might be taken.

Gen. Thompson said, it was not essential how the matter was considered, but he wished to have the whole subject at large open to discussion, so that every body might speak to it. A member, says he, gets up and speaks, but he is called to order, as not confining himself to the particular paragraph under debate, and this puts him out. In his opinion, he said, the Constitution, and the reasons which induced gentlemen to frame it, ought to have been sent to the several towns, to be considered by them. My town, says he, considered it seven hours, and after this, there was not one in favour of it. If this had been done, we should have known the minds of the people on it; and should we dare, he asked, to act different from the sense of the people? It is strange, he said, that a system, which its planners say is so plain that he that runs may read it, should want so much explanation.

(The question being generally called for, the motion was put, and negatived without a return of the house. The endeavours of gentlemen to hush to silence a small buz of congratulation, among a few citizens in the gallery, being mistaken by some of the members, for a hiss, created a momentary agitation in the Convention; which, however, after a short conversation subsided.)

The 8th sect. was again read.

The Hon. Mr. Sedgwick went into a general answer to the objections, which had been started against the powers to be granted to Congress, by this section. He shewed the absolute necessity there was that the body which had the security for the whole for their object, should have the necessary means allowed them to effect it—and in order to secure the people against the abuse of this power, the representatives and people, he said, are equally subject to the laws, and can therefore have but one and the same interest—that they never would lay unnecessary burthens, when they themselves must bear a part of them; and from the extent of their objects their power ought necessarily to be illimitable. Men, says he, rarely do mischief for the sake of being mischievous. With respect to the power in this sect. to raise armies, the Hon. Gentleman said, although gentlemen had thought it a dangerous power, and would be used for the purpose of tyranny, yet they did not object to the confederation in this particular; and by this, Congress could have kept the whole of the late army in the field, had they seen fit. He asked, if gentlemen could think it possible, that the legislature

of the United States should raise an army unnecessarily, which, in a short time, would be under the controul of other persons? For, if it was not to be under their controul, what object could they have in raising it? It was, he said, a chimerical idea to suppose, that a country like this, could ever be enslaved. How is an army for that purpose to be obtained? from the freemen of the United States? They certainly, says he, will know to what object it is to be applied. Is it possible, he asked, that an army could be raised for the purpose of enslaving themselves and their brethren? or, if raised, whether they could subdue a nation of freemen, who know how to prize liberty; and who have arms in their hands? He said, it was a deception in gentlemen to say, that this power could be thus used. The Hon. Gentleman said, that in the Constitution every possible provision against an abuse of power was made; and if gentlemen would candidly investigate for themselves, they would find that the evils they lament cannot ensue therefrom.

Mr. Dawes observed, upon the authority of Congress to raise and support armies, that all the objections which had been made by gentlemen against standing armies, were inapplicable to the present question; which was, that as there must be an authority (somewhere), to raise and support armies, whether that authority ought to be in (Congress). As Congress are the legislature upon the proposed plan of government, in them only, said he, should be lodged the power under debate. Some gentlemen seem to have confused ideas about standing armies: That the (legislature) of a country should not have power to raise armies, is a doctrine he never heard before. Charles II. in England, kept in pay an army of five thousand men, and James II. augmented them to thirty thousand. This occasioned a great and just alarm through the nation; and accordingly when William III. came to the throne, it was declared to be unconstitutional to raise or keep a standing army in time of peace, without the consent of the legislature. Most of our own State constitutions have borrowed this language from the English declaration of rights; but none of them restrain their (legislatures) from raising and supporting armies.² Those who never objected to such an authority in Congress, as vested by the old Confederation, surely ought not to object to such a power in a Congress, where there is to be a new branch of representation, arising immediately from the people, and which branch alone must originate those very grants that are to maintain the army. When we consider that this branch is to be elected every two years, there is great propriety in its being restrained from making any grants in support of the army for a longer space than that of their existence. If the election of this popular branch were for seven years, as in England, the same men who would make the first

grant, might also the second and third, for the ⟨continuance⟩ of the army; and such an acquaintance might exist between the representatives in Congress and the leaders of the army, as might be unfavourable to liberty. But the wisdom of the late Convention has avoided this difficulty. The army must expire of itself in two years after it shall be raised, unless renewed by representatives, who at that time will have just come fresh from the body of the people. It will share the same fate as that of a ⟨temporary law⟩, which dies at the time mentioned in the act itself, unless revived by some future legislature.³

Capt. Dench said, it had been observed, and he was not convinced that the observation was wrong, that the grant of the powers in this sect. would produce a consolidation of the States—and the moment it begins, a dissolution of the State governments commences.—If mistaken, he wished to be set right.

- 1. Since at least the early 1670s the Country Party in England had vigorously opposed standing armies. The Bill of Rights (1689) states, "That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law." In 1661, a year after Charles II was restored to the throne, his royal Guards numbered about 3,500 men and officers. The army of more than 20,000 troops kept by his brother James II (1685–1688) represented the largest peacetime army kept by an English king.
- 2. Most states agreed that standing armies were dangerous, but none of them prevented the raising of armies. The Massachusetts Declaration of Rights (1780) states that "as in time of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature" (RCS:Mass., 444).
- 3. The words in angle brackets in this paragraph were italicized in the *Massachusetts Centinel*, 13 February.

Theophilus Parsons: Notes of Convention Debates, 24 January, A.M.¹

Some unimportant debates till ten o'clock—then a motion to consider the Constitution, upon the whole, and not by paragraphs. After debate, it was ordered to subside, by a great majority. The eighth section was then read, and some debate.

Adjourned.

1. Printed: Convention Debates (1856), 314.

Convention Debates, 24 January, P.M.

Dr. TAYLOR asked, why there was to be a federal town, over which Congress is to exercise exclusive legislation?

Hon. Mr. STRONG said, that every gentleman must think, that the erection of a federal town was necessary, wherein Congress might remain protected from insult. A few years ago, said the Hon. gentleman,

Congress had to remove, because they were not protected by the authority of the State in which they were then sitting. He asked, whether this Convention, though convened for but a short period, did not think it was necessary that they should have power to protect themselves from insult, much more so must they think it necessary to provide for Congress, considering they are to be a permanent body.

Hon. Mr. Davis (Boston) said, it was necessary that Congress should have a permanent residence; and that it was the intention of Congress under the confederation, to erect a federal town. He asked, would Massachusetts, or any other State, wish to give to New-York, or the State in which Congress shall sit, the power to influence the proceedings of that body which was to act for the benefit of the whole, by leaving them liable to the outrages of the citizens of such States?

Dr. TAYLOR asked, why it need be ten miles square, and whether one mile square would not be sufficient?

Hon. Mr. Strong said, Congress were not to exercise jurisdiction over a district of ten miles, but one not *exceeding* ten miles square.

Rev. Mr. STILLMAN said, that whatever was the limits of the district, it would depend on the cession of the legislature of one of the States.

Mr. Dench said, that he wished further light on the subject—but that from the words, "We the people," in the first clause, ordaining this Constitution, he thought it was an actual consolidation of the States—and that, if he was not mistaken, the moment it took place, a dissolution of the State governments will also take place.

Gen. Brooks (Lincoln) rose, he said, to consider the idea suggested by the gentleman last speaking, that this Constitution would produce a dissolution of the State governments, or a consolidation of the whole: which, in his opinion, he said, was ill founded—or rather a loose idea. In the first place, says he, the Congress under this Constitution cannot be organized without repeated acts of the legislatures of the several States—and therefore, if the creating power is dissolved, the body to be created cannot exist. In the second place, says the General, it is impossible the general government can exist, unless the governments of the several States are for ever existing, as the qualifications of the electors of federal representatives are to be the same as those of the electors of the most numerous branch of the State legislatures.—It was, therefore, he said, impossible, that the State governments should be annihilated by the general government; and it was, he said, strongly implied from that part of the sect. under debate, which gave Congress power to exclusive² jurisdiction over the federal town, that they should have exercise over no other place. When we attend to the Constitution, we shall see, says the General, that the powers to be given to Congress

amount only to a consolidation of the strength of the union—and that private rights are not consolidated—The General mentioned the rights which Congress could not infringe upon; and said, that their power to define what was treason was much less than is vested in the legislature of this State, by our own constitution³—as it was confined in the 3d sect. of article III. to levying war, or adhering to, and comforting enemies only.—He mentioned the restraint upon Congress in the punishment of treason, and compared it with the extended powers lodged in the Parliament of Great-Britain, on like crimes;⁴ and concluded by observing, that as the United States guarantee to *each State* a Republican form of government; the State governments were as effectually secured, as though this Constitution should never be in force.

Hon. Mr. King said, in reply to the inquiry respecting a federal town, that there was now no place for Congress to reside in; and that it was necessary that they should have a permanent residence, where to establish proper archives, in which to deposit treaties, state papers, deeds of cession, &c.

Hon. Mr. SINGLETARY said, that all gentlemen had said about a bill of rights to the Constitution, was, that what is written is written—But he thought we were giving up all power, and that the states will be like towns, in this state. Towns, says he, have a right to lay taxes to raise money, and the states possibly may have the same. We have now, says he, a good republican constitution, and we do not want it guaranteed to us. He did not understand what gentlemen meant by Congress guaranteeing a republican form of government; he wished they would not play round the subject with their fine stories, like a fox round a trap, but come to it. Why don't they say that Congress will guarantee our state constitution.

Gen. Thompson said, Congress only meant to guarantee a form of government.

Hon. Mr. King asked, whether if the present constitution of this state had been guaranteed by the United States, the Hon. Gentleman from Sutton⁵ would not have considered it as a great defect in the proposed Constitution, as it must have precluded the state from making any alteration in it, should they see fit so to do, at the time mentioned in the constitution.⁶

(Several other gentlemen spoke in a desultory conversation, on various parts of the Constitution; in which, several articles from the constitution of this state, and the confederation, were read; many questions asked the Hon. Gentlemen who framed the Constitution, to which answers apparently satisfactory were given.)

- 1. In June 1783 the Confederation Congress, then meeting in Philadelphia, felt threatened by the "mutiny" of the Pennsylvania Line of the Continental Army and adjourned itself to Princeton, N.J., where it met from 30 June to 4 November. From Princeton, Congress moved first to Annapolis, Md., then to Trenton, N.J., and finally in early 1785 to New York City, its final meeting place. For a discussion of the "mutiny" of the Pennsylvania Line, see Kenneth R. Bowling, *The Creation of Washington, D.C.: The Idea and Location of the American Capital* (Fairfax, Va., 1991), 30–35.
 - 2. Italicized in the Massachusetts Centinel, 13 February.
- 3. The Massachusetts constitution (1780) did not define treason or provide for its punishment. The treason act of 1777 defined treason as levying war against Massachusetts or any of the other states, or adhering or giving aid and comfort to their enemies. The act included numerous protections for persons accused of and indicted for treason. The penalty for treason was death by hanging.
- 4. In England, the crime of high treason was defined by an act of Parliament passed in 1352, which largely remained in force until the twentieth century. Throughout the centuries, Parliament created new forms of treason in periods of political turmoil, but usually abolished them when the danger passed. In 1696 Parliament modified the procedures to be followed in treason cases, which gave the accused greater protection.
 - 5. Amos Singletary.
- 6. Chapter VI, article X, of the Massachusetts constitution (1780) provided that in 1795 the General Court should direct the selectmen of the towns and the assessors of unincorporated plantations to convene their qualified voters "for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments" (Thorpe, III, 1911).

Theophilus Parsons: Notes of Convention Debates, 24 January, P.M.¹

3 о'сьоск, Р. М.

Eighth section.

Mr. Dench. These powers will dissolve the State governments.

Mr. Савот answered Mr. Dench.²

Mr. DENCH replied.

Gen. Brooks, of Medford, answers Mr. Dench at large, by showing the Federal government cannot exist, but on the existence of the several governments.

Maj. Hosmer³ wishes to have explained the Federal town.

Mr. Strong explains it. Congress must have exclusive legislation where they sit, to prevent or punish insults.

Dr. TAYLOR. The district is too large—may contain barracks and stores.

Mr. King. Words, in their nature and language, are imperfect. The Convention must either enumerate the rights of the general government, or the rights of the State governments—most for the liberties of the States to enumerate the powers of the general government, and all not enumerated still remain to the States—rights of all, therefore, accurately defined, which he illustrates by direct taxes—the power of

availing itself of the whole resources, is essential—there is no government without it, except Turkey. Under the new government, the wants of each government will be confined, but the wants of the general government must be unconfined—people suppose they can increase the general government without lessening the State's power—'tis not true. Our State now, is not a sovereign State—we cannot make peace, or war, or treaties—no aristocracy in the new government.

Dr. WILLARD has the thirteenth article of the Confederation read, and the tenth article of the sixth section [chapter] of ours was read,⁴ and observed that we ought to be jealous when our Constitution is in danger.

Mr. King says, the people at all times have the control of their Constitution.

Dr. WILLARD. Our governments are governments of laws and not of men, and the Constitution cannot be altered but according to the compact.

Mr. Jones, of Boston. The word consolidation has different ideas, as different metals melted into one mass, two twigs tied into one bundle.

Mr. Dench insists upon it, by consolidation under the Federal government, will dissolve the powers of the States, and render our elections insecure.

Rev. Mr. WEST answered it.

Gen. Thompson. Unconstitutional to adopt it—if we do, it will be of no force—our delegates did not keep within the line of their duty.

Mr. Gorham. The delegates kept within their line—the powers authorized the reporting the Federal Constitution. Some articles of our bill of rights read.⁵

Mr. Sedgwick. The only question is, what is for the general good and happiness of the people.

Mr. STRONG, (who did not sign,) says, the concurrence of three to sign not necessary—a majority makes a quorum, viz., three; and a majority of the quorum gives the vote of the State—through sickness he was obliged to return home, but had he been there he should have signed it⁶—then shows that the delegates acted within their line—under the words *provisions* and *alterations*, this new Constitution may be reported—but we have nothing to do with it—our business is solely to adopt or reject the Constitution.

Dr. WILLARD charges King with treating some of the members illiberally, as insinuating that some of them listened to out-of-doors whispers.⁷

Mr. King denies the charge—he only said that if any people did listen to such whispers, they did wrong.

Mr. Dalton observes that Mr. Singletary introduced out-of-door talk, and gave a just foundation for Mr. King's observations.

Gen. Brooks, of Lincoln. The rights of the general government are distinct from the particular governments, because all rights not given to the general government remain to the States—the word *guaranty* does not imply a gift or grant, but a warrant and defence.

Mr. Wedgery. Our Constitutions are not our defence—why should Congress guarantee a republican form?—they may, notwithstanding, unite us into one republican form—every body knows that Congress have no power but what is given them—the question is, what is given them.

Hon. Mr. Adams. To guarantee is not to-

Mr. Parsons, on the guarantee.

Mr. Dawes.

Adjourned.8

1. Printed: Convention Debates (1856), 315-17.

2. William Cushing's notes of debates (immediately below) have Thomas Dawes, Jr., replying to Gilbert Dench, while Justus Dwight's notes (Mfm:Mass.) agree with Parsons.

- 3. Joseph Hosmer (1735–1821), a well-to-do cabinetmaker and farmer, and a militia officer during the Revolution, represented Concord in the state House of Representatives, 1776–81, 1783–85, and Middlesex County in the state Senate, 1781–82, 1785–94. He became sheriff of Middlesex County in 1794, serving in that position until 1808.
- 4. Under Article XIII of the Articles of Confederation, any alteration in the Articles had to be agreed to by Congress and confirmed by the legislatures of every state (CDR, 93). For Article X of chapter VI of the Massachusetts constitution (1780) that provided for amendments, see RCS:Mass., 1341, note 6.
 - 5. For the Massachusetts Declaration of Rights (1780), see RCS:Mass., 440-45.
- 6. Massachusetts elected five delegates to the Constitutional Convention. Francis Dana never attended, and Caleb Strong returned to Massachusetts sometime between 15 and 27 August. The remaining three delegates (Elbridge Gerry, Rufus King, and Nathaniel Gorham) represented a quorum of the original five delegates. King and Gorham, a majority of the three remaining delegates, signed the Constitution.
- 7. During the Convention, several Antifederalist leaders, such as John Bacon of Stockbridge, James Warren of Milton, William Whiting of Great Barrington, and James Winthrop of Cambridge, were in Boston trying to influence the proceedings. In particular, Winthrop addressed several "Agrippa" essays to the Convention delegates; while "The Republican Federalist" (James Warren?) directed some numbers to them. Warren was also accused of writing the speeches of some Antifederalist Convention delegates. (See RCS:Mass., 741, 762–63, 766, notes 12 and 14, 837–39, 1042. For the essays by "Agrippa" and "The Republican Federalist" written during the Convention, see RCS:Mass., Vol. 2, passim.)
- 8. The Convention adjourned to 10:00 A.M., the next day (Convention Journal, 24 January, A.M., Mfm:Mass.).

William Cushing: Notes of Convention Debates, 24 January, P.M.¹

Mr. Dawes²—in answer to Dench—that the States are Wholly consolidated into one govmt—

The exclusive right is not reserved to Congress but only in three Cases—viz. 1. when Exclusive right is expressly given to Congress—as 2

Dench—States Sovereignty are dissolved, by ye powers of Congress Genl. Brooks—says yt. Dench's objections are not well founded.

1 Congress cant be organized witht. ye. Legislatures of ye States—

2. The State govmts must be perpetual, in order to Support ye. Election of Senators, & to support ye. fœderal govmt

—as to ye. 10, Miles square ye. Exclusive clause *there*, implies, yt. there is no exclusive right of Legislation any Where Else.—

powers delegated to Congress are confined to general Objects.

Singletary—That a trap is set—& we shall be no more than Corporations or towns.

Mr. King—Aristocracy not founded on Election—but usurped, & made hereditary—

This is contrary to Election or to Elective govmts—The plan of fœderal Convention, was to distinguish between fœderal & local rights. And therefore only named ye. general rights, & all ye rest of ye. local rights remaind. State makes a Land tax & Congress make a Land tax

1. MS, Cushing Papers, MHi.

2. The notes taken by delegates Theophilus Parsons (immediately above) and Justus Dwight (Mfm:Mass.) indicate that George Cabot replied to Gilbert Dench.

The Massachusetts Convention Friday 25 January 1788

Convention Debates, 25 January, A.M.

The highlight of the debates of the morning session of 25 January was a speech by Federalist Jonathan Smith, a Lanesborough farmer. Delegate Dummer Sewall noted in his journal that Colonel Smith's speech "exceeded all" other Federalist speeches delivered that day (RCS:Mass., 1519). Note-taker Jeremy Belknap said Smith's speech was "excellent" and that it "nettled the Insurgents—who called him to order" (below; and Belknap to Ebenezer Hazard, 25–26 January, RCS:Mass., 1548). Months later Smith's speech was commended "For simplicity, the genuine spirit of yeomanry, & strong sense" (James Bridge to John Quincy Adams, 4 May, Mfm:Mass.).

Surprisingly, the first printing and the most complete version of Smith's speech appeared not in a Massachusetts newspaper, but in a New Hampshire one—the Exeter *Freeman's Oracle* of 1 February. No newspaper reprinted this version. In this same issue of the *Oracle*, there appeared an extract of a 27

January letter from a gentleman in Boston to his friend in Portsmouth, N.H., enclosing "a specimen" of the debates of 25 January (RCS:Mass., 1094). This "specimen" was probably Smith's speech. The gentleman in Boston was possibly a cover for John Langdon of Portsmouth, a former delegate to the Constitutional Convention and a delegate to the soon to meet New Hampshire Convention, who attended some of the debates of the Massachusetts Convention. (See Caleb Gibbs to George Washington, 9 February, RCS:Mass., 1687. For a reference to unnamed persons from New Hampshire who attended the debates, see Henry Jackson to Henry Knox, 20 January, RCS:Mass., 1537.)

In Massachusetts, Smith's speech was first printed in the Massachusetts Centinel, 13 February, and this version was printed in the Convention Debates. For the Freeman's Oracle's version, see RCS:Mass., 1348–50. The Freeman's Oracle and Massachusetts Centinel versions are similar in meaning, although their wording is considerably different.

The 8th section still under debate: But the conversation continued desultory; and much attention was paid to the inquiries of gentlemen on different parts of the Constitution, by those who were in favour of it.

Mr. Ames, in a short discourse, called on those who stood forth in 1775, to stand forth now; to throw aside all interested and party views, to have one purse, and one heart for the whole; and to consider, that as it was necessary then, so was it necessary now to UNITE, or DIE we must.¹

Hon. Mr. Singletary. Mr. President, I should not have troubled the Convention again, if some gentlemen had not called upon them that were on the stage in the beginning of our troubles, in the year 1775. I was one of them-I have had the honour to be a member of the court all the time, Mr. President, and I say, that if any body had proposed such a Constitution as this, in that day, it would have been thrown away at once—it would not have been looked at. We contended with Great-Britain—some said for a three-penny duty on tea, but it was not that—it was because they claimed a right to tax us and bind us in all cases whatever.2 And does not this Constitution do the same? does it not take away all we have—all our property? does it not lay all taxes, duties, imposts and excises? and what more have we to give? They tell us Congress won't lay dry taxes upon us, but collect all the money they want by impost. I say there has always been a difficulty about [an] impost. Whenever the General Court was a going to lay an impost they would tell us it was more than trade could bear, that it hurt the fair trader, and encouraged smuggling; and there will always be the same objection; they won't be able to raise money enough by impost and then they will lay it on the land, and take all we have got. These lawyers, and men of learning, and monied men, that talk so finely and gloss

over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great *Leviathan*, Mr. President, yes, just as the whale swallowed up *Jonah*. This is what I am afraid of; but I won't say any more at present, but reserve the rest to another opportunity.

Hon. Mr. Smith. Mr. President, I am a plain man and get my living by the plough. I am not used to speak in publick, but I beg your leave to say a few words to my brother plough-joggers in this house. I have lived in a part of the country where I have known the worth of good government by the want of it. There was a black cloud that rose in the east last winter, and spread over the west.—(Here Mr. Widgery interrupted. Mr. President, I wish to know what the gentleman means by the east.) I mean, sir, the county of Bristol; the cloud rose there and burst upon us, and produced a dreadful effect. It brought on a state of anarchy, and that leads to tyranny. I say it brought anarchy. People that used to live peaceably, and were before good neighbours, got distracted and took up arms against government. (Here Mr. Kingsley called to order, and asked what had the history of last winter to do with the Constitution?3 Several gentlemen, and among the rest the Hon. Mr. Adams, said the gentleman was in order—let him go on in his own way.) I am a going, Mr. President, to shew you, my brother farmers, what were the effects of anarchy, that you may see the reasons why I wish for good government. People, I say took up arms, and then if you went to speak to them, you had the musket of death presented to your breast. They would rob you of your property, threaten to burn your houses; oblige you to be on your guard night and day; alarms spread from town to town; families were broke up; the tender mother would cry, O my son is among them! What shall I do for my child! Some were taken captive, children taken out of their schools and carried away. Then we should hear of an action, and the poor prisoners were set in the front, to be killed by their own friends. How dreadful, how distressing was this! Our distress was so great that we should have been glad to catch at any thing that looked like a government for protection. Had any person, that was able to protect us, come and set up his standard we should all have flocked to it, even if it had been a monarch, and that monarch might have proved a tyrant, so that you see that anarchy leads to tyranny, and better have one tyrant than so many at once.

Now, Mr. President, when I saw this Constitution, I found that it was a cure for these disorders. It was just such a thing as we wanted. I got a copy of it and read it over and over. I had been a member of the

Convention to form our own state Constitution, and had learnt something of the checks and balances of power, and I found them all here. I did not go to any lawyer, to ask his opinion, we have no lawyer in our town, and we do well enough without. I formed my own opinion, and was pleased with this Constitution. My honourable old daddy there (pointing to Mr. Singletary) won't think that I expect to be a Congressman, and swallow up the liberties of the people. I never had any post, nor do I want one, and before I am done you will think that I don't deserve one. But I don't think the worse of the Constitution because lawyers, and men of learning and monied men, are fond of it. I don't suspect that they want to get into Congress and abuse their power. I am not of such a jealous make; they that are honest men themselves are not apt to suspect other people. I don't know why our constituents have not as good a right to be as jealous of us, as we seem to be of the Congress, and I think those gentlemen who are so very suspicious, that as soon as a man gets into power he turns rogue, had better look at home.

We are by this Constitution allowed to send *ten* members to Congress.⁴ Have we not more than that number fit to go? I dare say if we pick out ten, we shall have another ten left, and I hope ten times ten, and will not these be a check upon those that go; Will they go to Congress and abuse their power and do mischief, when they know that they must return and look the other ten in the face, and be called to account for their conduct? Some gentlemen think that our liberty and property is not safe in the hands of monied men, and men of learning, I am not of that mind.

Brother farmers, let us suppose a case now—suppose you had a farm of 50 acres, and your title was disputed, and there was a farm of 5000 acres joined to you that belonged to a man of learning, and his title was involved in the same difficulty; would not you be glad to have him for your friend, rather than to stand alone in the dispute? Well, the case is the same, these lawyers, these monied men, these men of learning, are all embarked in the same cause with us, and we must all swim or sink together; and shall we throw the Constitution over-board, because it does not please us alike? Suppose two or three of you had been at the pains to break up a piece of rough land, and sow it with wheat would you let it lay waste, because you could not agree what sort of a fence to make? would it not be better to put up a fence that did not please every one's fancy rather than not fence it at all, or keep disputing about it, until the wild beast came in and devoured it. Some gentlemen say, don't be in a hurry—take time to consider, and don't take a leap in the dark.—I say take things in time—gather fruit when it is ripe. There is a time to sow and a time to reap;⁵ we sowed our seed when we sent men to the federal convention, now is the harvest, now is the time to reap the fruit of our labour, and if we don't do it now I am afraid we never shall have another opportunity.

Mr. Parsons considered the several charges of ambiguity which gentlemen had laid to the Constitution; and with a great deal of accuracy, stated the obvious meaning of the clauses thus supposed to be ambiguous. He concluded his explanation, by saying, that no compositions which men can pen, could be formed, but what would be liable to the same charge.

- 1. "United or Die" was a common theme throughout the Revolutionary era, appearing in many illustrations stressing the importance of Union.
- 2. On 18 March 1766 Parliament repealed the Stamp Act of 1765. On the same day Parliament, to make certain Americans did not misinterpret this repeal, passed the Declaratory Act, which stated that Parliament "had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever."
- 3. Major Martin Kingsley was a Shaysite sympathizer who had been removed as aide-de-camp to the major general of the Worcester County militia. He voted against ratification of the Constitution.
 - 4. Massachusetts was apportioned eight representatives, in addition to its two senators.
- 5. Probably a variation of Ecclesiastes 3:1–2: "To every thing there is a season, and a time to every purpose under the heaven: A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted."

Newspaper Report of Convention Debates, 25 January, A.M.

Exeter, N.H., Freeman's Oracle, 1 February

In the Massachusetts Convention, on Friday last, it has been said by a person¹ opposed to the new Constitution, "that the same persons who were so zealous to defend the constitution, expected to have a share in the administration of the government—that they were chiefly lawyers—monied men and men of learning—and that they would get all power into their own hands, and swallow up all other people as the whale swallowed up Jonah," &c.—He was answered by a Mr. SMITH, of Lanesboro' (Berkshire county) who spoke to the following effect.

An honest FARMER's SPEECH.

Mr. President, I am a plain man and not used to public speaking—I follow the plough for my living—but with your leave, would speak a few words to my brother plough-joggers in this assembly. I have lived in a part of the country where I have known the worth of good government by the want of it—a dark cloud hung over us last winter, it rose in the east and spread to the west—(Here he was interrupted by

Wedgery from Cumberland county, to ask what he meant by east—he answered Bristol county) and the effect of it was anarchy and tyranny— I shall speak a few words on both these in my own way—first of anarchy—People got disaffected to government, people that we used to be intimate with, and lived peaceably and was good neighbours before, got under a bad influence and took up arms against government, and then if you went to speak to them, they would hold the musket of death to your breast; they would come and rob you and threaten to burn your houses, and keep you on your guard night and day; people were in great distress, families broken up—a tender mother would cry, O my son is among them! O what shall I do for my child!—We had alarms from town to town—some were carried captive—children were taken out of their schools—and then we should hear of an action—and these very persons were placed in the front that they might be killed by their own friends. (Here one Kinnsly² called to order, and said, what had the history of last winter to do with the Constitution? Several answered that the gentleman was in order—Go on, go on.) I say, Mr. President, and you brother Farmers, that I am shewing the bad effects of the want of good government as a reason for the adoption of this Constitution. Our distress was great, sir, so great that we should have been glad to catch at any thing that look'd like government: Had any body come and set up a standard and offered to protect us, we have flocked to it—and that might have brought on a monarchy, and the monarchy might have proceeded to tyranny: So that a state of anarchy leads to tyranny, and it is certainly better to have *one tyrant* than many at once—These are my reasons—I speak from experience and I speak feelingly, why I wish the present form may be adopted—As soon as I saw it I was pleased with it—I read it over very carefully—I had been a member of the convention for forming our own state government, and had learnt something of the checks and balances of powers, and I found them all here³—I am no lawyer, sir, and there is no lawyer in the town where I live—I did not consult any body's opinion, but formed my own, and I think it is such a Constitution as we want—I do not expect to have any share in administering it: My honourable old Daddy there (pointing to Mr. Singletarry, the person he was answering) cannot think that I ever shall be a Congress-man; I have no post, I want none, and I believe you will think before I have done, that I deserve none; but I am not afraid to trust other men to govern me; I am not of a jealous make—A man that is honest himself, is not apt to suspect other people. There has been a great deal said in this House about the Congress abusing their power: Why, sir, should we suspect they will abuse their power any more than we shall abuse our power? Have not our constituents as good a right to be jealous of us? I think those gentlemen that are so very suspicious and jealous, that as soon as a man is made ruler he turns rogue, ought to *look at home*. We are by this Constitution allowed to send ten members to Congress4—Have we not more than that number fit to go? Yes—I dare say if we pick out ten men to go to Congress, we shall have another ten left, and I hope ten times ten; and will not these be a check upon those that go? Will those go to Congress and abuse their power, when they know they must return and look the other ten in the face, and be called to account for their conduct? Some gentlemen think that our liberties and properties are not safe in the hands of monied men and men of learning; for my part I think otherwise: Suppose you had a small farm of 50 acres, and your title to it was disputed, and you joined to a man that had 5000 acres, and was a monied man and a man of learning, and his title was involved in the same dispute—don't you think it would be an advantage to you to have him interested in your cause? Well the case is the same—These men of learning, these lawyers, these monied men, are all embarked with us, and we must all swim or sink together; and shall we throw the Constitution overboard because we don't like every part of it? Suppose you had been at great pains to clear up a rough piece of ground in company with a few neighbours, and sow it with wheat—would you let it be without a fence, because you could not agree what sort of a fence to make? Would it not be better to have a fence that did not please all your fancies than to have no fence at all?—Some gentlemen say,— Don't let us be in a hurry to adopt the Constitution—it is not time yet to do it—we had better let it alone for the present. No sir, I say there is a time when things are ripe,—there is a time to sow and a time to reap⁵—we have been sowing our seed when we sent men to the federal convention, and now is the harvest—now let us reap the fruit of their labours—and if we do not do it now. I am afraid we shall never have another opportunity.

- 1. Amos Singletary.
- 2. For Martin Kingsley, see RCS:Mass., 1348, note 3.
- $3.\ Smith$ represented Lanesborough in the Massachusetts constitutional convention of $1779{-}80.$
 - 4. See RCS:Mass., 1348, note 4.
 - 5. See RCS:Mass., 1348, note 5.

Jeremy Belknap: Notes of Convention Debates, 25 January¹

Friday 25. A Mr Smith of Lanesboro' in Berkshire made an excellent Speech in Convention in wh[ich] he gave a detail of (the) Sufferings of (the) peaceable p[eo]ple in that Quarter last winter, deducing from

thence (the) necessity of such a form of Govt as that now under Considera[tio]n & adducing sev[era]l arg[umen]ts & answers to objections in plain familiar Style (with) a number of natural Comparisons in a strain of natural Eloquence (that) was very pleasing & popular.

1. MS, Belknap Diary, MHi. See also Belknap to Ebenezer Hazard, 25–26 January (RCS:Mass., 1548). For Hazard's 3 February reply, see RCS:Mass., 848–49.

Theophilus Parsons: Notes of Convention Debates, 25 January, A.M.¹

Conversation of the ninth section.

Gen. VARNUM observes on the fourth section, first article, on Turner's and Wedgery's arguments on that section; then observes on the ninth section: powers of regulating trade are necessary for the good of the whole—to encourage our shipping—and then makes a variety of excellent observations.

Mr. Choate. Suppose a power of attorney to transact a particular object—the attorney can go no further—if the power was general, and he afterwards gave a new power to a second person, for a particular object, the second power can go no further to control the first, than to the particular object to which it extends. The same reasoning applies to the Constitution.

Mr. Shurtleff reads the section where the constitutional laws of Congress are to be paramount to State laws, which he says gives all unlimited powers.

Mr. Ames. If this Constitution will destroy the liberties of the country, we should reject it; but such is the ruin if we reject it, we ought to be sure our liberties are in danger before we reject it. Our liberties cannot be preserved without union—the Confederation is a dead letter—the country teeming with new States—a seminal soil—without union the new States will be opposed to us—surrounded by hostile enemies—Spain and Britain, they injure us, because they despise us. He went on, and made an elegant and pertinent speech.

Gen. Thompson. I am for union, and that something must be done, but not adopt this Constitution—I hope we shall reject this—our sister States are divided—other States will follow us, we should therefore stand by, and not be too hasty. Suppose only nine States adopt it—then four will not adopt it—no foreign States know—thirteen not nine—we should unite, and we can get a new system—send a new Convention—cruel and wicked to alter, but on the terms of the old Confederation, except at the last cast.

Mr. Singletary. I know the principles I formerly acted upon, I act upon the same now—for the liberties, for the liberties of the people—

the English claimed all our property, and to do what they please—the lands will bear all the burdens—gentlemen now supporting this Constitution will be in government.

Col. SMITH, of Lanesborough. The two things farmers have to dread, are 1. Anarchy; 2. Tyranny. Anarchy leads to tyranny, and while we are trying and trying for amendments, some tyrant will set up, and the people, to relieve themselves from anarchy (will obey him). Our security is that the common interest is our common defence.

Mr. Parsons spoke on ambiguities. Adjourned.²

1. Printed: Convention Debates (1856), 317-18.

2. The Convention adjourned to 3:00 P.M. the same day (Convention Journal, 25 January, Mfm:Mass.).

Convention Debates, 25 January, P.M.

Hon. Mr. Dalton. Mr. President, it has been demanded by some gentlemen in opposition to this Constitution, why those who were opposed to the augmentation of the powers of Congress a few years since, should now be the warmest advocates for the powers to be granted by the sect. under debate. Sir, I was opposed to the 5 per cent. impost being granted to Congress; and I conceived that such a grant under the confederation, would produce great difficulties and embarrassments. But, sir, as Congress is by the proposed Constitution to be differently constructed,—as a *proportionate* voice of the states in that body, is to be substituted for the present *equal* (or rather unequal one) my objections will be removed. In my opinion, the delegating of power to a government, in which the people have so many checks, will be perfectly safe, and consistent with the preservation of their liberties.

Mr. Ames said, that in the course of the debates, gentlemen had justified the confederation; but he wished to ask, whether there was any danger in this constitution, which is not in the confederation? If gentlemen are willing to confederate, why, he asked, ought not Congress to have the powers granted by this section. In the confederation, said Mr. A. the checks are wanting, which are to be found in this Constitution. And the fears of gentlemen, that this Constitution will provide for a permanent aristocracy, are therefore ill founded—for the rulers will always be dependent on the people; like the insects of a sunshine day, may by the breath of their displeasure, be annihilated.

Mr. WIDGERY. Mr. President. Enough has, I think, been said on the 8th section. It has been repeated over and over again, that the adoption of the Constitution will please all ranks of people, that the present inefficiency of the confederation is obvious; and that blessed things will

surely be the result of this Constitution. Many say, ask the Merchants? Ask the yeomanry? But they do not tell us what the answer of these will be.—All we hear is, that the merchant and farmer will flourish—and that the mechanick and tradesman are to make their fortunes directly. if the Constitution goes down. Is it, sir, because the seat of government is to be carried to Philadelphia? Who, sir, is to pay the debts of the yeomanry, and others? Sir, when oil will quench fire, I will believe all this—and not till then: On the contrary, I think the adopting this Constitution, makes against them; though it may be something in favour of the merchants. Have not Congress power to tax polls—for there is no other way of levying a dry tax; and by this means, the poor will pay as much as the rich. Gentlemen say we are undone—and that there is no resource, unless this Constitution is adopted. I cannot see why we need swallow a great bone for the sake of a little meat, which if it should happen to stick in our throats, can never be got out. Some gentlemen have given out, that we are surrounded by enemies—that we owe debts, and that the nations will make war against us, and take our shipping, &c.—Sir, I ask, if this is a fact? Or whether gentlemen think as they say?—I believe they do not.—For I believe they are convinced, that the nations we owe, do not wish us at present to pay more than the interest.

Mr. W. after considering some other observations which had dropped from gentlemen in the course of the debates on the 8th section, concluded by saying, that he could not see the great danger that would arise from rejecting the Constitution.

The Hon. Mr. GORHAM adverted to the suggestion of some gentlemen, that by granting the impost to Congress this state would pay more than its proportion; and said, that it could be made an objection as much against one government as another. But he believed, gentlemen would accede, that the impost was a very proper tax. As to the tax on polls, which the gentleman from New-Gloucester² had said would take place, he saw, he said, no article in the Constitution which warranted the assertion—It was, he said, a distressful tax, and would never be adopted. By impost and excise, the man of luxury will pay, and the middling and the poor parts of the community, who live by their industry, will go clear; and as this would be the easiest method of raising a revenue, it was the most natural to suppose it would be resorted to.— 20 per cent. he said, may as well be paid for some luxuries, as 5, nay, 100 per cent. impost on some articles, might be laid on, as is done in England and France. How often, observed the Hon. Gentleman, has Mr. Adams tried to accomplish a commercial treaty with England, but they think Congress but a feeble power. They prohibit our oil, fish, lumber, pot and pearl ashes, from being imported into their territories, in order to favour Nova-Scotia, for they know we cannot make general

retaliating laws. They have a design in Nova-Scotia to rival us in the fishery, and our situation at present favours their design. From the abundance of our markets, we could supply them with beef, butter, pork, &c. but they lay what restrictions on them they please, which they dare not do, was there an adequate power lodged in the general government to regulate commerce.

Mr. Jones, Col. Porter, and Col. Varnum, said a few words in favour of the article—when the Convention proceeded to the consideration of The 9th section.

Mr. Neal (from Kittery) went over the ground of objection to this sect. on the idea, that the slave trade was allowed to be continued for 20 years. His profession, he said, obliged him to bear witness against any thing that should favour the making merchandize of the bodies of men; and unless his objection was removed, he could not put his hand to the constitution. Other gentlemen said, in addition to this idea, that there was not even a provision that the negroes ever shall be free;³ and Gen. Thompson exclaimed:

Mr. President—Shall it be said, that after we have established our own independence and freedom, we make slaves of others. Oh! Washington, what a name has he had! How he has immortalized himself!—but he holds those in slavery who have a good right to be free as he has—He is still for self; and in my opinion, his character has sunk 50 per cent.⁴

On the other side gentlemen said, that the step taken in this article, towards the abolition of slavery, was one of the beauties of the Constitution. They observed that in the confederation there was no provision whatever for its ever being abolished; but this constitution provides, that Congress may, after 20 years, totally annihilate the slave trade; and that all the states, except two, have passed laws to this effect,⁵ it might reasonably be expected, that it would then be done—in the interim, all the states were at liberty to prohibit it.

- 1. Tristram Dalton was speaker of the Massachusetts House of Representatives when, in October 1783, the state legislature adopted the federal Impost of 1783. On 13 April 1784 Dalton, commenting on the Impost, wrote to Elbridge Gerry that "The System, proposed by Congress, for raising a Revenue, is fraught with numberless Evils, and if it should be adopted by all the States, will, in the End, deprive them of that Liberty, now their Boast. . . . When a People . . . can totally give up a Right of raising their proportion of the General Charges, to any Body of Men other than their own Legislature . . . it is concluded, that they cannot take care of themselves—are fit for slaves—and happy if they obtain a good Master" (quoted in Sibley's Harvard Graduates, XIII, 573).
 - 2. William Widgery.
- 3. Jeremy Belknap, who described James Neal as "a certain Quaker Preacher," wrote that Neal was "very ably" answered by Theophilus Parsons who contended that the slave trade clause was "a dawn of hope for the final abolition of the horrid Traffick & spoke of it as a great Point gained of the southern states" (to Benjamin Rush, 12 February,

RCS:Mass., 1588). Neither the Convention *Debates* nor Parsons himself in his notes (immediately below) preserved his comments. Parsons' notes have Isaac Backus replying to Neal.

- 4. For another criticism of George Washington as a slaveholder, see "The Yeomanry of Massachusetts," *Massachusetts Gazette*, 25 January (RCS:Mass., 803).
- 5. Between 1774 and 1787, Georgia and New Hampshire were the only states that did not take action either prohibiting or restricting the slave trade.

Theophilus Parsons: Notes of Convention Debates, 25 January, P.M.¹

3 o'clock, P. M.

Mr. Ames called upon gentlemen to show why Congress, under this new Constitution, has more power than under the old Confederation.

Mr. Singletary, in answer, showed the checks were different—annual elections—rotation—recall—in the old, and not in the new.

Mr. Wedgery. By the new Constitution, Congress can lay no direct tax but on polls, where the poor will pay as much as the rich—objects to representation—thirty thousand men on a sand hill will pay as much as the same numbers in the Garden of Eden—our debt is our safety, as long as we can pay the interest. Mr. Ames appears to be conscience-struck; a lawyer, and conscience-struck!—perhaps it is for the poor paying as much as the rich. States ought not to have an equal representation in the Senate, according to interest—but it is said we could not do better—very pretty—the great must give way to the less—suppose nine adopt and four reject, what will you do? Use the sword? No, we shall be ruined—the four will be justified, because each State must consent by the old Confederation—some benefit will arise if nine States accept, as it will prevent paper money, and save the States, by endorsing them to a citizen of another State.

Mr. Gorham. His objection to impost goes to the old Confederation as well as to the new—one State has a provision in its Constitution that there shall be no poll tax.²

Mr. Cooley said, he never had advanced that all direct tax was on the polls.

Mr. Jones, of Boston, shows the advantages, to all classes, from the new Constitution.

Mr. Jones, of Bristol, says, power to regulate the trade abroad is enough.

Col. PORTER. To grant only an impost is to invite enemies to attack us, for shutting up our ports is to destroy our resources.

Col. TAYLOR says, he is now convinced we have no need of granting a direct tax, as the impost is enough for war and peace.

Gen. VARNUM. To say we will not grant a direct tax to Congress, is to say that we will not have the power of a direct tax, for Congress are the people, especially as in war our imposts are destroyed.

Mr. Dench wishes to go to the next session [i.e., section].

Mr. King. If direct taxes can only be collected from polls, a good reason for rejecting the Constitution—but it is not true—the apportionment in the Constitution is only among the States, and not upon the individuals in a State—in the last case, Congress have a discretionary power—as to equal vote of States in the Senate, we could have no union without it.

Mr. Pierce, of Partridgefield. Powers in Constitution are dangerous; 1. Direct taxes; 2. Duty on imposts include excises, and so a State can, by the tenth section, lay excises.

Mr. Sedgwick was going to give an answer, but it was said not to be in order, and the ninth section was read.

Mr. Dalton. In favor of first paragraph because we gain a right in time to abolish the slave trade.

Mr. Kinsley wants to know the reason why vessels from one State to another are not obliged to enter, &c.

Mr. Jones. That no duties should be laid on the exports of a State.

Gen. THOMPSON. It is contrived to enable them to run.

Dr. Jarvis. It is when a vessel bound to one State makes a harbor in another, he is held to pay duties.

Deacon Sever³ and Deacon Phillips give the same.

Mr. Gore the same.

Mr. Cabot explains it fully.

Mr. NEAL talks against the slave trade.

Mr. Cooley asks, whether negro slaves, emigrating into this State, will not be considered as a poll, to increase our ratio of taxes?

Rev. Mr. BACKUS answers Mr. Neal, and shows we have now gained a check which we had not before, and hopes in time we shall stop the slave trade.

Mr. Bodman says, those born slaves in the southern States may still continue slaves.

Gen. Thompson. If the southern States would not give up the right of slavery, then we should not join with them—Washington's character fell fifty per cent. by keeping slaves—it is all a contrivance, and Washington at the head—our delegates overpowered by Washington and others.

Mr. Jones, of Bristol, objects to Article V., because we can't amend this section for twenty years.

1. Printed: Convention Debates (1856), 318-20.

2. The Maryland Declaration of Rights (1776) states that "the levying taxes by the poll is grievous and oppressive, and ought to be abolished." Taxation was to be based upon wealth (Thorpe, III, 1687).

3. William Sever, Sr. (1729–1809), a graduate of Harvard College (1745), a large Kingston landowner, and a former merchant, sat in the colonial House of Representatives, 1754–55, 1766–70; the colonial and state Council, 1770–80; the third provincial congress, 1775; and the state Senate, 1780–84. He was chief judge of the Plymouth County Court of Common Pleas, 1781–88; justice of the peace and quorum, 1778–79, 1781–94, 1795–1801 (and perhaps beyond); and a presidential elector, 1789.

Newspaper Report of Convention Debates, 25 January, P.M.

Massachusetts Centinel, 23 February¹

Gen. Thompson, in our Convention said, "that by the proposed Constitution we were giving up *every thing* to the southern States; that they had always had the advantage, and now we are going to fix it—and, that he wondered they didn't snap at it, and swallow it down in a minute."

1. Reprinted: Hampshire Gazette, 27 February; Worcester Magazine, 28 February. The Massachusetts Centinel immediately followed the excerpt from Thompson's speech with the following commentary: "We shall not comment on this declaration of the Hon. Gentleman—we shall only observe, how exactly it coincides with a declaration of the Hon. Mr. Lowndes, an antifederal delegate of the South-Carolina Legislature—in a speech delivered January 17, on calling a Convention, 'Negroes, says he, are our wealth, our only natural resource, yet behold how our kind friends in the north are determined soon to tie up our hands, and in the mean time to drain us of what we had. The Eastern States draw their means of subsistence in a great measure from their shipping, and on this head they had been obviously careful against imposing any burthen—were not to pay tonnage, or duties, no not even the ceremony of clearing out—all ports were free and open to them! Why then call this a reciprocal bargain, which took all away from one party to bestow it on the other? They are to be the carriers, we to pay freightage, they to receive it.'

"Hon. Mr. LOWNDES, the antifederal delegate, in the Legislature of South-Carolina, in the debate, January 17th on calling a Convention, to ratify the proposed Constitution, speaking of the 9th section, asks, 'In the first place, what reason was there for jealousy of our negro trade? Why confine it to a limited period, or rather why lay any restriction? There is a stroke aimed at the prohibition of our negro trade by an ungenerous limitation of twenty years, and this under the specious pretext of humanity. For his part, he thought this sort of traffick justifiable 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 do not like our slaves, because they have none themselves; and therefore want to exclude us from this great advantage. But should the southern States allow of this without the consent of nine States? He went on to observe, that 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 while 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 twenty years, care had been taken to make us pay for this indulgence, each negro, being liable on importation to pay duty not exceeding ten dollars per head, and in addition to this were liable to a capitation tax.' Mr. Lowndes concluded his remarks, by [']apologizing for going into the merits of this new Constitution, when it was to be ultimately decided on by another tribunal, but understanding that he differed in opinion from his constituents, who were determined not to elect any person as a member in the Convention who was opposed to the proposed plan of government, he should not have had an opportunity of expressing those sentiments by which he was actuated—But if this Constitution should be sanctioned by the people, it would have his hearty concurrence and support. He was very much originally against a declaration of independency—he opposed the instalment law, but when they were received as laws, it became his duty to promote their due observance.[']"

Rawlins Lowndes gave this speech in the South Carolina House of Representatives on 16 January (not 17 January) during the debate on whether to call a state convention to ratify the Constitution. In reprinting these excerpts from Lowndes's speech, the Centinel rearranged sentences; changed, omitted, or added words; italicized words; and rendered other words in large capital letters. Lowndes's speech was first printed in the Charleston City Gazette on 21 January. It was not reprinted in any Massachusetts newspaper before 23 February, but apparently the City Gazette was circulating in Massachusetts. For example, on 5 February the Salem Mercury reported that on 3 February a vessel from Charleston, S.C., had arrived in Salem, "by which we [the Salem Mercury] have been favoured with several Charleston papers."

The Massachusetts Convention Saturday 26 January 1788

Convention Journal, 26 January

Met according to adjournment.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia and after debate thereon, postponed the further consideration of the same to Monday morning.

Adjourned to Monday morng. 10. o Clk.

Convention Debates, 26 January

(The debate on the 9th sect. still continued desultory—and consisted of similar objections, and answers thereto, as had before been used.—Both sides deprecated the slave-trade in the most pointed terms—on one side it was pathetically lamented, by Mr. Nason, Major Lusk, Mr. Neal, and others, that this Constitution provided for the continuation of the slave trade for 20 years.—On the other, the Hon. Judge Dana, Mr. Adams, and others rejoiced that a door was now to be opened, for the annihilation of this odious, abhorent practice, in a certain time.)¹

The paragraph which provides, that "the privilege of the writ of *habeas corpus* shall not be suspended, unless in cases of rebellion or invasion," was read, when

Gen. Thompson asked the President, to please to proceed—we have, says he, read the book often enough—it is a consistent piece of inconsistency.

Hon. Mr. Adams, in answer to an enquiry of the Hon. Mr. Taylor, said, that this power, given to the general government to suspend this privilege in cases of rebellion and invasion, did not take away the power of the several States to suspend it, if they see fit.

Dr. Taylor asked, why this darling privilege was not expressed in the same manner it was in the constitution of Massachusetts—(Here the Hon. Gentleman read the paragraph respecting it, in the constitution of this State, and then the one in the proposed Constitution)²—He remarked on the difference of expression, and asked why the time was not limited.

Judge Dana, said the answer, in part, to the Hon. Gentleman must be that the same men did not make both Constitutions—that he did not see the necessity or great benefit of limiting the time—Supposing it had been, as in our Constitution, "not exceeding twelve months," yet as our legislature can, so might the Congress continue the suspension of the writ from time to time, or from year to year.—The safest and best restriction, therefore, arises from the nature of the cases in which Congress are authorised to exercise that power at all, namely, in those of rebellion or invasion. These are clear and certain terms—facts of publick notoriety. And whenever these shall cease to exist, the suspension of the writ must necessarily cease also.—He thought the citizen had a better security for his privilege of the writ of habeas corpus under the federal than under the State Constitution; for our legislature may suspend the writ as often as they judge "the most urgent and pressing occasions" call for it. He hoped these short observations would satisfy the Hon. Gentleman's enquiries, otherwise he should be happy in endeavouring to do it, by going more at large into the subject.

Judge Sumner said, that this was a restriction on Congress, that the writ of habeas corpus should not be suspended, except in cases of rebellion and invasion. The learned Judge then explained the nature of this writ.—When a person, said he, is imprisoned, he applies to a Judge of the Supreme Court—the Judge issues his writ to the jailor, calling upon him to have the body of the person imprisoned, before him, with the crime on which he was committed.—If it then appears that the person was legally committed, and that he was not bailable, he is remanded to prison; if illegally confined, he is enlarged [i.e., released]. This privilege, he said, is essential to freedom—and therefore the power to suspend it, is restricted. On the other hand, the state, he said, might be involved in danger—the worst enemy may lay plans to destroy us, and so artfully as to prevent any evidence against him, and might

ruin the country, without the power to suspend the writ was thus given.—Congress have only power to suspend the privilege to persons committed by their authority. A person committed under the authority of this state, will still have a right to this writ.

- 1. In his notes of debates, delegate Justus Dwight lists several other delegates who took part in the debate: John Brooks, Tristram Dalton, Joseph Hosmer, Jonathan Keep, Rufus King, Theodore Sedgwick, and Caleb Strong (Mfm:Mass.).
- 2. Chapter VI, article VII, of the Massachusetts constitution (1780) reads, "The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months" (Thorpe, III, 1910). The legislature suspended the writ of habeas corpus twice: during Ely's Rebellion in June 1782 (for six months) and during Shays's Rebellion in November 1786 (for about seven and one-half months).
- 3. A shorter version of Francis Dana's speech, printed in the *Massachusetts Centinel*, 16 February, reads, "Judge Dana said, the answer to the hon. gentleman must be, that the same gentlemen did not make them both. He did not see, he said, the necessity, why it should be for a limited time; for, said he, if for six months, the legislature can assemble every six months, and by that means continue it. In his opinion it could not be properly limitted as to time; for six months, or even twelve months, might be too short a time; as Congress might suspend the writ, and adjourn—and during this adjournment, the time of the suspension of the writ might expire—however necessary it was to be kept up."

The Massachusetts Convention Monday 28 January 1788

Convention Journal, 28 January, A.M.

Met according to adjournment.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and, after debate thereon, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

Convention Debates, 28 January¹

This, and the two following days, were taken up in considering the several sections of the second and third articles—Every one of which was objected to by those who were opposed to the Constitution; and the objections were obviated by gentlemen in favour of it. We do not think it essential to go into a minute detail of the conversation; as, in the speeches on the grand question, the field is again gone over—We

can only say, that, with the utmost attention, every objection, however trifling, was answered; and that the unremitted endeavours of gentlemen who advocated the Constitution, to convince those who were in errour, were not without effect. The main objections to the judiciary power, are contained in the following speech, delivered on Wednesday, January 30.²

- 1. According to Dummer Sewall's journal and Justus Dwight's notes of debates, the constitutional provision concerning the suspension of the writ of habeas corpus was debated on this morning. Dwight reveals that Theophilus Parsons made a "loud" speech on the question (RCS:Mass., 1519; and Mfm:Mass.).
 - 2. See the speech of Abraham Holmes on 30 January, RCS:Mass., 1366-68.

Jeremy Belknap: Notes of Convention Debates, 28 January, A.M.¹

Monday—28. Mr King in speaking on \(\text{the} \) Inspection-Laws (Sect 10. 1st. Article) said this was introduced on acco[unt] of the State of Virginia where it is \(\text{the} \) Custom to lodge \(\text{the} \) Tobacco in public Warehouses for Inspection & for safety—\(\text{that the} \) owner receives a Certificate from the Inspecting Officer of \(\text{the} \) quantity of Tobacco lodged there \(\text{that the} \) State insures it while there remaing from fire & other accidents—\(\text{that} \) these Certificates pass from one to another as bank bills & \(\text{that the} \) Tobacco is d[e]l[ivere]d to \(\text{the} \) person who demands it on presenting \(\text{the} \) Certificate, \(\text{that} \) on receive it he pays \(\text{the} \) charge of Inspection, & Storage & a premium of Insurance wh[ich] goes into \(\text{the} \) public Treasury & amounts to a duty on exportation.\(\text{2} \)

- 1. MS, Belknap Diary, MHi.
- 2. On 12 September 1787 a motion that included the clause on inspection laws was moved and seconded in the Constitutional Convention by Virginians George Mason and James Madison. The motion was adopted the next day by a vote of 7 states to 3, with Massachusetts being in the majority (Farrand, II, 588–89, 605–6, 607).

Convention Journal, 28 January, P.M.

Met according to adjournment

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and, after debate, postponed the further consideration thereof to the morning.

Adjourned to Tuesday morng 10. o Clk

Jeremy Belknap: Notes of Convention Debates, 28 January, P.M.¹

PM. Mr Coffin Jones read a Letter from Alexandria in Virga informg (that the) State had laid new duties on certain enumerated articles imported am[on]g (the) rest 20/ pr C[ent] on Beef wh[ich] amounts to

a prohibition—this was to shew $\langle \text{the} \rangle$ necessity of *uniform* Imposts as proposed in $\langle \text{the} \rangle$ Constitution.²

The Executive Power (Art 2.) then came on—Mr Gorham explained (the) nature of (the) Presidts Office—(the) advantage of (the) responsibility of *one Man &c*

Mr King, stated (the) reasons for not appointg a Council wh[ich] were (that the) small States would insist on havg one at least & that would make another body similar to (the) Senate—(there)fore it was tho't (that) in some Cases (the) Senate might answer, & in others (the) Presidt might require (the) Opinion of (the) Officers of State—(that) in this Case Secrecy dispatch & fidelity were more to be expected than where there is a multitudinous Executive.³

Bishop of Rehoboth—a noted Insurgent—urged objections wh[ich] were founded as usual on a supposed breach of trust & suspicion of roguery in (the) Presidt & Senate—as that he might combine with foreigners—make treaties to transport Troops to any part of (the) World— & then having (the) power of Pardon previous to Convic[tio]n might Screen himself & other Offenders—It was answd by Dana, Parsons & King (that) it was nec[essar]y to have power of Pardong previous to convic[tio]n to prevent p[eo]ple who might be led astray from suffering ignominy—(that) if Pardons were grantd for secret offences they could avail nothing unless *pleaded* & recorded—this would bring (the) Crime to light—(that) Money was nec[essar]y to transport forces & appropriations for this must be made by Congress—&c &c—Old White4—said (that) if (the) Pres[iden]t had (the) Power of Life he had also (the) power of Death & (that) witho [ut] a Jury—(that) in our former Controversy (with) Brittain all (the) Cry was a Jury—a Jury—a Jury—but now we were giving up this darling Privilege &c—this raised an universal Laugh—after it had subsided Mr. S Adams observed (that) his friend was mistaken—(that the) Presidt had no power to put any man to Death but either to pardon him or put him to his Jury for trial.

The federalists now seem to be sure of carrying $\langle \text{the} \rangle$ Constitutn Thompson—one of $\langle \text{the} \rangle$ antifed Champions so this day publickly in $\langle \text{the} \rangle$ House $\langle \text{that} \rangle$ if $\langle \text{the} \rangle$ Constn. sh[oul]d be carried (a thing wh[ich] he never before would admit as possible) it would be but by a bare majority.

1. MS, Belknap Diary, MHi.

^{2.} The letter read by John Coffin Jones of Boston had been promised to the Convention by another Boston delegate, Christopher Gore. Samuel Thompson had doubted "the reality of the letter" (see Justus Dwight: Notes of Convention Debates, 28 January, Mfm:Mass.). On 1 January 1788 the Virginia legislature passed an act, entitled "An act to amend the laws of revenue, to provide for the support of civil government, and the

gradual redemption of all the debts due by this commonwealth," that increased the duty by twenty shillings on "every hundred weight of salted beef, except ship stores" (William Waller Hening, ed., *The Statutes at Large; Being A Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619* [13 vols., Richmond and Philadelphia, 1809–1823], XII, 414). Virginia Governor Edmund Randolph described the duties levied by this act as "heavy." Randolph said that the purpose of the act "was to detach from the fœderal government those, who might be allured by the revenue" (to James Madison, 27 December 1787, Rutland, *Madison*, X, 347).

- 3. On 7 September 1787 Virginian George Mason moved in the Constitutional Convention that the "Committee of the States" (i.e., the Committee on Unfinished Parts appointed on 31 August) prepare a clause to the Constitution for creating an executive council or council of state, consisting of six members, two from the Eastern, two from the Middle, and two from the Southern states. Seconded by Benjamin Franklin, Mason's motion was defeated 8 states to 3, with Massachusetts voting with the majority (Farrand, II, 473, 533, 537–38, 539, 541–42, 543).
 - 4. Abraham White of Norton.

Theophilus Parsons: Notes of Convention Debates, 28 January, P.M.¹

3 P.M.

First section, second article—Executive.

Mr. Gorham. All governments require an executive—this section fixes the mode of appointment—the people at large could not choose—the legislature of Congress could not choose, he would then be their creature²—

- 1. Printed: Convention Debates (1856), 320.
- 2. At this point, the Convention Debates (1856) notes that "Here the Minutes end abruptly."

The Massachusetts Convention Tuesday 29 January 1788

Convention Journal, 29 January, A.M.

Met according to adjournment.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and, after debate thereon, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM.

Justus Dwight: Notes of Convention Debates, 29 January, A.M.¹

Mr. Dalton. That it can't be supposed that the Congress will oblige the militia to go into foreign service. That the militia will be an army when embodied.

Mr. Dalton. That they have power to raise the militia only in invasions and insurrections.

Mr. Cabot. That there is no danger.

When we give power to make treaties we give power to fulfill. If our militia are joined with other power, they must be under their [i.e., Congress'] control.

Mr. Parsons. That the Congress have power to send their armies out of the United States and it is right they should because it is better to attack an Enemy out of our country than in it.

That treaties unless approved by the Legislature will be void.

Mr. Gorham. That it may be very necessary to march an army out of the States.

Mr. Wedgery. That all treaties made by the President and Senate shall be the Supreme Law of the Land and therefore need not the Legislature to confirm them.

Desires to ensure what other court were allowed.

Article 3rd Section 2.

Mr. Parsons. That if there was no Judicial power they could not put their laws in force. [Three lines indecipherable.]

Whether two persons in different states may not for small affairs go to the Supreme Court of the Land.

Mr. Parsons. That it may be possible they may get it. Will not do to throw away a constitution for so small an objection.

1. Copy, Archives of the Belchertown Historical Association, Stone House Museum, Belchertown. The manuscript of the notes of debates taken by Dwight was located in Belchertown's Stone House Museum, in the archives of the Belchertown Historical Association, until it was stolen in the early 1990s. A transcription was made in 1987–88 by Keith Valentine Kaplan, a student at Belchertown High School. The transcription contains many obviously incorrect readings, and, therefore, this transcription is not being printed in this edition, with the exception of Dwight's notes for 29 January, which provide the only account of the debates on that day. In printing Dwight's notes for 29 January, the editors have modified the transcription whenever a more likely reading is possible. The fully modified transcription can be found in Mfm:Mass. Note-taker Jeremy Belknap indicated that he did not attend the debates on this day, when, he said, the "Judiciary Power was under Consideration" (Mfm:Mass.). Dwight (1739–1824), a Belchertown farmer and surveyor, was town clerk, 1785–86; town selectman, 1789–1803 (almost continuously); and member of the state House of Representatives, 1788–89.

Convention Journal, 29 January, P.M.

Met according to adjournment.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia and after debate thereon, postponed the further consideration of the same to the morning.

Adjourned to Wednesday morng. 10 o Clk

Justus Dwight: Notes of Convention Debates, 29 January, P.M.¹

General Brooks. Why there was not mention of trial by Jury?

Mr. Gorham. That the Several States were queried as to that and it could not be put in.

Mr. Sedgwick. That the Court is always considered as Court and Jury. That it is not likely that it [i.e., a trial without a jury] will be allowed unless it will be for the advantage of some party and in many cases it would not. That we have no reason to think a Jury will be Excluded unless in cases expressed in the Constitution.

Mr. Nasson. That we have been always used to trial by jury and therefore will judge the people best.

Mr. Strong. The different states were different in their sentiments with respect to trials and it was thought best to leave it to the Congress.

Esqr. Singletary. The Federal Government are the Supreme Law of the Land and can destroy all the laws of the different states. If any man had advanced such a thing as this Constitution ten years ago he would have been called a tory.

Mr. Dench. Queries what is Delegated to the Federal Judicial Court and what is reserved to the Several States.

That there is not one in a hundred of actions that can be carried to the Federal Court.

Mr. White. I wonder what the Court is to try—the sun, moon, and seven stars? No, I know what they will try. They will try us without jury. [Twelve indecipherable words.]

Whether a man in a different state holding securities against other states can't deliver at this Court.

Mr. Sedgwick. That will come under the Ex Post Facto law.

1. Copy, Archives of the Belchertown Historical Association, Stone House Museum, Belchertown. See RCS:Mass., 1364, note 1.

The Massachusetts Convention Wednesday 30 January 1788

Convention Journal, 30 January, A.M.

On the morning of 30 January Governor John Hancock, the President of the Convention, appeared for the first time in that body. Wrapped in flannels, Hancock was carried into the Convention (see the reminiscences of Joseph May and Josiah Quincy, Mfm:Mass.). Delegate Dummer Sewall noted in his journal that "His Excelency attended as President to great advantage"

(RCS:Mass., 1520); while Rhode Islander George Benson, who attended the debates, said that Hancock's appearance at 11:00 a.m. "Diffus'd much pleasure in the Gallery & below" (to Nicholas Brown, 30 January, RCS:Mass., 1558). Spectator Henry Jackson set the time of Hancock's arrival at noon (to Henry Knox, 3 February, RCS:Mass., 1570). Delegate Rufus King speculated that Hancock's appearance improved the chances of ratification, but he was not certain since Hancock's character was not free "from a portion of caprice" (to James Madison, 30 January, RCS:Mass., 1561). Although delegate John Coffin Jones did not refer to the impact of Hancock's attendance, he believed that the Constitution would be adopted (Benson to Brown, 30 January, RCS:Mass., 1559).

For a full discussion of John Hancock's attendance in the Convention, see the "Introduction" to this section (RCS:Mass., 1117–21).

Met according to adjournment.

The Convention proceeded in the consideration of the Constitution or Frame of Government reported by the Convention held at Philadelphia, and after debate, postponed the further consideration of the same to the afternoon.

Adjourned to 3. o Clk PM-

Convention Debates, 30 January, A.M.

Mr. Holmes.¹ Mr. President, I rise to make some remarks on the paragraph under consideration, which treats of the judiciary power.

It is a maxim universally admitted, that the safety of the subject consists in having a right to a trial as free and impartial as the lot of humanity will admit of.—Does the Constitution make provision for such a trial? I think not: For in a criminal process a person shall not have a right to insist on a trial in the vicinity where the fact was committed, where a jury of the peers would, from their local situation, have an opportunity to form a judgment of the character of the person charged with the crime, and also to judge of the credibility of the witnesses. There a person must be tried by a jury of strangers—a jury who may be interested in his conviction; and where he may, by reason of the distance of his residence from the place of trial, be incapable of making such a defence, as he is in justice intitled to, and which he could avail himself of, if his trial was in the same county where the crime is said to have been committed.

These circumstances, as horrid as they are, are rendered still more dark and gloomy, as there is no provision made in the Constitution to prevent the Attorney-General from filing information against any person, whether he is indicted by the grand jury or not;² in consequence of which the most innocent person in the Commonwealth may be taken by virtue of a warrant issued in consequence of such information, and

dragged from his home, his friends, his acquaintance, and confined in prison, until the next session of the court, which has jurisdiction of the crime with which he is charged (and how frequent those sessions are to be, we are not yet informed of) and after long, tedious and painful imprisonment, though acquit[t]ed on trial, may have no possibility to obtain any kind of satisfaction for the loss of his liberty, the loss of his time, great expenses and perhaps cruel sufferings.

But what makes the matter still more alarming is that as the mode of criminal process is to be pointed out by Congress, and they have no constitutional check on them, except that the trial is to be by a *jury*, but who this jury is to be, how qualified, where to live, how appointed, or by what rules to regulate their procedure, we are ignorant of as yet;—whether they are to live in the county where the trial is;—whether they are to be chosen by certain districts;—or whether they are to be appointed by the sheriff *ex officio*;—whether they are to be for one session of the Court only, or for a certain term of time, or for good behaviour, or during pleasure; are matters which we are intirely ignorant of as yet.

The mode of trial is altogether indetermined—whether the criminal is to be allowed the benefit of council; whether he is to be allowed to meet his accuser face to face: whether he is to be allowed to confront the witnesses and have the advantage of cross examination we are not yet told.

These are matters of by no means small consequence, yet we have not the smallest constitutional security, that we shall be allowed the exercise of these privileges, neither is it made certain in the Constitution, that a person charged with a crime, shall have the privileges of appearing before the court or jury which is to try them.

On the whole, when we fully consider this matter, and fully investigate the powers granted—explicitly given, and specially delegated, we shall find Congress possessed of powers enabling them to institute judicatories, little less inauspicious than a certain tribunal in Spain, which has long been the disgrace of Christendom—I mean that diabolical institution the INQUISITION.

What gives an additional glare of horrour to these gloomy circumstances, is the consideration that Congress have to ascertain, point out, and determine, what kind of punishments shall be inflicted on persons convicted of crimes; they are no where restrained from inventing the most cruel and unheard of punishments, and annexing them to crimes, and there is no constitutional check on them, but that RACKS and GIBBETS, may be amongst the most mild instruments of their discipline.

There is nothing to prevent Congress from passing laws which shall compel a man who is accused or suspected of a crime, to furnish evidence against himself, and even from establishing laws which shall order the court to take the charge exhibited against a man for truth, unless he can furnish evidence of his innocence.

I do not pretend to say Congress will do this, but sir, I undertake to say that Congress (according to the powers proposed to be given them by the Constitution) may do it; and if they do not, it will be owing intirely—I repeat it, it will be owing intirely to the GOODNESS of the MEN, and not in the least degree owing to the GOODNESS of the CONSTITUTION.

The framers of our State Constitution, took particular care to prevent the General Court from authorizing the judicial authority to issue a warrant against a man for a crime, unless his being guilty of the crime was supported by oath or affirmation, prior to the warrants being granted; why it should be esteemed so much more safe to intrust Congress with the power of enacting laws, which it was deemed so unsafe to intrust our state legislature with, I am unable to conceive.

Mr. Gore⁴—observed in reply to Mr. Holmes—that it had been the uniform conduct of those in opposition to the proposed form of government, to determine, in every case where it was possible that the administrators thereof could do wrong, that they would do so, although it were demonstrable that such wrong would be against their own honour and interest, and productive of no advantage to themselves—On this principle alone have they determined that the trial by jury would be taken away in civil cases—when it had been clearly shewn, that no words could be adopted, apt to the situation and customs of each state in this particular—Jurors are differently chosen in different states, and in point of qualification the laws of the several states are very diverse not less so, in the causes and disputes which are intitled to trial by jury-what is the result of this-that the laws of Congress may, and will be conformable to the local laws in this particular, although the Constitution could not make an universal rule equally applying to the customs and statutes of the different states—very few governments, (certainly not this) can be interested in depriving the people of trial by jury in questions of meum et tuum⁵—in criminal cases alone, are they interested to have the trial under their own controul—and in such cases the Constitution expressly stipulates for trial by jury—but then says the gentleman from Rochester (Mr. Holmes) to the safety of life it is indispensibly necessary the trial of crimes should be in the vicinity and the vicinity is construed to mean county—this is very incorrect, and gentlemen will see the impropriety by referring themselves to the

different local divisions and districts of the several states—but further. said the gentlemen, the idea that the jury coming from the neighbourhood, and knowing the character and circumstances of the party in trial, is promotive of justice, on reflection will appear not founded in truth—if the jury judge from any other circumstances, but what are part of the cause in question, they are not impartial—The great object is to determine on the real merits of the cause uninfluenced by any personal considerations—if therefore the jury could be perfectly ignorant of the person in trial, a just decision would be more probable from such motives did the wise Athenians so constitute the fam'd Areopagus,6 that when in judgment, this court should sit at midnight and in total darkness, that the decision might be on the thing, and not on the person—further, said the gentleman, it has been said, because the constitution does not expressly provide for an indictment by grand jury in criminal cases, therefore some officer under this government will be authorized to file informations and bring any man to jeopardy of his life, and indictment by grand jury will be disused—if gentlemen who pretend such fears, will look into the constitution of Massachusetts, they will see that no provision is therein made for an indictment by grand jury, or to oppose the danger of an attorney general filing informations, yet no difficulty or danger has arisen to the people of this Commonwealth, from this defect, if gentlemen please to call it so—if gentlemen would be candid and not consider that wherever Congress may possibly abuse power, that they certainly will, there would be no difficulty in the minds of any in adopting the proposed constitution.

Mr. Dawes said, he did not see that the right of trial by jury was taken away by the article. The word *Court* does not, either by a popular or technical construction, exclude the use of a jury to try facts. When people in common language talk of a trial at the *Court* of Common Pleas, or the Supreme Judicial *Court*, do they not include all the branches and members of such court, the *jurors*, as well as the judges?—they certainly do, whether they mention the jurors expressly or not. Our State legislature have construed the word Court in the same way; for they have given appeals from a justice of peace to the *Court* of Common Pleas, and from thence to the Supreme *Court*, without saying any thing of the jury: But in cases which almost time out of mind have been tried *without jury*, there the jurisdiction is given expressly to the *justices* of a particular court, as may be instanced by suits upon the absconding act, so called.

Gentlemen have compared the article under consideration, to that power which the British claimed, and which we resisted at the revolution—namely, the power of trying the Americans without a jury—But

surely there is no parallel in the cases: It was criminal cases in which they attempted to make this abuse of power. Mr. D. mentioned one example of this, which, though young, he well remembered, and that was the case of Nickerson, the pirate⁸—who was tried without a jury, and whose judges were the Governours of Massachusetts, and of some neighbouring provinces, together with Admiral Montague, and some gentlemen of distinction. Although this trial was without a jury, yet as it was a trial upon the *civil* law, there was not so much clamour about it, as otherwise there might have been; but still it was disagreeable to the people, and was one ground of the then complaints. But the trial by jury was not attempted to be taken from civil causes—It was no object of power, whether one subject's property was lessened, while another's was increased; nor can it now be an object with the federal legislature. What interest can they have in constituting a judicial, to proceed in civil causes without a trial by jury? In criminal causes by the proposed government, there must be a jury. It is asked, why is not the Constitution as explicit in securing the right of jury in civil, as in criminal cases? The answer is, because it was out of the power of the Convention: The several States differ so widely in their modes of trial, some States using a jury in causes wherein other States employ only their judges, that the Convention have very wisely left it to the federal legislature to make such regulations, as shall as far as possible, accomodate the whole. Thus our own State constitution authorizes the General Court to erect judicatories—but leaves the nature, number and extent of them, wholly to the discretion of the legislature. The bill of rights indeed secures the trial by jury in civil causes, except in cases where a contrary practice has obtained.9 Such a clause as this, some gentlemen wish were inserted in the proposed Constitution, but such a clause would be absurd in that Constitution, as has been clearly stated by the Hon. Gentleman from Charlestown, (Mr. Gorham) because the "exception of all cases where a jury have not heretofore been used" would include almost all cases that could be mentioned when applied to all the States, for they have severally differed in the kinds of causes where they have tried without jury.10

Gen. Heath.¹¹ Mr. President—By my indisposition, and absence,¹² I have lost several important opportunities; I have lost the opportunity of expressing my sentiments with a candid freedom, on some of the paragraphs of the system, which have lain heavy on my mind. I have lost the opportunity of expressing my warm approbation on some of the paragraphs. I have lost the opportunity of asking some questions for my own information, touching some of the paragraphs, and which naturally occurred, as the system unfolded. I have lost the opportunity

of hearing those judicious, enlightening, and convincing arguments, which have been advanced during the investigation of the system, this is my misfortune, and I must bear it. The paragraph respecting the migration or importation of such persons, as any of the States now existing shall think proper to admit, &c. is one of those considered during my absence, and I have heard nothing on the subject, save what has been mentioned this morning, but I think the gentlemen who have spoken, have carried the matter rather too far on both sides.—I apprehend that it is not in our power to do any thing for, or against, those who are in slavery in the southern States. No gentleman within these walls detests every idea of slavery more than I do: It is generally detested by the people of this Commonwealth,—and I ardently hope that the time will soon come, when our brethren in the southren States will view it as we do, and put a stop to it, but to this we have no right to compel them. Two questions naturally arise if we ratify the Constitution, shall we do any thing by our act to hold the blacks in slavery or shall we become partakers of other men's sins. I think neither of them: Each State is sovereign and independent to a certain degree, and they have a right, and will regulate their own internal affairs, as to themselves appears proper; and shall we refuse to eat, or to drink, or to be united, with those who do not think, or act, just as we do, surely not. We are not in this case partakers of other men's sins, for in nothing do we voluntarily encourage the slavery of our fellow men, a restriction is laid on the federal government, which could not be avoided and a union take place: The federal Convention went as far as they could, the migration or importation, &c. is confined to the States now existing only, new States cannot claim it. Congress by their ordinance for erecting new States, some time since, declared, that the new States shall be republican, and that there shall be no slavery in them. 13 But whether those in slavery in the southern States, will be emancipated after the year 1808, I do not pretend to determine, I rather doubt it.14

^{1.} On 16 February the *Massachusetts Centinel* introduced its publication of Abraham Holmes's speech with this statement: "The main objections to the Judiciary Power, are contained in the following speech, delivered on *Wednesday*, January 30." Increase Sumner also spoke on the independence of judges and the inferior courts (see Justus Dwight: Notes of Convention Debates, 30 January, Mfm:Mass.). Rhode Islander George Benson described Sumner's speech as "long & excellent" (to Nicholas Brown, 30 January, RCS:Mass., 1558).

^{2.} On the matter of an attorney general bringing charges against an individual without an indictment by a grand jury, see RCS:Mass., 758, 809, 809n-10n.

^{3.} Article XIV of the Massachusetts Declaration of Rights (1780) provides that "Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary

to this right, if the cause or foundation of them be not previously supported by oath or affirmation . . . " (RCS:Mass., 443).

- 4. Christopher Gore's speech was not printed in either the *Massachusetts Centinel*, 20 February, or the *Independent Chronicle*, 21 February. (See also note 11, below.)
 - 5. Latin: "mine and thine," a phrase used to express the rights of property.
- 6. The ancient Greek Council or Court of Areopagus (Council of Elders)—the guardian of the law—tried murder cases.
- 7. Commenting on this sentence, "Alfred" stated that "The supreme judicial power is lodged in a court. I will not affront the understanding of the people by exposing the weakness of an observation made in the convention by a law character, . . . it is enough for the present purpose, that it does not certainly, and necessarily, include it, because it is a point too important to be left constitutionally doubtful. To say it may be provided for by laws as well as by the constitution, is to arraign the wisdom of the people of the whole union; for they have all solemnly adopted it as a fundamental and principal right in their forms of government" (Alfred III, Massachusetts Spy, 23 October 1788, Mfm: Mass.).
- 8. Dawes refers to the case of *Rex v. Nickerson*. In November 1772 a Chatham, Mass., vessel sighted another vessel (bound from Boston to Chatham) flying a distress signal. Ansell Nickerson, who was discovered on the distressed vessel, told the captain of the Chatham vessel that three crew members had been murdered and thrown overboard by pirates, who also carried away a young boy. Nickerson, the only crew member to escape, was taken to Chatham, questioned, and then released. A man-of-war was sent to look for the pirates. The authorities, having second thoughts about Nickerson, took him into custody and reexamined him. Nickerson was then committed "in order to receive Directions from the Governor."

Soon after, Nickerson was taken to Boston, where he was questioned by the Commissioners for the Trial of Piracy, including Governor Thomas Hutchinson, Lieutenant Governor Andrew Oliver, and Admiral John Montagu, commander of the North American Squadron. After the man-of-war returned without finding the pirates, the commissioners decided to hold Nickerson for trial. They convened a Special Court of Admiralty for the Trial of Piracies. In December 1772 Nickerson pleaded not guilty before the court and was put in prison. The court adjourned until June 1773.

Nickerson's trial for murder and piracy began on 28 July 1773, when he was defended by John Adams and Josiah Quincy, Jr. The case was tried without a jury before eight commissioners, with Hutchinson serving as president. On 5 August Nickerson was found not guilty on procedural grounds and lack of direct evidence. The commissioners had divided four and four on the matter. Hutchinson, who believed that Nickerson was guilty, was attacked during this episode for being in favor of juryless trials. (See L. Kinvin Wroth and Hiller B. Zobel, eds., *Legal Papers of John Adams* [3 vols., Cambridge, Mass., 1965], II, 335–51.)

- 9. See Article XV of the Massachusetts Declaration of Rights (RCS:Mass., 443).
- 10. Nathaniel Gorham's comments have not been preserved in any version of the debates that has been located.
- 11. William Heath's speech was not printed in either the *Massachusetts Centinel*, 20 February, or the *Independent Chronicle*, 21 February. (See also note 4, above.)
- 12. On 17 January Heath informed the Convention that illness prevented him from attending the debates of the previous day and that he would return to the Convention as soon as he was better (to William Cushing, Mfm:Mass.).
- 13. Under the fifth article of the Northwest Ordinance, adopted by Congress on 13 July 1787, new states would be admitted to the Union with the proviso that their constitutions and governments "shall be republican." The sixth article declared, "There shall

be neither slavery nor involuntary servitude in the said [Northwest] territory otherwise than in punishment of crimes whereof the party shall have been duly convicted. . . ." Fugitive slaves from the original states, however, could "be lawfully reclaimed and conveyed" to their owners (CDR, 174).

14. Rhode Islander George Benson described John Coffin Jones's speech as "very able" (to Nicholas Brown, 30 January, RCS:Mass., 1559).

Jeremy Belknap: Notes of Convention Debates, 30 January, P.M.¹

Delegate Justus Dwight indicates that this afternoon the Convention debated Article III, section 3, of the Constitution, and Article IV, sections 1–4, especially sections 3 and 4 dealing with the admission of new states into the Union (Mfm:Mass.).

30 Wedy. P M. Pater West gave \(\text{the} \) Convention an excellent Lecture on \(\text{Morality}\)—\(\text{the} \) necessity of their acting on principle—by reason—judgmt & conscience—\(\text{that} \) if any of \(\text{them} \) had made \(a \) Promise \(\text{that} \) they \(\text{would} \) vote agt \(\text{the} \) Constn. & were now convinced \(\text{that} \) it was right—they ought to \(\text{repent of their wicked} \) promise & vote accordg to their Judgment \(\&^2 \)

- 1. MS, Belknap Diary, MHi.
- 2. Justus Dwight noted that the Reverend Samuel West was responding to Samuel Thompson's criticism of delegates, who, disregarding their instructions, supported the Constitution (Mfm:Mass.). According to George Benson, Thompson singled out Elijah Dunbar. Benson also noted that Thompson was answered by West, "who Deliverd his sentiments with a Zeal & Solemnity becomeing the important subject." West made "a very Deep & happy impression" (George Benson to Nicholas Brown, 30 January, RCS:Mass., 1558). Henry Van Schaack of Pittsfield learned from Captain Prosper Polly, who had visited Boston, that Thompson was answered by Dunbar himself "in an able satisfactory manner" (to Peter Van Schaack, 4 February, RCS:Mass., 1576).

The Massachusetts Convention Thursday 31 January 1788

Convention Debates, 31 January, A.M.¹

After the 5th article was read, at the table,

The Hon. Mr. KING observed that he believed gentlemen had not, in their objections to the Constitution, recollected that this article was a part of it, for many of the arguments of gentlemen were founded on the idea of future amendments being impracticable. The Hon. Gentleman observed on the superiour excellence of the proposed Constitution, in this particular, and called upon gentlemen to produce an instance in any other national constitution, where the people had so fair

an opportunity to correct any abuse which might take place in the future administration of the government under it.

Dr. JARVIS. Mr. President—I cannot suffer the present article to be passed, without rising to express my entire and perfect approbation of it—Whatever may have been my private opinion of any other part, or whatever faults or imperfections I have remarked, or fancied I have seen, in any other instance, here, sir, I have found complete satisfaction—this has been a resting place, on which I have reposed myself in the fullest security, whenever a doubt has occurred, in considering any other passage in the proposed Constitution. The Hon. Gentleman last speaking, has called upon those persons who are opposed to our receiving the present system, to show another government in which such a wise precaution has been taken, to secure to the people the right of making such alterations and amendments in a peaceable way, as experience shall have proved to be necessary.—Allow me to say, sir, as far as the narrow limits of my own information extend, I know of no such example—In other countries, sir, unhappily for mankind, the history of their respective revolutions have been written in blood; and it is in this only that any great or important change in our political situation, has been effected, without publick commotions—When we shall have adopted the Constitution before us, we shall have in this article an adequate provision for all the purposes of political reformation. If in the course of its operation, this government shall appear to be too severe, here are the means by which this severity may be attempered and corrected;—if, on the other, it shall become too languid in its movements, here again we have a method designated, by which a new portion of health and spirit may be infused in the Constitution.

There is, sir, another view which I have long since taken of this subject, which has produced the fullest conviction in my own mind, in favour of our receiving the government which we have now in contemplation—Should it be rejected, I beg gentlemen would observe, that a concurrence of all the States must be had before a new Convention can be called to form another Constitution:—But the present article provides, upon nine States² concurring in any alteration or amendment to be proposed, either by Congress, or any future Convention, that this alteration shall be a part of the Constitution, equally powerful and obligatory with any other part. If it be alledged that this union is not likely to happen, will it be more likely, that an union of a greater number of concurring sentiments may be had, as must be, in case we reject the Constitution in hopes of a better—But that this is practicable, we may safely appeal to the history of this country as a proof, in the last twenty years. We have united against the British—we have united in

calling the late federal Convention—and we may certainly unite again in such alterations as in reason shall appear to be important for the peace and happiness of America.

In the Constitution of this State the article providing for alterations is limitted in its operation to a given time;³ but in the present Constitution, the article is perfectly at large, unconfined to any period, and may admit of measures being taken, in any moment after it is adopted. In this point it has undoubtedly the advantage. I shall not sit down, sir, without repeating, that as it is clearly more difficult for twelve States to agree to another Convention, than for nine to unite in favour of amendments, so it is certainly better to receive the present Constitution in the hope of its being amended, than it would be to reject it altogether, with, perhaps, the vain expectation of obtaining another more agreeable than the present—I see no fallacy in the argument, Mr. President, but if there is, permit me to call upon any gentleman to point it out, in order that it may be corrected—for at present it seems to me of such force as to give me entire satisfaction.

(In the conversation on Thursday, on the sixth article, which provides, that "no religious test shall ever be required, as a qualification to any office." &c. several gentlemen urged, that it was a departure from the principles of our fore-fathers, who came here for the preservation of their religion; and that as it would admit deists, atheists, &c. into the general government, and people being apt to imitate the examples of the *Court*, these principles will be disseminated, and of course a corruption of morals ensue.—Gentlemen on the other side applauded the liberality of the clause—and represented in striking colours the impropriety and almost impiety of the requisition of a test, as practised in Great-Britain and elsewhere—In this conversation, the following is the substance of the observations of the)⁴

Rev. Mr. Shute.⁵ Mr. President—To object to the latter part of the paragraph under consideration, which excludes a religious test, is, I am sensible, very popular; for the most of men, some how, are rigidly tenacious of their own sentiments in religion, and disposed to impose them upon others as the *standard* of truth. If in my sentiments, upon the point in view, I should differ from some in this honourable body, I only wish from them the exercise of that candour, with which true religion is adapted to inspire the honest and well-disposed mind.

To establish a religious test as a qualification for offices in the proposed Federal Constitution, appears to me, sir, would be attended with injurious consequences to some individuals, and with no advantage to the *whole*.

By the injurious consequences to individuals, I mean, that some, who in every other respect, are qualified to fill some important post in government, will be excluded by their not being able to stand the religious test—which I take to be a privation of part of their civil rights.

Nor is there to me any conceivable advantage, sir, that would result to the *whole* from such a test. Unprincipled and dishonest men will not hesitate to subscribe to *any thing*, that may open the way for their advancement, and put them into a situation the better to execute their base and iniquitous designs. Honest men alone, therefore, however well qualified to serve the publick, would be excluded by it, and their country be deprived of the benefit of their abilities.

In this great and extensive empire, there is and will be a great variety of sentiments in religion among its inhabitants. Upon the plan of a religious test, the question I think must be, who shall be excluded from national trusts? Whatever answer bigotry may suggest, the dictates of candour and equity, I conceive, will be *none*.

Far from limiting my charity and confidence to men of my own denomination in religion, I suppose, and I believe, sir, that there are worthy characters among men of every other denomination—among the Quakers—the Baptists—the Church of England—the Papists—and even among those who have no other guide, in the way to virtue and heaven, than the dictates of natural religion.

I must therefore think, sir, that the proposed plan of government, in this particular, is wisely constructed: That as all have an equal claim to the blessings of the government under which they live, and which they support, so none should be excluded from them for being of any particular denomination in religion.

The presumption is, that the eyes of the people will be upon the faithful in the land, and from a regard to their own safety, will chuse for their rulers, men of known abilities—of known probity—of good moral characters. The apostle Peter tells us, that God is no respecter of persons, but in every nation he that feareth him and worketh righteousness, is acceptable to him⁶—And I know of no reason, why men of such a character, in a community, of whatever denomination in religion, cæteris paribus,⁷ with other suitable qualifications, should not be acceptable to the people, and why they may not be employed, by them, with safety and advantage in the important offices of government.— The exclusion of a religious test in the proposed Constitution, therefore, clearly appears to me, sir, to be in favour of its adoption.

Colonel Jones (*Bristol*) thought, that the rulers ought to believe in God or Christ—and that however a test may be prostituted in England,⁸ yet he thought if our publick men were to be of those who had a good

standing in the church, it would be happy for the United States—and that a person could not be a good man without being a good Christian.

The conversation on the Constitution by paragraphs being ended,

Mr. Parsons moved, that this Convention do assent to and ratify this Constitution.

Mr. NEAL rose and said, that as the Constitution at large was now under consideration, he would just remark, that the article which respected the Africans was the one which lay on his mind—and unless his objections to that were removed, it must, how much soever he liked the other parts of the Constitution, be a sufficient reason for him to give his negative to it.

Colonel Jones said, that one of his principal objections, was the omission of a religious test.

Rev. Mr. Payson.⁹ Mr. President—After what has been observed relating to a religious test by gentlemen of acknowledged abilities, I did not expect it would again be mentioned, as an objection to the proposed Constitution, that such a test was not required as a qualification for office. Such were the abilities and integrity of the gentlemen who constructed the Constitution, as not to admit of the presumption that they would have betrayed so much vanity as to attempt to erect bulwarks and barriers to the throne of God. Relying on the candour of this Convention, I shall take the liberty to express my sentiments on the nature of a religious test, and shall endeavour to do it in such propositions as will meet the approbation of every mind.

The great object of religion being God supreme, and the seat of religion in man being the heart or conscience, *i.e.* the reason God has given us, employed on our moral actions, in their most important consequences, as related to the tribunal of God, hence I infer, that God alone is the God of the conscience, and consequently, attempts to erect human tribunals for the consciences of men, are impious encroachments upon the prerogatives of God.¹⁰ Upon these principles had there been a religious test, as a qualification for office, it would, in my opinion, have been a great blemish to the instrument.

Gen. HEATH. Mr. President—After a long and painful investigation of the Federal Constitution, by paragraphs, this Hon. Convention are drawing nigh to the ultimate question. A question as momentous, as ever invited the attention of man. We are soon to decide on a system of government, digested, not for the people of the Commonwealth of Massachusetts only—not for the present people of the United States only;—but in addition to these, for all those States which may hereafter rise into existence within the jurisdiction of the United States—and for millions of people yet unborn. A system of government not for a nation

of slaves, but for a people as free, and as virtuous as any on earth. Not for a conquered nation subdued to our will, but for a people, who have fought, who have bled, and who have conquered; who under the smiles of Heaven, have established their independence and sovereignty, and have taken equal rank among the nations of the earth. In short, sir, it is a system of government for ourselves, and for our children, for all that is near and dear to us in life, and on the decision of the question is suspended our political prosperity or infelicity, perhaps our existence as a nation. What can be more solemn? What can be more interesting? Every thing depends on our union. I know that some have supposed that although the union should be broken, particular States may retain their importance, but this cannot be; the strongest nerved State, even the right arm if separated from the body must wither: If the great union be broken, our country, as a nation, perishes, and if our country so perishes, it will be as impossible to save a particular State, as to preserve one of the fingers of a mortified hand.

By one of the paragraphs of the system it is declared, that the ratification of the Conventions of nine States, shall be sufficient for the establishment of the Constitution, between the States so ratifying the same: but, sir, how happy will it be, if not only nine, but even all the States should ratify it—It will be a happy circumstance, if only a small majority of this Convention should ratify the federal system; but how much more happy if we could be unanimous.—It will be a happy circumstance if a majority of the people of this Commonwealth, should be in favour of the federal system; but how much more so if they should be unanimous, and if there are any means whereby they may be united, every exertion should be made to effect it. I presume, sir, that there is not a single gentleman within these walls, who does not wish for a federal government—for an efficient federal government; and that this government should be possessed of every power necessary to enable it to shed on the people the benign influences of a good government. But I have observed from the first, that many gentlemen appear opposed to the system, and this I apprehend arises from their objections to some particular parts of it. Is there not a way in which their minds may be relieved from embarrassment? I think there is—and if there is, no exertions should be spared, in endeavouring to do it.

If we should ratify the Constitution, and instruct our first members to Congress, to exert their utmost endeavours to have such checks, and guards provided as appears to be necessary in some of the paragraphs of the Constitution, and communicate what we may judge proper, to our sister States, and request their concurrence, is there not the highest

probability that every thing which we wish may be effectually secured,— I think there is—and I cannot but flatter myself that in this way, the gentlemen of the Convention will have the difficulties under which they now labour, removed from their minds;—we shall be united: The people of this Commonwealth and of our sister States may be united. Permit me therefore, most earnestly to recommend it to the serious consideration of every gentleman in the Honourable Convention.¹¹

After Gen. Heath sat down, his Excellency the President rose and observed, that he was conscious of the impropriety, situated as he was, of his entering into the deliberations of the Convention—that unfortunately, through painful indisposition of body, he had been prevented from giving his attendance in his place; but from the information he had received, and from the papers, there appeared to him to be a great dissimilarity of sentiments in the Convention—To remove the objections of some gentlemen, he felt himself induced, he said, to hazard a proposition for their consideration—which, with the permission of the Convention, he would offer in the afternoon.¹²

1. The Massachusetts Centinel published the debates for this morning's session out of sequence. The speeches of Rufus King and Charles Jarvis were printed on 23 February, while the speeches that follow were published on 20 February. The Massachusetts Centinel prefaced its publication of the King and Jarvis speeches with this statement in brackets: "The want of room, throwing us far in the rear of the debates, as they took place in Convention, we were necessitated to omit the observations of a number of gentlemen, on various parts of the Constitution—which we trusted we could do with some propriety, from the consideration, that they in general would appear in the volume of debates, now in the press, and which will be published in a few days—We intended, however, to have given some observations on every article, in our paper; but owing to haste we omitted, in their regular order, the observations on the important article which provides for the future amendment of the proposed Constitution: Some of which we here insert." For a discussion of the publication of the book edition of the Convention debates, see the "Sources for the Massachusetts Convention" (RCS:Mass., 1132–36).

Justus Dwight's notes of debates (Mfm:Mass.) indicate that Samuel Thompson and Theophilus Parsons also spoke on the amending provisions of Article V and that several delegates attacked slavery and the slave trade provision of Article V, which provides no amendment could be made before 1808 that prohibited the foreign slave trade.

- 2. Article V of the Constitution provides that amendments had to be ratified by three-fourths (not nine) of the states.
 - 3. For this article in the state constitution (1780), see RCS:Mass., 1341, note 6.
- 4. This paragraph within angle brackets was rendered in small type in the original printing in the *Massachusetts Centinel*, 20 February. It thus appeared as a preface to the debates that follow.
- 5. Daniel Shute (1722–1802), a graduate of Harvard College (1743) and first minister of the Second Congregational Church of Hingham, was an army chaplain during the French and Indian War. Shute delivered the election sermon to the legislature in 1768.

He opposed British imperial measures but remained neutral during the Revolution. Shute was a delegate to the state constitutional convention, 1779–80, and in 1790 he received the degree of Doctor of Divinity from Harvard College. Known for his unorthodox religious views, he opposed the use of creeds and theological dogmas as tests for qualifying Congregational ministers. In 1765 John Adams described Shute as "a jolly, merry, droll, social Christian. He loves to laugh—tells a Story with a good Grace—delights in Banter. But yet reasons well, is inquisitive and judicious" (Butterfield, *JA Diary*, I, 278).

- 6. Acts 10:34-35.
- 7. Latin: "other things being equal."
- 8. The reference is to the Test acts of 1673 and 1678, under which officeholders were required to take oaths of allegiance and supremacy, take communion in the Church of England, and abjure or deny the doctrine of transubstantiation (directed against Roman Catholics). Most of the provisions of this act were not repealed until 1828 (1829 for Catholics), but after 1727 annual indemnity acts were passed preventing the penalization of dissenting Protestant magistrates who did not take Anglican communion and who therefore were not qualified for the offices they had assumed.
- 9. Phillips Payson (1736–1801), a graduate of Harvard College (1754) and minister of the First Congregational Church of Chelsea, supported the Patriot cause and delivered the election sermon to the General Court in 1778. Payson represented Chelsea in the state House of Representatives, 1783–84, but refused election in 1784. He was a member of the American Academy of Arts and Sciences and in 1800 he received the degree of Doctor of Sacred Theology from Harvard College.
- 10. In a sermon published in 1783, Payson warned his fellow clergy that they had no authority over the consciences of men; their function was only to awaken those consciences. Despite such views, in his 1778 election sermon he urged the ratification of a proposed state constitution that continued the system of requiring each town to levy taxes to maintain "an orthodox [Congregational] minister." Payson believed that both church and state would be endangered if the old ecclesiastical system were altered. He supported this position, in part, because of his antagonism toward Baptists and their "foaming zeal." Baptist minister Isaac Backus led the Baptist attack upon Payson and the proposed state constitution, which was eventually rejected.
- 11. For Heath's comments about the Parsons motion and his own recommendation, see William Heath Diary, 31 January (RCS:Mass., 1524–25).
- 12. Henry Jackson declared that Governor John Hancock made these comments at noon, and that most of the spectators in the galleries sent home for their dinners during the midday adjournment, so that they would not lose their seats (to Henry Knox, 3 February, RCS:Mass., 1570).

Convention Journal, 31 January, P.M.

President John Hancock, in accordance with a promise he made at the end of this day's morning session, offered nine recommendatory amendments to the Constitution to accompany his proposal for ratifying the Constitution. (For a discussion of the events preceding and reasons for Hancock's proposals, see RCS:Mass., 1116–21.)

Met according to adjournment.1

Ordered that the Committee on the Pay Roll make the same up including Tuesday next [5 February].²

The Convention proceeded in the consideration of the motion That this Convention do assent to and ratify the constitution agreed upon by the Convention of Delegates from the United States at Philadelphia on the 17th. day of September 1787.

The following was proposed to the Convention by His Excellency the President viz³

Commonwealth of Massachusetts

In Convention of the Delegates of the People of the Commonwealth of Massachusetts 1788.

The Convention having impartially discussed and fully considered the Constitution for the United States of America, reported to Congress, by the Convention of Delegates from the United States of America, and submitted to us, by a resolution of the General Court of the said Commonwealth, passed the twentyfifth day of October last past; and acknowledging with grateful hearts, the goodness of the Supreme⁴ Ruler⁵ of the Universe, in affording the people of the United States, in the course of his providence, an opportunity deliberately and peaceably, without fraud or surprize, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves, and their posterity, do in the name, and in behalf of the people of the Commonwealth of Massachusetts, assent to and ratify the said Constitution for the United States of America.6

And as it is the opinion of this convention that certain amendments and alterations in the said Constitution, would remove the fears, and quiet the apprehensions of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the federal government; the Convention do therefore recommend, that the following alterations and provisions be introduced into the said Constitution.

First, That it be explicitly declared, that all powers not expressly delegated to Congress, are reserved to the several States, to be by them exercised.

Secondly, that there shall be one representative to every thirty thousand persons, untill the whole number of representatives amount to _____

Thirdly, That Congress do not exercise the powers vested in them by the 4th. section of the first article, but in cases where a State shall neglect or refuse to make adequate provision for an equal representation of the people agreeably to this constitution.⁷

Fourthly, That Congress do not lay direct taxes, but when the monies arising from the impost and excise are insufficient for the public exigencies.

Fifthly, That Congress erect no company of merchants with exclusive advantages of commerce.

Sixthly, That no person shall be tried for any crime, by which he may incur an infamous punishment, or loss of life, untill he be first indicted by a grand jury, except in such cases, as may arise in the government and regulation of the land and naval forces.⁸

Seventhly, The Supreme Judicial Federal⁹ Court, shall have no jurisdiction of causes between citizens of different States, unless the matter in dispute be of the value of _____ dollars, at the least.

Eighthly, In civil actions between citizens of different States, every issue of fact arising in actions at common law, shall¹⁰ be tried by a jury, if the parties, or either of them request it.

Ninthly, That the words "without the consent of the Congress" in the last paragraph of the ninth section of the first article be stricken out.¹¹

And the Convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress, at all times, untill the alterations and provisions aforesaid have been considered, agreeably to the fifth article of the said constitution; to exert all their influence, and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.

And that the United States in Congress assembled may have due notice of the assent and ratification of the said constitution by this Convention, it is

Resolved that the assent and ratification aforesaid be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution, and that His Excellency John Hancock Esquire President; and the Honourable William Cushing Esquire, Vice-President of this Convention transmit the same, countersigned by the Secretary of the Convention, under their hands and seals, to the United States in Congress assembled

after debate,

Adjourned to Friday morng. 10. o Clk.

- 1. The Convention convened at $3:00\,$ P.M. (Convention Journal, $31\,$ January, A.M., Mfm:Mass.).
- $2.\ {\rm For\ a}$ discussion of the payment of the Convention delegates, see RCS:Mass., 1498-1514.
- 3. For the Convention's manuscript copy of John Hancock's proposed amendments, see the volume labeled "Constitutional Convention, 1788," found in the Massachusetts

Archives. Docketed with the names of the members of the committee of twenty-five, this document does not differ significantly from the amendments as they appear here in the Convention Journal. For another copy of John Hancock's proposed ratification and recommendatory amendments that is found among the papers of Samuel Adams in the New York Public Library, see Mfm:Mass. The Adams copy is similar to the Journal, although some significant differences are indicated in notes 4–11 (below). This copy is not in Adams's handwriting, but the emendations are in his handwriting.

- 4. In the Adams copy, the word "great" is crossed out and "Supreme" appears in its place.
 - 5. The word "Ruler" is italicized in the Adams copy.
 - 6. In the Adams copy, none of the ten italicized words in this last clause is italicized.
 - 7. The last four words of this sentence are not in the Adams copy.
 - 8. The last eighteen words of this sentence are not in the Adams copy.
 - 9. The word "Federal" is not in the Adams copy.
 - 10. In the Adams copy, the word "may" appears in place of the word "shall."
- 11. The last paragraph of Article I, section 9, of the Constitution reads, "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." Adams's copy does not include this amendment.

Convention Debates, 31 January, P.M.

When the Convention met in the afternoon,

His Excellency the President observed, that a motion had been made and seconded, that this Convention do assent to, and ratify, the Constitution which had been under consideration—and that he had in the former part of the day intimated his intention of submitting a proposition to the consideration of the Convention. My motive, says he, arises from my earnest desire to this Convention, my fellow-citizens and the publick at large, that this Convention may adopt such a form of government, as may extend its good influences to every part of the United States, and advance the prosperity of the whole world. His situation, his Excellency said, had not permitted him to enter into the debates of this Convention—It however, appeared to him necessary, from what had been advanced in them, to adopt the form of government proposed; but, observing a diversity of sentiment in the gentlemen of the Convention, he had frequently had conversation with them on the subject; and from this conversation, he was induced to propose to them, whether the introduction of some general amendments would not be attended with the happiest consequences: For that purpose he should, with the leave of the Hon. Convention, submit to their consideration a proposition, in order to remove the doubts, and quiet the apprehensions of gentlemen; and if in any degree the object should be acquired, he should feel himself perfectly satisfied. He should therefore, submit them—for he was, he said, unable to go more largely into

the subject, if his abilities would permit him, relying on the candour of the Convention to bear him witness, that his wishes for a good constitution were sincere. (*His Excellency then read his proposition*.) This gentlemen, concluded his Excellency, is the proposition which I had to make; and I submit it to your consideration, with the sincere wish, that it may have a tendency to promote a spirit of union.

(The proposition submitted by his Excellency having been committed to a large committee, who reported some amendments—we think it expedient to refer the reader to the form of Ratification for it.)¹

Hon, Mr. Adams, Mr. President—I feel myself happy in contemplating the idea, that many benefits will result from your Excellency's conciliatory proposition, to this commonwealth and to the United States; and I think it ought to precede the motion made by the gentleman from Newbury-Port;2 and to be at this time considered by the Convention. I have said, that I have had my doubts of this Constitution—I could not digest every part of it, as readily as some gentlemen; but this, sir, is my misfortune, not my fault.3 Other gentlemen have had their doubts, but, in my opinion the proposition submitted, will have a tendency to remove such doubts, and to conciliate the minds of the convention, and the people without doors. This subject, sir, is of the greatest magnitude, and has employed the attention of every rational man in the United States: but the minds of the people are not so well agreed on it as all of us could wish. A proposal, of this sort, coming from Massachusetts, from her importance, will have its weight. Four or five states have considered and ratified the constitution as it stands; but we know there is a diversity of opinion even in these states, and one⁴ of them is greatly agitated.⁵ If this Convention should particularize the amendments necessary to be proposed, it appears to me it must have weight in other States where Conventions have not yet met. I have observed the sentiments of gentlemen on the subject, as far as Virginia; and I have found that the objections were similar, in the news papers, and in some of the Conventions.—Considering these circumstances, it appears to me that such a measure will have the most salutary effect throughout the union.—It is of the greatest importance, that America should still be united in sentiment. I think I have not been heretofore unmindful of the advantage of such an union. It is essential that the people should be united in the federal government, to withstand the common enemy, and to preserve their valuable rights and liberties. We find in the great State of Pennsylvania, one third of the Convention are opposed to it: (should there then be large minorities in the several states, I should fear the consequences of such disunion. 6

Sir, there are many parts of it I esteem as highly valuable, particularly the article which empowers Congress to regulate commerce, to form

treaties &c. For want of this power in our national head, our friends are grieved, and our enemies insult us. Our ambassadour at the court of London⁷ is considered as a mere cypher, instead of the representative of the United States.—Therefore it appears to me, that a power to remedy this evil should be given to Congress, and the remedy applied as soon as possible.

The only difficulty on gentlemen's minds is, whether it is best to accept this Constitution on conditional amendments, or to rely on amendments in future, as the Constitution provides. When I look over the article which provides for a revision, I have my doubts. Suppose, sir, nine states accept the Constitution without any conditions at all; and the four states should wish to have amendments, where will you find nine States to propose, and the legislatures of nine States to agree, to the introduction of amendments—Therefore it seems to me, that the expectation of amendments taking place at some future time, will be frustrated. This method, if we take it, will be the most likely to bring about the amendments, as the Conventions of New-Hampshire, Rhode-Island, New-York, Maryland, Virginia, and South-Carolina, have not vet met. I apprehend, sir, that these States will be influenced by the proposition which your Excellency has submitted, as the resolutions of Massachusetts have ever had their influence. If this should be the case, the necessary amendments would be introduced more early, and more safely. From these considerations, (as your Excellency did not think it proper to make a motion, with submission, I move, \> 8 that the paper read by your Excellency, be now taken under consideration, by the Convention.

The motion being seconded, the proposition was read by the secretary, at the table.

Dr. Taylor liked the idea of amendments—but, he said, he did not see any constitutional door⁹ open for the introduction of them by the Convention. He read the several authorities which provided for the meeting of Conventions; but did not see in any of them, any power given to propose amendments—we are, he said, therefore, treading on unsafe ground to propose them—we must take the whole—or reject the whole. The Hon. Gentleman was in favour of the adjournment; and in a speech of some length, deprecated the consequences, which, he said, must arise, if the Constitution was adopted or rejected by a small majority; and that the expenses which would accrue from the adjournment, would not exceed 4d. per poll throughout the commonwealth.

Hon. Mr. CABOT rose and observed on what fell from the hon. gentleman last speaking—that the reason why no provision for the introduction of amendments was made in the authorities quoted by the

Hon. Gentleman, was, that they were provided for in the 5th art. of the Constitution.

- 1. For the proposition actually submitted to the Convention, see Convention Journal, 31 January, P.M. (immediately above). The proposition found in the Form of Ratification, alluded to here, is a revision of Hancock's original proposition. For the Form, see RCS:Mass., 1468–71. The "large committee" mentioned here was appointed on 2 February (RCS:Mass., 1405–6).
 - 2. For Theophilus Parsons' motion to ratify the Constitution, see RCS:Mass., 1377.
 - 3. "Crime" in the Massachusetts Centinel, 20 February.
 - 4. "Some" in the Massachusetts Centinel, 20 February.
- 5. A reference to Pennsylvania, which ratified the Constitution in December 1787 by a vote of 46 to 23. The minority published a dissent in the *Pennsylvania Packet* on 18 December 1787, insisting that the Constitution be amended. (For this dissent, see CC:353. For its circulation in Massachusetts when the state Convention was meeting, see RCS:Mass., 544, 755, 819–20.)
- 6. In the *Massachusetts Centinel*, 20 February, the text in angle brackets reads, "Should there then, be a large majority against it, I should fear the consequences of adopting or rejecting it."
 - 7. John Adams was minister plenipotentiary to Great Britain.
- 8. In the Massachusetts Centinel, 20 February, the text in angle brackets reads, "and considering that your Excellency did not make a motion, with submission, I therefore move."
- 9. The phrase "constitutional door" was probably borrowed from a letter that George Washington wrote to fellow Virginian Charles Carter on 14 December 1787. An excerpt from the letter was printed in the *Virginia Herald*, 27 December, and then reprinted throughout America. Between 23 and 28 January, the letter was reprinted in four Boston newspapers. For the text of the published excerpt of Washington's letter and its circulation and impact in Massachusetts, see RCS:Mass., 788–96.

Jeremy Belknap: Notes of Convention Debates, 31 January, P.M.¹

P M. The House very full—H[ancock] proposed some amendts—Adams spoke in favr of (them). Taylor & Thom[p]son agt (them). Thompson adverted to what *Smith* had sd some days ago²—this bro't up Smith—who gave a recital of the origin & Progress of Opposition to Govt in Berkshire for 7 or 8 years past—sd (the) same sp[iri]t ap[peare]d here &c—Insurgents vexed—grew warm & passionate—Sedgwick explained Smith made a Concession—& went on—told (them) a Story of Dr Bellamy³ preachg agt Swearing &c

Nason made bustle ab[ou]t (the) Galleries *cracking* Dana sd it came from those who wish to *crack* (the) Constn.—Gorham vindicated (the) Delegates to Phila agt (the) Charge of exceedg their Commission—

Pay roll orderd to be made out to next Tuesday—Hancock's Proposals to be printed⁴

- 1. MS, Belknap Diary, MHi.
- 2. For Jonathan Smith's 25 January speech, see RCS:Mass., 1346-50.

- 3. A reference to Joseph Bellamy, a graduate of Yale College (1735) and pastor of a Congregational church in Bethlehem, Conn., 1738–90. Bellamy was a widely published and immensely popular and influential New Divinity theologian and teacher of clergymen.
- 4. Hancock's "proposals" were first published in the *Massachusetts Centinel* on 2 February. See RCS:Mass., 1387–88.

Newspaper Reports of Convention Debates, 31 January

Massachusetts Gazette, 1 February¹

Yesterday, A. M. the honourable convention finished the discussion of the constitution by *detail*. In the afternoon, his excellency the president² introduced the subject at *large*, with a short address, which he concluded by proposing a form of ratification, with certain amendments annexed. These amendments to be perfected by the first Congress upon the new system, agreeably to the fifth article of the federal constitution. This plan of accommodation was warmly opposed by those members who wish a total rejection of the proposed system. The subject was agitated till the adjournment last evening. It will be resumed again this day; and as the pay-roll of the convention is ordered to be made up to Tuesday next, inclusively, we may expect a decision of this almost infinitely important question in the course of six or seven days.

Massachusetts Centinel, 2 February

CONCILIATION.

(To gratify the desire of many persons in, and out of the Convention, we have procured a copy of the AMENDMENTS submitted to the Convention, by his Excellency the Governour, who, on Wednesday last, after a long and painful indisposition, took the chair, as President of that Hon. Body, now sitting in this town, and on Thursday in the 'forenoon publickly communicated his intention of making a proposition in the afternoon on the important subject before them.—The house was uncommonly crouded in consequence, and the most profound silence was observed while his Excellency was delivering his short and elegant speech to introduce this important matter—the feeble health of his Excellency, the ardent expectation of persons of every description, and the uncertainty prevailing as to the nature of the proposition to be made, conspired to render the scene as interesting and affecting as possible—If we are to estimate the effect by the apparent impression it produced at the moment of its being delivered, we may augur the happiest consequence. May our ardent wishes be realized, and may it contribute to prevent those party dissentions which cannot be too earnestly deprecated, nor too cautiously guarded against, by every real friend to the peace and happiness of his country. The following is the proposition submitted.)

[The proposition, as it appears in the Convention Journal (above), was printed immediately below this item. For a newspaper facsimile of the proposition, see Mfm:Mass.]³

Exeter, N.H., Freeman's Oracle, 21 March⁴

Messi'rs Printers, If the following sentiments of a Member of the late Convention in Massachusetts, merit a place in the Freeman's Oracle, you are at liberty to insert them.

"As to the Delegates from this and the other States to the Federal Convention convened at Philadelphia, according to a Resolve of Congress respecting the Expediency and Purposes of holding such Convention, deviating from or exceeding the Powers given them by the Commissions under which they were delegated; I consider it of no importance and quite immaterial to the business before the Convention.

"The truth is, as I conceive, that Convention was composed of characters, for good sense, extensive knowledge and experience, political wisdom, patriotism and integrity, very respectable; that Convention must be supposed to have been possessed of the wisdom of those States that contributed to its composition: from this aggregate wisdom, it may be presumed, resulted the determination of that illustrious body on the impropriety of attempting an amendment of the Confederation, and the propriety of their not acting in their official characters, upon the powers given them by the respective states: But, rather as private persons⁵ inspired with disinterested love to their country, taking up the important subject of the Government of these States de novo and proceeding upon original principles, and with as much unanimity as perhaps could be expected in such an arduous undertaking, having framed a Constitution which they supposed would promote the happiness of their country, they have submitted it to their consideration; who may adopt it, or reject it, as they please. This system is submitted to the good people of these states in conventions by their delegates, for their assenting to and ratifying the same; which they may, as free men, adopt or reject as they please.

"Such are the attacks upon the proposed Constitution that I have been sometimes ready to doubt whether, government as a science being, even in this age of the world in its infancy, and a liableness to err being the lot of humanity; it might not possibly have happened that instead of a confederated republic intended, a simple republic might have been held forth; insomuch that I was about to enquire whether the mighty powers granted to Congress in the 8th section of the first article, the extensive jurisdiction of the judiciary department, and the provision in the 6th article that 'this constitution and the laws 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'—do not amount to a consolidation of the citizens of these United States into one simple republic, and consequently a dissolution of the state constitution? But, as to this matter, I have been satisfied—I now view this system of government, not as annihilating the state constitutions or government; but, as a magnificent Bridge supported by Pillars; which our Rulers will not be inclined to knock away—or, if they should be so beside themselves as to attempt it, it will not be until the citizens of these states, and of the many others that may be admitted into the Union, shall be so sickened with Freedom as to have their minds debilitated to that degree as to make them fit subjects of and deserving Slavery—which event, if in revolving years it is ever to happen, I pray the Supreme Governor of the world it may not be until a far, far, very far distant and remote period.

"It appears to me, the more this system be examined the more it will be approved—And

"If nothing should offer to induce a change of my present sentiments I shall be in favour of adopting the proposed plan because I shall think it to be right."

- 1. Reprinted five times by 19 February: N.Y. (1), N.J. (1), Pa. (2), Md. (1).
- 2. John Hancock.
- 3. Hancock's proposals were reprinted in the Boston Gazette, 4 February; Massachusetts Gazette and Salem Mercury, 5 February; Essex Journal, 6 February; Cumberland Gazette, Independent Chronicle, and Worcester Magazine, 7 February; and Hampshire Chronicle, 13 February. None of these newspapers followed the lead of the Massachusetts Centinel in printing the proposition under the heading "IMPORTANT INTELLIGENCE." Only the Salem Mercury printed the Centinel's entire prefatory statement; six newspapers reprinted the statement without the opening—"To gratify the desire of many persons in and out of the Convention, we have procured"—and shortened the remainder. The last Massachusetts newspaper, the Essex Journal, printed a much abbreviated version of the prefatory statement. Outside the state, Hancock's proposition, along with part or all of the Centinel's opening statement, was reprinted twenty-seven times by 3 March: Vt. (1), N.H. (1), R.I. (3), Conn. (6), N.Y. (5), N.I. (1), Pa. (6), Md. (1), Va. (1), S.C. (2).
- 4. The speech printed here—attributed to a Massachusetts Convention delegate—was not printed in any Massachusetts newspaper. It was possibly delivered on 31 January, when

Nathaniel Gorham was reported by Jeremy Belknap to have "vindicated (the) Delegates to Phila agt (the) Charge of exceedg their Commission" (RCS:Mass., 1386). Gorham was one of two Massachusetts delegates to the Constitutional Convention in Philadelphia who signed the Constitution.

5. Rules governing the Constitutional Convention and the Constitution as adopted indicate that Convention delegates did not act as "private persons" but as representatives of their states. For example, voting was done by states and each state was allotted one delegate on grand committees. The Constitution was adopted by "the Unanimous Consent of the States" present on 17 September 1787, with the delegates signing the Constitution by states.

The Massachusetts Convention Friday 1 February 1788

Convention Debates, 1 February, A.M.1

Mr. Bowdoin, (of Dorchester)² observed, that he could not but express his hearty approbation of the propositions made by his Excellency, as they would have a tendency to relieve the fears, and quiet the apprehensions of some very respectable, and worthy gentlemen, who had expressed their doubts, whether some explanation of certain clauses in the Constitution, and some additional restrictions upon Congress, similar to those proposed by his Excellency were not necessary. But, he said, as the propositions were incorporated with the great, and important question—Whether this Convention will adopt, and ratify the Constitution; he conceived himself in order, and would, with the permission of the Convention, make a few general observations upon the subject; which were as follow:

It was an answer of *Solon*'s, when he was asked what kind of a Constitution he had constructed for the Athenians; that he had prepared as good a Constitution of government as the people would bear:³ Clearly intimating that a Constitution of government, should be relative to the habits, manners, and genius of the people, intended to be governed by it. As the particular State governments, are relative to the manners, and genius of the inhabitants of each State; so ought the general government, to be an assemblage of the principles of all the governments—for without this assemblage of the principles, the general government will not sufficiently apply to the genius of the people confederated; and therefore by its meeting, in its operation, with a continual opposition, through this circumstance it must necessarily fail

in its execution: Because agreeably to the idea of Solon, the people would not bear it.

It may not, therefore, be improper to examine whether the federal Constitution proposed, has a likeness to the different State Constitutions, and such alone, as to give the spirit, and features of the particular governments. For Baron Montesquieu observes, That all governments ought to be relative to their particular principles and that "a confederate government ought to be composed of States of the same nature, especially of the republican kind;" And instances, that as "the spirit of monarchy is war, and enlargement of dominion; Peace, and moderation, the spirit of a republick; these two kinds of governments, cannot naturally subsist in a confederate republick."

From hence it follows, that all the government[s] of the States in the union, ought to be of the same nature, of the republican kind, and that the general government ought to be an assemblage of the spirit, and principles of them all. A short comparison, pointing out the likeness of the general, to the particular Constitutions; may sufficiently elucidate the subject.

All the Constitutions of the States, consist of three branches, except as to the legislative powers, which are chiefly vested in two; the powers of government, are separated in all, and mutually check each other. These are laid down, as fundamental principles, in the federal Constitution. All power is derived either mediately, or immediately from the people in all the Constitutions; this is the case with the federal Constitution. The electors of representatives to the State governments, are electors of representatives to the federal government: The representatives are chosen for two years, so are the representatives to the assemblies of some of the States.⁵ The equality of representation is determined in nearly all the States, by numbers, so it is in the federal Constitution.⁶

The second branch of legislature, in some of the States, is similar to the federal senate, having not only legislative, but executive powers: Being a legislating, and at the same time, an advising body, to the executive. Such are the assistants of Rhode-Island, and Connecticut, and the councils of New-Jersey, and Georgia. The senators of Virginia and New-York, are chosen for four years, and so elected, that a continual rotation is established, by which one quarter of their respective senates, is annually elected; and by which, (as one of the Constitutions observes) there are more men trained to publick business, and there will always be found a number of persons, acquainted with the proceedings of the foregoing years, and thereby the publick business be more consistently conducted.⁷ The federal senators are to be chosen

for six years, and there is a rotation so established, for the reasons above mentioned, that one third of the senate is to be chosen every two years.

The President, and Vice President, answer to offices of the same name in some of the States; and to the office of Governour, and Lieutenant-Governour in most of the States. As this office is of the utmost importance, the manner of choosing, for the better security of the interests of the union, is to be by delegates, to be expressly chosen for the purpose, in such manner, as the different legislatures may direct: This method of chusing, was probably taken from the manner of choosing senators, under the Constitution of Maryland.⁸

The legislative powers of the President, are precisely those of the Governours of this State and of New-York; rather negative, than positive powers; given with a view to secure the independence of the executive, and to preserve a uniformity in the laws, which are committed to them, to execute.⁹

The executive powers of the President, are very similar to those of the several States, except in those points, which relate more particularly to the union; and respect ambassadours, publick ministers, and consuls.

If the genius of the people of the States, as expressed by their different Constitutions of government—if the similarity of each, and the general spirit of all the governments, concur to point out the policy of a confederate government; by comparing the federal Constitution with those of the several States, can we expect one more applicable to the people, to the different States, and to the purposes of the union, than the one proposed? Unless it should be contended that a union was unnecessary.

"If a republick is small,["] says Baron Montesquieu, ["]it is destroyed by a foreign force;—if it is large, it is ruined by an internal imperfection:"10 "Fato Potentiæ sua vi nixæ."11 And if mankind had not contrived a confederate republick, says the same author, "a Constitution, that has all the internal advantages of a republican, and the external force of a monarchical government," they would probably have always lived under the tyranny of a single person. 12 Admitting this principle of Baron Montesquieu's, the several States are either too small to be defended against a foreign enemy, or too large, for republican constitutions of government. If we apply the first position to the different States, which reason, and the experience of the late war, point out to be true, a confederate government is necessary. But if we admit the latter position, then the several governments, being in their own nature imperfect, will be necessarily destroyed, from their being too extensive for republican governments.

From whence it follows, if the foregoing principles are true, that we ought to adopt a confederation, presuming the different States well calculated for republican governments: For if they are not, their corruption will work their destruction separately, and if they are destined for destruction, from their natural imperfection, it will certainly be more advantageous to have them destroyed collectively, than separately, as in that case, we should fall under one, great, national government.

But if the advantages of a confederacy, admitting the principles of it to be good, are duly considered:—That it will give security and permanency to the several States, not only against foreign invasion, but against internal disputes, and wars with one another; if the wars in Europe, arising from jarring, and opposing interests, are a publick calamity:—If it is for the benefit of ourselves, and future generations, to prevent its horrid devastations on this continent; To secure the States against such calamities, it will be necessary to establish a general government, to adjust the disputes, and to settle the differences between State and State.—For without a confederacy, the several States, being distinct sovereignties, would be in a state of nature, with respect to each other; and the law of nature, which is the right of the strongest, would determine the disputes that might arise. To prevent the operation of so unjust a title; to afford protection to the weakest State, against the strongest, to secure the rights of all, against the encroachments of any of the States; to balance the powers of all the States, by each giving up a portion of its sovereignty, and thereby better to secure the remainder of it, are amongst the main objects of a confederacy.

But the advantages of a union of the States, are not confined to mere safety from within, or from without. They extend not only to the welfare of each State, but even to the interest of each individual of the States.

The manner in which the States have suffered for the want of a general regulation of trade, is so notorious, that little need be said upon the subject, to prove that the continent has been exhausted of its wealth, for the want of it; and if the evil from the not regulating it, is not speedily remedied, by placing the necessary powers in the hands of Congress, the liberties of the people, or the independence of the States, will be irretrievably lost. The people feeling the inconvenience of systems of government, that instead of relieving, increase their perplexities, instead of regulating trade upon proper principles, instead of improving the natural advantages of our own country, and opening new sources of wealth, our lands have sunk in their value, our trade has languished, our credit has been daily reducing, and our resources are almost annihilated;—Can we expect, in such a State, that the people will long continue their allegiance to systems of government, whether

arising from the weakness of their administration, or the insufficiency of their principles, which entail on them so many calamities? I presume not.—The well-being of trade depends on a proper regulation of it; on the success of trade, depends wealth; on wealth, the value of lands; the strength, the welfare and happiness of a country, upon the numbers, the ease and independence of its yeomanry. For the want of this have our taxes most oppressively fallen upon the most useful of all our citizens, our husbandmen; while trade for the want of its being confined to proper objects, has served rather to ruin, than to enrich those that have carried it on.

Shall we then let causeless jealousies arise, and distract our Councils;—shall we let partial views and local prejudices, influence our decisions: or shall we with a becoming wisdom, determine to adopt the federal Constitution proposed, and thereby confirm the liberty, the safety, and the welfare of our country.

I might go on, sir, and point out the fatal consequences of rejecting the Constitution, but as I have already intruded too much upon the time and patience of the Convention, I shall for the present, forbear any further observations, requesting the candour of the Convention, for those I have already made.

Hon. Mr. Adams. As your Excellency was pleased yesterday, to offer for the consideration of this Convention, certain propositions intended to accompany the ratification of the Constitution before us, I did myself the honour to bring them forward by a regular motion, not only from the respect due to your Excellency, but from a clear conviction in my own mind that they would tend to effect the salutary and important purposes which you had in view, "the removing the fears and quieting the apprehensions of many of the good people of this commonwealth, and the more effectually guarding against an undue administration of the federal government."¹³

I beg leave, sir, more particularly to consider those propositions, and in a very few words to express my own opinion that they must have a strong tendency to ease the minds of gentlemen who wish for the immediate operation of some essential parts of the proposed Constitution, as well as the most speedy and effectual means of obtaining alterations in some other parts of it, which they are solicitous should be made. I will not repeat the reasons I offered when the motion was made, which convinced me that the measure now under consideration will have a more speedy, as well as a more certain influence in effecting the purpose last mentioned, than the measure proposed in the Constitution before us.

Your Excellency's first proposition is, "that it be explicitly declared that all powers not expressly delegated to Congress, are reserved to the several States to be by them exercised." This appears to my mind to be a summary of a bill of rights, which, gentlemen are anxious to obtain: it removes a doubt which many have entertained respecting this matter, and gives assurance that if any law made by the federal government shall be extended beyond the power granted by the proposed Constitution, and inconsistent with the Constitution of this State, it will be an errour, and adjudged by the courts of law to be void. It is consonant with the second article in the present Confederation, that each State retains its sovereignty, freedom and independence, and every power, iurisdiction and right, which is not by this Confederation expressly delegated to the United States in Congress assembled. 14 I have long considered the watchfulness of the people over the conduct of their rulers, the strongest guard against the encroachments of power; and I hope the people of this country will always be thus watchful.

Another of your Excellency's propositions is calculated to quiet the apprehensions of gentlemen, lest Congress should exercise an unreasonable controul over the State legislatives, with regard to the times, places and manner of holding elections, which by the 4th sect. of the 1st art. are to be prescribed in each State by the legislature thereof, subject to the controul of Congress. I have had my fears lest this controul should infringe the freedom of elections, which ought ever to be held sacred. Gentlemen, who have objected to this controuling power in Congress, have expressed their wishes that it had been restricted to such States as may neglect or refuse that power vested in them, and to be exercised by them if they please. Your Excellency proposes in substance the same restriction which, I should think, cannot but meet with their full approbation.

The power to be given to Congress, to lay and collect taxes, duties, imposts and excises, has alarmed the minds of some gentlemen. They tell you, Sir, that the exercise of the power of laying and collecting direct taxes might greatly distress the several States, and render them incapable of raising monies for the payment of their respective State debts, or for any purpose. They say the impost and excise may be made adequate to the publick emergencies in the time of peace, and ask why the laying direct taxes may not be confined to a time of war. You are pleased to propose to us, that it be a recommendation that "Congress do not lay direct taxes but when the monies arising from the impost and excise shall be insufficient for the *publick exigencies*."—The prospect of approaching war might necessarily create an expence beyond

the productions of impost and excise. How then would the government have the necessary means of providing for the publick defence? Must they not have recourse to other resources besides impost and excise? The people while they watch for their own safety, must and will have a just confidence in a legislature of their own election. The approach of war is seldom, if ever, without observation: It is generally observed by the people at large, and I believe no legislative of a free country would venture a measure which should directly touch the purses of the people, under a mere pretence, or unless they could show to the people's satisfaction, that there had in fact been a real *publick exigency* to justify it.

Your Excellency's next proposition is to introduce the indictment of a grand jury before any person shall be tried for any crime, by which he may incur infamous punishment, or loss of life; and it is followed by another, which recommends a trial by jury, in civil actions between citizens of different States, if either of the parties shall request it. These and several others, which I have not mentioned are so evidently beneficial, as to need no comment of mine. And they are all, in every particular, of so general a nature, and so equally interesting to every State, that I cannot but persuade myself to think, they would all readily join with us in the measure, proposed by your Excellency, if we should now adopt it. Gentlemen may make additional propositions, if they think fit; it is presumed that we shall exercise candour towards each other; and that whilst on the one hand, gentlemen will cheerfully agree to any proposition intended to promote a general union, which may not be inconsistent with their own mature judgment; others will avoid the making such as may be needless, or tend to embarrass the minds of the people of this Commonwealth and our sister States, and thereby, not only frustrate your Excellency's wise intention, but endanger the loss of that degree of reputation, which, I flatter myself, this commonwealth has justly sustained.

Mr. Nasson. ¹⁵ Mr. President—I feel myself happy, that your Excellency has been placed by the free suffrages of your fellow-citizens, at the head of this government: I also feel myself happy, that your Excellency has been placed in the chair of this Hon. Convention: And I feel a confidence, that the proposition submitted to our consideration yesterday by your Excellency, has for its object the good of your country: But, sir, as I have not had an opportunity leisurely to consider it, I shall pass it over, and take a short view of the Constitution at large, which is under consideration, though my abilities, sir, will not permit me to do justice to my feelings—or to my constituents. Great-Britain, sir, first attempted to enslave us, by declaring her laws supreme, ¹⁶ and that she

had a right to bind us in all cases whatever.¹⁷ What, sir, roused the Americans to shake off the yoke preparing for them?—It was this measure, the power to do which we are now about giving to Congress—And here, sir, I beg the indulgence of this hon. body, to permit me to make a short apostrophe to Liberty.—Oh! Liberty—thou greatest good—thou fairest property! with thee I wish to live—with thee I wish to die! Pardon me if I drop a tear on the peril to which she is exposed: I cannot, sir, see this brightest of jewels tarnished! a jewel worth ten thousand worlds! And shall we part with it so soon?—Oh, No. Gentlemen ask, can it be supposed, that a Constitution so pregnant with danger, could come from the hands of those who framed it? Indeed, sir, I am suspicious of my own judgment, when I contemplate this idea—when I see the list of illustrious names annexed to it:—But, sir, my duty to my constituents, obliges me to oppose the measure they recommend, as obnoxious to their liberty and safety.

When, sir, we dissolved the political bands which connected us with Great-Britain, we were in a state of nature—we then formed and adopted the Confederation, which must be considered as a sacred instrument; this confederated us under one head, as sovereign and independent States. Now, sir, if we give Congress power to dissolve that Confederation, to what can we trust? If a nation consent thus to treat their most solemn compacts, who will ever trust them? Let us, sir, begin with this Constitution, and see what it is—and first, "We the People of the United States, do," &c. If this, sir, does not go to an annihilation of the state governments, and to a perfect consolidation of the whole union, I do not know what does. What! shall we consent to this? Can 10, 20, or 100 persons in this State, who have taken the oath of allegiance to it, dispense with this oath. Gentlemen may talk as they please of dispensing in certain cases with oaths; but, sir, with me they are sacred things: We are under oath; we have sworn that Massachusetts is a sovereign and independent State¹⁸—How then, can we vote for this Constitution, that destroys that sovereignty?

The Hon. Col. Varnum begged leave to set the worthy gentleman right—The very oath, he said, which the gentleman has mentioned, provides an exception for the power to be granted to Congress.¹⁹

Well, continued Mr. Nasson, to go on—Mr. President—Let us consider the Constitution without a Bill of Rights. When I give up any of my natural rights, it is for the security of the rest: But here is not one right secured, although many are neglected.

With respect to biennial elections, the paragraph is rather loosely expressed; I am a little in favour of our ancient custom. Gentlemen say

they are convinced that the alteration is necessary: It may be so: When I see better, I will join with them.

To go on. Representation and taxation to be apportioned according to numbers. This, sir, I am opposed to; it is unequal. I will shew an instance in point—We know for certainty, that in the town of Brooklyn, persons are better able to pay their taxes, than in the parts I represent: Suppose the tax is laid on polls: Why the people of the former place will pay their tax ten times as easy, as the latter—thus helping that part of the community, which stands in the least need of help: On this footing the poor pay as much as the rich: And in this a way is laid, that five slaves shall be rated no more than three children. Let gentlemen consider this—a farmer takes three small orphans, on charity, to bring up—they are bound to him—when they arrive at 21 years of age, he gives each of them a couple suits of clothes, a cow, and two or three young cattle—we are rated as much for these, as a farmer in Virginia is for five slaves, whom he holds for life—they and their posterity—the male and the she ones too. The senate, Mr. President, are to be chosen two from each State. This, sir, puts the smaller States on the footing with the larger—when the States have to pay according to their numbers—New-Hampshire does not pay a fourth part as much as Massachusetts. We must, therefore, to support the dignity of the union, pay four times as much as New-Hampshire, and almost fourteen times as much as Georgia-who, we see, are equally represented with us.

The term, sir, for which the senate is chosen, is a grievance—it is too long to trust any body of men with power: It is impossible but that such men will be tenacious of their places; they are to be raised to a lofty eminence, and they will be loath to come down; and in the course of six years, may by management, have it in their power to create officers, and obtain influence enough, to get in again, and so for life.—When we felt the hand of British oppression upon us, we were so jealous of rulers, as to declare them elegible but for three years in six.²⁰ In this Constitution we forget this principle. I, sir, think that rulers ought at short periods, to return to private life, that they may know how to feel for, and regard their fellow creatures. In six years, sir, and at a great distance, they will quite forget them,

"For time and absence cure the purest love"

We are apt to forget our friends, except when we are conversing with them.

We now come, sir, to the 4th section. Let us see—the times, places and manners of holding elections, shall be prescribed in each State by the legislature thereof. No objections to this: but, sir, after the flash of lightening comes the peal of thunder, "but Congress may at any time, alter

them, &c." Here it is, Mr. President: this is the article which is to make Congress omnipotent. Gentlemen say, this is the greatest beauty of the Constitution—this is the great security for the people—this is the all in all. Such language have I heard in this house: but, sir, I say, by this power Congress may, if they please, order the election of federal representatives for Massachusetts, to be at Great-Barrington, or Machias: And at such a time too, as shall put it in the power of a few artful, and designing men, to get themselves elected at their pleasure.

The 8th sect. Mr. President, provides that Congress shall have power to lay and collect taxes, duties, imposts, excises, &c. We may, sir, be poor; we may not be able to pay these taxes, &c.—we must have a little meal, and a little meat, whereon to live; and save a little for a rainy day: But what follows? Let us see. To raise and support armies. Here, sir, comes the key to unlock this cabinet: Here is the mean by which you will be made to pay your taxes? But will ye, my countrymen, submit to this. Suffer me, sir, to say a few words on the fatal effects, of standing armies, that bane of republican governments! A standing army! Was it not with this that Cæsar passed the Rubicon, and laid prostrate the liberties of his country? By this has seven eighths of the once free nations of the globe, been brought into bondage! Time would fail me, were I to attempt to recapitulate the havock made in the world, by standing armies. Britain attempted to inforce her arbitrary measures, by a standing army. But, sir, we had patriots then who alarmed us of our danger who shewed us the serpent, and bid us beware of it. Shall I name them? I fear I shall offend your Excellency? But I cannot avoid it? I must. We had an HANCOCK, an ADAMS, and a WARREN—our sister States too. produced a RANDOLPH, a WASHINGTON, a GREENE, and a MONTGOM-ERY, who lead us in our way—Some of these have given up their lives in defence of the liberties of their country; and my prayer to God is, that when this race of illustrious patriots, shall have bid adieu to the world; that from their dust, as from the sacred ashes of the Phœnix. another race may arise, who shall take our posterity by the hand, and lead them to trample on the necks of those who shall dare to infringe on their liberties—Sir, had I a voice like Jove, I would proclaim it throughout the world—and had I an arm like Jove, I would hurl from the globe those villains that would dare attempt to establish in our country a standing army.²¹ I wish, sir, that the gentlemen of Boston, would bring to their minds the fatal evening of the 5th of March 1770—when by standing troops they lost five of their fellow townsmen²²—I will ask them what price can atone for their lives? What money can make satisfaction for the loss? The same causes produce the same effects. An army may be raised on pretence of helping a friend.

or many pretences might be used; that night, sir, ought to be a sufficient warning against standing armies, except in cases of great emergency—they are too frequently used for no other purpose than dragooning the people into slavery, but I beseech you, my countrymen, for the sake of your posterity, to act like those worthy men, who have stood forth in defence of the rights of mankind; and shew to the world, that you will not submit to tyranny. What occasion have we for standing armies? We fear no foe—If one should come upon us, we have a militia, which is our bulwark. Let Lexington witness that we have the means of defence among ourselves. If during the last winter²³ there was not much alacrity shewn by the militia, in turning out, we must consider that they were going to fight their countrymen. Do you, sir, suppose, that had a British army invaded us at that time, that such supineness would have been discovered. No, sir, to our enemies dismay, and discomfort, they would have felt the contrary: But against deluded, infatuated men they did not wish to exert their valour or their strength. Therefore, sir, I am utterly opposed to a standing army, in time of peace.

The paragraph that gives Congress power to suspend the writ of habeas corpus, claims a little attention—This is a great bulwark—a great privilege indeed—we ought not, therefore, to give it up, on any slight pretence. Let us see—how long it is to be suspended? As long as rebellion or invasion shall continue. This is exceeding loose. Why is not the time limitted, as in our Constitution?²⁴ But, sir, its design would then be defeated—It was the intent, and by it we shall give up one of our greatest privileges. Mr. N. concluded by saying, he had much more to say, but as the House were impatient, he should sit down for the present, to give other gentlemen an opportunity to speak.

Judge Sumner, adverting to the pathetick apostrophe of the gentleman last speaking, said, he could with as much sincerity apostrophize—Oh! Government! thou greatest good! thou best of blessings!—with thee I wish to live—with thee I wish to die.—Thou art as necessary to the support of the political body, as meat and bread are to the natural body. The learned Judge then turned his attention to the proposition submitted by the President, and said, he sincerely hoped, that it would meet the approbation of the Convention, as it appeared to him a remedy for all the difficulties, which gentlemen in the course of the debates had mentioned. He particularized the objections that had been started; and shewed that their removal was provided for in the proposition: And concluded by observing, that the probability was very great, that if the amendments proposed were recommended by this Convention, that they would, on the meeting of the first Congress, be adopted by the general government.

Mr. Widgery said, he did not see the probability, that these amendments would be made, if we had authority to propose them: He considered, he said, that the Convention did not meet for the purpose of recommending amendments, but to adopt or reject the Constitution. He concluded by asking, whether it was probable, that those States who had already adopted the Constitution would be likely to submit to amendments?

- 1. Commenting on the debates for this day, Rhode Islander George Benson declared that Antifederalists, lording it over the Federalists, pointed to the fact that John Hancock's amendments demonstrated that the Constitution was defective. Antifederalists wanted ratification to be conditional upon the adoption of amendments (to Nicholas Brown, 3 February, RCS:Mass., 1567).
- 2. James Bowdoin, Jr. (1752–1811), a graduate of Harvard College (1771) and former merchant, represented Dorchester in the state House of Representatives, 1786–91, and Norfolk County in the state Senate, 1793–94. Bowdoin was also a justice of the peace and quorum for Suffolk County, 1787–93, and a member of the Council, 1796–97. He became a Jeffersonian Republican in the 1790s, and in 1804 President Thomas Jefferson appointed him minister to Spain.
 - 3. See Salem Mercury, 1 January (RCS:Mass., 583, 584-85, at note 1, and note 1).
 - 4. Spirit of Laws, I, Book IX, chapter 2, p. 187.
- 5. Only in South Carolina did a member of the lower house of the legislature sit for two years. All other state assemblymen had one-year terms, except in Connecticut and Rhode Island where they had six-month terms.
- 6. In neither house of any state legislature was representation based strictly upon population. Towns or counties were often represented equally.
- 7. The constitutions of Virginia and New York provided for senates consisting of twenty-four members each with six being elected yearly. Members of the Pennsylvania Supreme Executive Council served three-year terms, with one-third of the Council elected annually, and were not eligible for reelection for four years. According to the Pennsylvania constitution of 1776, "By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented" (Thorpe, V, 3086–87).
- 8. Under the Maryland constitution of 1776, persons qualified to vote for members of the House of Delegates (lower house) were to meet and elect, viva voce, by a majority vote two persons for their respective counties (or one each for the city of Annapolis and the town of Baltimore) to be electors of the Senate. These electors (or any twenty-four of them) were to meet and elect fifteen senators from their own body or the state at large. Nine of the fifteen were to be residents of the Western Shore and six were to live on the Eastern Shore (Thorpe, III, 1693–94).
- 9. Bowdoin refers to the power to veto laws. The Massachusetts constitution (1780) gave the governor the veto power; while the New York constitution (1777) gave that power to a five-member Council of Revision, composed of the governor, chancellor, and the three judges of the Supreme Court. The veto power of both the Massachusetts governor and the New York Council of Revision could be overridden by two-thirds of each house of the legislature (Thorpe, III, 1893–94; V, 2628–29).
 - 10. Spirit of Laws, I, Book IX, chapter 1, p. 185.
 - 11. Latin: Political powers are intrinsically dependent on fate.

12. See note 10, above.

13. On 31 January John Hancock stated that he was submitting his proposition to the Convention "in order to remove the doubts, and quiet the apprehensions of gentlemen; and if in any degree the object should be acquired, he should feel himself perfectly satisfied." Earlier in his speech, Hancock declared that, in presenting his proposition, he hoped the Convention "may adopt such a form of government, as may extend its good influences to every part of the United States, and advance the prosperity of the whole world" (Convention Debates, 31 January, P.M., RCS:Mass., 1383).

14. Samuel Adams quotes verbatim Article II of the Articles of Confederation. (For Article II, see CDR, 86, or "Samuel," *Independent Chronicle*, 10 January, note 4, RCS:Mass,

684.)

15. David Sewall of York, Maine, declared that the printers improved "the diction and some of the Sentiments" of Antifederalist speakers; he also asserted that some Antifederalist speeches, especially Samuel Nasson's speech of this day, were written by nonmembers of the Convention (to George Thatcher, 4 March, RCS:Mass., 1592–93). A remark Nasson himself made about his own education lends credence to Sewall's charge. On 26 February Nasson, a member of the state House of Representatives, revealed that he probably would not be a candidate for the House in the spring 1788 elections. He explained that he felt "the want of a proper Edierstation I feel my Self So Small on many Occations that I allmost Scrink into Nothing" (to George Thatcher, RCS:Mass., 1708).

16. "Supreme" is italicized in the Massachusetts Centinel, 27 February.

17. A reference to the Declaratory Act passed by Parliament in 1766 after it repealed the Stamp Act of 1765. See RCS:Mass., 1348, note 2.

18. Under Chapter VI, article 1, of the Massachusetts constitution (1780), officeholders were required to take an oath to "truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free,

sovereign, and independent state" (Thorpe, III, 1908).

- 19. The oath referred to in note 18 further required officeholders to swear "that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States" (*ibid.*).
- 20. The Articles of Confederation provides that no person should be a delegate to Congress "for more than three years in any term of six years" (CDR, 87).

21. Jove or Jupiter (Zeus in Greek), the father of gods and men, was the most powerful of the gods. He thundered when he spoke and hurled thunderbolts with his right arm.

- 22. On 5 March 1770 British troops fired on a mob gathered at the customs house and killed three men and wounded several others, two of whom died shortly thereafter. Beginning on 5 March 1771, annual orations were delivered in Boston on 5 March to commemorate the "Boston Massacre."
- $23. \ \mbox{In January } 1787$ the state government mobilized the militia to put down Shays's Rebellion.
 - 24. See RCS:Mass., 1360, note 2.

Convention Journal, 1 February, P.M.

Met according to adjournment¹

On motion,

Voted that the decision with respect to the final adoption or rejection of the proposed federal constitution be not taken before Tuesday next.

Mr. Varnum had leave of absence till Tuesday next.

The Convention proceeded in the consideration of the motion That this Convention assent to and ratify the Constitution, agreed upon by the Convention of Delegates from the United States, at Philadelphia, on the 17th. day of September 1787, and of the propositions made by His Excellency the President yesterday.

Adjourned to Saturday morning 10. o Clk

1. The Convention convened at 3:00 p.m. (Convention Journal, 1 February, A.M., Mfm:Mass.).

Convention Debates, 1 February, P.M.

(When the Convention met, a short conversation ensued on the time when the grand question should be taken—it was agreed, that it should not be until Tuesday.¹ After this conversation subsided, another took place on the division of the motion—in order that the question of ratifying might be considered separately from the amendments; but nothing final was determined upon.)

Judge DANA advocated the proposition submitted by his Excellency the President—it contained, he said, the amendments generally wished for; as they were not of a local nature, but extended to every part of the union, if they were recommended to be adopted by this Convention, it was very probable that two thirds of the Congress would concur in proposing them: or that two thirds of the legislatures of the several States, would apply for the call of a Convention to consider them, agreeably to the mode pointed out in the Constitution; and that he did not think that gentlemen would wish to reject the whole of the system, because some part of it did not please them. He then went into a consideration of the advantages which would ensue from its adoption, to the United States-to the individual States-and to the several classes of citizens—and concluded by representing in a lively manner, the evils to the whole continent, and to the northern States in particular which must be the unavoidable attendants on the present system of general government.

Mr. Russell' rose, he said, with diffidence, to offer his sentiments on the subject in debate; but he could not, he said, forbear to give his sentiments on the advantage which he apprehended must result, from the adoption of the proposed Constitution, to this State, and to the United States—in the advancement of their Commerce—Mr. R. said, he believed, it had always been the policy of trading nations, to secure to themselves the advantages of their carrying trade—he observed, how tenacious France, Holland, and England, were in this particular, and how beneficial it had proved to them: He then went into an accurate

and interesting statement of the quantities of produce, which were exported from the several States—and shewed the ability of the States, to furnish from among themselves, shipping fully sufficient for the transportation of this produce; which, he observed, if confined by the general government to American vessels, while the restriction would not increase the rates of freightage, to the southern States, as the northern and middle States could produce a surplusage of shipping, and a spirit of competition, would call forth the resources; would greatly increase our navigation—furnish us with a great nursery of seamen give employment not only to the mechanicks, in constructing the vessels, and the trades dependent thereon, but to the husbandman, in cutting down trees, for timber, and transporting them to the places of building;—increase the demand for the products of the land—and for our beef, our pork, butter, &c .- and give such life and spirit to commerce, as would extend it to all the nations of the world: These, he said, were some of the blessings he anticipated from the adoption of the federal Constitution—and so convinced was he of its utility and necessity, that, while he wished, that on the grand question being put, there might not be one dissenting voice, if he was allowed, he would hold up both his hands in favour of it; and he concluded, if his left hand was unwilling to be extended with his right, in this all-important decision, he would cut it off, as unworthy of him—and lest it should infect his whole body.

Mr. Pierce.³ Mr. President, The amendments proposed by your Excellency, are very agreeable to my opinion, and I should wish to add several more, but will mention but one—and that is, that the senate should not continue in office more than two years; but, sir, I think that if the want of these amendments were sufficient for me to vote against the Constitution, the addition, in the manner proposed by your Excellency, will not be sufficient for me to vote for it, as it appears to me very uncertain whether they ever are a part of the Constitution.

Several gentlemen said a few words each, on the proposition of amendments—which it was acceded to, by gentlemen opposed to the Constitution, was good—but that it was not probable it would be interwoven in the Constitution—gentlemen on the other side said there was a great probability, that it would from its nature, be also recommended by the several Conventions, which have not yet convened.

^{1.} On 2 February, the *Massachusetts Centinel* printed this brief news report: "Yesterday, on motion, the Hon. Convention voted, That the final decision on the question to accept or reject the Constitution in debate, be not taken until Tuesday next [5 February]."

^{2.} Thomas Russell (1740–1796), a wealthy Boston merchant, banker, and philanthropist, was a justice of the peace and quorum for Suffolk County, 1787–90; a member of the state House of Representatives, 1788–89; and a member of the Council, 1789–92.

^{3.} Probably Ebenezer Peirce.

The Massachusetts Convention Saturday 2 February 1788

During the afternoon session of Thursday, 31 January, President John Hancock, at the behest of Federalist leaders, presented to the Convention nine recommendatory amendments to the Constitution, in the hope that this conciliatory measure would facilitate ratification of the Constitution. The recommendatory amendments were debated briefly that afternoon, at length on Friday, 1 February, and again on Saturday, 2 February. Antifederalist leaders objected to recommendatory amendments for several reasons. Some did not think the amendments would eventually be added to the Constitution; others thought the Constitution should be accepted or rejected without amendments; and still others believed amendments should be made a condition of ratification.

After the amendments debate ended on 2 February, Antifederalist Josiah Whitney—described by Rufus King as "a doubtful Character"—made a motion (seconded by Federalist Theodore Sedgwick) that a committee of two from each county be appointed to consider Hancock's amendments. (See Rufus King to James Madison, 3 February, RCS:Mass., 1572. For more on Whitney, a Shaysite sympathizer, see RCS:Mass., 1407, note 2.) The delegates unanimously adopted Whitney's motion.

For the composition and report of, and the commentary upon the committee, see RCS:Mass., 1410-15.

Convention Journal, 2 February

Met according to adjournment

The Convention proceeded in the consideration of the motion that this Convention, do assent to and ratify the Constitution, agreed upon by the Convention of Delegates, from the United States, at Philadelphia on the 17th. day of September 1787, and of the propositions made by His Excellency the President, the 31st. ulto. After debate,

Voted that a Committee consisting of members from each County be appointed to take into consideration the subject of the propositions of His Excellency, the President of the 31st ulto. at large, & report. The following Gentlemen were then appointed on the said Committee viz.

. Hon. Mr. Bowdoin

Mr. Southworth

Mr. Parsons

Hon. Mr. Hutchinson

Mr. Dana

Mr Winn

Mr. Strong

Mr. Bodman

Hon Mr. Turner

Mr. Thomas of Plymouth

Dr. Smith

Mr Bourn

Hon. Mr. Spooner

Mr. Bishop

Revd. Dr. Hemmenway

Mr. Barrell

Mr. Mayhew

Hon Mr. Taylor

Hon Mr. Sprague

Mr. Fox

Mr. Longfellow

Mr. Sewall

Mr. Sylvester

Mr. Lusk

Hon Mr. Sedgwick

Adjourned to Monday next 3. o Clk PM.

Convention Debates, 2 February

The Hon. Mr. STRONG went into a particular discussion of the several amendments recommended in the proposition submitted by his Excellency—each of which he considered with much attention;—he anticipated the good effect it must have in conciliating the various sentiments of gentlemen on the subject—and expressed his firm belief, that if it was recommended by the Convention, it would be inserted in the Constitution.

Gen. Thompson said, we have no right to make amendments—it was not, he said, the business we were sent for—he was glad, he said, that gentlemen were now convinced it was not a perfect system, and that it wanted amendments—this, he said, was different from the language they had formerly held.—However as to the amendments, he could not say amen to them—but they might be voted for by some men—he did not say Judases.

Mr. Parsons, Col. Orne,¹ Hon. Mr. Phillips, and the Rev. Mr. Niles, and several other gentlemen spoke, in favour of the proposition, as a conciliatory measure—and the probability of the amendments being adopted—Mr. Nasson, Dr. Taylor, Mr. Thomas, (Middleboro') and others, though in sentiment with gentlemen on the propriety of their being admitted into the Constitution, did not think it was probable they would be inserted.

Before the Convention adjourned, Gen. WHITNEY² moved, that a committee, consisting of two from each county should be raised to consider the amendments, or any other that might be proposed and report thereon—Hon. Mr. Sedgwick, seconded the motion.

Hon. Mr. Dalton. Mr. President—I am not opposed to the motion: But, sir, that gentlemen may not again say, as has been the case several times this day, that the gentlemen who advocate the measure of the proposition, were now convinced that amendments to the Constitution are indispensible; I, sir, in my place, say, that I am willing to accept the Constitution as it is—and I am in favour of the motion of proposing amendments, only as it is of a conciliating nature—and not as a concession that amendments are necessary.

The motion was put, and carried unanimously—The following gentlemen were then appointed on the said committee, viz.

Hon. Mr. Bowdoin, Mr. Southworth—Mr. Parsons, Hon. Mr. Hutchinson—Hon. Mr. Dana, Mr. Winn—Hon. Mr. Strong, Mr. Bodman—Hon. Mr. Turner, Mr. Thomas, of Plymouth—Dr. Smith, Mr. Bourn—Hon. Mr. Spooner, Mr. Bishop—Rev. Dr. Hemmenway, Mr. Barrell—Mr. Mayhew—Hon. Mr. Taylor, Hon. Mr. Sprague—Mr. Fox, Mr. Longfellow—Mr. Sewall, Mr. Sylvester—Mr. Lusk, Hon. Mr. Sedgwick.³

- 1. Azor Orne (1731–1796), a merchant, represented Marblehead in the state House of Representatives, was on the Council, and served as a justice of the peace and quorum for Essex County. He was a candidate for the U.S. Senate in 1788 and a presidential elector in 1792.
- 2. Josiah Whitney (1731–1806) served as a militia colonel during the Revolution and rose to the rank of brigadier general in 1783. He represented Harvard in the state House of Representatives, 1779–82, 1787–90, and was a justice of the peace from 1782 to 1791, when he moved to Ashby. In 1786 Whitney, an active Shaysite sympathizer, reportedly declined the offer to command the insurgents. In March 1787 he was arrested and jailed for sixteen days. Whitney petitioned Governor James Bowdoin, was released from jail upon giving bond, and at his trial no one testified against him.
- 3. Neither the *Massachusetts Centinel*, 27 February, nor the *Independent Chronicle*, 28 February, published the names of the committee members.

Undelivered Speech by Timothy Winn, post-2 February¹

The following speech was prepared by the Delegate from Woburn, to be delivered in the late Convention, as introductory to the motion for a Committee, for the purpose of conciliation. But during his absence such a motion was made, and the Committee reported, which prevented his speaking upon the subject, and the speech is now submitted to the public, as a part of the debate.

Deacon Winn. Mr. President, I cannot help feeling myself very unhappy to differ in my sentiments, from so many very respectable gentlemen in this Convention, and more especially from your Excellency.

But taking the matter before us under consideration, I think it a duty I owe to God and my country to oppose the establishment of the proposed form of government, as it stands without any amendments. I have not the faintest wish to set the whole aside; no, by no means, for I think it of the utmost importance to adopt it with some amendments. But to grant a power, or to give away my privileges and the privileges of my constituents to any class of gentlemen, in hopes to recover it again by humble petitions, is an absurdity that I hope will not be charged upon us. I shall not at this time endeavour to point out every amendment, that I think necessary, but be as brief as possible in my remarks.

I think the time for which our Legislators are chosen and are to stand, without alteration, much too long; and the power with which they are vested is so great, that the body of the people cannot reasonably expect to enjoy the rights of their persons and property under this system; more especially considering, that they are deprived of the benefit of the Habeas Corpus, which is so essential for preserving the rights of freemen, which we so earnestly contended for, with united efforts, and freely offered our lives and fortunes to obtain in the late British war. These with many other things seem to verge too much towards the British plan, laid by Lord North, for enslaving America before the late war. Sir, I must speak freely, but I speak without personalities. The gentlemen on the other side of the question, have frequently urged the probability of our having good men to govern who will not abuse their power. I cannot acquiesce in this opinion. None of us supposed it to be a sufficient foundation for trusting the British Parliament; and if men have become infallible now, it is, I confess, something new under the sun. The prejudices of education, and my own observation, have taught me a very different doctrine, and it will need pretty clear evidence to convince me. I believe I am not singular. I dare say, that there is not any class of gentlemen within these walls, that would think it a point of prudence in themselves, or in any others, to put the whole of their property into the hands of any set of men, however respected for their virtue and honesty, for the term of six years, and to give them authority to appoint their own officers and commissioners, to state their own salaries, and to point out to their constituents the method in which they shall pay them, and to enforce their orders by an army. No, surely, no gentleman indowed with common sense will do this, and when he is asked a reason for this piece of conduct, reply, "why I have good right to petition for redress whenever I find myself aggrieved." Would it not be stupidity in perfection to give up the substantial rights of freemen, merely that we may have opportunity to present petitions and complaints? I confess that if we reject totally the proposed form of government, I fear the consequences. But an adoption of it in all its parts without amendments, I fear much more. I do not see the force of their argument, who tell us that we are to be governed by our representatives, and we need not be afraid to trust them. I do not see, sir, what freedom is left to a people that are governed by representatives, who may continue themselves in power by altering the time, place and manner of elections. Much has been said in favor of this power, but it is not yet made clear to my mind. I think sir, that if we grant it, we shall give up all our liberty at once.

I shall ever feel myself very unhappy, and my feelings, and I think those of every man of sense, must be hurt for himself and for his country, if he will reflect one moment on the expense of blood and treasure we have been at to keep our necks from under the iron yoke of British bondage, and to think at the same time of calmly bending our necks to as heavy a one of our own make. It is condemning the noble resistance we made to lawless power, and shews either a vicious fickleness inconsistent with liberty, or an incapacity that unfits us for keeping it. I hope that neither of these things will ever be the lamentable character of North America.

Sir, my feelings are too tender for my country not to feel with them when I see the heavy storm hanging over their heads, and threatning to burst upon them. I heartily wish the welfare of my country, and hope they will ever be blessed with such a form of Federal Government, as shall lodge the balance of power in its proper place. And in order to promote this happiness, I think reason and prudence seem to point out this plain and easy method; and therefore, Sir, I move, "That we chuse a Committee of both sides the question, and let them concert some method that may bring the points under debate, to a close, and agree on the necessary amendments, before the grand question is put." I doubt not but that something of this nature, will have a tendency to make us happy in an unanimous vote, which as a sincere friend to my country, is my earnest desire.

1. Printed: Independent Chronicle, 27 March. Timothy Winn intended to move for the appointment of a committee to consider John Hancock's recommendatory amendments, similar to the call made by Josiah Whitney on 2 February. According to the Chronicle's preface, Winn was absent on 2 February and planned to make his motion until it was superseded by Whitney's. Winn (1712–1800) was a deacon of the Second (Congregational) Parish in Woburn and a delegate to the state House of Representatives, 1787–89, 1790–92. On 2 February Deacon Winn was appointed to the committee of twenty-five to consider Hancock's amendments, but he did not attend the committee's meetings on 3 and 4 February, or at least did not attend when the committee voted on the report it would submit to the Convention. However, Winn was present in the Convention on 6 February, when he voted against ratifying the Constitution.

Report of the Committee of Twenty-Five, 3-4 February

On Saturday, 2 February, the Convention voted unanimously to adopt Josiah Whitney's motion calling for the appointment of a committee composed of two delegates from each county to consider President John Hancock's recommendatory amendments to the Constitution, which he had proposed on the afternoon of 31 January. According to delegate Benjamin Lincoln, the Convention "agreed that each County should nominate their own members & that they should take one who had given his opinion for, and one who had given his opinion against the constitution, in each County wherein two were chosen" (to George Washington, 3 February, RCS:Mass., 1573). This agreement to have an equal division of Federalists and Antifederalists was not part of the motion adopted by the Convention, although Timothy Winn, in a speech he never delivered (immediately above), intended to make such a division a part of the motion. Twenty-five delegates were appointed to the committee—two from each of the state's fourteen counties, excepting the counties of Dukes and Nantucket. Dukes had one committee member, Nantucket none.

Delegate Tristram Dalton and the Reverend Jeremy Belknap maintained that the committee was equally divided, and Winthrop Sargent implied an equal division when he described the committee as a "Conciliating Committee" (From Tristram Dalton, 3 February; Belknap to Ebenezer Hazard, 3 February; and Sargent to Henry Knox, 3 February, RCS:Mass., 1569, 1566, 1574). Delegate Christopher Gore said the committee was "nearly divided," while delegates Nathaniel Gorham and Rufus King stated that Federalists were a "majority" (Gore to George Thatcher, 3 February; Gorham to Henry Knox, 3 February; and King to Knox and to James Madison, 3 February, RCS:Mass., 1569, 1570, 1571, 1572). Rhode Islander George Benson reported that Ansifederalists were outmaneuvered. He declared that "the Federals have a singular advantage, the others suppose the Numbers of each are equal—(this I'm inform'd sub rosa)" (to Nicholas Brown, 3 February, RCS:Mass., 1568). After the appointment of the committee, the Convention adjourned to Monday, 4 February, at 3:00 P.M.

An examination of the committee membership reveals that at the time of appointment Federalists had a majority. The twelve counties that each had two members were equally divided, while William Mayhew, the lone member from Dukes, was a Federalist, thereby giving Federalists a majority of one. (Dukes actually had only two delegates and both were Federalists; Nantucket was not represented in the Convention. See also note 3, below, for the party affiliation of one of the members.)

Despite "ye sacredness of the day," the committee met in the Senate chamber on Sunday, 3 February, and then again on Monday, 4 February (Christopher Gore to George Thatcher, 3 February, RCS:Mass., 1569). Committee member Dummer Sewall noted in his journal that he did not even attend "Divine Worship" so that he could sit with the committee (RCS:Mass., 1520). The committee revised John Hancock's amendments and voted 15 to 7 to submit its revisions to the Convention. See below for both the vote of the committee and its report revising Hancock's amendments.

Antifederalists Nathaniel Barrell and David Sylvester broke ranks and voted with the Federalists. Three Antifederalists did not vote: Israel Hutchinson and

Thomas Smith were excused and Timothy Winn was absent. Nathaniel Barrell was labeled an Antifederalist when elected a delegate by the town of York, but on 5 February he announced to the Convention that he would vote for ratification. York gave its delegates permission to vote as they saw fit (RCS:Mass., 1072-73. See also Barrell to George Thatcher, 20 February, RCS:Mass., 1589-90.). David Sylvester represented Pownalborough, which voted unanimously not to accept the Constitution, but which did not instruct its delegates. Thus, Sylvester was probably an Antifederalist. Along with fellow Pownalborough delegate Thomas Rice (who also voted to ratify), Sylvester received "a Cule reception" upon his return home (RCS:Mass., 1012; and William Widgery to George Thatcher, 16 March, RCS:Mass., 1725). When the Convention delegates voted on ratification of the Constitution on 6 February, Barrell and Sylvester voted to ratify, and they were joined by Antifederalist leader Charles Turner, who had voted against the committee's report. Turner announced he would vote to ratify on the afternoon the vote was taken. The three Antifederalists who did not vote on the committee report all voted against ratification, making a total of nine committee members voting not to ratify. Sixteen committee members voted to ratify.

On 4 February a smooth copy of the committee's report was made for submission to the Convention and then signed by James Bowdoin, the committee's chairman. Following the 4 February meeting, the committee dined at Bowdoin's home. The members then attended the Convention, which according to adjournment, was scheduled to convene at 3:00 p.m. Rev. Thomas Thacher delivered a long, eloquent speech supporting ratification of the Constitution, after which Bowdoin submitted the committee's report. The Convention considered the report until it adjourned that evening and consideration resumed on the 5th. "We are informed," reported the *Massachusetts Gazette*, 5 February, "that it is *substantially* the same as the original propositions" (Mfm:Mass.). On the morning of 5 February, the Convention read the report again and assigned 11:00 a.m. the next day for a vote on it. On the morning of 6 February, the Convention voted not to take a vote, assigning instead 4:00 p.m. that day for the vote. At about 5:00 p.m., the Convention accepted the report by a vote of 187 to 168, thereby ratifying the Constitution.

Roster and Vote of the Committee of Twenty-Five, 3-4 February¹

Commonwealth of Massachusetts In Convention Febry. 2d. 1788

Voted that a Committee consisting of members from each County, be appointed to take into consideration the subject of the propositions of His Excelly. the President, of the 31st. ultimo, at large, & report.

The following Gentlemen were then appointed on the said Committee viz

yes.

Hon. Mr. Bowdoin Mr. Southworth

yes	Mr. Parsons
excused	Hon. Mr. Hutchinson
yes.	Hon Mr. Dana
not present	Mr. Winn ²
yes.	Hon. Mr. Strong
no	Mr. Bodman
no	Mr. Turner of Scituate
yes	Mr. Thomas (Plymo)
excused	Dr Smith
yes	Mr Bourn
yes.	Hon Mr Spooner
no	Mr. Bishop
yes	Revd. Dr. Hemmenway
yes	Mr. Barrell
yes	Mr. Mayhew
no	Hon. Mr. Taylor
yes	Hon. Mr. Sprague ³
yes	Mr. Fox
no	Mr. Longfellow
yes	Mr. Sewall
yes	Mr. Sylvester
no	Mr. Lusk
yes	Hon. Mr. Sedgwick

Extract from the Journal

Att[es]t Geo. R Minot Secry.

Report of the Committee of Twenty-Five, 4 February⁴

The Committee appointed by the Convention to take into consideration the subject of the propositions of His Excellency the President of the 31st. ulto. at large, and report, beg leave to report the alterations hereafter mentioned to the said propositions and that the whole of the said propositions so altered be accepted and passed by the Convention viz

Commonwealth of Massachusetts

In Convention of the Delegates of the People of the Commonwealth of Massachusetts, 1788

The Convention having impartially discussed, and fully considered, the Constitution for the United States of America, reported to Congress, by the Convention of Delegates from the United States of America, and submitted to us by a resolution of the General Court of the

said Commonwealth, passed the twenty fifth day of October last past; and acknowledging with grateful hearts the goodness of the Supreme Ruler of the Universe, in affording the people of the United States, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud or surprize, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves, and their posterity,—do, in the name and in behalf of the people of the Commonwealth of Massachusetts, assent to and ratify the said Constitution for the United States of America.⁵

And as it is the opinion of this convention, that certain amendments and alterations in the said Constitution, would remove the fears, and quiet the apprehensions of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the federal government, the Convention do therefore recommend, that the following alterations and provisions be introduced into the said Constitution:

First, That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution, are reserved to the several States to be by them exercised

Secondly, that there shall be one Representative to every thirty thousand persons, \langle according to the census mentioned in the constitution \rangle until the whole number of the Representatives amounts to \langle two hundred \rangle

Thirdly, That Congress do not exercise the powers vested in them by the 4th. section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the constitution.

Fourthly, That Congress do not lay direct taxes, but when the monies arising from the impost and excise are insufficient for the public exigencies; (nor then, untill Congress shall have first made a requisition upon the States, to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said Constitution, in such way & manner as the legislature of the State shall think best,—and in such case, if any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess & levy such State's proportion, together with interest thereon, at the rate of six per cent. per annum, from the time of payment prescribed in such requisition)

Fifthly, That Congress erect no company of merchants⁶ with exclusive privileges advantages⁷ of commerce

Sixthly, That no person shall be tried for any crime, by which he may incur an infamous punishment, or loss of life, untill he be first indicted by a grand jury; except in such cases as may arise in the government and regulation of the land and naval forces.

Seventhly, The Supreme Judicial Federal Court shall have no jurisdiction of causes between citizens of different States, unless the matter in dispute, (whether it concerns the realty or personalty,) be of the value of (three thousand) dollars, at the least; (nor shall the Federal Judicial powers extend to any actions between citizens of different States where the matter in dispute, whether it concerns the realty or personalty is not of the value of fifteen hundred dollars, at the least.)

Eighthly, In civil actions between citizens of different States, every issue of fact, arising in actions at common law, shall be tried by a jury, if the parties, or either of them, request it.

Ninthly, Congress shall, at no time, consent, that any person, holding an office of trust or profit under the United States, shall accept of a title of nobility, or any other title or office from any King, Prince, or foreign State.⁸

And, the Convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress, at all times, untill the alterations and provisions aforesaid have been considered, agreeably to the fifth article of the said constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.

And, that the United States in Congress assembled may have due notice of the assent & ratification of the said Constitution by the Convention—It is

Resolved, that the assent and ratification aforesaid be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution; and that His Excellency John Hancock, Esquire, President, and the Honourable William Cushing, Esquire, Vice-President, of this Convention, transmit the same, countersigned by the Secretary of the Convention, under their hands and seals, to the United States in Congress assembled.

In the name of the Committee

James Bowdoin⁹

1. MS, Constitutional Convention, 1788, M-Ar. This document, attested by Secretary George Richards Minot, is docketed "Commission for the Comttee on the Presidents propositions of the 31st January 1788." In the right margin Secretary Minot tabulated

the vote, noting yes 15, no 7, for a total of 22. For a photographic facsimile of this document, see Mfm:Mass.

- 2. For Timothy Winn, see RCS:Mass., 1407-9.
- 3. The town of Lancaster had instructed John Sprague to vote against ratification of the Constitution, but Sprague had requested successfully that he be released from this instruction (see RCS:Mass., 975–76). Lancaster had probably rescinded its instructions before the appointment of the committee of twenty-five because Sprague was the Federalist choice for Worcester County. Sprague's fellow Worcester County delegate, Dr. John Taylor, was a firm and vocal Antifederalist in the Convention, who voted against ratification of the Constitution.
- 4. MS, Constitutional Convention, 1788, M-Ar. Docketed: "Report of the Committee on the propositions of His Excelly the Presidt. Febry. 4. 1788." The text in angle brackets of the smooth copy of the committee's report (printed here) represents the additions that the committee made to the text of Hancock's amendments. (See also note 8 for a significant difference between Hancock's amendments and the committee's report.) For Hancock's amendments, see RCS:Mass., 1381–82.

See notes 5–8 (below) for significant differences between the smooth copy of the committee's report (printed here) and three other versions of the report, namely, (1) the committee's draft report, 3–4 February (Mfm:Mass.); (2) the report appearing in the Convention Journal, 4 February, at which time it was presented to the Convention (Mfm:Mass.); and (3) the engrossed report sent to the Confederation Congress as the state's Form of Ratification, 6–7 February (RCS:Mass., 1468–71). These four versions of the report also differ in paragraphing, punctuation, capitalization, and spelling.

- 5. The italicized words in this paragraph do not appear in italics in the Form of Ratification, 6-7 February (RCS:Mass., 1468-71).
- 6. In the Convention Journal, 4 February, "company of merchants" was replaced by "company," although it was restored in the Form of Ratification, 6–7 February. "Company of merchants" had also appeared in the committee's draft report.
 - 7. "Advantages" first appeared in the draft report.
- 8. This amendment is the only one that reads very differently from Hancock's original, although the meaning is essentially the same. (See Convention Journal, 31 January, P.M., at note 11, and note 11, RCS:Mass., 1382, 1383.)
- 9. The last two lines were crossed out at a later date and replaced with "Signed John Hancock President/William Cushing Vice President/Countersigned/George Richards Minot, Secretary" to make the committee's report into a copy of the form of ratification. "Feb 6," was also added before the year 1788. For a photographic facsimile of the report, see Mfm:Mass.

The Massachusetts Convention Monday 4 February 1788

Convention Debates, 4 February¹

Rev. Mr. Thacher.² Mr. President—While the different paragraphs of the proposed Constitution have been debated, I have not troubled this Hon. Convention with any observations of my own upon the subject. Conscious that there were men of deeper political knowledge, and

of better abilities than myself, I conceived it my duty to attend to their instruction, that having heard with attention, I might decide with integrity. I view the object before us as of greater moment than ever was known within the memory of man, or that hath been recorded by the historick page. Were we, Mr. President, this day to decide on the lives and fortunes of an hundred of the best citizens of this Commonwealth, solemn would that province be; but much more interesting is the result of the present question; for in this case not a single city—not a single State—but a Continent, wide and extended, may be happy or wretched according to our judgment—and posterity will either bless us for laying the foundation of a wise and equal government, or curse us for neglecting their important interests, and for forging chains for them, when we disdained to wear them ourselves. Having, therefore, as I trust, a full view of the magnitude of the object, I hope I shall be pardoned if I offer my sentiments with freedom. I am sensible of the prejudices that subsist against the profession to which I belong: But yet, intrusted by my constituents with so solemn a charge, I think they have a right to expect from me the reasons why I shall finally consent to ratify the proposed form of government.

There are three circumstances which deserve notice in considering the subject—These are, the necessity that all the States have of some general band of union—the checks upon the government in the form offered for our adoption—and lastly, the particular disadvantages to which we shall be exposed if we reject it.

With respect to the first of these considerations, I trust there is no man in his senses, but what will own, that the whole country hath largely felt the want of energy in the general government. While we were at war with Britain, common danger produced a common union; but the cause being removed, the effect ceased also. Nay, I do not know but we may safely add, that that union produced by uniform danger, was still inadequate³ to general and national purposes. This Commonwealth, with a generous disinterested regard to the good of the whole, appeared foremost in the day of danger.—At the conclusion of the late war, two-thirds of the continental army were from Massachusetts—their provision and their cloathing proceeded also in a great measure from our extraordinary exertions. The people did this in the fullest confidence, that when peace and tranquility was restored, from the honour and justice of our sister States, our supernumerary expenses would be abundantly repaid. But, alas! how much hath our expectations been blasted?—The Congress, though willing, yet had no power to do us justice. The small district of Rhode-Island put a negative upon the collected wisdom of the continent. This was done not by those who are

the patrons of their present infamous system of paper currency—but by that part of them who now call themselves honest men.4 We have made exertions to stop the importation of foreign luxuries.⁵ Our brethren in the neighbouring States, from the view of local advantages, have taken occasion to distress us upon the same account—They have encouraged, where we have prohibited; and by those iniquitous measures have made our virtue and publick spirit an additional cause of our calamity. Nor have our calamities been local—they have reached to all parts of the United States, and have produced dissipation and indigence at home. and contempt in foreign countries. On the one hand, the haughty Spaniard has deprived us of the navigation of the river Missis[s]ippi on the other, the British nation are by extravagant duties ruining our fishery. Our sailors are enslaved by the pirates of Algiers6—our credit is reduced to so low an ebb, that American faith is a proverbial expression for perfidy, as punick faith was among the Romans. Thus have we suffered every species of infamy abroad—and poverty at home. Such, in fact, have been our calamities, as are enough to convince the most sceptical among us, of the want of a general government, in which energy and vigour should be established, and at the same time the rights and liberties of the people preserved.

A Constitution hath been presented to us, which was composed and planned by men, who in the council and field, have, in the most conspicuous offices, served their country in the late war. It comes authenticated by a man who without any pecuniary reward, commanded our army, and who retired to a private station with more pleasure than he left it. I do not say, Mr. President, that this proves the form of government to be perfect, or that it is an unanswerable argument that we should adopt it—But it is a reason why we should examine it with care and caution, and that we ought not rashly and precipitately to reject it.

It will be objected—"There are more powers granted than are necessary, and that it tends to destroy the local governments of the particular States, and that it will eventually end either in aristocracy or despotism." To answer the objection, two considerations should be taken into view—The situation of the Continent when a Constitution was formed—and the impossibility of preserving a perfect sovereignty in the States, after necessary powers were ceded to a supreme council of the whole. As to the first, let us candidly examine the state of these republicks, from New-Hampshire to Georgia, and see how far vigour and energy were required. During the session of the late Convention, Massachusetts was on the point of civil war—In Vermont and New-Hampshire, a great disaffection to their several governments prevailed among the people—New-York absolutely refused complying with the

requisitions of Congress—In Virginia, armed men endeavoured to stop the courts of justice—In South-Carolina, creditors by law were obliged to receive barren and useless land, for contracts made in silver and gold.—I pass over the instance of Rhode-Island—their conduct was notorious. In some States, laws were made directly against the treaty of peace—in others, statutes were enacted which clashed directly against any federal union—New lands, sufficient to discharge a great part of the continental debt, intruded upon by needy adventurers—Our frontier settlements exposed to the ravages of the Indians—while the several States were unable or unwilling to relieve their distress. Lay all these circumstances together, and you will find some apology for those gentlemen, who framed this Constitution: I trust you may charitably assign other motives for their conduct, than a design to enslave their country, and to parcel out for themselves its honours and emoluments.

The second consideration deserves its weight. Can these local governments be sufficient to protect us from foreign enemies, or from disaffection at home? Thirteen States are formed already. The same number are probably to be formed from the lands not yet cultivated. Of the former, yet smaller divisions may be made. The province of Maine hath desired a separation; in time, a separation may take place. Who knows but what the same may happen with respect to the old colony of Plymouth. Now conceive the number of States increased—their boundaries lessened—their interests clashing; How easy a prey to a foreign power! How liable to war among themselves! Let these arguments be weighed; and I dare say, sir, there is no man but what would conceive, that a coercive power over the whole, searching through all parts of the system, is necessary to the preservation and happiness of the whole people.

But I readily grant all these reasons are not sufficient to surrender up the essential liberties of the people. But do we surrender them? This Constitution hath been compared both by its defenders and opponents to the British government: In my view of it, there is a great difference—In Britain the government is said to consist of the three forms, monarchy, aristocracy and democracy; but in fact is but a few removes from absolute despotism.—In the crown is vested the power of adding at pleasure to the second branch—of nominating all the places of honour and emolument—of purchasing, by its immense revenues the suffrages of the house of commons—the voice of the people is but the echo of the king—and their boasted privileges lie entirely at his mercy. In this proposed form, each branch of power is derived either mediately or directly from the people. The lower house are

elected directly by those persons who are qualified to vote for the representatives of the State; and at the expiration of two years become private men, unless their past conduct entitles them to a future election. The senate are elected by the legislatures of the different States and represent their sovereignty. These powers are a check on each other, and can never be made either dependent on one another or independent of the people. The president is chosen by electors who are appointed by the people. The high courts of justice arise from the president and senate; but yet the ministers of them can be removed only upon bad behaviour. The independence of judges is one of the most favourable circumstances to publick liberty—for when they become the slaves of a venal corrupt court, and the hirelings of tyranny, all property is precarious, and personal security at an end—a man may be stripped of all his possessions, and murdered with the forms of law. Thus it appears that all parts of this system arise ultimately from the people, and are still independent of each other. There are other restraints, which, though not directly named in this Constitution, yet are evidently discerned by every man of common observation.—These are the governments of the several States, and the spirit of liberty in the people. Are we wronged or injured? Our immediate representatives are those to whom we ought to apply—their power and influence will still be great. But should any servants of the people, however eminent their stations, attempt to enslave them, from this spirit of liberty, such opposition would arise, as would bring them to the scaffold. But, admitting that there are dangers in accepting this general government; yet are there not greater hazards in rejecting it? Such is, Mr. President, the state of our affairs, that it is not in our power to carve for ourselves. To avoid the greatest, and to chuse the least of two evils, is all that we can do.—What then will be the probable effects if this Constitution be rejected? Have we not reason to fear new commotions in this Commonwealth? If they arise can we be always certain that we shall be furnished with a citizen, who though possessed of extensive influence and the greatest abilities, will make no other use of them, than to quiet the tumult of the people, to prevent civil war, and to restore the usual course of law and justice? Are we not in danger from other States, when their interests or prejudices are opposite to ours? And in some such scenes of hostile contention, will not some Sylla drench the land in blood, or some Cromwell or Cæsar lay our liberties prostrate at his feet? Will not foreign nations attack us in our weak, divided condition, and once more render us provinces to some potentate of Europe? Or will those powers to whom we are indebted lie quiet? They certainly will not. They are now waiting for our decision: but when they once see that our union is broken, and that we are determined to neglect them, they will issue out letters of marque and reprisal, and entirely destroy our commerce.

If this system is broken up, will thirteen or even nine States ever agree to another? And will Providence smile on a people who despise the privileges put into their hands, and who neglect the plainest principles of justice and honesty? After all, I by no means pretend, that there is complete perfection in this proposed Constitution—like all other human productions, it hath its faults—provision is made for an amendment, whenever from practice it is found oppressive. I would add, the proposals which his Excellency hath condescended to lay before this Hon. Convention, respecting future alterations, are real improvements for the better, and we have no reason to doubt but they will be equally attended to by other States, as they lead to common security and preservation.

Some of the gentlemen in the opposition have quoted ancient history, and applied it to the question now under debate. They have shewn us the danger which arises from vesting magistrates with too much power. I wish they had gone on to tell the whole truth. They might have shewn how nearly licentiousness and tyranny are allied—that they who will not be governed by reason must submit to force—that demagogues, in all free governments, have at first held out an idea of extreme liberty, and have seized on the rights of the people, under the mask of patriotism. They might have shewn us a republick in which wisdom, virtue and order, were qualities for which a man was liable to banishment—and on the other hand, boasting, sedition and falshood the sure road to honour and promotion.

I am sorry that it hath been hinted by some gentlemen in this House, as if there were a combination of the rich, the learned, and those of liberal professions, to establish and support an arbitrary form of government.—Far be it from me to retort [to] so uncharitable and unchristian a suggestion. I doubt not the gentlemen who are of different sentiments from myself are actuated by the purest motives. Some of them I have the pleasure to be particularly acquainted with, and can safely pronounce them to be men of virtue and honour—They have, no doubt, a laudable concern for the liberties of their country; but I would beg them to remember, that extreme jealousy and suspicion may be as fatal to freedom as security and negligence.

With respect to myself, I am conscious of no motive which guides me in this great and solemn question, but what I could justify to my own heart, both on the bed of death, and before the tribunal of Omnipotence. I AM A POOR MAN—I HAVE THE FEELINGS OF A POOR MAN.—If there are honours and emoluments in this proposed Constitution, I shall, by my profession and circumstances in life, be for ever excluded from them. It is my wish and prayer, that in the solemn verdict we are very soon to pronounce, that we may be directed to that measure, which will be for the glory, freedom and felicity of my country.

I shall trouble this House no farther, than by joining sincerely in the wish of the Hon. Gentleman from Topsham, that the people, in this their day, may know the things which belong to their peace.

(The Committee appointed on Saturday, to consider his Excellency's propositions, by their chairman, the Hon. Mr. Bowdoin, reported a few alterations to the amendments submitted to them—and that at the decision, the Committee consisted of 24—15 of whom agreed in the report—7 were against it—1 was absent, and 1 declined giving his opinion: For the report, see the form of ratification, at the end of the debates.)

Major Lusk¹⁰ concurred in the idea already thrown out in the debate, that although the insertion of the amendments in the Constitution, was devoutly wished—yet he did not see any reason to suppose they ever would be adopted.—Turning from the subject of amendments, the Major entered largely into the consideration of the 9th sect. and in the most pathetick and feeling manner, described the miseries of the poor natives of Africa, who are kidnapped, and sold for slaves—with the brightest colours, he painted their happiness and ease on their native shores; and contrasted them with their wretched, miserable, and unhappy condition in a state of slavery. From this subject, he passed to the article dispensing with the qualification of a religious test—and concluded by saying, that he shuddered at the idea, that Roman Catholicks, Papists, and Pagans might be introduced into office—and that Popery and the Inquisition may be established in America.

Rev. Mr. Backus. Mr. President, I have said very little in this honourable Convention; but I now beg leave to offer a few thoughts upon some points in the Constitution proposed to us. And I shall begin with the exclusion of any religious test. Many appear to be much concerned about it, but nothing is more evident, both in reason, and in the holy scriptures, than that religion is ever a matter between God and individuals; and therefore no man or men can impose any religious test, without invading the essential prerogatives of our Lord Jesus Christ. Ministers first assumed this power under the Christian name; and then Constantine approved of the practice, when he adopted the profession

of Christianity, as an engine of state-policy.¹² And let the history of all nations be searched, from that day to this, and it will appear that the imposing of religious tests hath been the greatest engine of tyranny in the world. And I rejoice to see so many gentlemen who are now giving in the rights of conscience, in this great and important matter. Some serious minds discover a concern lest, if all religious tests should be excluded, the Congress would hereafter establish Popery, or some other tyrannical way of worship. But it is most certain, that no such way of worship can be established, without any religious test.

Much, sir, hath been said, about the importation of slaves into this country. I believe that, according to my capacity, no man abhors that wicked practice more than I do, and would gladly make use of all lawful means, towards the abolishing of slavery in all parts of the land.—But let us consider where we are, and what we are doing. In the articles of confederation, no provision was made to hinder the importation of slaves into any of these States; but a door is now opened, hereafter to do it; and each State is at liberty now to abolish slavery as soon as they please. And let us remember our former connection with Great-Britain, from whom many in our land think we ought not to have revolted: How did they carry on the slave-trade! I know that the Bishop of Gloucester, in an annual sermon in London, in February, 1766, endeavoured to justify their tyrannical claims of power over us, by casting the reproach of the slave-trade upon the Americans.¹³ But at the close of the war, the Bishop of Chester, in an annual sermon, in February, 1783, ingenuously owned, that their nation is the most deeply involved in the guilt of that trade, of any nation in the world; and also, that they have treated their slaves in the West-Indies, worse than the French or Spaniards have done theirs. 14—Thus slavery grows more and more odious through the world;—and, as an honourable gentleman said some days ago, "Though we cannot say, that slavery is struck with an apoplexy, yet we may hope it will die with a consumption."15 And a main source, sir, of that iniquity, hath been an abuse of the covenant of circumcision, which gave the seed of Abraham to destroy the inhabitants of Canaan, and to take their houses, vineyards, and all their estates as their own; and also to buy and hold others as servants.¹⁶ And as christian privileges are much greater than those of the Hebrews were, many have imagined that they had a right to seize upon the lands of the heathen, and to destroy or enslave them as far as they could extend their power. And from thence the mystery of iniquity carried many into the practice of making merchandise of slaves and souls of men. But all ought to remember, that when God promised the land of Canaan to Abraham and his seed, he let him know that they were not to take

possession of that land, until the iniquity of the Amorites was full; 17 and then they did it under the immediate direction of heaven; and they were as real executors of the judgment of God upon those heathens, as any person ever was an executor of a criminal justly condemned. And in doing it they were not allowed to invade the lands of the Edomites, 18 who sprang from Esau, who was not only of the seed of Abraham, but was born at the same birth with Israel; and yet they were not of that church. Neither were Israel allowed to invade the lands of the Moabites, 19 or of the children of Ammon, 20 who were of the seed of Lot. And no officer in Israel had any legislative power, but such as were immediately inspired. Even David, the man after God's own heart, had no legislative power, but only as he was inspired from above; and he is expressly called a *Prophet* in the New Testament. And we are to remember that Abraham and his seed, for four hundred years, had no warrant to admit any strangers into that church, but by buying of him as a servant, with money. And it was a great privilege to be bought, and adopted into a religious family for seven years, and then to have their freedom. And that covenant was expressly repealed in various parts of the New-Testament; and particularly in the first epistle to the Corinthians, wherein it is said, Ye are bought with a price; therefore glorify God in your body, and in your spirit, which are God's. And again, circumcission is nothing, and uncircumcission is nothing, but the keeping of the commandments of God. Ye are bought with a price, be not ye the servants of men.²¹ Thus the gospel sets all men upon a level; very contrary to the declaration of an honourable gentleman in this house "That the Bible was contrived for the advantage of a particular order of men."22

Another great advantage, sir, in the Constitution before us, is its excluding all titles of nobility, or hereditary succession of power; which hath been a main engine of tyranny in foreign countries. But the American revolution was built upon the principle, that all men are born with an equal right to liberty and property, and that officers have no right to any power but what is fairly given them by the consent of the people. And in the Constitution now proposed to us, a power is reserved to the people, constitutionally to reduce every officer again to a private station; and what a guard is this against their invasion of others rights, or abusing of their power! Such a door is now opened, for the establishing of righteous government, and for securing equal liberty, as never was before opened to any people upon earth.

Dr. Jarvis. Mr. President—The objections which gentlemen have made to the form of ratification which has been submitted by your Excellency, have arisen, either from a doubt of our having a right to propose alterations; or, from the supposed improbability that any amendments recommended by this assembly, will ever become a part of the federal system.—If we have no right, sir, to propose alterations, there remains nothing further to be attempted, but take the final question independent of the propositions for amendment—But, I hope the mere assertion of any one is not to operate as an argument in this assembly; and we are yet waiting for evidence to prove this very singular position which has been so often repeated—If we have a right, sir, to receive, or reject the Constitution, surely we have an equal authority to determine in what way this right shall be exercised—It is a maxim, I believe universally admitted, that in every instance, the manner in which every power is to be exerted, must be in its nature discretionary with that body to which this power is delegated—If this principle be just, sir, the ground which has been taken to oppose your Excellency's proposal by disputing the right of recommending alterations, must be necessarily relinquished:—But gentlemen say, that they find nothing about amendments in the commission under which they are acting, and they conceive it neither agreeable to the resolution of the legislature, nor to the sense of their constituents, that such a scheme should be adopted:-Let us inquire then, sir, under what authority we are acting; and to what tribunal we are amenable: Is it then, sir, from the late federal Convention, that we derive our authority? Is it from Congress, or is it even from the legislature itself—It is from neither, sir we are convened in right of the people, as their immediate representatives, to execute the most important trust which it is possible to receive, and we are accountable in its execution, to God only, and our own consciences.—When gentlemen assert then, that we have no right to recommend alterations, they must have ideas strangely derogatory to the influence and authority of our constituents, whom we have the honour of representing:—But should it be thought there was even a part of the people who conceived we were thus restricted as to the forms of our proceedings, we are still to recollect that their aggregate sense, on this point, can only be determined by the voices of the majority in this Convention. The arguments of those gentlemen, who oppose any propositions of amendments, amount simply to this, sir, that the whole people of Massachusetts, assembled by their delegates, on the most solemn and interesting occasion, are not at liberty to resolve in what form this trust shall be executed.—When we reflect seriously and cool[1]y on this point, I think, sir we shall doubt no longer.

But with respect to the prospect of these amendments, which are the subject of discussion, being adopted by the first Congress, which shall be appointed under the new Constitution, I really think, sir, that it is not only far from being improbable, but is in the highest degree likely.

I have thought long and often, on the subject of amendment, and I know no way in which they could be more likely to succeed.—If they were made conditional to our receiving the proposed Constitution, it has ever appeared to me, that a conditional amendment must operate as a total rejection. As so many other States have received the Constitution, as it is, how can it be made to appear, that they will not adhere to their own resolutions; and should they remain as warmly and pertinaciously attached to their opinion, as we might be decidedly in favour of our own sentiments, a long and painful interval might elapse before we should have the benefit of a federal Constitution. I have never yet heard an argument to remove this difficulty: Permit me to inquire of gentlemen what reason we have to suppose that the States which have already adopted the Constitution will suddenly consent to call a new Convention at the request of this State: Are we going to expose the Commonwealth to the disagreeable alternative of being forced into a compliance, or of remaining in opposition, provided nine others should agree to receive it. As highly as some persons talk of the force of this State, I believe we should be but a feeble power, unassisted by others, and detached from the general benefit of a national government. We are told, that under the blessing of Providence, we may do much—It is very true, sir, but it must be proved, that we shall be most likely to secure the approbation of Heaven by refusing the proposed system.

It has been insinuated, sir, that these amendments have been artfully introduced to lead to a decision which would not otherwise be had— Without stopping to remark on the total want of candour in which such an idea has arisen, let us inquire whether there is even the appearance of reason to support this insinuation. The propositions are annexed, it is true, to the ratification; but the assent is complete and absolute without them. It is not possible it can be otherwise understood by a single member in this Hon. body—Gentlemen, therefore, when they make such an unjust observation, do no honour to the sagacity of others. Supposing it possible that any single member can be deceived by such a shallow artifice, permit me to do justice to the purity of intention in which they have arisen, by observing, that I am satisfied nothing can be farther from your Excellency's intentions. The propositions are general and not local; they are not calculated for the peculiar interest of this State, but with indiscriminate justice comprehend the circumstances of the individual on the banks of the Savannah, as well as of the hardy and industrious husbandman on the margin of the Kennebeck: Why then they should not be adopted, I confess I cannot conceive. There is one of them in a particular manner which is very agreeable to me. When we talk of our wanting a bill of rights to the new Constitution, the first article proposed must remove every doubt on this head—as by positively securing what is not expressly delegated, it leaves nothing to the uncertainty of conjecture, or to the refinements of implication; but is an explicit reservation of every right and privilege which are nearest and most agreeable to the people. There has been scarcely an instance where the influence of Massachusetts has not been felt and acknowledged in the union—In such a case, her voice will be heard, sir; and I am fully in sentiment if these amendments are not engrafted on the Constitution, it will be our own fault—the remaining seven States will have our example before them, and there is a high probability that they, or at least some of them, will take our conduct as a precedent, and will perhaps assume the same mode of procedure.²³ Should this be the fact, their influence will be united to our's. But your delegates will besides be subject to a perpetual instruction until its object is completed; and it will be always in the power of the people and legislature to renew those instructions. But if they should fail, we must then acquiesce in the decision of the majority, and this is the known condition on which all free governments depend.

Would gentlemen who are opposed to the Constitution wish to have no amendments? This does not agree with their reiterated objections to the proposed system: Or are they afraid, sir, that these propositions will secure a larger majority? On such an occasion, we cannot be too generally united. The Constitution is a great political experiment—The amendments have a tendency to remove many objections which have been made to it—and I hope, sir, when it is adopted, that they will be annexed to the ratification in the manner which your Excellency has proposed.

- 1. The Convention convened at 3:00 p.m. on this day (Convention Journal, 2 February, RCS:Mass., 1406). On 1 March the *Massachusetts Centinel* published the first part of the debates for this day under the heading: "The General Question in debate."
- 2. Thomas Thacher (1756–1812), a graduate of Harvard College (1775), was pastor of Dedham's Third (Congregational) Church from 1780 until his death. He was the son of Oxenbridge Thacher of Boston, a leading political opponent of royal governor Thomas Hutchinson. In reprinting Thacher's speech, the Litchfield, Conn., Weekly Monitor, 17 March, made this prefatory statement: "Our readers perceive that we have discontinued the publication of the Debates in the late Convention of Massachusetts—We saw from the specimens exhibited that they must be voluminous; and that they contained, in general, few other than the common and every where reiterated arguments upon the great subject of their deliberations:—But we now beg leave to offer the following, as being a speech fraught with the most invincible reasoning, addressed in the most masterly manner to the feelings, and embellished with some of the most finished strokes of Eloquence, of any speech or publication we remember to have ever seen. After the debates upon the several paragraphs of the Convention [i.e., Constitution] were concluded, on the 4th of February the Rev. Mr. Thatcher, Delegate from Boston [i.e., Dedham], arose and said."

- 3. "Was still made greater" in the Massachusetts Centinel, 1 March. The Independent Chronicle, 6 March, has "was still inadequate."
- 4. In November 1782 Rhode Island became the only state to refuse to adopt the congressional Impost of 1781, although, at about the same time, Virginia rescinded its ratification of the Impost. In Rhode Island, both political factions (merchants and country) were opposed to the Impost and all fifty-three deputies present in the assembly voted against its ratification. The Country Party supported paper money, while the merchants opposed it.
 - 5. See the navigation act adopted by Massachusetts in June 1785 (RCS:Mass., xxxiii).
 - 6. See RCS:Mass., 873, note 3.
 - 7. George Washington.
- 8. Possibly a reference to a speech that Samuel Thompson of Topsham made on the morning of 15 January (RCS:Mass., 1196).
- 9. Some of this information is incorrect. The committee had twenty-five members; one was absent when the vote was taken, while two were excused. (See RCS:Mass., 1410–15.)
- 10. Thomas Lusk (1735–1809), a West Stockbridge farmer, a native of Connecticut, and a major in the Massachusetts militia during the Revolution, represented Hancock in the state House of Representatives, 1776–77, and West Stockbridge, 1788–89. In 1782 Caleb Hyde, the sheriff of Berkshire County, arrested Lusk for being part of a mob that retrieved oxen seized by authorities. Sheriff Hyde wrote Governor John Hancock that Lusk's "restless and turbulent disposition has given us great Disturbance."
- 11. Backus's speech was not printed in any newspaper, appearing for the first time in the Convention *Debates*. In his diary for this day, Backus wrote, "near night I made a speech in the Convention, upon the great advantage of having religious tests, and hereditary lordship, excluded from our government" (RCS:Mass., 1596).
- 12. Constantine I (the Great) converted to Christianity in 312, and the next year Constantine, Roman emperor in the West, and Licinius, Roman emperor in the East, issued the Edict of Milan, giving civil rights and toleration to the Empire's Christians. About ten years later Constantine, now sole emperor, established Christianity as a state religion and used it to unify the Empire. Eventually, he ordered the burning of heretical books, put blasphemers to death, banned deviant Christian worship, and promulgated the first known compulsory Sunday law. However, it was under one of Constantine's successors, Theodosius I (the Great), who became emperor in 379, that Christianity became the Empire's exclusive religion. Among other things, Theodosian laws deprived heretics and pagans of the right to worship, banned them from holding civil offices, and confiscated their property.
- 13. William Warburton, the Anglican Bishop of Gloucester, delivered this sermon to the (Anglican) Society for the Propagation of the Gospel in Foreign Parts. In a preface to a pamphlet Backus published in Boston in 1768, he quoted parts of Warburton's sermon that attacked the slave trade and accused American colonists of sacrificing slaves "to their great idol the GOD of GAIN." "Nothing," continued Warburton, "is more certain in itself and apparent to all than that the infamous traffic for slaves directly infringes both divine and human law. Nature created man free, and grace invites him to assert his freedom." (For the text of Backus' pamphlet, see William G. McLoughlin, ed., Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754–1789 [Cambridge, Mass., 1968], 177. The Warburton sermon was first printed in London in 1766.)
- 14. This sermon by Beilby Porteus, the Anglican Bishop of Chester, was delivered to the (Anglican) Society for the Propagation of the Gospel in Foreign Parts. Porteus accused Great Britain of taking for "a long time" the lead in the "opprobrious" slave trade on the African coast. He noted that the slave regulations in the British West Indies "breathe a spirit of extreme severity and rigor." Many laws punished slaves, few protected and encouraged them, or relieved some of the rigors of slavery. Porteus praised the

French Code Noir for having "many admirable regulations" that made the lives of slaves easier. The Spanish were singled out for permitting the "most deserving" slaves "to work out their freedom by degrees." Porteus' sermon was printed in 1783 in London.

- 15. A reference to a speech made by Thomas Dawes, Jr., on the morning of 18 January (RCS:Mass., 1244–46).
 - 16. See Deuteronomy 7:1-5, 20:16-18; and Joshua 9:23-27, 24:11-13.
 - 17. Genesis 15:16.
 - 18. 1 Kings 11:1-2.
 - 19. Deuteronomy 2:9.
 - 20. Deuteronomy 2:19.
 - 21. 1 Corinthians 6:20, 7:19, 23.
- 22. A reference to William Phillips, who was responding to Samuel Thompson's attack upon the legal profession. Phillips said, "Sir, I look on this order of men to be essential to the liberties and rights of the people; and whoever speaks against them as speaking against an ordinance of Heaven" (Convention Debates, 22 January, A.M., RCS:Mass., 1302).
- 23. Of the remaining seven states, six followed the example of Massachusetts and ratified the Constitution with recommendatory amendments.

Jeremy Belknap: Notes of Convention Debates, 4 February¹

Monday Reported some additions2—

Debate continued on \(\text{the} \) propositions for amendments till Monday—& many Proselytes were thereby gained to \(\text{the} \) federal Side—the antifedl Party finding \(\text{themselves} \) weakened—began to think of an adjournmt wh[ich] was openly moved for on³

- 1. MS, Belknap Diary, MHi.
- 2. A reference to the revisions made to Hancock's amendments by the committee of twenty-five.
- 3. For a motion to adjourn the Convention to a future date, see Convention Journal, 5 February, A.M. (RCS:Mass., 1443).

William Cushing: Undelivered Speeches, c. 4 February

William Cushing, the chief justice of the Massachusetts Supreme Judicial Court, was one of three delegates elected to represent the town of Scituate in the Massachusetts Convention. On 9 January Governor John Hancock and Cushing were elected Convention President and Vice President, respectively. Since illness prevented Hancock from attending until 30 January, Cushing presided until Hancock assumed the chair on that day. Relieved of his duties of presiding, Cushing was able to take part in the debates, if he chose to do so, although existing sources do not reveal that he ever delivered a speech.

On 31 January President Hancock, in a conciliatory gesture to the opponents of the Constitution orchestrated by Federalists hoping to obtain ratification of the Constitution, presented nine recommendatory amendments to the Constitution (RCS:Mass., 1381–82). Sometime thereafter, Cushing began drafting a lengthy, wide-ranging address that commented, in part, on Hancock's amendments. The Convention's rules permitted such a speech because

the clause-by-clause consideration of the Constitution had been completed. Although Hancock's amendments were a Federalist tactic to facilitate ratification, which Cushing advocated, he had some misgivings about them. Exactly when Cushing began writing his speech is unknown, but he was working on it on 2 or 3 February because he refers to Samuel Nasson's 1 February speech as having been delivered a day or two earlier. Some of the text Cushing deleted demonstrates that he was still drafting the speech on the 4th because he mentions the report of the committee on Hancock's recommendatory amendments. This report was presented to the Convention on the afternoon of 4 February. For this reason Cushing's draft is placed here under 4 February, although it is also possible Cushing expected to give the speech on either the 5th or 6th.

The manuscript draft of William Cushing's speech is located in the Cushing Papers at the Massachusetts Historical Society. It runs to fifty-seven mostly numbered pages, plus seven pages of material labeled by Cushing for insertion at various points in the draft. The editors have inserted this latter material in Cushing's designated places.

The Cushing Papers also have four pages of notes that Cushing took of the debates of 24 January (RCS:Mass., 1343–44). Cushing possibly took notes on other days since his draft speech reveals a good knowledge of the content of the debates. Cushing cited speeches as far back as 15 January. (Cushing also might have had access to the newspaper reports of the debates, although by 4 February newspapers had only published the debates through 22 January.)

A third document of seventeen pages appears to be another speech. More general than the longer draft speech, it lacks specific allusions to the substance of the debates. It is printed below immediately after the longer draft. The Cushing Papers also contain Cushing's transcription of a broadside in which "Hampden" (James Sullivan?) proposed seven amendments to the Constitution. ("Hampden" was first printed in the *Massachusetts Centinel* on 26 January. See RCS:Mass., 806–10.)

Photographic facsimiles of the two draft speeches, the notes of debates, and Cushing's copy of "Hampden's" broadside are in Mfm:Mass. For an earlier publication of the long draft speech and speculation about why Cushing never delivered it, see William O'Brien, S.J., "Justice Cushing's Undelivered Speech on the Federal Constitution," William and Mary Quarterly, 3rd ser., XV (1958): 74–92.

William Cushing: Undelivered Speech, c. 4 February¹

Although I have not borne a particular part in the public debates, owing to the seat I have been honored with by the hon. Convention (in the absence of your Excellcy.);—yet sharing with others in the same sacred trust with the rest of this hon. assembly, it may be expected by my Constituents, that I withhold not my Sentiments upon the great & interesting Subject which we are employed to discuss; a Constitut of Govmt for ye. U. States.

If therefore ye. hon. Convention would bear with me, I would make some observations upon the System proposed;—upon some of ye principal Objections offered—& upon the 10 amendments proposed by your Excy. to be recommended to Congress.

The important question is upon ye adoption of ye proposed Constitution & ye recommendation of ye amendments proposed by yr. Excy. & Reported by ye. Committee.

Biennial Elections—it was observed that the not laying down a rule of Electing public officers annually, has ever been the foundation or cause of Loss of Liberty to all nations; & that this all history Shows.² (This I think was said by ye. worthy Gent. from Topsham.).3—My position is this, yt. as long as the body of the people continue virtuous, Simple & uncorrupt in their manners they will be free, in spite of Tyrants. On ye Contrary when the people become generally dissolute & sunk in vice, & lost to all sense of public good, & become fit for tyranny, then the scourge of tyrants will come upon them. This I think is the Course of Providence, & this, I am bold to Say, All history Shows; and that whether ye. original Constitution was of an Election of Rulers, was for one year, two years or three years. Boundaries & barriers upon paper are of no consequence, if people are not properly watchful of their liberties. Rulers or Reps. may overleap two years, as well and as easily as one. The question here is, which is most convenient & for the public good is two or one—For instance, if the fœderal For instance, Suppose the Election annual & suppose towards the close of the year a Sudden & dangerous invasion takes place, which must be instantly provided against, & suppose the Reps should make use of that Exigence, & the difficulty of a new Election in that Emergency, to hold over their term? I ask, would not that be full as likely to be ye. case & they as likely to Succeed in it, as if the Election was originally for two years? The question is, which is most convenient & for the public good, all circumstances considered, two years or one?

As to history—an honble, gent, has put the case of the Decemvirs in Rome.⁴ Their appointment, I think was for one year. But it seems by artful pretences, they extended & usurped their powers beyond the term & became oppressive & tyrannical several years, till at length a remarkable event took place which aroused the people & restored their former govmt. remark yt. Rulers may overleap ye. bound of one year as easily as 2 years.

But Rome did not lose its liberties for several 100s years after, that, nor till the people had generally sunk into Luxury vice & dissipation & became fit for the tyranny of the Emperors; and Even after that &

till almost the fall of ye. Empire, they kept up the annual Election of Consuls by the Senate,—Consuls, who had been principal officers of govmt during the whole time of the Commonwealth. tis true ye. Consuls had lost almost all their powers of consequence & they fell into which were placed on a New officer the hands of a tyrant who usurped them; but the improvement to be made of this, to the point in hand, is that, the annual election continued after their libertys were gone, & that therefore, it was not for want of annual Election they lost their Liberties—& that it was as easy to take them away Under an annual Election as a biennial.

As to English history—It does not appear clearly—how often parlmts were antiently elected if elected at all—but in ye. reign of Chs 2d. One parlmt sat 17 years. After ye revolution in K. Wm's time an act of prlmt passed making Elections triennial, or once in 3 years; that was tho't by ye Patriots of that day a Sufficient guard for Liberty. Afterwards in ye. reign of G. ye I. while the fermentation was hardly over after ye Rebellion to bring in ye pretenders, the parlmt & whigs of that day pretended yt. a new Election at that time would endanger ye liberties & Safety of ye. nation, & so prolonged their term (by their own usurped authority), from 3, to 7, years. And ye. next prlmt confirmed it. But would not the case have been ye. Same, if their Election had been annual. Would not the pretence have been the same—that a new Election might have fallen upon Jacobites who would have brot in ye. pretender.

In short ye. fair question is—only—which is most convenient & most for ye. public good general intrest of ye Continent, All circumstances considered one year or two.

I agree considerg ye. Extent of ye. Country & number & magnitude of ye. objects to be managed that it is best if not absolutely necessary—for ye. Election to be *biennial*.

The only question then is, whether the Constitution proposed is essentially defective in provided with proper checks & guards in favor of the liberties of the people?

Objections have been made by worthy Gent. to almost every paragraph.

I shall take notice briefly of only some of the principal.

And first as to a bill of rights, wch. the worthy Gent. from Sutton,⁸ thinks wanting.

Bills of rights originated in antient despotic times; in the times of despotic Kings, whose prerogatives were boundless & whole will alone was law. I will mention one Instance—in the Reign of Chs. ye. I., the

spirits of ye. Commons rose high agst. his usurpations, & Ld. Coke & others drew up a *bill* of rights, which the King was obliged to assent to, before he could obtain a grant of monies he demanded.⁹

But it was of no consequences, for no sooner had he assented to the bill of rights *than* he trampled the whole under foot. ¹⁰ The short of ye. matter is,—when the people could extort an Acknowledgment of some of their essential rights as freemen from the King, who before had full posson of the whole, they thought they gained a great point.

Twas then deemed treason to hold, that all civil power originated from the people & that its sole End was their good.

But now this being the only doctrine of the country, & well understood by every man, we should lay ourselves under a disadvantage to go about to enumerate all ye. particular rights we meant to retain, because we might inadvertently omit some important ones which would thereby be lost

The fact is (& it is a selfevident proposition)—we retain all that we do not part with.

And this is the only safe Idea that the freemen of America can rest upon when they assemble to draw up forms & delegate powers of govmt.

And therefore it is that *in ye.* Constitution of New York, & a number of others—there is no bill of rights at all;—*going Upon this Sure* ground, *that* no authority could be exercised over the *people*, but such as should be expressly granted by them; which in my opinion is better & safer than any bill of rights that the wisest mortal can draw by attempting a particular enumeration of rights.

It is said still that without the guard of a bill of rights, Congress might even prescribe a religion to us;—That could not be without a downright usurpation which we should have as good a right to refuse without a bill of rights as with one—I will put a plain case precisely in point.

A man makes a power of atty to his friend to receive monies due upon certain notes of hand, which he specifies, with dates Sums & names. Does such a power authorise the Atty to receive monies upon any other notes (not named) or to touch real Estate? No more can Congress impose a Religion upon us without color of warrant or authority a Shadow of authority given in any one paragraph of the whole System.

The doctrine that rulers may have the Controll of the peoples rights, without their grant, is better adapted to the despotic monarchies of the East than to this Enlightned Country—and our Constituents will have no reason to thank us for placing their Liberties upon so dangerous a

foundation, as necessarily implies that they are all born slaves, instead of being born free & equal.¹¹

As to biennial Elections I am satisfied, considering the great extent of the country & the variety & magnitude of the objects to be concerned with, that two years would not be so great in proportion as one year for a particular state. With respect to the Senate & president, chusing the former for 6 years, subject to a change of one third every two years, & a period of 4, years for the president, who, with ye. senate, will have the management of important treaties & negotiations, will not only give some degree of Stability to govmt, but will be for ye. intrest of the people & the security of their liberties. They will be able to form & execute plans for the public good before they are displaced by a new Election.—

I do not conceive that danger, which some Gent, do, of Either branch attempting to perpetuate themselves in office, which they never will or can do, till the people are ready to acquiesce in it—till the people are lost in ignorance—lost to virtue & to all sense of the public Intrest. Besides the rival houses being a check upon Each other against any Extension of powers—there is the perpetual watch of *thirteen Legislatures* upon both of them, *who* will know every week or fortnight, what passes in Congress—and from whom, information will continually transpire to the people at large.

When we consider that the whole building is democratic—all parts dependant on the people mediately or immediately—that the period of their existence is *fixed*, beyond which they cannot pass;—And when we consider that the representative body of this people, for 60, years together was a full match & ballance to a royal independant Govr. with a Council subject to his *Negatives*; ¹² So that no people on Earth enjoyed life, liberty & property in greater Security during all that period, and even till the whole power & policy of G: B. began to be exerted against us for the Abridgment of our liberties, (and even *then* our Repš were not outdone;—it issued in our *independance*, which I wish we may not loose by continuing in a State of disunion, weak & contemptible to all the world); When we consider all this, with the other checks and restrictions in the Constitution, it seems to me, it must ease our minds of all jealousies upon the Subject.

A rotation in Congress has been held up as necessary;¹³—that is, that when a person has been in office a certain period; *the* people, however they may trust in his experience ability & integrity shall not have a right to choose him for a certain other period time:—this I think would be an open downright abridgmt of the peoples liberties & right of Election—& a bold stroke for any Constitution makers to attempt; besides

that it might prove dangerous to the *Comwealth* in being obliged to bring in, new & unexperienced men, perhaps in an all hazardous moment, a time of war, to conduct the affairs of State, instead of their tried & faithful Servants, whom they would wish to choose. Let the people, as it is *their* natural & important right, judge for themselves in this matter.—

The rule of apportmt for Reps & direct taxes has been objected to:¹⁴—But as this rule has been heretofore agreed to, by Eleven States, has been practised upon by Congress;¹⁵—& as no better one is attempted to be pointed out, which all the States are likely to approve of, I think we may safely acquiesce in the rule proposed.—

Tis said the Number of Repš is too Small. ¹⁶ I conceive in the present situation of the Country that 93, ¹⁷ men of Ability & integrity (and such I doubt not we shall chuse) are abundantly competent to managing the general affairs of the States for their best intrest—less expensive & less liable to general objections than a much larger number.

There is room however for increase as the Country increases, & as soon as an Enumeration can take place, the apportionmt is to be, expressly, according to the respective numbers in the Several states, not exceeding 1—for every 30,000—; which seems strongly to imply, that we have a right to choose 1—to Every 30,000. But at worst—if ye. Reps should be so tenacious of power as is supposed, there can never be any danger of lessening the present number, even if they had power to do it.

If it be taken yt. Congress can by law hereafter abridge this right of chusing 1—to 30000,—& say it shall be only 1—to 40,000—I dont see they can have any motive to do it, unless it be that Congress (a long time hence) will become so numerous as to be unwieldy; which is said to be ye. reason of wording ye. Clause in ye. manner it is.

The 4th. Sect. of the power of Congress to make or alter regulations as to the places of holding Elections for Reps—this appears necessary to keep up the General govmt, wch. cant be done, unless Congress is to judge whether a State has neglected or refused to make regulations, (or wch. amounts to the Same thing) whether they have made such regulations as may rather tend to frustrate than answer ye. End. 18—

I pass to the General powers of Congress over the Union delegated to be *exercised* for the Common defence & general welfare of the U.S.; the highest of which powers Are (as they are called) the powers of the purse & the sword. These powers are warmly contended to be too high to be trusted in the hands of mortals in time of peace—to be trusted even with our own Reps; ¹⁹ and the horrible effects of standing armies

in time of peace are pathetically displayed & pictured out to our imaginations.²⁰ Tis true that armies under the controll of absolute monarchs both in time of peace & war, have tyrannically shed the blood of their *Subjects*.

Tis true that a British army shed the blood of our innocent citizens in this metropolis.²¹ But was that army either raised by, or under the controll of our own legislature?

Does not our own constitution, one of the freest in the world, in its very bill of rights, trust this high power, expressly, of maintaining an army in time of peace, in our Legislature, if they judge *necessary*?²² Did the great patriots of England since ye. revolution, ever contend for more than, that a military force should not be kept up, in the realm, without the consent of ye. house of Commons?²³—

The circumstances in time of peace may so strongly bear the features & marks of war & that for a long time, that ye. Necessary preparations may be nearly the same. *That* may be a *very* dangerous weapon in the hand of a madman or a despot, which may *not only* be harmless, *but necessary* in the hand of a faithful Servant, for defence of his master. Yet the Servant may betray his trust & kill his master.

I never, (before I had the honor of being in this Convention) heard question'd the necessity of lodging, in the Reps & guardians of the people, a discretionary power of keeping up a military force, according to the Exigence of the times, whether in peace or war, for garrisons of forts guards to public magazines, guards on the frontiers—especially where an opposite force was kept up, in posts detained Contrary to treaty;²⁴ of all which (particularly as to numbers) the Supreme power must be the judge—as it is impossible to define or limit upon paper *beforehand*, what number of forces may be necessary, one two, or ten years hence.

The worthy Gent. from Sanford,²⁵ yesterday a day or two ago before he got thro' his Speech upon Standing armies (embarrassed with his subject) was obliged in effect to give up the point he had contended for, as every man must, who thoroughly discusses this subject. He gave it up, by allowing that Congress might keep up such guards & garrisons as they judged *necessary*.²⁶ And what will those guards & garrisons amount to, but a military force,—a Standing army in time of peace, wch. the Reps may, if they are wicked enough, turn agst. their Constituents?—

and the Same may be done much more easily in time of war, by striking a bargain & joining forces with the Enemy.

The plain consequence is—we *must* either delegate discretionary powers for ye. public safety or delegate no powers at all. The same reasoning will be conclusive as to a discretionary power of taxing.

2. All the difference is—in a despotic govmt these powers are lodged in a despot;—in a free govmt, in Reps, trustees or Servants whom the people can, at pleasure, displace, at certain Short stated periods.

What a man gives by his Rep., he gives himself, saith the great Mr. Lock, who hath placed this position, as the only rock or foundation upon wch civil Liberty can stand²⁷ in civil Society or govmt.

There is one clause towards the close of this 8th. Sect. wch. Sounds to some Gent. harsh and dangerous, "that Congress may make all laws necessary & proper to carry their powers into Ex[ecuti]on."

This is no more than was necessarily implied in the powers themselves. For if they could not make laws that were *necessary* & *proper* to carry [th]em into Ex[ecuti]on, the powers themselves would be totally dead & *Useless*.

A difficulty is started about the power of Suspending ye. privilege of hab. Corps., which 'tis said Congress may suspend for any term they please. ²⁸ The Clause is this. p. $12.^{29}$

I will only say that the clause appears to me so plain, that if a Judge should refuse a citizen his hab. Corps., after a rebellion was over, or the invasion at an end; I think he ought to be impeached & degraded from his office—at least.

Here I will add one observation further—that in all cases, where the Jurisdiction of the State Judges is not clearly taken away, that Jurisdiction must remain untouched. This I lay down as a fundamental position, not to be shaken, by Judge or Jury.

There is a Jealousy about the State Sovereignties as though they soon would be, absorbed, swallowed up & consolidated in the general govm̃t;

Sr. Hard words and vague expressions without clear & distinct Ideas, can never throw light upon any Subject.³⁰

Tis a clear & simple Idea that the general govmt is to have certain powers, as to general objects & intrests, particularly set forth & described—; the powers of ye president & Senate are Specified—the powers of Congress are all named & relate to such matters as must be committed to the general guardians of the Union all the States.—The Cases to which the judicial power extends, both civil & criminal are specified with precision.

The State govm̃ts have certainly, all the powers, not delegated to Congress, except what remain in the people at large.

They must *then* know ye path they have to pursue; And what shall Hinder both from a pacific regular Adm[inistrati]on of the affairs of their respective Jurisdictions?

The Senate & president at all times will depend on the legislatures for their Existence; the Senate equally represents all ye. States Sovereignties great & Small; & many other Circumstances show that incroachments may as probably arise on ye. part of State govents as of the feederal.

But I see no kind of necessity for Either, & doubt not yt. all will work for the general good of america.

And now One word upon amendments, I think [---] a number of those proposed by proposed by your Exy.; are proper, & for the sake of unanimity I would not object to any of them.

But most Some of them, are of such a nature, such a general nature, not local, that I doubt not Congress will the first opportunity be ready, upon motion of our Reps, to make such regulations respecting them as shall be accommodated to the habits the ease & convenience of the people, more Especially as ye. Constitution itself points to regulations to be made by Congress At the first outset:—As where it says—that the Fœderal Court "shall have Jurisdiction of the Causes specified, with such Exceptions & under such Regulations as Congress shall make." Plainly referring to Juries and Jury trials.

There is provision in ye. 5th. art. of the Constitution for amendments—which I had much rather trust to, without more saying than, risque ye. Union by rejecting this Constitution.

I beg now to add a few words on the great & Ultimate question;—I think the system proposed, in general, is nobly calculated to Support the Union the independence & the Liberties & to promote the prosperity of this Country; And that without such a govm, these States must Sink into Endless dissensions mutual wars wretchedness & ruin.

The great points gained in this Constitution in favor of the general interests of the people & the great danger (if we loose it) of never gaining another equally favorable—the risque of any future general Convention of all ye. States ever agreeing upon any plan of Union AT ALL, render (in my opinion) a DELAY to accept the Constitution, of the most dangerous Consequence to the peace & happiness of these States.

This sentiment is corroborated by the important facts which came from a worthy Gent. of the Boston Seat,³¹ respecting the Course of trade & the carrying business—whence it appears that (for want of a fœderal govm̃t) nearly the whole of the carrying business is in the hands of foreigners—to the Exclusion of many thousands of our own citizens from a profitable employ and business of one Sort or another—to the great injury of our Seamen, Mechanics, manifacturers, Merchants & Farmers throughout the whole Country.—

Why, of all the people upon the face of the Earth, *should we*, neglect or refuse to improve the advantages, providence hath put into our *hands*?

Why deprive ourselves of the means of national prosperity—of the means of self defence & self preservation?

Why deprive ourselves of that most important privilege of gradually rising to a Navy, *Sufficient* to protect our fishery & *our Commerce* in all parts of the globe—a privilege so justly to be expected by us, from the abundant blessings (*adapted to that End*) which God & nature have so liberally poured down upon this Country.—

As our disquistions have been free & critical, I hope they will be crowned with Success for ye. good of our Country; & that it may not be our Characteristic—that while we deliberated, the people were Undone.

But not further to tire the patience of your Excy & of this hon. Convention, I will Stop short with one most hearty wish, that may all be so wise as to see our own intrest, & unanimously pursue it, before it be too late.—

William Cushing: Undelivered Speech, c. 4 February³²

That mankind have certain important rights, as well as that they are bound to certain important duties wch. are as it were their Counterpart reason incontestibly dictates: no reasonable man will deny—The point is—What are those rights & how are they to be secured?

Among them some are said to be unalienable, that is—such as no man can, consistent with his duty to God & himself, give up or make over to Another, but must, in the nature of things, exercise them himself & be accountable for the right use of them. Such are the rights of conscience, of thinking & judging in religious matters & of conducting Oneself towards his maker as his own particular reason directs him, without Controll, any further than that under this pretence he shall not be *permitted led* to infringe the undoubted right of others.

Mankind however in all Ages, & even pious & well meaning men, have been from a certain false zeal, very prone to violate this sacred right, to Set up persecution & intolerance & shedding rivers of blood, as the proper methods of reforming the world & inspiring communicating the true principles of piety.

This Country may boast of having gone as far, I suppose further than any other Country upon Earth in putting an end to that absurd practice, having established Religious freedom as one main pillar of government in all their new Constitutions & abolished all governmental preferences of Sects or persuasions.

If we exceed our Ancestors in Liberality of Sentiment, it will may be well a question if we do not fall as much short of them in Strictness of piety & morality in other Respects.—

As catholicism & liberality of Sentiment abound, we ought to be upon our guard lest we fall into a Contrary Extreme. Some men have been so liberal in thinking as to Religion as to Shake off all Religion, & while they have labored to Set up heathen above Christian Morals, have shown themselves destitute of all morality, at least the essential points of it—; making a disposition to forgive injuries no part of a man's duty. Thus subverting an essential ingredient in the great principle of benevolence, which is to prevent men from continuing to butcher one another as long as man remains upon Earth. tending to prevent those dangerous revengeful retaliations which produce perpetual wars & slaughter of the human species, nationaly & individual.

It seems to be agreed, that the Confederation is weak, without powers—totally inadequate to all great national purposes—unable to uphold the union—to protect the Country—to pay any part of the public debt or even the Intrest—that Commerce is in a wretched Situation unregulated, unprotected, unproductive of Revenue—that All the world are become our Carriers, except only that we ourselves—are in a manner excluded;—Shipbuilding & navigation in a great measure cease;—while hundreds of Our Carpenters—& hundreds of our honest Seamen on the coast with men of numerous other trades & businesses dependant on these now lie still for want of employ; in short, the intrest of all classes of men through the community is essentially affected—from the Ocean to the wilderness.

Indeed the defects of the Confedoration were seen & pointed out by some Gents when it was made. But now at last, absolute necessity has roused the states & compelled them to *Attempt* some effectual measures for their own relief.

What is the remedy to be provided?—

Some Gentlemen say—Alter or amend the old Confederation—not make a new System, why not make a new System, if yt. were necessary for ye. Salvation of ye Country?

Every essential Alteration, Sir, is so far making a new System. So that this seems a dispute rather about words than things. The real question is, whether essential alterations were not necessary for the welfare & Safety of the States? And whether those *proposed* by the fœderal convention are proper now to be adopted.

For instance, the Confederation, in appearance imparted many, if not most of the great powers, now inserted in the proposed Constitution; such as making war & peace, borrowing money without bounds upon

ye. Credit of the united states,—building & equipping a navy—demanding men & money without limitation—& of appropriating *money* to defray the public expenses; but not *one* efficient power, to carry a single article into effect; in case the States did not See fit to comply with their promises.

This capital defect—how can it be *remedied*? It has been suggested that we may give Congress, the power of the Sword, to compel the states as States to a compliance. That seems to imply, that Congress without men or money or means to raise an army, are to levy a general war upon thirteen States to reduce [th]em to Submission to their Engagements; the horror of the thing (Mr. Presidt) if practicable—but the utter impracticability of it, must forceably strike every man's mind.—Sad experience, I take it, has bro't us all to one general point—to one certain conclusion—that efficient governmental powers must be lodged in Congress; as far as respects all great national concerns, & especially the general defence & Safety.—

These governmental powers, in order to have full & proper effect, must, in the nature of things, consist of the Executive, the Legislative, & judicial. Without these govment cannot be carried an End. Now every sensible man without the advantages of a liberal education, sees as plainly as the wisest, most learned legislators & politicians, that Lodging these three great primary powers, in One body of men, is directly sowing the Seeds of tyranny. Well, therefore, & wisely have the fœderal Convention done, thus far, that is, in attempting to compose a govmt with proper ballances & checks—in differently organizing & modifying Congress, so as to place the weighty powers of govmt in a president, Senate—house of Reps, with a Supreme judicial vested in Judges during good behaviour—very similar to our own Constitution in particular & similar to the other state constitutions in general.

Thus combining together in the close band of govmt, as to all general concerns (reserving to the States their respective Sovereignties in all other matters.), appears to me a grand & noble plan, and the only one that can Secure our Union, our Commerce & our national Safety.

1. MS, Cushing Papers, MHi.

- 3. See Samuel Thompson's speech on 15 January (RCS:Mass., 1200).
- 4. See Martin Kingsley's speech on 21 January (RCS:Mass., 1291, 1294, note 22).

^{2.} In 1771 Obadiah Hulme, on the title page of An Historical Essay on the English Constitution (London), said that "Where annual Election ends, there Slavery begins." This slogan was popular during the Revolutionary era, and it became a favorite maxim of John Adams, who used it in his Thoughts on Government (1776) and his 1779 Report of a Constitution for Massachusetts (H. Trevor Colbourn, The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution [Chapel Hill, N.C., 1965], 30–31, 31n, 99, 99n). A variation of this slogan is, "Where annual election ends, tyranny begins" (ibid., 191).

- 5. A reference to the Pension or Cavalier Parliament, which began meeting in May 1661 and was not dissolved until January 1679, a period of more than seventeen years.
 - 6. For the Triennial Act of 1694, see RCS:Mass., 1205, note 4.
- 7. The reference is to the Jacobite rising in Scotland in 1715 and 1716 that sought to place the Old Pretender, the son of James II, on the throne of Great Britain. (See RCS:Mass., 1201, at note 5.) The fright caused by this uprising was partly responsible for the adoption in May 1716 of the Septennial Act, whereby Parliament extended its life to seven years.
- 8. For speeches about rights by Amos Singletary on 19 January and, especially on 24 January, see RCS:Mass., 1254–55, 1340.
- 9. The reference is to the Petition of Right adopted by Parliament in 1628 under the leadership of, among others, Sir Edward Coke. After Charles I accepted the Petition, the House of Commons voted him the five subsidies he had demanded.
- 10. In 1629 Charles I dissolved Parliament and ruled without it for eleven years, continuing to raise money in various ways, which, although not illegal, were contrary to principles laid out in the Petition of Right.
- 11. This and the preceding paragraph represent one of Cushing's insertions, which is itself a rewrite of an earlier version that Cushing meant to be inserted. His original insertion reads, "I will put a plain case in point—a man makes a power of attorney to receive monies due upon certain notes of hand, wch. he specifies as to dates, sums & names. Does such a power authorize the atty. to, receive mony upon any other Notes (not named) or to touch the real estate? No more can Congress prescribe a religion to us without we have given them no such power a shadow authority so much hinted at in any one paragraph clause or sentence of ye. whole system. The doctrine yt. Congress Rulers may have the Controll of our the people's rights, without their grant of Subversive of will do is a doctrine better adapted for the despotic Monarchies of Europe, or asia, than to this enlightened Country which our fellow citizens will not have reason to thank us for [altering their?] Liberties upon such dangerous precarious & I may say such a contemptible a foundation, as necessarily implies that we are all born Slaves instead of being born free & equal."
- 12. Massachusetts lost its corporate charter in 1684, and two years later it became part of the Dominion of New England. After the Glorious Revolution of 1689 in New England, Massachusetts tried but failed to get its corporate charter restored. In 1691 a royal charter was issued to the colony, whereby a governor appointed by the Crown had an absolute veto over acts passed by the Massachusetts General Court.
- 13. See John Taylor's and Martin Kingsley's speeches on 19 and 21 January, respectively (RCS:Mass., 1257-58, 1291-92).
- 14. On this question, see Convention Debates, 17 and 18 January (RCS:Mass., 1236–40, 1243–46, 1249–51).
- 15. For discussions of the population amendment (1783) to the Articles of Confederation for altering the manner in which expenses were apportioned among the states, see RCS:Mass., 1243, note 5, and 1258, note 3.
 - 16. See John Taylor's speech on 17 January (RCS:Mass., 1237).
- 17. Actually 91, a figure used by John Taylor in his speech (note 16 above). The figure 91 is obtained by adding together 26 U.S. Senators and 65 U.S. Representatives.
- 18. Article I, section 4, of the Constitution allows Congress to alter regulations adopted by the states relative to "The Times, Places and Manner of holding Elections for Senators and Representatives . . . except as to the Places of chusing Senators."
- 19. Cushing probably had in mind a speech by Amos Singletary on 25 January (RCS:Mass., 1345-46).
 - 20. See especially a speech by Samuel Nasson on 1 February (RCS:Mass., 1399-400).

21. A reference to the Boston Massacre of 5 March 1770, to which Samuel Nasson alluded in his 1 February speech (note 20 above).

22. Article XVII of the Massachusetts Declaration of Rights (1780) states that "as in time of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature" (RCS:Mass., 444).

23. The English Bill of Rights (1689), adopted after the Glorious Revolution of 1688, stated, "That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law."

24. Cushing refers to the fact that the British had not withdrawn all of their garrisons from American soil as required by Article VII of the Treaty of Paris (1783).

25. For Samuel Nasson's speech on 1 February, see RCS:Mass., 1396-1400.

26. There is no evidence in the existing record of Nasson's speech that he gave up this point.

27. Locke, Two Treatises, Book II, chapter XVI, section 192, p. 412.

28. See especially Samuel Nasson's speech on 1 February (RCS:Mass., 1400).

29. This reference is found in a thirty-two-page pamphlet entitled *The Constitution or Frame of Government, for the United States of America* . . . (Evans 20801), which, in the fall of 1787, was "Published by Order of Government" by Adams and Nourse, printers to the Massachusetts General Court. The bottom half of page 12 contains the first few clauses of Article I, section 9, of the Constitution, including the clause on the suspension of the writ of habeas corpus.

30. Possibly a reference to comments made by Samuel Nasson on 1 February (RCS: Mass., 1397).

31. See Thomas Russell's speech on 1 February (RCS:Mass., 1403-4).

32. MS, Cushing Papers, MHi.

33. On the separation of powers, see Article XXX of the Massachusetts Declaration of Rights (1780) (RCS:Mass., 445).

The Massachusetts Convention Tuesday 5 February 1788

For about two weeks rumors circulated that Antifederalists might want to adjourn the Convention to a later date. At noon on 5 February, following the adoption of the resolution for voting on the report of the committee of twenty-five, "the Antis discoverd their weakness and proposed an adjournment for several months to consult their constituents" (Henry Jackson to Henry Knox, 6 February, RCS:Mass., 1581. See also Anthony Paine to Henry Van Schaack, 6 February, RCS:Mass., 1582.). The Antifederalist motion—made by Gilbert Dench—did not mention the length of the proposed adjournment, referring only to "a future day." According to the motion, adjournment was intended to inform the people of Massachusetts about and to unite their opinions concerning the principles of the Constitution and President Hancock's amendments as reported by the committee of twenty-five. In his journal, delegate Dummer Sewall contended that Dench's motion was intended to supersede the resolution for voting on the committee's report (RCS:Mass., 1520).

The Convention probably debated Dench's motion for about an hour before adjourning until 3:00 p.m. After reconvening, the Convention debated the motion for the rest of the day, and in the evening the motion was defeated 214 to 115. Antifederalists did not want the delegates to be hurried into making a decision on whether or not to ratify the Constitution with Hancock's recommendatory amendments; they thought that the delegates should first consult with their constituents. Antifederalists wanted the people to examine the proposed amendments and what had been said in the debates, and then perhaps instruct their delegates on how to vote. Federalists believed an adjournment would further agitate people's minds and lead to confusion. If the Convention adjourned, it might not meet again. If it met again, new members might have to be chosen and the process would have to begin all over again. (For this debate, see Justus Dwight: Notes of Debates, 5 February, Mfm:Mass.)

Delegate Isaac Backus described this effort to adjourn as "earnest" (RCS: Mass., 1596). On the other hand, spectator Henry Jackson declared that the motion brought forward "Rascals" who wanted to prevent ratification, but that they were foiled by Federalists (to Knox, 6 February, RCS:Mass., 1581). Delegate Benjamin Lincoln concluded that the vote reduced the hopes of Antifederalists (to George Washington, 6 February, RCS:Mass., 1582).

Convention Journal, 5 February, A.M.

Met according to adjournment

The report of the Committee on the propositions of His Excellency the President of the 31st. ulto. Read again. It was then moved & seconded

That to-morrow 11. o Clk AM be assigned to take the question by Yeas and Nays whether this Convention will accept of the said report.

A motion was then made & seconded that, for the purpose of informing the good people of this Commonwealth, of the principles of the proposed federal constitution, and the amendments offered by His Excellency The President, and reported by the Committee; and of uniting their opinions respecting the same, this Convention do adjourn to a future day.² After debate,

Adjourned to 3. o Clk PM

- 1. See RCS:Mass., 1412-14.
- 2. It had been rumored for about two weeks that Antifederalists would attempt to get the Convention to adjourn to a future date. See Henry Jackson to Henry Knox, 23 January; New York Journal, 28 January; George Benson to Nicholas Brown, 29 January, and 3 February; and Joseph Savage to George Thatcher, 1 February (RCS:Mass., 1546, 1556, 1567–68, 1565).

Convention Debates, 5 February, A.M.

The Convention *Debates* does not specifically indicate whether the debates for this day were for the morning or afternoon session or both. However, the

Massachusetts Centinel's version (published on 5 March) lists them for the morning session. Also, the debates printed here apparently took place before Gilbert Dench made a motion at noon to adjourn the Convention to a future date. From Justus Dwight's notes of debates (Mfm:Mass.), it appears that the question of adjourning was considered before Dench made his motion. Dwight's notes, however, do not refer to Dench making his motion; they reveal only that, after much debate in the afternoon, the Convention voted against adjournment.

Mr. AMES¹ observed, that at length it is admitted that the Constitution, connected with the amendments, is good. Almost every one who has appeared against the Constitution, has declared that he approves it, with the *amendments*—One gentleman, who has been distinguished by his zealous opposition, has declared that he would hold up both hands for it, if they could be adopted.² I admire this candid manner of discussing the subject, and will endeavour to treat it myself with equal care and fairness. The only question which seems to labour, is this, the amendments are not a part of the Constitution, and there is nothing better than a probability to trust to that they will ever be adopted—The nature of the debate is totally shifted, and the inquiry is now, not what the Constitution is, but what degree of probability there is that the amendments will hereafter be incorporated into it.

Before he proceeded to discuss this question, he wished to notice two objections which had been urged against his Excellency's propositions—That this Convention being confined in their powers to reject or ratify the Constitution as it is, have no right to propose amendments; and that the very propositions imply the Constitution is not perfect, and amount to a confession that it ought to be rejected. It is well that these objections were not made by a lawyer—they would have been called quibbles, and he would have been accused of having learned them at the bar. Have we no right to propose amendments? This is the fullest representation of the people ever known—and if we may not declare their opinion, and upon a point for which we have been elected, how shall it ever be known? A majority may not fully approve the Constitution—and yet they may think it unsafe to reject it—and they may fully approve his excellency's propositions—what shall they say? That they accept, or reject, and no more? They may be embarrassed perhaps to do either-But let them say the truth, that they accept it, in the hope that the amendments will obtain—We are chosen to consider the Constitution, and it is clearly incident to our appointment to declare the result of our deliberations. This very mode of obtaining amendments is pointed out in the Constitution itself. How can it be said that we have no right then to propose them? If, however,

there was any irregularity in this proceeding, the General Court would not delay to confirm it.

If it is insisted that the Constitution is admitted to be imperfect, let those objectors consider the nature of their own argument. Do they expect a perfect Constitution? Do they expect to find that perfection in government, which they well know is not to be found in nature? There is not a man who is not more or less discontented with his condition in life, and who does not experience a mixture of good and evil—And will he expect that a whole society of men can exclude that imperfection which is the lot of every individual in it—The truth is, we call that condition good and happy which is so upon the whole. But this Constitution may be good without any amendments, and yet the amendments may be good—For they are not repugnant to the Constitution. It is a gratification to observe, how little we disagree in our sentiments: But it is not my purpose to compare the amendments with the Constitution. Whatever opinion may be formed of it by others, Mr. Ames professed to think it comparatively perfect—There was not any government which he knew to subsist, or which he had ever heard of. that would bear a comparison with the new Constitution. Considered merely as a literary performance, it was an honour to our country. Legislators have at length condescended to speak the language of philosophy, and if we adopt it we shall demonstrate to the sneering world, who deride liberty because they have lost it, that the principles of our government are as free as the spirit of our people.

I repeat it, our debates have been profitable, because, upon every leading point we are at last agreed. Very few among us now deny that a federal government is necessary to save us from ruin—that the confederation is not that government—and that the proposed constitution, connected with the amendments, is worthy of being adopted. The question recurs will the amendments prevail, and become part of the system? In order to obtain such a system as the Constitution and the amendments, there are but three ways of proceeding:—To reject the whole and begin anew:—To adopt this plan, upon condition that the amendments be inserted into it—or, to adopt his Excellency's propositions.

Those who propose to reject the whole are bound to shew, that we shall possess some advantage in forming a system which we do not enjoy at present, or that some obstacles will be removed, which impede us now. But will that be the case? Shall we adopt another Constitution with more unanimity than we expect to find in this Convention? Do gentlemen so soon forget their own arguments? We have been told that the new Constitution will be rebellion against the confederation—that

the interests of the States are too dissimilar for an union-and that Massachusetts can do without the union, and is a match for all the world—we have been warned of the tendency of all power towards tyranny, and of the danger of trusting Congress with the power of the purse and of the sword—that the system is not perfect—there is no religious test, and slavery is not abolished—Now, sir, if we reject the Constitution, and after two or three years exertion, another Constitution should be submitted to another Convention of Massachusetts, shall we escape the opposition which is made in this assembly? Will not the same objections then apply with equal force to another system? Or do gentlemen expect that a Constitution may be formed which will not be liable to those objections? Do they expect one which will not annul the confederation, or that the persons and properties of the people shall not be included in the compact, and that we shall hear no more about armies and taxes? But suppose that it was so framed, who is there even amongst the objectors, who would give his vote for so paltry a system? If we reject, we are exposed to the risk of having no Constitution, of being torn with factions, and at last divided into distinct confederacies.

If we accept *upon condition*, shall we have a right to send members to the new Congress? We shall not—and of course this State would lose its voice and influence in obtaining the adoption of the amendments. This is too absurd to need any further discussion.

But in objection to your Excellency's propositions, it is said that it is no more than probable that they will be agreed to by the other States. I ask what is any future thing that we devise more than probable? What more is another Constitution? All agree that we must have one—and it is easy to perceive that such an one as the majority of the people approve must be submitted to by this State—For what right have an eighth or tenth part of the people to dictate a government for the whole? It comes to this point therefore; is any method more likely to induce the people of the United States to concur with Massachusetts, than that proposed by your Excellency? If it is answered that there is none, as I think it must be, then the objection, that the chance of obtaining the amendments is no more than probable, will come to the ground, and it will appear that of all chances we depend upon that which is the safest. For when will the voice of Massachusetts have so powerful an influence as at present. There is not any government now to counteract or awe the people. The attention of the people is excited from one end of the States to the other, and they will watch and controul the conduct of their members in Congress. Such amendments as afford better security to liberty will be supported by the people. There will be a Congress in existence to collect their sentiments and to pursue

the objects of their wishes—Nine States may insert amendments into the Constitution,³ but if we reject it, the vote must be unanimous— Our State in that case would lose the advantage of having representatives according to numbers which is allowed by the Constitution. Upon a few points, and those not of a local nature, unanimity may be expected. But in discussing a whole Constitution, in which the very amendments, that it is said will not be agreed to by the States, are to be inserted, unanimity will be almost a miracle. Either the amendments will be agreed to by the union, or they will not-If it is admitted that they will be agreed to, then there is an end of the objection to your Excellency's propositions, and we ought to be unanimous for the Constitution. If it is said that they will not be agreed to, then it must be because they are not approved by the United States, or at least nine of them. Why shall we reject the Constitution, then, for the sole purpose of obtaining that unanimous vote of thirteen States, which it is confidently said, it is impossible we ever shall obtain from nine only?—An object which is impossible is out of the question. The arguments that the amendments will not prevail, is not only without force, but directly against those who use it, unless they admit that we have no need of a government, or assert that by ripping up the foundations of compact upon which we now stand, and setting the whole Constitution afloat. and introducing an infinity of new subjects of controversy, we pursue the best method to secure the entire unanimity of thirteen States.

But shall we put every thing that we hold precious to the hazard by rejecting this Constitution? We have great advantages by it in respect of navigation—and it is the general interest of the States that we should have them. But if we reject it, what security have we that we shall obtain them a second time against the local interests and prejudices of the other States—Who is there that really loves liberty that will not tremble for its safety, if the federal government should be dissolved—Can liberty be safe without government?

The period of our political dissolution is approaching—Anarchy and uncertainty attend our future State—But this we know that liberty, which is the *soul* of our existence, once fled, can return no more.

The union is essential to our being as a nation. The pillars that prop it are crumbling to powder. The union is the vital sap that nourishes the tree—If we reject the Constitution, to use the language of the country, we girdle the tree, its leaves will wither, its branches drop off, and the mouldering trunk will be torn down by the tempest. What security has this single state against foreign enemies? Could we defend the vast country, which the Britons so much desire? Can we protect our fisheries, or secure by treaties a sale for the produce of our lands in foreign

markets? Is there no loss, no danger by delay? In spite of our negligence and perverseness, are we to enjoy at all times the privilege of forming a Constitution, which no other nation has ever enjoyed at all? We approve our own form of state government, and seem to think ourselves in safety under its protection. We talk as if there was no danger in deciding wrong. But when the inundation comes, shall we stand on dry land? The state government is a beautiful structure. It is situated however upon the naked beach. The union is the dyke to fence out the flood—That dyke is broken and decayed, and if we do not repair it, when the next spring tide comes we shall be buried in one common destruction.

Mr. BARRELL (of York). Awed in the presence of this august assembly—conscious of my inability to express my mind fully on this important occasion—and sensible how little I must appear in the eyes of those giants in rhetorick, who have exhibited such a pompous display of declamation:—Without any of those talents calculated to draw attention-without the pleasing eloquence of Cicero, or the blaze of Demosthenian oratory, I rise, Sir, to discharge my duty to my constituents, who I know expect something more from me than meerly a silent vote. With no pretensions to talents above the simple language adapted to the line of my calling, the plain husbandman, I hope the gentlemen who compose this hon. body, will fully understand me when I attempt to speak my mind of the Federal Constitution as it now stands.—I wish, Sir, to give my voice for its amendment before it can be salutary for our acceptance—because, Sir, notwithstanding the Wilsonian oratory⁴ and all the learned arguments I have seen written—notwithstanding the many laboured speeches I have heard in its defence, and after the best investigation, I am able to give this subject, I fear it is pregnant with baneful effects, although I may not live to feel them.

Because, Sir, as it now stands, Congress will be vested with more extensive powers than ever Great-Britain exercised over us, too great in my opinion to intrust with any class of men, let their talents or virtues be ever so conspicuous, even though composed of such exalted amiable characters as the great Washington: For while we consider them as men of like passions, the same spontaneous, inherent thirst for power with ourselves—great and good as they may be, when they enter upon this all-important charge, what security can we have that they will continue so?—And, Sir, were we sure they would continue the faithful guardians of our liberties, and prevent any infringement on the privileges of the people—what assurance can we have that such men will always hold the reins of government—that their successors will be such?—History tells us Rome was happy under Augustus—though wretched under

Nero, who could have no greater power than Augustus—and yet this same Nero, when young in government, could shed tears on signing a death warrant, though afterwards became so callous to the tender feelings of humanity, as to behold with pleasure Rome in flames.

Because, Sir, I think that six years is too long a term for any set of men to be at the helm of government:—For in that time they may get so firmly rooted, and their influence be so great as to continue themselves for life.

Because, Sir, I am not certain we are able to support the additional expense of such a government.

Because, Sir, I think a continental collector will not be so likely to do us justice in collecting the taxes, as collectors of our own.

Because, Sir, I think a frame of government on which all laws are founded, should be so simple and explicit, that the most illiterate may understand it, whereas this appears to me so obscure and ambiguous that the most capacious mind cannot fully comprehend it.

Because, Sir, the duties of excise and impost, and to be taxed besides, appears too great a sacrifice—and when we have given them up, what shall we have to pay our own debts, but a dry tax.

Because, Sir, I do not think this will produce the efficient government we are in pursuit of.

Because, Sir, they fix their own salaries without allowing any controul. And because, Sir, I think such a government may be disagreeable to men with the high notions of liberty, we Americans have.

And, Sir, I could wish this Constitution had not been in some parts of the continent hurried on like the driving of Jehu very furiously,⁵ for such important transactions should be without force, and with cool deliberation.—These, Sir, were my objections, and those of my constituents, as they occur to my memory—some of which have been removed in the course of the debates, by the ingenious reasonings of the speakers—I wish I could say the whole were.—But after all, there are some [that] yet remain on my mind, enough to convince me, excellent as this system is, in some respects it needs alterations, therefore I think it becomes us as wise men, as the faithful guardians of the people's rights, and as we wish well to posterity, to propose such amendments as will secure to us and ours that liberty, without which life is a burthen.

Thus, Sir, have I ventured to deliver my sentiments, in which is involved those of my constituents, on this important subject, cautiously avoiding every thing like metaphysical reasoning, least I should invade the prerogative of those respectable gentlemen of the law, who have so copiously displayed their talents on this occasion. But, Sir, although you may perceive by what I have said, that *this* is not in my view, the most

perfect system I could wish—yet as I am possessed with an assurance that the proposed amendments will take place—as I dread the fatal effects of anarchy—as I am convinced the Confederation is essentially deficient, and that it will be more difficult to amend that, than to reform this—and as I think this Constitution with all its imperfections, is excellent compared with that—and that it is the best Constitution we can now obtain—as the greatest good I can do my country at present, I could wish for an adjournment, that I might have an opportunity to lay it before my constituents with the arguments which have been used in the debates, which have eased my mind, and I trust would have the effect on theirs, so as heartily to join me in ratifying the same:—But, Sir, if I cannot be indulged on this desirable object, I am almost tempted to risque their displeasure and adopt it without their consent.

Dr. Taylor examined the observations of several gentlemen, who had said, that had the Constitution been so predicated as to require a bill of rights to be annexed to it, it would have been the work of a year—and could not be contained but in volumes.—This, if true, he said, was an argument in favour of one being annexed: But so far from its being the case, he believed any gentleman in that Convention, could form one in a few hours—as he might take the bill of rights of Massachusetts for a guide: He concluded by objecting to the amendments because no assurance was given, that they ever would become a part of the system.

Mr. Parsons demonstrated the impracticability, of forming a bill, in a national Constitution, for securing individual rights, and shewed the inutility of the measure, from the idea, that no power was given to Congress to infringe on any one of the natural rights of the people by this Constitution—and should they attempt it, without constitutional authority, the act would be a nullity, and could not be enforced.

Several other gentlemen spoke in a desultory conversation on the amendments—it was urged, again and again, on one side, that it was uncertain whether they ever would be interwoven in the Constitution—and that therefore, they could not vote for it, on that precarious condition: On the other side, the importance of the opinion of Massachusetts, in other States, in determining on great political questions, the general nature of the amendments proposed, &c. were repeatedly urged, in favour of their being a part of the ratification.

(A motion was made by Mr. DENCH, and seconded, That, for the purpose of informing the good people of this Commonwealth, of the principles of the proposed federal Constitution, and the amendments offered by his Excellency, the President, and reported by the Committee; and of uniting their opinions respecting

the same, this Convention do adjourn to a future day. After debate, which continued the best part of the day, the question was put, and was determined in the negative, 329 members being present, and 115 only voting in the affirmative.)⁷

- 1. The only newspaper to print Fisher Ames's speech was the Providence *United States Chronicle*, 4 September, which told its readers that it was the first newspaper on the continent to do so. The *Chronicle* presumably took the text of the speech from the published volume of the Convention *Debates* which the *Chronicle* first offered for sale on 27 March.
- 2. The reference could be to Thomas Russell of Boston, who, though never a zealous opponent of the Constitution, said on 1 February that he would hold up both hands in favor of it (RCS:Mass., 1404).
- 3. Under Article V of the Constitution, Congress is required to call a constitutional convention if requested to do so by two-thirds of the state legislatures. Any proposed amendments had to be ratified by three-fourths of the states, either by state legislatures or by specially called state conventions, at the discretion of Congress.
- 4. The reference is to James Wilson of Pennsylvania, at least two of whose public speeches defending the Constitution circulated in Massachusetts. See RCS:Mass., 120–22, 419–21.
 - 5. 2 Kings 9:20.
 - 6. For the Massachusetts Declaration of Rights (1780), see RCS:Mass., 440-45.
- 7. In the Massachusetts Centinel, 5 March, this paragraph reads, "A motion was made by Mr. Dench, for the Convention to adjourn to a future day, which after being debated, was put and negatived. For the motion, 115[,] Against it, 214."

Convention Journal, 5 February, P.M.

Met according to adjournment

The Convention proceeded in the consideration of the motion That, for the purpose of informing the good people of this Commonwealth, of the principles of the proposed Federal Constitution, and the amendments offered by His Excellency The President and reported by the Committee; and of uniting their opinions respecting the same this Convention do adjourn to a future day. And, after debate, the question being put, was determined in the negative 329 members being present, and 115 only voting in the affirmative.

Adjourned to Wednesday morng. 10. o Clk.

Jeremy Belknap: Notes of Convention Debates, 5 February¹

Tuesday—5th. (the) reason assigned was that as new matter was bro't forward viz Amendments—it was proper they sh[oul]d consult their Constituents—after a whole days debate (the) Question was put & carried agt (the) adjournmt by a majority of 99—(the) whole House being 329.

1. MS, Belknap Diary, MHi.

Newspaper Report of Convention Proceedings, 5 February

Massachusetts Centinel, 6 February¹

AUSPICIOUS OMEN.

We sincerely felicitate the publick on the result of the proceedings of the Hon. Convention yesterday. In the 'forenoon, a motion, which had been expected for some days, was made by Mr. G. Dench, to this purport—That for the purpose of informing the good people of this Commonwealth of the principles of the proposed Constitution, and the amendments offered by his Excellency the President, this Convention do adjourn to a future day. This motion occasioned much debate—it was warmly advocated by the gentlemen who are against the adoption of the Constitution, and strongly opposed by the friends of the proposed system. The question on the motion was taken last evening, when his Excellency the President, he said, had the great pleasure to declare, that the motion for adjournment had not obtained—the whole number of voters, being 329,

In favour of the motion,	115
Against it,	214
Majority against adjourning.	99

1. On 7 February the *Independent Chronicle* reprinted this item without the opening sentence. This version was reprinted in the *Worcester Magazine*, 14 February, and in ten out-of-state newspapers by 27 February: N.H. (2), R.I. (2), Conn. (4), Pa. (2). The complete *Centinel* version was reprinted once, by the *Connecticut Journal*, 13 February.

On 8 February the Massachusetts Gazette published a brief report, giving the vote on the motion (Mfm:Mass.). The Gazette's account was reprinted in the Boston Gazette, 11 February; Hampshire Gazette, 13 February; New Hampshire Gazette, 13 February; Worcester Magazine, 14 February; Pennsylvania Packet, 21 February; and Baltimore Maryland Gazette, 26 February.

The Massachusetts Convention Wednesday 6 February 1788

Convention Journal, 6 February, A.M.

On the morning of 5 February, it was moved and seconded that on 6 February, at 11:00 A.M., the Convention would vote on the committee of twenty-five's report on President John Hancock's proposed amendments to the Constitution. On the 6th, the Convention defeated the motion and then voted to take up the report at 4:00 P.M., whereupon Samuel Adams moved to amend the committee's report. After some debate, Adams withdrew his amendments

because, according to one source, they did not meet "the approbation of those gentlemen whose minds they were intended to ease" (RCS:Mass., 1454). On the other hand, Jeremy Belknap declared that Adams's amendments "alarmed" both Federalists and Antifederalists, and once Adams "perceived the mischief he had made he withdrew his motion." Some Antifederalist leaders renewed Adams's motion, but "it was thrown out by a very general Vote," with Adams voting with the majority. Belknap believed that Adams, in trying to increase "his own popularity" in proposing amendments, "made himself unpopular" (to Ebenezer Hazard, 10 February, RCS:Mass., 1584). The remainder of the morning session apparently was devoted to a lengthy speech by Federalist Samuel Stillman, pastor of Boston's First Baptist Church.

Met according to adjournment

The Convention proceeded in the consideration of the motion That to-morrow 11. o Clk AM. be assigned to take the question by Yeas and Nays whether this Convention will accept of the report of the Committee made on Monday last; and, the question being put, passed in the negative.

It was then voted, that 4. o Clk PM be assigned for that purpose.

A motion was made and seconded, that the report of the Committee made on Monday last, be amended so far as to add the following, to the first article therein mentioned viz. "And that the said Constitution be never construed to authorize Congress, to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping their own arms; or to raise standing armies, unless when necessary for the defence of the United States, or of some one or more of them; or to prevent the people from petitioning in a peaceable and orderly manner, the federal legislature, for a redress of grievances; or to subject the people to unreasonable searches & seizures of their persons, papers, or possessions. And the question being put, was determined in the negative.

Adjourned to 3. o Clk PM.

1. On 6 August 1789 the *Independent Chronicle* printed the full text of Samuel Adams's motion preceded by this statement: "Mess'rs. Adams & Nourse, It may well be remembered, that the following 'Amendments' to the new Constitution for these United States, were introduced to the Convention of this Commonwealth, by its present Lieutenant-Governour, that venerable patriot, SAMUEL ADAMS.—It was his misfortune to have been misconceived, at the time, and the proposition was accordingly withdrawn—lest the business of the Convention, (the session of which was then drawing to a period) might be unexpectedly protracted. His enemies triumphed exceedingly, and affected to represent his proposal as not only an artful attempt to prevent the Constitution being adopted in this State, but as an unnecessary and improper alteration of a system, which did not

admit of improvements. To the honour of this gentleman's penetration, and of his just way of thinking on this important subject, every one of the intended alterations, but one, have been already reported by the Committee of the House of Representatives in Congress, and most probably will be adopted by the Federal Legislature. In justice therefore to that *long tried* Republican, and his numerous friends; you, gentlemen, are requested to re-publish his intended alterations, in the same paper, that exhibits to the public, the Amendments which the Committee have adopted, in order that they may be compared together."

The above paragraph and Adams's motion appeared on page three of the *Independent Chronicle*. On page two the *Chronicle* printed the amendments proposed on 28 July 1789 by a select committee of the U.S. House of Representatives, to which had been referred the amendments proposed by James Madison on 8 June. For a photographic facsimile of the select committee's amendments as printed in the *Chronicle*, see Mfm:Mass.

Convention Debates, 6 February, A.M.¹

(The Hon. Mr. Adams, introduced some amendments, to be added to those reported by the Committee—but they not meeting the approbation of those gentlemen whose minds they were intended to ease, after they were debated a considerable time, the Hon. Gentleman withdrew them.)²

Rev. Mr. STILLMAN,³ Mr. President—I rise, with deference to gentlemen of superiour abilities, to give my opinion on the present all-important national question, and the reasons on which it is founded—An opinion the result of the most serious deliberation.

Upon entering the Convention it was my full determination, to keep my mind cool and open to conviction, that so I might profit by the discussion of this interesting subject. And now, Sir, return my sincere thanks to the gentlemen who have taken opposite sides in the course of the debates. From both I have received advantage: From one class in bringing forward a great variety of objections; from the other class in answering them. Whatever my previous opinion was, I now stand on firmer ground than ever respecting the proposed Constitution.

But my present situation, Sir, is to me extremely affecting. To be called by the voice of my fellow-citizens to give my vote *for* or *against* a Constitution of government, that will involve the happiness or misery of millions of my countrymen, is of so solemn a nature as to have occasioned the most painful anxiety.

I have no interest to influence me to accept this Constitution of government, distinct from the interest of my countrymen, at large. We are all embarked in one bottom, and must sink or swim together.

Besides, Sir, Heaven has fixed me in a line of duty, that precludes every prospect of the honours and the emoluments of office. Let who will govern, I must obey. Nor would I exchange the pulpit, for the highest honours my country can confer. I too have personal liberties

to secure, as dear to me as any gentlemen in the Convention, and as numerous a family,⁴ probably, to engage my attention. Besides which, I stand here, with my very honourable colleagues, as a representative of the citizens of this great metropolis, who have been pleased to honour me with their confidence: An honour, in my view, unspeakably greater than a peerage, or a pension.

The absolute deficiency of the articles of Confederation, is allowed by all. Nor have I seen any publication that places this subject in so convincing a point of light, as a letter written by his Excellency Governour Randolph, which has appeared in several of our news-papers; whom I the rather introduce on this occasion, because he was a delegate in the late federal Convention, refused to sign the Constitution before us, and has been twice mentioned by gentlemen in the opposition. His candour, apparent in the letter referred to, does him honour, and merits the esteem of every candid mind. I declare, Sir, I revere his character, while I differ from him in opinion.

"Before my departure for the (federal) Convention, says he, I believed that the Confederation was not so eminently defective as it had been supposed. But after I had entered into a free conversation with those who were best informed of the condition and interest of each State; after I had compared the intelligence derived from them, with the properties that ought to characterize the government of our union, I became persuaded, that the Confederation was destitute of every energy which a Constitution of the United States ought to possess." And after he had in a most masterly manner proved its inefficiency, he adds, "But now, Sir, permit me to declare, that in my humble judgment, the powers, by which alone the blessings of a general government can be accomplished, cannot be interwoven in the Confederation, without a change of its very essence; or in other words, that that Confederation must be thrown aside." Having stated his objections to it, he proceeds thus, "My inference from these facts and principles is, that the new powers must be deposited in a new body, growing out of the consolidation of the union, as far as the circumstances of the States will allow." Thus fully and candidly does this gentleman insist on the absolute necessity of a new Constitution of general government, at the very time that he objected to the present form; and concludes his letter with these memorable words, which I most heartily wish may make a deep impression on the mind of every gentleman in the opposition—"I hesitate not to say, that the most fervent prayer of my soul is, the establishment of a firm, energetick government—that the most inveterate curse that can befal us is, a dissolution of the union; and that the present moment if suffered to pass away unemployed, can NEVER be recalled.—I shall

therefore cling to the union as the rock of our salvation, and urge Virginia to finish the salutary work which she hath begun. And if after our best efforts for amendments, they cannot be obtained, I scruple not to declare, (notwithstanding the advantage the declaration may give to the enemies of my proposal) that I will as an individual citizen, accept the Constitution."⁷

—I pause, Sir—that every gentleman present may have time to indulge those feelings, which these excellent expressions must occasion. May that God who has the hearts of all men under his controul, inspire every member of this Convention with a similar disposition! Then shall we lay aside every opposite interest, and unite, as a band of brothers, in the ratification of this Constitution of national government.

Then, Sir, will your terms of conciliation be attended to with gratitude and candour. Your Excellency, depressed with bodily infirmity, and exercised with severe pain, has stepped forth at the critical moment, and from the benevolence of your heart, presented us with a number of proposed amendments, in order, if possible to quiet the minds of the gentlemen, in the opposition, and bring us together in amity and peace. Amendments which you, Sir, declare you do not think necessary, except for the sole purpose of uniting us in a common, and most important cause.⁹

But what has been the consequence of your Excellency's conciliatory propositions?—Jealousy—jealousy, Sir, that there was a snake in the grass; a secret intention to deceive! I shudder at the ungenerous suggestion; nor will I dwell a moment longer on the distressing idea. Be banished forever the groundless suspicion of him whose name stands foremost in the list of American patriots!—Let love and harmony prevail.

The important hour is just arrived, when the dye will be cast, that will in great measure determine the fate of this Commonwealth, and have a mighty influence on the general interest of the union. For from the best information I have been able to collect from gentlemen of observation, and of undoubted veracity, there is the greatest reason to fear, that the rejection of this Constitution, will be followed with anarchy and confusion.

The Convention I doubt not will bear with me while I take a general view of the Constitution before us.

From all that has been said on the subject of biennial elections, it is my decided opinion, that two years in the general government will not be in proportion to one year in the local governments; because in the former, the objects of government will be great, numerous and extensive; in the latter, comparatively small and limited. The general government involves all the States now in the union—all such as shall in

future accede to it—all foreign nations with whom we now are, or hereafter shall be in alliance—an extensive and growing commerce—war and peace, &c. &c.

It has been said, that this is a stride toward septennial elections, or perpetuity in office—I answer, the Constitution itself is to be the rule: That declares, that "representatives shall be chosen *every second year*¹¹ by the people of the several States." Elections then of representatives, must be every *second year*, nor can they be otherwise, without a direct violation of the Constitution. The men who shall be wicked enough to do this, would not be restrained, had the elections been annual; it being equally easy to violate the Constitution in the one case as in the other. Elections, indeed, ought to be so frequent as to make the representatives feel that they are dependent on, and amenable to the people. The difference then between annual and biennial elections is small; and in either case will answer the end just mentioned.

The powers that are granted to Congress by this instrument are great and extensive; but, sir, they are defined and limited, and in my judgment sufficiently checked; which I shall prove before I sit down. These powers have been the subject of long and ingenious debate. But the arguments that have been made use of against delegating these powers to the general government, prove too much, being applicable to all delegated power, I mean the possible abuse of it. The very term, government, implies a supreme, controuling power somewhere; a power to coerce, whenever coercion shall be necessary: of which necessity government must be the judge. This is admitted; if so, the power may be abused. Every gentleman must confess, that we cannot give a power to do good, but it may be abused to do evil. If a merchant commits the care of a ship and cargo to the master, he may dispose of both, and appropriate the money to his own use. If we raise a body of men, and put arms into their hands for our defence, they may turn them against us and destroy us. All these things prove, however, that in order to guard as much as possible, against the abuse of those powers we delegate to government, there ought to be sufficient checks to them; every precaution should be used, to secure the liberties of the people on the one hand, and not render government inefficient on the other. I believe, sir, such security is provided in this Constitution: If not, no consideration shall induce me to give my voice in its favour. But the people are secured by the following circumstances:

1st. All the offices in Congress are *elective*, not hereditary. The President and Senators are to be chosen by the interposition of the legislatures of the several States; who are the representatives and guardians of the people; whose honour and interest will lead them, in all human probability, to have good men placed in the general government.

The Representatives in Congress are to be chosen every *second year* by the people in the several States. Consequently it lies with the people themselves to say, who shall represent them. It will then be their own fault if they do not chuse the best men in the Commonwealth.

Who are Congress then? They are ourselves: The men of our own choice, in whom we can confide; whose interest is inseparably connected with our own. Why is it then, that gentlemen speak of Congress as some foreign body; as a set of men who will seek every opportunity to enslave us? Such insinuations are repugnant to the spirit of the Constitution.

But a worthy gentleman from Middleborough has told us, that though they may be good men when chosen, they may become corrupt. 12 They may so; nor is it in the power of angels or men to prevent it; but should this be the case, the Constitution has made provision for such an event. When it happens, we shall know what method to adopt, in order to bring them to punishment.

[2d.] In all governments where officers are elective, there ever has been and there ever will be a competition of interests. They who are in office wish to keep in, and they who are out, to get in: The probable consequence of which will be, that they who are already in place, will be attentive to the rights of the people, because they know that they are dependent on them for a future election, which can be secured by good behaviour only. Besides, they who are out of office will watch them who are in with a most critical eye, in order to discover and expose their mal-conduct, if guilty of any, that so they may step into their places. Every gentleman knows the influence, that a desire to obtain a place, or the fear of losing it hath on mankind. Mr. Burgh tells us, that towards the close of the seven years, for which the representatives are chosen in the British parliament, they become exceedingly polite to the people: 13 Why? Because they know there is an approaching election depending. This competition of interest therefore between those persons who are in and those who are out of office, will ever form one important check to the abuse of power in our representatives.

3d. Every two years there will be a revolution in the general government, in favour of the people. At the expiration of the first two years there will be a new choice of representatives—at the expiration of the second two years, there will be a new choice of president and representatives—and at the expiration of the third term, making six years, from the commencement of the Congress, there will be a new choice of senators and representatives. We all know, Sir, that power thus frequently reverting to the people, will prove a security to their liberties and a most important check to the power of the general government.

4th. Congress can make no laws that will oppress the people, which will not equally involve themselves in the oppression. What possible motive then can Congress have to abuse their power? Can any man suppose that they will be so lost to their own interest, as to abuse their power, knowing at the same time, that they equally involve themselves in the difficulty? It is a most improbable supposition. This would be like a man's cutting off his nose to spite his face. I place this, sir, among the securities of the liberties of my fellow-citizens, and rejoice in it.

5th. Congress guarantee to every State in the union a republican form of government, and engage to protect them against all foreign and domestick enemies—that is, as it hath been justly observed by the Hon. Gentleman (Mr. Adams) near me, of known and tried abilities as a politician, each State shall chuse such republican form of government as they please, and Congress solemnly engage themselves to protect it from every kind of violence, whether of faction at home, or enemies abroad. This is an admirable security of the people at large, as well as of the several governments of the States; consequently the general government cannot swallow up the local governments, as some gentlemen have suggested. Their existence is dependent on each other, and must stand or fall together. Should Congress ever attempt the destruction of the particular legislatures, they would be in the same predicament with Samson, who overthrew the house in which the Philistines were making sport at his expense; them he killed indeed, but he buried himself in the ruins.14

6th. Another check in favour of the people is this—That the Constitution provides for the impeachment, trial and punishment of every officer in Congress, who shall be guilty of mal-conduct. With such a prospect, who will dare to abuse the powers vested in him by the people?

7th. Having thus considered several of the checks to the powers of Congress, which are interwoven with the Constitution, we will now suppose the worst that can take place in consequence of its adoption! I mean, that it shall be found in some of its parts oppressive to the people; still we have this dernier resort, *it may be amended*. It is not like the laws of the Medes and Persians, immutable. The 5th article provides for amendments.

It has been said it will be difficult after its ratification to procure any alterations. By no means, sir—for this weighty reason—it is a general government; and as such will have a general influence; all the States in the union will feel the difficulty and feeling it will readily concur in adopting the method provided by the Constitution. And having once

made the trial, experience will teach us what amendments are necessary.

Viewing the Constitution in this light, I stand ready to give my vote for it without any amendments at all. Yet if the amendments proposed by your Excellency will tend to conciliation, I readily admit them, not as a *condition* of acceptance, but as a matter of *recommendation* only; knowing that, *Blessed are the peace-makers.* ¹⁶—I am ready, Sir, to submit my life, my liberty, my family, my property, and as far as my vote will go, the interest of my constituents, to this general government. ¹⁷

After all, if this Constitution was as perfect as the sacred volume is, it would not secure the liberties of the people, unless they watch their own liberties. Nothing written on paper will do this. It is therefore necessary that the people should keep a watchful, not an *over-jealous eye* on their rulers; and that they should give all due encouragement to our colleges, schools of learning, &c. that so knowledge may be diffused through every part of our country. Ignorance and slavery, knowledge and freedom are inseparably connected. While Americans remain in their present enlightened condition, and warmly attached to the cause of liberty, they cannot be enslaved. Should the general government become so lost to all sence of honour and the freedom of the people, as to attempt to enslave them, they who are the descendants of a race of men, who have dethroned kings, would make an American Congress tremble, strip them of their publick honours, and reduce them to the lowest state of degradation.

- 1. The Massachusetts Centinel, 8 March, published the debates that follow under the heading "The General Question in debate."
- 2. This paragraph was original to the book edition of the debates, which was first offered for sale in Boston on 18 March. The paragraph was reprinted in the Providence *United States Chronicle* on 9 October 1788.
- 3. The Reverend Samuel Stillman (1737–1807), a native of Philadelphia and a Baptist minister, served in Baptist churches in South Carolina and New Jersey before being called to Boston's First Baptist Church in August 1764. He was installed as pastor in January 1765, remaining there until his death. When a new state constitution was being considered in 1779, he preached the annual election sermon, urging the inclusion of a bill of rights providing for the separation of church and state. In 1788 the College of Rhode Island (Brown University) conferred the degree of Doctor of Sacred Theology upon Stillman, and beginning in 1790 he served several times as chaplain to the Massachusetts legislature.

Apparently Stillman had planned for several days to deliver a speech in support of the Constitution. On 3 February Rhode Islander George Benson wrote that Stillman intended to speak on the "Grand Question" (to Nicholas Brown, RCS:Mass., 1568). Another observer described the speech as "elegant" (Ephraim Ward to Enos Hitchcock, 2 March, RCS:Mass., 1591–92). Only Stillman and Isaac Backus, among the Convention's five Baptist ministers, voted to ratify the Constitution. (Noah Alden, Pelatiah Tingley, and Valentine Rathbun voted against ratification.) Backus estimated that two-thirds of the Con-

vention's Baptist delegates voted against ratification (Diary, RCS:Mass., 1594). Working behind the scenes to obtain ratification, Stillman twice visited the lodgings of some Maine delegates who were believed to be opposed (Dummer Sewall Journal, 16 January, RCS:Mass., 1519). Stillman was assisted in his pro-Constitution activities by Backus and the Reverend James Manning, the Baptist president of the College of Rhode Island (Brown University), who was in Boston from 15 to 31 January (probably at the invitation of Federalists) to hear the debates and use his influence among his fellow Baptists. (For more on Manning, see *Massachusetts Gazette*, 18 January, RCS:Mass., 1532.)

- 4. Stillman fathered fourteen children.
- 5. The full text of Virginia Governor Edmund Randolph's 10 October 1787 letter to the Speaker of the Virginia House of Delegates, first printed as a pamphlet around 27 December (CC:385), was reprinted in the *American Herald*, 21 January, and *Worcester Magazine*, 24 January. A brief summary of the letter appeared in the *Massachusetts Centinel*, 23 January (RCS:Mass., 767–68, 784).
- 6. Randolph was mentioned by Elbridge Gerry in his 21 January letter to Convention Vice President William Cushing (RCS:Mass., 1267) and by Samuel Nasson in his speech on the morning of 1 February (RCS:Mass., 1399).
- 7. The italics and small capital letters in the text do not appear in the original printing of Randolph's letter (see note 5). The word "(federal)" in the first sentence of this paragraph is another insertion.
- 8. For the phrase "band of brothers," taken from William Shakespeare's *King Henry V*, see RCS:Mass., 221n.
- 9. On 22 October 1788 "A Federalist," writing in the Massachusetts Centinel, quoted this paragraph (minus the first sentence) in answer to "Alfred" II, Massachusetts Spy, 16 October, who asked if Hancock introduced his amendments to obtain a vote in favor of the Constitution. According to "A Federalist," the amendments were intended "to ease the minds of gentlemen who did not rightly understand some articles of the Constitution—and thereby obtain a vote in its favour" (Mfm:Mass.). See also note 17 (below).
- 10. At this point, the *Independent Chronicle*, 13 March, added the words "in different States."
 - 11. Italics do not appear in the Constitution.
- 12. A reference to the Reverend Isaac Backus. For his speech, see RCS:Mass., 1421-23.
- 13. James Burgh, *Political Disquisitions* . . . (3 vols., Philadelphia, 1775), I, Book III, chapter V, 114–15. Burgh's work was first printed in London in 1774 and 1775.
 - 14. Judges 16:25-31.
 - 15. Daniel 6:8, 15; Esther 1:19.
 - 16. Matthew 5:9.
 - 17. This paragraph was also quoted by "A Federalist" (see note 9, above).

Convention Journal, 6 February, P.M.

During the morning session of 6 February, the Convention assigned 4:00 P.M. for a vote on whether or not to accept the report of the committee of twenty-five, a vote that would determine ratification of the Constitution. The Convention adjourned at 1:00 P.M., and according to Henry Jackson, "the Gallerys remain'd full the whole time of the Adjournment of the Convention from 1. to 3. OC—such was the anxiety of the minds of the people on this important question" (to Henry Knox, 6 February, RCS:Mass., 1580. On this anxiety, see also Dummer Sewall Journal, 6 February, and Ephraim Ward to Enos Hitchcock, 2 March, RCS:Mass., 1520, 1592.).

At 4:00 p.m., amid "profund Silance, all attention"—"you might have heard a Copper fall on the Gallery floor"—the Convention delegates began to vote on the committee's report. When the voting ended at 5:00 p.m., they had accepted the report by a vote of 187 to 168, thereby ratifying the Constitution (Jeremy Belknap: Notes of Convention Debates, 6 February, RCS:Mass., 1490; Dummer Sewall Journal, 6 February, RCS:Mass., 1520; and William Widgery to George Thatcher, 9 February, RCS:Mass., 1690). Justus Dwight, who voted against ratification, noted that "a good number [of delegates] voted contrary to their constituents" (Notes of Debates, 6 February, Mfm:Mass.). After the vote, five delegates who voted against ratification addressed the Convention, stating that they would support the Constitution (RCS:Mass., 1487–88. See also RCS:Mass., 1645–47.).

Henry Jackson, a frequent spectator at the debates, probably summed up the feelings of most delegates and spectators when he wrote, "there never was a subject came before a body of Men on earth that was more critically examined & debated than this has been, by this Convention" (to Henry Knox, 6 February, RCS:Mass., 1581).

When recording the vote on ratification in the Convention Journal (RCS:Mass., 1463–67), secretary George Richards Minot listed the votes in two parallel columns over five pages. The left-hand column was headed "Yeas," the right-hand column "Nays." The totals were placed at the end of each column. The *Independent Chronicle*, 7 February, the first newspaper to publish the vote, printed the "yeas" first, followed by the "nays." (See Mfm:Mass. for a photographic facsimile of the *Chronicle* version.) Like the Convention Journal, the *Independent Chronicle* included neither the names of the counties nor the towns. On 9 February the *Massachusetts Centinel* reprinted the *Chronicle*'s vote.

Minot also made a separate record of the vote, which he attested, giving the vote as it was actually taken, intermingling the "Yeas" and "Nays." Starting with the first yea vote, Minot totaled the yea votes at the end of every ten such votes. He did the same for the nay votes, although he reversed the order, beginning with the last nay. Minot's attested record of the vote also gives the names of the nine delegates who did not vote, with, however, no reason for their not voting. These nine delegates, whose names appear where they would have voted, were Samuel Holten, James Fowle, Jr., John Phelps, Nymphas Marston, Richard Bordon, Samuel Tobey, Samuel Curtis, James Nicholds, and David Bush. (In his notes of debates for this day [below], Jeremy Belknap described these delegates as being absent.) Minot's separate record of the vote was docketed, "Original List of Yeas and Nays, on the Question for ratifying the Constitution of the U.S. 1788. Att[es]t GR Minot. Secry." (For a photographic facsimile of this thirteen-page document, see Mfm:Mass. The document is not among the official papers of the Convention found in the Massachusetts Archives in Boston, but is located in volume 17 of Miscellaneous Papers at the Massachusetts Historical Society.)

The Convention *Debates* also render the vote as it was actually taken. The printers, however, included county and town names and county totals. This format was created especially for the Convention *Debates*. The Providence *United States Chronicle*, 21 February, printed the vote in a manner that combined

the formats used in the *Independent Chronicle* and the Convention *Debates*. The *United States Chronicle*'s version of the vote was headed, "The following is an accurate List of the Names of the Persons who voted in the Massachusetts Convention, for and against the Ratification of the Federal Constitution, and the Towns Names to which they belong." The yeas and nays appear separately, with each divided up into counties. Each county was then divided by towns. The totals appear at the end of each group of votes. (See Mfm:Mass. for a photographic facsimile of the vote as it appeared in the *United States Chronicle*.)

Met according to adjournment.

The Convention proceeded to the consideration of the report of the Committee on the subject of the propositions of His Excellency the President of the 31st. ulto. made on Monday last, and, the question whether this Convention will accept of the sd. report, being put, was determined by Yeas and Nays as follows viz.

Yeas.

His Excelly. John Hancock Esqr. Hon. James Bowdoin Esqr. Hon. Samuel Adams Esqr. Hon. William Phillips Esqr. Hon Caleb Davis Esqr. Charles Jarvis Esqr. John Coffin Jones Esqr. John Winthrop Esqr. Thomas Dawes junr. Esqr. Revd. Samuel Stillman Thomas Russell Esqr. Christopher Gore Esqr. Hon. William Heath Esqr. Hon. Increase Sumner Esqr. James Bowdoin junr Esqr. Ebenezer Wales Esqr. Revd. Nathaniel Robbins Hon. Richard Cranch Esqr. Revd. Anthony Wibird¹ Hon. Cotton Tufts Esqr. Hon. Benjamin Lincoln Esqr. Revd. Daniel Shute Revd. Joseph Jackson Revd. Thomas Thacher Fisher Ames Esqr. Colo. William Mc.Intosh

Nays.

Capn. Jedediah Southworth Mr. Nathan Comstock Mr. Benjamin Randall Mr. Moses Richardson junr. Revd. Noah Alden Hon. Israel Hutchinson Esqr Capn. Peter Osgood junr. Dr. Thomas Kittridge Capn. Thomas Mighill Hon. Aaron Wood Esgr. Capn. Ebenezer Carlton Dr. Marshall Spring Capn. Timothy Winn Mr. William Flint Mr. Peter Emerson Mr. Jonas Morse Major Benjamin Sawin William Tompson Esqr. Majr. John Minot Capn. Gilbert Dench Mr. Jonathan Keep Dr. Benjamin Morse Joseph Sheple Esqr. Mr. Obadiah Sawtell Mr. Daniel Fisk Capn. Daniel Adams

Yeas.

Capn. John Baxter junr. Hon. Elijah Dunbar Esqr. Mr. Thomas Mann Mr. George Payson Hon. Jabez. Fisher Esqr. Mr. Thomas Jones Revd. Phillips Payson Mr. Ebenezer Warren Richard Manning Esqr. Edward Pulling Esqr. Mr. William Gray jr. Mr. Francis Cabot Hon Michael Farley Esqr. John Choate Esqr. Daniel Noyes Esqr. Colo. Jonathan Cogswell² Hon. Tristram Dalton Esqr. Enoch Sawyer Esqr. Ebenezer March Esqr. Hon. Rufus King Esqr. Hon. Benjamin Greenleaf Esqr. Theophilus Parsons Esqr. Hon. Jonathan Titcomb Esqr. Hon. George Cabot Esqr. Mr. Joseph Wood Capn. Israel Thorndike Isaac Mansfield Esqr. Jonathan Glover Esqr. Hon. Azor Orne Esqr. John Glover Esqr. Daniel Rogers Esqr. John Low Esqr. Capn. William Pearson John Carnes Esqr. Capn. John Burnham Mr. William Symmes jr. Bailey Bartlett Esqr. Capn. Nathaniel Marsh Mr. Israel Clark Dr. Samuel Nye

Nays.

Capn. John Webber Capn. Staples Chamberlin Mr. Asa Parlin Capn. John Harnden Mr. Newman Scarlett Mr. Samuel Reed Mr. Benjamin Adams Majr. Hezekiah Broad Capn. Jonathan Green Mr. Phineas Gleazen. Colo. Benjamin Ely Capn. John Williston Capn. Phinehas Stebbins Mr. Daniel Cooley Mr. Benjamin Eastman Mr. Josiah Allis Mr. William Bodman Mr. Samuel Field Mr. Moses Bascom Mr. Robert Wilson Capn. Consider Arms Mr. Malachi Maynard Capn. Zacheus Crocker Mr. Moses Severance Capn. Asa Fisk Mr. Phinehas Merrick Mr. Adam Clark Capn. Nathaniel Whitcomb Mr. Timothy Blair Mr. Aaron Merrick Mr. John Hamilton Mr. Clark Cooley Mr. John Chamberlin Mr. Justus Dwight Mr. Samuel Eddy Mr. Isaac Pepper Capn. John Goldsbury Capn. Aggrippa Wells. Mr. Ephraim Williams Mr. Asa Powers

Yeas.

Mr. Enoch Jackman Capn. Benjamin Lurvey Mr. Willis Patten Daniel Thurston Esqr. Mr. Jacob Herrick Mr. Simeon Miller Hon. Francis Dana Esqr. Stephen Dana Esqr. Hon Nathaniel Gorham Esqr. Hon. Joseph Hosmer Esqr. Hon. Abraham Fuller Esgr. Capn. Lawson Buckminster Benjamin Brown Esqr. Daniel Whitney Esqr. Capn. Asahel Wheeler Capn. Benjamin Blaney Capn. Abraham Biglow Majr. Genl John Brooks Dr. Charles Whitman Leonard Williams Esqr. Hon. Jos. Bradley Varnum Esqr. Hon. John Pitts Esqr. Hon. Eleazer Brooks Esqr. William Pynchon Esqr. Hon. Caleb Strong Esqr. Mr. Benjamin Sheldon Capn. Lemuel Pomeroy Brigr. Genl. Elisha Porter Hon. Noah Goodman Esqr. Hon. John Hastings Esqr. John Ingersoll Esqr Mr. Ebenezer Janes Abner Morgan Esqr. Capn. David Shepard Mr. Jesse Reed Nahum Eager Esqr. Colo. Benjamin Bonney Majr. Thomas James Doglass Mr. Aaron Fisher Mr. Edmund Lazell

Nays.

Capn. Silas Fowler. Mr. John Jennings Mr. Jonathan Hubbard Mr. Benjamin Thomas Mr. Isaac Soul. Mr. Nathaniel Hammond Mr. Abraham Holmes Capn. Francis Shurtliff Mr. Elijah Bisbee junr. Dr. Thomas Smith Mr. Thomas Nye Colo. Nathan Leonard Mr. Aaron Pratt Capn. Phanuel Bishop Majr. Frederick Drown William Winsor Esqr. Mr. Christopher Mason Mr. David Brown Hon. Holder Slocum Esqr. Mr. Melatiah Hathway Hon. Abraham White Esqr. Capn. Ebenezer Tisdell Capn. John Pratt Capn. Esaias Preble Mr. Mark Adams Mr. James Neal Capn. Elijah Thayer³ Dr. Nathaniel Low Mr. Richard Fox Cutts Mr. Thomas M. Wentworth Majr. Samuel Nasson Mr. Moses Ames Mr. Jeremiah Emery Revd. Pelatiah Tingley Mr. David Bigelow Edward Thompson Esqr. Mr. Daniel Forbes Mr. Nathaniel Jenks Capn. Jeremiah Learned Mr. Caleb Curtis

Yeas.

Capn. Thompson Maxwell Mr. Elihu Colton Joshua Thomas Esqr. Mr. Thomas Davis Mr. John Davis Hon. William Cushing Esqr. Hon. Nathan Cushing Esqr. Hon. Charles Turner Esqr. Hon. George Partridge Esqr Revd. William Shaw Daniel Howard Esgr. Mr. Hezekiah Hooper Capn. Elisha Mitchell Mr. Daniel Howard jr. Revd. Isaac Backus Isaac Tomson Esqr. Capn. John Turner Mr. Iosiah Smith William Sever ir. Esqr. Hon. Joseph Cushing Esqr. Revd. Samuel Niles Mr. Freman Waterman Colo. Israel Fearing Shearjashub Bourn Esqr. David Thatcher Esqr. Capn. Jonathan Howes Hon. Solomon Freeman Esqr. Capn. Kimbal Clark Revd. Levi Whitman Capn. Joseph Palmer James Williams Esqr. Hon. Elisha May Esqr. Capn. Moses Willmarth Colo. Sylvester Richmond Hon. William Baylies Esqr. Hon. Thomas Durfee Esqr. Israel Washburn Esqr. Hon Walter Spooner Esqr. Revd. Samuel West Mr. William Almy Nathaniel Barrell Esqr.

Nays.

Mr Ezra Mc.Intier Mr. David Harwood Hon. Amos Singletary Esqr Colo. Samuel Denny Mr. James Hathua [Hathaway] Mr. Asaph Sherman Mr. Abraham Smith Capn. Jonathan Bullard Capn. John Black Capn. John Woods Capn. Benjamin Joslyn Capn. Stephen Maynard Mr. Artemas Brigham Capn. Isaac Harrington Capn. John Fuller Mr. Daniel Putnam Dr Samuel Willard Josiah Whitney Esqr. Mr. Jonathan Day Capn. Thos. Marshall Baker Capn. Timothy Parker Majr. Martin Kinsley Revd. Joseph Davis Hon. John Taylor Esqr. Dr. Joseph Wood Jonathan Grout Esqr. Capn. Samuel Peckham John Frye Esqr Mr. Stephen Holden Capn. Joel Fletcher Mr. Timothy Fuller Mr. Iacob Willard Mr. Moses Hale Capn. Josiah Wood Mr. Joseph Stone Mr. David Stearns Mr. Jonas Temple Daniel Ilsley Esqr. Mr. Stephen Longfellow junr. Mr. William Wedgery Capn. David Murray

Yeas.

Revd. Dr Moses Hemmenway Hon Nathaniel Wells Esgr. Thomas Cutts Esgr. Jacob Bradbury Esqr. Capn. John Low Mr. William Mayhew Mr. Cornelius Dunham Hon. John Sprague Esqr. Capn. Seth Newton Hon. Samuel Baker Esqr. Majr. David Wilder Mr. Matthew Patrick Mr. Josiah Goddard Capn. Ephraim Wilder John K Smith Esgr. Mr. John Fox Capn. Joseph Mc.Lellan David Mitchell Esqr. Samuel Merrill Esqr. William Tompson Esqr. Capn. John Dunlap Capn. Isaac Snow Mr. Joshua Dyer Revd. Samuel Perley Thomas Rice Esqr. Mr. David Sylvester Mr. Nathaniel Wyman Mr. David Gilmore William McCobb Esgr. Capn. Samuel Grant Moses Davis Esqr. David Fales Esqr. Dummer Sewall Esqr John Ashley junr. Esqr. Hon. Elijah Dwight Esqr. Hon. Theodore Sedgwick Esqr. Hon. Jonathan Smith Esgr. Hon. Tompson J. Skinner Esqr. Mr. Elisha Carpenter Capn. Daniel Taylor

Nays.

Hon. Samuel Thompson Esqr. Mr. Jonah Crosby Mr. Zacheus Beal William Jones Esqr. Capn. James Carr. Mr. Joshua Bean Mr. Valentine Rathbun Mr. Comstock Betts Mr. Lemuel Collins. Capn. Jeremiah Pierce Ephraim Fitch Esqr. Mair. Thomas Lusk Mr. John Hurlbert Capn. Ezekiel Hearick Mr. Joshua Lawton Mr. Timothy Mason Ebenezer Peirce Esqr. Mr. David Vaughan Capn. Jesse Bradley Mr. Zenos Noble Mr. John Picket junr. 168.

So the question passed in the affirmative.

Adjourned to Thursday morng. 10. o Clk-

- 1. Cranch and Wibird should appear below after Daniel Shute and before Joseph Jackson. In secretary Minot's separate record of the vote (mentioned in the headnote above), these two names are bracketed, probably to indicate that they were out of order.
- 2. Farley, Choate, Noyes, and Cogswell should appear below after Israel Thorndike and before Isaac Mansfield. In secretary Minot's separate record of the vote (mentioned in the headnote above), these four names are bracketed, probably to indicate that they were out of order.
- 3. Actually Elijah Hayes. The Massachusetts Centinel, 9 February, also incorrectly identified Hayes as "Elijah Thayer." Both the Convention Debates, 6 February, P.M. (RCS:Mass., 1484), and the Independent Chronicle, 7 February, had Elijah Hayes. Most importantly the election certificate for Berwick (Mfm:Mass.) has Elijah Hayes.

Form of Ratification, 6-7 February¹

The Form of Ratification was adopted on the afternoon of 6 February and was engrossed either then or on the following day. The last two paragraphs of the Form probably were added on 7 February, when the Form was signed and sealed by President John Hancock and Vice President William Cushing. For the undated draft of these paragraphs, see Mfm:Mass. For a comparison of the text of this Form of Ratification to the committee report upon which it is based, see RCS:Mass., 1415, notes 4–6. For a comparison of the text of this Form of Ratification to the Form as it was printed in the Convention *Debates*, see RCS:Mass., 1489, notes 8–10.

On 8 February President Hancock, as directed by the Convention, transmitted the engrossed Form of Ratification to the President of the Confederation Congress, Cyrus Griffin, stating, "I have the honor of transmitting to your Excellency, the ratification of the Constitution for the United States of America, by the Convention of this Commonwealth. To this is subjoined their recommendation, for introducing certain alterations & provisions in this System, which, in their opinion, would remove the fears, & quiet the apprehensions of many of the good people of this Commonwealth; & guard against an undue administration of the Federal Government.

"Your Excellency will be pleased to communicate this Act to the United States in Congress, for their notice, as expressed in the resolution accompanying" (Emmet Collection, NN). On 16 February Hancock forwarded copies of the Form of Ratification to the state executives (RCS:Mass., 1607–8).

The Form of Ratification was first printed in the Massachusetts Gazette on 8 February. It was reprinted in the Massachusetts Centinel, 9 February; Boston Gazette, 11 February; Hampshire Gazette, 13 February; Independent Chronicle, Worcester Magazine, and Cumberland Gazette, 14 February; Salem Mercury, 19 February; and Essex Journal, 20 February. Outside Massachusetts, the Form or the recommended amendments only were reprinted in the February issues of the New York American Magazine and Philadelphia American Museum and in eighteen newspapers by 17 May: N.H. (1), R.I. (4), N.Y. (2), Pa. (6), Md. (3), Va. (3).

Commonwealth of Massachusetts.

In Convention of the delegates of the PEOPLE of the Commonwealth of Massachusetts February 6th. 1788.

The Convention having impartially discussed, & fully considered The Constitution for the United States of America, reported to Congress by the Convention of Delegates from the United States of America, & submitted to us by a resolution of the General Court of the said Commonwealth, passed the twenty fifth day of October last past, & acknowledging with grateful hearts the goodness of the Supreme Ruler of the Universe in affording the People of the United States in the course of his providence an opportunity deliberately & peaceably without fraud or surprize of entering into an explicit & solemn Compact with each other by assenting to & ratifying a New Constitution in order to form a more perfect Union, establish Justice, insure Domestic tranquillity, provide for the common defence, promote the general welfare & secure the blessings of Liberty to themselves & their posterity; Do in the name & in behalf of the People of the Commonwealth of Massachusetts assent to & ratify the said Constitution for the United States of America.

And as it is the opinion of this Convention that certain amendments & alterations in the said Constitution would remove the fears & quiet the apprehensions of many of the good people of this Commonwealth & more effectually guard against an undue administration of the Federal Government, The Convention do therefore recommend that the following alterations & provisions be introduced into the said Constitution.

First, That it be explicitly declared that all Powers not expressly delegated by the aforesaid Constitution are reserved to the several States to be by them exercised.

Secondly, That there shall be one representative to every thirty thousand persons according to the Census mentioned in the Constitution until the whole number of the Representatives amounts to Two hundred.

Thirdly, That Congress do not exercise the powers vested in them by the fourth Section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned or shall make regulations subversive of the rights of the People to a free & equal representation in Congress agreeably to the Constitution.

Fourthly, That Congress do not lay direct Taxes but when the Monies arising from the Impost & Excise are insufficient for the Publick exigencies nor then until Congress shall have first made a requisition upon the States to assess levy & pay their respective proportions of such

Requisition agreeably to the Census fixed in the said Constitution, in such way & manner as the Legislature of the States shall think best, & in such case if any State shall neglect or refuse to pay its proportion pursuant to such requisition then Congress may assess & levy such State's proportion together with interest thereon at the rate of Six per cent per annum from the time of payment prescribed in such requisition

Fifthly, That Congress erect no Company of Merchants with exclusive advantages of Commerce.

Sixthly, That no person shall be tried for any Crime by which he may incur an infamous punishment or loss of life until he be first indicted by a Grand Jury, except in such cases as may arise in the Government & regulation of the Land & Naval forces

Seventhly, The Supreme Judicial Federal Court shall have no jurisdiction of Causes between Citizens of different States unless the matter in dispute whether it concerns the realty or personalty be of the value of Three thousand dollars at the least nor shall the Federal Judicial Powers extend to any actions between Citizens of different States where the matter in dispute whether it concerns the Realty or Personalty is not of the value of Fifteen hundred dollars at the least.

Eighthly, In civil actions between Citizens of different States every issue of fact arising in Actions at common law shall be tried by a Jury if the parties or either of them request it.

Ninthly, Congress shall at no time consent that any Person holding an office of trust or profit under the United States shall accept of a title of Nobility or any other title or office from any King, Prince or Foreign State.

And the Convention do in the name & in behalf of the People of this Commonwealth enjoin it upon their Representatives in Congress at all times until the alterations & provisions aforesaid have been considered agreeably to the Fifth article of the said Constitution to exert all their influence & use all reasonable & legal methods to obtain a ratification of the said alterations & provisions in such manner as is provided in the said Article.

And that the United States in Congress Assembled may have due notice of the Assent & Ratification of the said Constitution by this Convention it is, Resolved, that the Assent & Ratification aforesaid be engrossed on Parchment together with the recommendation & injunction aforesaid & with this resolution & that His Excellency John Hancock Esqr. President & the Honble. William Cushing Esqr. Vice President, of this Convention transmit the same, counter-signed by the Secretary of

the Convention under their hands & seals to the United States in Congress Assembled

George Richards Minot, Secretary. John Hancock President Wm Cushing Vice President

Pursuant to the Resolution aforesaid WE the President & Vice President abovenamed Do hereby transmit to the United States in Congress Assembled, the same Resolution with the above Assent and Ratification of the Constitution aforesaid for the United States, And the recommendation & injunction above specified.

In Witness whereof We have hereunto set our hands & seals at Boston in the Commonwealth aforesaid this Seventh day of February Anno Domini one thousand Seven Hundred & Eighty eight, and in the Twelfth year of the Independence of the United States of America.

John Hancock President Wm Cushing Vice President

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . ., 1787–92, DNA. The dispatch book of Congress indicates that the Form of Ratification was received on 18 February. For facsimiles of the Forms forwarded to Congress and to the state executives and the one retained by Massachusetts, see Mfm:Mass.

Convention Debates, 6 February, P.M.

Hon. Mr. Turner.1 Mr. President,—Being advanced in life, and having endeavoured, I hope, with a faithful attention according to my ability, to assist my country in their trying difficulties and dangers, for more than twenty years; and as for three weeks past my state of health has been such as to render me unable to speak in this assembly, I trust I shall be heard with some indulgence while I express a few sentiments at this SOLEMN CRISIS. I have been averse to the reception of this Constitution while it was considered merely in its original form: But since the Hon. Convention have been pleased to agree to the recommendation of certain amendments, I acknowledge my mind is reconciled. But even thus amended, I still see, or think I see several imperfections in it, and some which give me pain. Indeed, I never expect to see a Constitution free from imperfections; and considering the great diversity of local interests, views and habits; considering the unparralleled variety of sentiments among the citizens of the United States, I despair of obtaining a more perfect Constitution than this at present. And a Constitution preferable to the confederation must be obtained, and obtained soon, or we shall be an undone people. In my judgment there is a rational probability, a moral certainty, that the proposed amendment[s]

will meet the approbation of the several States in the Union. If there is any respect due to the hoary head of Massachusetts, it will undoubtedly have its proper influence in this case. The minds of gentlemen throughout the nation, must be impressed with such a sense of the necessity of all important Union, especially in our present circumstances, as must strongly operate in favour of a concurrence. The proposed amendments are of such a liberal, such a generous, such a catholick nature and complexion, they are so congenial to the soul of every man who is possessed of a patriotick regard to the preservation of the just rights and immunities of his country, as well as to the institution of a good and necessary government, that I think they must, they will be UNIVERSALLY accepted. When in connection with this confidence I consider the deplorable state of our NAVIGATION and COMMERCE, and various branches of business thereon dependent, the *inglorious* and *provoking* figure we make in the eyes of our European creditors, the degree in which the landed interest is burdened and depreciated, the tendency of depreciating paper and tender acts, to destroy mutual confidence, faith and credit, to prevent the circulation of specie, and to overspread the land with an inundation, a chaos of multiform injustice, oppression and knavery; when I consider that want of efficiency there is in our government, as to obliging people seasonably to pay their dues to the publick, instead of spending their money in support of luxury and extravagance, of consequence the inability of government to satisfy the just demands of its creditors, and to do it in season, so as to prevent their suffering amazingly by depreciation; in connection with my anxious desires that my ears may be no longer perstringed, nor my heart pained with the cries of the injured, suffering WIDOW, and ORPHAN; when I also consider that state of our finances which daily exposes us to become a prey to the despotick humour even of an impotent invader, I find myself constrained to say, before this Assembly, and before GOD, that I think it my duty, to give my vote in favour of this Constitution,2 with the proposed amendments; and unless some further light shall be thrown in my way to influence my opinion, I shall conduct accordingly. I know not whether this Convention will vote a ratification of this Constitution, or not. If they should do it, and have the concurrence of the other States, may that GOD, who has always in a remarkable manner watched over us and our fathers for good, in all difficulties, dangers and distresses, be pleased to command his Almighty Blessing upon it, and make it instrumental of restoring justice, honour, safety, support and salvation to a sinking land. But I hope it will be considered by persons of all orders, ranks and ages, that without the prevalence of Christian piety, and morals,³ the best republican Constitution can never

save us from slavery and ruin. If vice is predominant, it is to be feared we shall have rulers whose grand object will be (slyly evading the spirit of the Constitution) to enrich and aggrandize themselves and their connections, to the injury and oppression of the laborious part of the community; while it follows from the moral constitution of the DEITY. that prevalent iniquity must be the ruin of any people. The world of mankind have always in general, been enslaved and miserable, and always will be until there is a greater prevalence of Christian moral principles; nor have I an expectation of this, in any great degree, unless some superiour mode of education shall be adopted. It is EDUCATION which almost entirely forms the character, the freedom or slavery, the happiness or misery of the world. And if this Constitution shall be adopted, I hope the Continental Legislature will have the singular honour, the indelible glory, of making it one of their first acts, in their first session, most earnestly to recommend to the several States in the Union, the institution of such means of education, as shall be adequate to the divine, patriotick purpose of training up the children and youth at large. in that solid learning, and in those pious and moral principles, which are the *support*, the *life* and soul of republican government and liberty. of which a free Constitution is the body; for as the body without the spirit is dead, so a free form of government without the animating principles of piety and virtue, is dead also, being alone. May religion, with sanctity of morals prevail and increase, that the patriotick civilian and ruler may have the *sublime*, *parental* satisfaction of *eagerly* embracing every opportunity of mitigating the rigours of government, in proportion to that increase of morality which may render the people more capable of being a law to themselves. How much more blessed THIS, than to be employed in fabricating Constitutions of an higher tone in obedience to necessity, arising from an increase of turbulent vice and injustice in society. I believe your Excellency's patience will not be further exercised, by hearing the sound of my voice on the occasion, when I have said, may the United States of America live before GOD! May they be enlightened, pious, virtuous, free and happy to all generations!

Capt. Southworth spoke a short time against the adoption of the Constitution—but the worthy gentleman, from indisposition of body, not being able to complete his speech, we cannot give it to the publick.

Mr. Symmes. Mr. President—I hope, Sir, the Convention will indulge me with a few words, and I promise them I will not detain them long. It may be known to your Excellency, that I have heretofore had the honour to address the Convention in opposition to a certain paragraph in the Constitution.⁴ That fact is the sole occasion of my craving a turn to be heard again.

Sir, it never was my opinion that we ought entirely to abandon this Constitution. I thought it had great defects, and I still think it by no means free from blemishes; but I ever expected the worst consequences to follow a *total* rejection of it. I always intended to urge amendments, and was in hopes that the wisdom of this assembly would devise a method to secure their adoption. Therefore, when your Excellency came forward, as well became your high office, in the character of a mediator, a ray of hope shone in upon the gloom that overspread my heart—of hope, that we should *still* be united in the grand decision!

Sir, a *mortal* hatred, a *deadly* opposition, can be deserved by no government but the tyranny of hell, and perhaps a few similar forms on earth. A government of that complexion, in the present enlightened age, could never enter the heart of man; and if it *could*, and impudence enough were found to *propose* it, nay, if it should be *accepted*, I affirm, Sir, that in America, it would never operate a moment. I should glory in debating on my grounds for this assertion—but who will dare to question the truth of it?

Mr. President—so amply have been the arguments drawn from our national distress, the weakness of the present Confederation, the danger of instant disunion, and perhaps some other topicks not included in these, that a man must be obstinate indeed to say at this period, that a new government is needless. One is proposed. Shall we reject it totally, or shall we amend it?—Let any man recollect or peruse the debates in this assembly—and I venture to say he shall not be a moment, if he loves his country, in making his election. He would contemplate the idea of rejection with horrour and detestation. But, sir, it has been alledged that the necessary amendments cannot be obtained in the way your Excellency has proposed. This matter has been largely debated. I beg a moment to consider it.—Our committee, sir, were pretty well agreed on the amendments necessary to be made, and in their report it appears that these amendments are equally beneficial to all the citizens of America.⁵ There is nothing local in them. Shall we then totally reject the Constitution, because we are only morally certain that they will be adopted? Shall we chuse certain misery in one way, when we have the best human prospect of enjoying our most sanguine wishes in another?—God forbid!

But, sir, a great deal has been said about the amendment. Here again I refer to the debates: Such has been said to have been the past prevalence of the northern States in Congress, the sameness of interest in a majority of the States, and their necessary adhesion to each other, that I think there can be no reasonable doubt of the success of any amendments proposed by Massachusetts.—Sir, we have, we do, and we

shall in a great measure give birth to all events, and hold the balance, among the United States.

The Hon. Gentleman, my respected friend from Scituate,⁶ has so fully entered into the expediency of ratifying the Constitution upon the basis of the report—and so ably stated the unanswerable reasons he finds for giving his sanction to it, notwithstanding his former different opinion—that I may decently wa[i]ve a task, I could not half so well perform.

Upon the whole, Mr. President, approving the amendments, and firmly believing that they will be adopted—I recall my former opposition, such as it was, to this Constitution, and shall, especially as the amendments are to be a *standing* instruction to our delegates until they are obtained—give it my unreserved assent.

In so doing, I stand acquit[t]ed to my own conscience—I hope and trust I shall to my constituents,⁷ and (*laying his hand on his breast*) I know I shall before my God.

The time agreed upon for taking the question being arrived, and the same being called for from every quarter,

His Excellency the PRESIDENT, rose and addressed the Hon. Convention as follows:

Gentlemen, Being now called upon to bring the subject under debate to a decision, by bringing forward the question—I beg your indulgence to close the business with a few words. I am happy that my health has been so far restored, that I am rendered able to meet my fellow-citizens, as represented in this Convention. I should have considered it as one of the most distressing misfortunes of my life, to be deprived of giving my aid and support to a system, which if amended (as I feel assured it will be) according to your proposals, cannot fail to give the people of the United States, a greater degree of political freedom, and eventually as much national dignity, as falls to the lot of any nation on the earth. I have not since I had the honour to be in this place, said much on the important subject before us: All the ideas appertaining to the system, as well those which are against as for it, have been debated upon with so much learning and ability, that the subject is quite exhausted.

But you will permit me, gentlemen, to close the whole with one or two general observations. This I request, not expecting to throw any new light upon the subject, but because it may possibly prevent uneasiness and discordance, from taking place amongst us and amongst our constituents.

That a general system of government is indispensably necessary to save our country from ruin, is agreed upon all sides. That the one now to be decided upon has its defects, all agree; But when we consider the variety of interests, and the different habits of the men it is intended for, it would be very singular to have an entire union of sentiment respecting it. Were the people of the United States to delegate the powers proposed to be given, to men who were not dependent on them frequently for elections—to men whose interests either from rank, or title, would differ from that of their fellow-citizens in common, the task of delegating authority would be vastly more difficult; but as the matter now stands, the powers reserved by the people render them secure, and until they themselves become corrupt, they will always have upright and able rulers. I give my assent to the Constitution in full confidence that the amendments proposed will soon become a part of the system—these amendments being in no wise local, but calculated to give security and ease alike to all the States, I think that all will agree to them.

Suffer me to add, that let the question be decided as it may, there can be no triumph on the one side, or chagrin on the other—Should there be a great division, every good man, every one who loves his country, will be so far from exhibiting extraordinary marks of joy, that he will sincerely lament the want of unanimity, and strenuously endeavour to cultivate a spirit of conciliation, both in Convention, and at home. The people of this Commonwealth, are a people of great light of great intelligence in publick business—They know that we have none of us an interest separate from theirs—that it must be our happiness to conduce to theirs—and that we must all rise or fall together— They will never, therefore, forsake the first principle of society, that of being governed by the voice of the majority; and should it be that the proposed form of government should be rejected, they will zealously attempt another. Should it by the vote now to be taken be ratified, they will quietly acquiesce, and where they see a want of perfection in it, endeavour in a constitutional way to have it amended.

The question now before you is such as no nation on earth, without the limits of America, have ever had the privilege of deciding upon. As the Supreme Ruler of the Universe has seen fit to bestow upon us this glorious opportunity, let us decide upon it—appealing to him for the rectitude of our intentions—and in humble confidence that he will yet continue to bless and save our country,

The question being put, whether this Convention will accept of the report, of the Committee, as follows:8

COMMONWEALTH of MASSACHUSETTS.

In Convention of the Delegates of the people of the Commonwealth of Massachusetts. 1788.

The Convention having impartially discussed, and fully considered the Constitution for the United States of America, reported to Congress, by the Convention of Delegates from the United States of America, and submitted to us, by a resolution of the General Court of the said Commonwealth, passed the twenty-fifth day of October last past: and acknowledging with grateful hearts the goodness of the supreme Ruler of the universe, in affording the people of the United States, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud or surprize, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestick tranquility, provide for the common defence—promote the general welfare, and secure the blessings of liberty to themselves and their posterity, DO, in the name, and in behalf of the people of the Commonwealth of Massachusetts, assent to, and ratify the said Constitution for the United States of America.9

And, as it is the opinion of this Convention, that certain amendments and alterations in the said Constitution, would remove the fears, and quiet the apprehensions of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the federal government, the Convention do therefore recommend, that the following alterations and provisions be introduced into the said Constitution.

First, That it be explicitly declared, that all powers not expressly delegated by the aforesaid Constitution, are reserved to the several States, to be by them exercised.

Secondly, That there shall be one representative to every thirty thousand persons, according to the census mentioned in the Constitution, until the whole number of representatives amounts to two hundred.

Thirdly, That Congress do not exercise the powers vested in them by the 4th section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

Fourthly, That Congress do not lay direct taxes but when the monies arising from the impost and excise are insufficient for the publick exigencies, nor then, until Congress shall have first made a requisition upon the States, to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the legislatures of the States shall think best; and in such case, if any State shall neglect or refuse to pay its

proportion, pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest thereon, at the rate of six per cent. per annum, from the time of payment, prescribed in such requisition.

Fifthly, That Congress erect no company¹⁰ with exclusive advantages of commerce.

Sixthly, That no person shall be tried for any crime, by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury, except in such cases as may arise in the government and regulation of the land and naval forces.

Seventhly, The Supreme Judicial Federal Court shall have no jurisdiction of causes, between citizens of different States, unless the matter in dispute, whether it concern the realty or personalty, be of the value of three thousand dollars at the least; nor shall the federal judicial powers extend to any actions, between citizens of different States, where the matter in dispute, whether it concerns the realty or personalty, is not of the value of fifteen hundred dollars at the least.

Eighthly, In civil actions between citizens of different States, every issue of fact, arising in actions at common law, shall be tried by a jury, if the parties or either of them, request it.

Ninthly, Congress shall at no time, consent, that any person holding an office of trust or profit, under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state.

And the Convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress, at all times, until the alterations and provisions aforesaid, have been considered, agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods, to obtain a ratification of the said alterations and provisions, in such manner, as is provided in the said article.

And that the United States in Congress assembled, may have due notice of the assent and ratification of the said Constitution, by this Convention, it is

RESOLVED, That the assent and ratification aforesaid, be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution; and that his Excellency JOHN HAN-COCK, Esquire, President, and the Hon. WILLIAM CUSHING, Esquire, Vice-President of this Convention, transmit the same, countersigned by the Secretary of the Convention, under their hands and seals, to the United States in Congress assembled.

Was determined by Yeas and Nays, for which see the next page.

County of Suffolk.

у
у
У
y
у
у
y
у
у
у
y
y
y
y
y
y
y y
y
y
y
y
y
ý
ý
y
y
у
n
у
n
y
n
у
n
n
у
у
y
у
y
y
у
n

Newbury, Hon. Tristram Dalton, Esq.	у
Enoch Sawyer, Esq.	y
E. March, Esq.	y
Newbury-Port, Ĥon. Rufus King, Esq.	y
Hon. Benjamin Greenleaf, Esq.	ý
Theophilus Parsons, Esq.	y
Hon. Jonathan Titcomb, Esq.	y
Beverly, Hon. G. Cabot, Esq.	y
Mr. Joseph Wood,	y
Capt. Israel Thorndike.	y
Ipswich, Hon. Michael Farley, Esq.	y
J. Choate, Esq.	y
Daniel Noyes, Esq.	у
Col. Jonathan Cogswell.	y
Marblehead, Isaac Mansfield, Esq.	y
Jonathan Glover, Esq.	у
Hon. Azor Orne, Esq.	у
John Glover, Esq.	y
Gloucester, Daniel Rogers, Esq.	y
John Low, Esq.	y
Capt. W. Pearson.	y
Lynn and Lynnfield, John Carnes Esq.	y
Capt. John Burnham	y
Andover, Capt. Peter Osgood, jun.	n
Dr. Thomas Kittridge,	n
Mr. William Symmes, jun.	у
Rowley, Capt. Thomas Mighill.	n
Haverhill, Bailey Bartlett, Esq.	y
Capt. Nathaniel Marsh.	y
Topsfield, Mr. Israel Clark.	у
Salisbury, Dr. Samuel Nye,	у
Mr. Enoch Jackman.	y
Almsbury, Capt. Benjamin Lurvey,	y
Mr. Willis Patten.	у
Boxford, Hon. Aaron Wood, Esq.	n
Bradford, Daniel Thurston, Esq.	y
Methuen, Capt. Ebenezer Carlton.	n
Wenham, Mr. Jacob Herrick.	у
Manchester, Mr. Simeon Miller,	у
Yeas 38. Nays 6.	
County of <i>Middlesex</i> .	
Cambridge, Hon. Francis Dana, Esq.	y
Stephen Dana, Esq.	y
Charlestown, Hon. Nathaniel Gorham, Esq.	y
Watertown, Dr. Marshall Spring.	n
Woburn, Capt. Timothy Winn,	n
Concord, Hon. Joseph Hosmer, Esq.	y

Newton, Hon. A. Fuller, Esq.		y
Reading, Mr. William Flint,		n
Mr. Peter Emerson,		n
Marlborough, Mr. Jonas Morse,		n
Major Benjamin Sawin.		n
Billerica, William Thompson, Esq.		n
Framingham, Capt. Lawson Buckminster.		y
Lexington, Benjamin Brown, Esq.		y
Chelmsford, Major John Minot.		n
Sherburne, Daniel Whitney, Esq.		y
Sudbury, Capt. Asahel Wheeler.		
Malden, Capt. Benjamin Blaney.		y
Weston, Capt. Abraham Bigelow.		y
Medford, Major-General J. Brooks		y
		y
Hopkinton, Capt. Gilbert Dench.		n
Westford, Mr. Jonathan Keep.		n
Stow, Dr. Charles Whitman.		у
Groton, Dr. Benjamin Morse,		n
Joseph Sheple, Esq.		n
Shirley, Mr. Oba. Sawtell.		n
Pepperell, Mr. Daniel Fisk.		n
Waltham, Leonard Williams, Esq.		У
Townsend, Capt. Daniel Adams.		n
Dracut, Hon. Joseph B. Varnum, Esq.		у
Bedford, Capt. John Webber.		n
Holliston, Capt. Sta. Chamberlain.		n
Acton and Carlisle. Mr. Asa Parlin.		n
Dunstable, Hon. J. Pitts, Esq.		у
Lincoln, Hon. E. Brooks, Esq.		· y
Wilmington, Capt. J. Harnden.		n
Tewksbury, Mr. Newman Scarlet.		n
Littleton, Mr. Samuel Reed		n
Ashby, Mr. Benjamin Adams.		n
Natick, Major Hezekiah Broad.		n
Stoneham, Capt. Jona. Green.		n
East-Sudbury, Mr. Phin. Gleazen.		n
Yeas 17. Nays 25.		
County of Hampshire.		
Springfield, William Pynchon, Esq.		41
West-Springfield, Col. Benj. Ely.		y n
Capt. John Williston.		n n
		n = n
Wilbraham, Capt. Phin. Stebbins.		n
Northampton and Easthampton, Hon. Caleb Strong, Esq.		
Mr. Benjamin Sheldon.		y
		y
Southampton, Capt. Lem. Pomeroy.		y
Hadley, Brig. Gen. Elisha Porter.		y

South-Hadley, Hon. Noah Goodman, Esq.	у
Amherst, Mr. Daniel Cooley.	n
Granby, Mr. Benjamin Eastman.	n
Hatfield, Hon. J. Hastings, Esq.	y
Whately, Mr. Josiah Allis.	n
Williamsburg, Mr. Wm. Bodman.	n
Westfield, John Ingersoll, Esq.	[y]
Deerfield, Mr. Samuel Field.	n
Greenfield, Mr. Moses Bascom.	n
Shelburne, Mr. Robert Wilson.	n
Conway, Capt. Consider Arms,	n
Mr. Malachi Maynard.	n
Sunderland, Capt. Zacheus Crocker.	n
Montague, Mr. Moses Severance.	n
Northfield, Mr. Ebenezer James.	y
Brimfield, Abner Morgan, Esq.	y
South-Brimfield, Capt. Asa Fisk,	n
Monson, Mr. Phineas Merrick.	n
Pelham, Mr. Adam Clark.	n
Greenwich, Capt. Nath. Whitcomb.	n
Blanford, Mr. Timothy Blair.	n
Palmer, Mr. Aaron Merrick.	n
Granville, Mr. John Hamilton.	n
Mr. Clark Cooley.	n
New-Salem, Mr. John Chamberlin.	n
Belchertown, Mr. Justus Dwight.	n
Colrain, Mr. Samuel Eddy.	n
Ware, Mr. Isaac Pepper.	n
Warwick and Orange, Capt. John Goldsbury.	n
Bernardston, Capt. Aggrippa Wells.	n
Chester, Capt. David Shepard.	y
Charlemont, Mr. Jesse Reed.	ý
Ashfield, Mr. Ephraim Williams.	n
Worthington, Nahum Eager, Esq.	у
Shutesbury, Mr. Asa Powers.	n
Chesterfield, Col. Benjamin Bonney.	y
Southwick, Capt. Silas Fowler.	\tilde{n}
Norwich, Maj. Thomas J. Doglass.	у
Ludlow, Mr. John Jennings.	n
Leverett, Mr. Jonathan Hubbard.	n
West-Hampton, Mr. Aaron Fisher.	у
Cummington and Plainfield, Mr. Edmund Lazell.	ý
Buckland, Capt. Thompson Maxwell.	ý
Long-Meadow, Mr. Elihu Colton.	ý
Yeas 19. Nays 33.	
County of Plymouth.	
Plymouth, Joshua Thomas, Esq.	N)
Mr. Tho. Davis,	y
Mr. John Davis.	y
Lin John David.	у

Scituate, Hon. William Cushing, Hon. Nathan Cushing, Hon. Charles Turner, Esq'rs. Marshfield, Rev. William Shaw. Bridgewater, Daniel Howard, Esq. Mr. Hezekiah Hooper, Capt. Elisha Mitchell, Mr. Daniel Howard, jun.	y y y y y y y	,
Middleboro', Rev. Isaac Backus, Mr. Benjamin Thomas,	y	
Isaac Thomson, Esq.	n y	
Mr. Isaac Soul	n	
Duxbury, Hon. George Partridge Esq.	у	1
Rochester, Mr. Nath. Hammond,	n	ı
Mr. Abraham Holmes.	n	
Plympton, Capt. Fra. Shurtliff,	n	
Mr. Elisha Bisbee, jun. Pembroke, Capt John Turner,	n	
Mr. Josiah Smith,	. y y	
Kingston, William Sever, jun. Esq.	y	
Hanover, Hon. Joseph Cushing, Esq.	y	
Abington, Rev. Samuel Niles.	ý	
Halifax, Mr. Freeman Waterman,	y	1
Wareham, Col. Israel Fearing,	y	,
Yeas 21, Nays 6,		
Country of Romotelle		
County of Barnstable.		
Barnstable, Shearjashub Bourn, Esq.	y	,
Sandwich, Dr. Thomas Smith,	n	
Mr. Thomas Nye.	n	
Yarmouth, David Thatcher, Esq. Capt. Jonathan Howes.	y	
Harwich, Hon. Solomon Freeman, Esq.	y y	
Capt. Kimball Clark.	y	
Wellfleet, Rev. Levi Whitman.	y	
Falmouth, Capt. Joseph Palmer.	y	,
Yeas 7. Nays 2.		
County of Bristol.		
Taunton, James Williams, Esq. Col. Nathaniel Leonard, Mr. Aaron Pratt.	y n	ı
Rehoboth, Capt. Phanuel Bishop,	n n	
Major Frederick Drown,	n	
William Windsor, Esq.	n	
Swanzey, Mr. Christopher Mason,	n	ı
Mr. David Brown.	n	ı

Dartmouth, Hon. Holder Slocum, Esq.	n
Mr. Melatiah Hathway.	n
Norton, Hon. Abraham White, Esq.	n
Attleboro' Hon. Elisha May, Esq.	у
Capt. Moses Willmarth.	У
Dighton, Col. Sylvester Richmond,	у
Hon. William Baylies, Esq.	у
Freetown, Hon. Thomas Durfee, Esq.	У
Raynham, Israel Washburn, Esq.	у
Easton, Capt. Ebenezer Tisdell.	n
Mansfield, Capt. John Pratt.	n
New-Bedford, Hon. Walter Spooner, Esq.	У
Rev. Samuel West,	y
Westport, Mr. William Almy.	У
Yeas 10. Nays 12.	
County of York.	
York, Capt. Esaias Preble,	n
Nathaniel Barrell, Esq.	y
Kittery, Mr. Mark Adams,	n
Mr. James Neal.	n
Wells, Rev. Dr. Moses Hemmenway,	у
Hon. Nathaniel Wells, Esq.	y
Berwick, Dr. Nathaniel Low,	n
Mr. Richard Foxwell Cutts,	n
Mr. Elijah Hayes.	n
Pepperelboro', Thomas Cutts, Esq.	у
Lebanon, Mr. Thomas M. Wentworth,	n
Sanford, Major Samuel Nasson,	n
Buxton, Jacob Bradbury, Esq.	y
Fryeburg, Mr. Moses Ames.	n
Coxhall, Capt. John Low,	у
Shapleigh, Mr. Jeremiah Emery.	n
Waterboro' Rev. Pelatiah Tingley.	n
Yeas 6. Nays 11.	
County of Dukes County.	
Edgartown, Mr. Wm. Mayhew.	у
Tisbury, Mr. Cornelius Dunham,	У
Yeas 2. Nays 0.	
County of Worcester	
County of Worcester.	
Worcester, Mr. David Bigelow.	n
Lancaster, Hon. John Sprague, Esq.	y
Mendon, Edward Thompson, Esq.	n
Brookfield, Mr. Daniel Forbes,	n
Mr. N. Jenks.	n
Oxford, Capt. Jeremiah Learned.	n = n

Charlton, Mr. Caleb Curtiss,	n
Mr. Ezra M'Intier.	\cdot n
Sutton, Mr. David Harwood,	n
Hon. Amos Singletary, Esq.	n
Leicester, Col. Samuel Denny.	n
Spencer, Mr. James Hathua [Hathaway].	n
Rutland, Mr. Asaph Sherman.	n
Paxton, Mr. Abraham Smith.	n
Oakham, Capt. Jonathan Bullard.	n
Barre, Capt. John Black.	[n]
Hubbardston, Capt. John Woods.	n
New-Braintree, Capt. Benj. Joslyn.	n
Southboro' Capt. Seth Newton.	у
Westboro' Capt. Stephen Maynard.	n
Northboro' Mr. Arte. Brigham.	n
Shrewsbury, Capt. Isaac Harrington.	n
Lunenburgh, Capt. John Fuller.	n
Fitchburgh, Mr. Daniel Putnam.	n
Uxbridge, Dr. Samuel Willard.	n
Harvard, Joshiah Whitney, Esq.	
	n
Dudley, Mr. Jonathan Day. Bolton, Hon. Samuel Baker, Esq.	n
	y
Upton, Capt. Thomas M. Baker	n
Sturbridge, Capt. Timothy Parker	n
Leominster, Major David Wilder.	у
Hardwick, Maj. Martin Kinsley	n
Holden, Rev. Joseph Davis	n
Western, Mr. Matthew Patrick.	у
Douglass, Hon. John Taylor, Esq.	n
Grafton, Dr. Joseph Wood.	n
Petersham, Jonathan Grout, Esq.	n
Capt. Samuel Peckham.	n
Royalston, John Frye, Esq.	n
Westminster, Mr. Stephen Holden.	n
Templeton, Capt. Joel Fletcher,	n
Princeton, Mr. Timothy Fuller.	n
Ashburnham, Mr. Jacob Willard.	n
Winchendon, Mr. Moses Hale.	n
Northbridge, Capt. Josiah Wood.	n
Ward, Mr. Joseph Stone.	n
Athol, Mr. Josiah Goddard.	у
Milford, Mr. David Stearns.	n
Sterling, Eph. Wilder.	у
Boylston, Mr. Jonas Temple.	n
Yeas 7. Nays 43.	
· ·	
County of Cumberland.	
Falmouth Daniel Helev Fea	40
Falmouth, Daniel Ilsley, Esq.	n
John K. Smith, Esq.	у

Portland, Mr. John Fox. Capt. Joseph M'Lellan. North-Yarmouth, David Mitchell, Esq. Samuel Merrill, Esq. Scarboro' Wm. Thompson, Esq. Brunswick, Capt. John Dunlap. Harpswell, Capt. Isaac Snow. Cape-Elizabeth, Mr. Joshua Dyer. Gorham, Mr. S. Longfellow jun. New-Gloucester, Mr. W. Widgery Gray, Rev. Samuel Perley,	y y y y y y y y n n
Yeas 10: Nays 3. County of Lincoln.	
Pownalboro' Thomas Rice, Esq. Mr. David Sylvester. Georgetown, Mr. Nath. Wyman, Newcastle, Capt. David Murray. Woolwich, Mr. David Gilmore. Topsham, Hon. S. Thompson, Esq. Winslow, Mr. Jonah Crosby. Bowdoinham, Mr. Zacheus Beal. Boothbay, William M'Cobb, Esq. Bristol, William Jones, Esq. Vassalborough, Capt. Samuel Grant, Edgcomb, Moses Davis, Esq. Hallowell, Capt. James Carr. Thomaston, David Fayles, Esq. Bath, Dummer Sewall, Esq. Winthrop, Mr. Joshua Bean. Yeas 9. Nays 7.	y y y n n n n n y y n n y y y n n y y y n n
County of Berkshire.	
Sheffield and Mount Washington, John Ashley jun, Esq. Great-Barrington, Hon. Elijah Dwight, Esq. Stockbridge, Hon. T. Sedgwick, Esq. Pittsfield, Mr. Valentine Rathburn. Richmond, Mr. Comstock Betts. Lenox Mr. Lemuel Collins Lanesboro' Hon. Jonathan Smith, Esq. Williamston, Hon. Thompson J. Skinner, Adams, Capt. Jeremiah Pierce. Egremont, Ephraim Fitch, Esq. Becket, Mr. Elisha Carpenter West-Stockbridge, Major Thomas Lusk. Alford, Mr. John Hurlbert. New-Marlborough, Capt. D. Taylor.	y y y n n n y y n n y y n n y y n y y n y n y

Tyringham, Capt. Ezekiel Herrick.	n
Loudon Mr. Joshua Lawton	n
Windsor, Mr. Timothy Mason.	n
Partridgefield, Ebenezer Peirce, Esq.	n
Hancock, Mr. David Vaughan.	n
Lee, Capt. Jesse Bradley,	n
Washington, Mr. Zenos Noble.	n
Sandisfield, Mr. John Picket, jun.	n
Yeas 7 Nays 15	

Total Yeas 187 Nays 168

On the motion for ratifying being declared in the affirmative, by a majority of nineteen,¹¹ the

Hon Mr. White rose and said, that notwithstanding he had opposed the adoption of the Constitution, upon the idea that it would endanger the liberties of his country, yet, as a majority had seen fit to adopt it, he should use his utmost exertions to induce his constituents to live in peace under, and chearfully submit to it.

He was followed by Mr. WIDGERY, who said that he should return to his constituents, and inform them, that he had opposed the adoption of this Constitution—but that he had been overruled, and that it had been carried by a majority of wise and understanding men: that he should endeavour to sow the seeds of union and peace among the people he represented—and that he hoped, and believed, that no person would wish for, or suggest the measure of a PROTEST; for, said he, we must consider that this body is as full a representation of the people, as can be convened.—After expressing his thanks for the civility which the inhabitants of this town have shewn to the Convention, and declaring, as his opinion, that they had not in the least influenced the decision—he concluded by saying, that he should support as much as in him lay, the Constitution, and that he believed, as this State had adopted it, that not only 9, but the whole 13 would come into the measure.¹²

Gen. WHITNEY said, that though he had been opposed to the Constitution, he should support it as much as if he had voted for it.

Mr. Cooley, (Amherst) said, that he endeavoured to govern himself by the principles of reason—that he was directed to vote against the adoption of the Constitution, and that in so doing, he had not only complied with his directions, but had acted according to the dictates of his own conscience; and that as it had been agreed to by a majority, he should endeavour to convince his constituents of the propriety of its adoption.

Dr. Taylor also said, he had uniformly opposed the Constitution, that he found himself fairly beaten—and expressed his determination to go home, and endeavour to infuse a spirit of harmony and love, among the people.¹³

Other gentlemen expressed their inclination to speak, but it growing late, the Convention adjourned to the next morning, ten o'clock.¹⁴

1. An almost identical version of Charles Turner's speech predated the one printed in the Convention *Debates*, having first appeared in the *Massachusetts Gazette* on 12 February. The *Gazette's* version was reprinted in the *Salem Mercury*, 1 April. (For a photographic facsimile of the *Gazette* version, see Mfm:Mass.) The version printed in the Convention *Debates*, however, was reprinted in the Providence *United States Chronicle* on 23 October 1788.

When the Massachusetts Centinel, 8 March, printed the full debates for 6 February, it included a much shorter version of Turner's speech. The Centinel's version reads, "The Hon. Mr. Turner opened the debate, and in a nervous and animated speech (which will be given at length in the pamphlet) went into a survey of the defects of the Confederation, and a consideration of the unhappy consequences which must result from the rejection of the proposed Constitution—and said, that from the probability of the amendments proposed by the president, being engrafted on the Constitution—he withdrew his opposition to it, and should vote in favour of its adoption." The word "nervous" in this version of Turner's speech means strong, vigorous, or robust.

2. On 8 March the Massachusetts Centinel printed this "original anecdote": "On the day of the final decision on the question of ratifying the Federal Constitution, by our Convention, when the Hon. Mr. Turner rose to make some observations on the subject, Dr. S. [Marshall Spring of Watertown] a delegate from a neighbouring, town, who voted in the minority, and who expected the hon. gentleman would do so too, whispered to a worthy member in the pew with him, 'Now, Sir, you will hear the truth.' When the hon. gentleman began to mention the dangers of rejecting the Constitution, the Doctor began to stare; but at the close of his speech, when he expressed his determination of voting in favour of it; the Doctor rolling up his eyes, and raising his hands, ejaculated, 'Help Lord, for the righteous man faileth—the faithful fail from among the children of men.' Spring paraphrased Psalms 12:1—"Help, Lord; for the godly man ceaseth; for the faithful fail from among the children of men." This anecdote was reprinted in the Worcester Magazine, 27 March, and in five other newspapers by 22 May: Conn. (2), N.Y. (1), Pa. (1), S.C. (1).

On 24 May the New York *Independent Journal* (and the New York *Impartial Gazetteer*) published another anecdote about Dr. Spring, taken from a Boston letter of 12 May. Spring apparently asked "a [Boston] lady on which side she was, fed, or antifed. 'On the strongest, Dr.' replied the lady. 'The former.' Then rejoined the Doctor, 'you are not on the right side, nor on the Lord's side, for he, you know, upholdeth the weak'" (Mfm:Mass.). This second anecdote was reprinted in the *Massachusetts Spy* and *Independent Chronicle*, 5 June, and *Hampshire Chronicle*, 23 July, and in nine other newspapers by 23 June: N.H. (1), N.Y. (1), N.J. (2), Pa. (3), Md. (1), S.C. (1).

When "Diogenes" learned that Dr. Spring was not having success electioneering for a state Senate seat, he was delighted because he did not believe Spring was fit for office. "Diogenes" charged Spring with being a Loyalist, a supporter of Shays's Rebellion, and a man who tried to prevent ratification of the Constitution through "secret cabals and dangerous intrigues" (Massachusetts Gazette, 15 April, Mfm:Mass.). "Peregrine" rejoiced

when Dr. Spring failed to be elected despite all his "arts, threats and cajolings" (Massachusetts Centinel, 3 May, Mfm:Mass.).

- 3. The four preceding words were printed in capitals and small capitals, not italicized, in the *Massachusetts Gazette*, 12 February.
- 4. See RCS:Mass., 1307–11, for William Symmes's 22 January speech during the debate on Article I, section 8, of the Constitution, the powers of Congress. When the *Newport Herald*, 21 February, reprinted Symmes's 22 January speech, it informed its readers that Symmes, who had spoken earlier against the Constitution, had now changed his mind and had voted to ratify the Constitution (Mfm:Mass.).
- 5. See "Report of the Committee of Twenty-Five," 3-4 February (RCS:Mass., 1410-15).
 - 6. Charles Turner, one of the afternoon's previous speakers.
- 7. On 31 January Symmes's home town of Andover voted 124 to 115 against the adoption of the Constitution, but the town also voted unanimously not to instruct its delegates on this matter (RCS:Mass., 897–98). Symmes voted to ratify the Constitution, while Andover's two other delegates—Thomas Kittridge and Peter Osgood, Jr.—voted against ratification.
- 8. In the *Massachusetts Centinel*, 8 March, this paragraph reads, "The question was then put, for accepting the Proposition, as submitted by the President, and amended by the Committee, (for which see Centinel No. 43,) and the yeas and nays being taken thereon, there were." The *Centinel* omitted the Form of Ratification that follows because it had already printed it on 9 February (i.e., "Centinel No. 43," though the 9 February issue is actually No. 42). (The *Massachusetts Gazette*, 8 February, was the first Massachusetts newspaper to publish the Form of Ratification.)

The Form of Ratification (printed here) differs from the Form of Ratification, 6–7 February, sent to the Confederation Congress (RCS:Mass., 1468–71) in paragraphing, capitalization, italicization, and spelling. Significant differences between the two documents are given below in notes 9 and 10.

- 9. Neither the word in capital letters nor the words in italics in this paragraph are so rendered in the Form of Ratification sent to Congress. The words in italics had appeared as such in the report of the committee of twenty-five, 3–4 February (RCS:Mass., 1413).
- 10. The Form of Ratification sent to Congress includes the words "of merchants" at this point. These two words had first been dropped (perhaps inadvertently) in the Convention Journal, 4 February (Mfm:Mass.).

11. On 7 February the *Independent Chronicle* was the first newspaper to print the vote on ratification and the speeches of the minority. The *Independent Chronicle* prefaced the speeches by praising the acquiescence of the minority. See RCS:Mass., 1648.

- 12. On 9 February and 16 March William Widgery wrote Federalist George Thatcher, expressing his support for the Constitution and describing himself as "modern a federalist" as Thatcher. Widgery also noted that he "was never Treated with So much politeness" in his life as he was by the tradesmen, merchants, and gentlemen of Boston after ratification (RCS:Mass., 1690, 1724). On 14 February Jeremiah Hill told Thatcher that Widgery was "really elated" with the good treatment he received after his conciliatory speech (RCS:Mass., 1696).
- 13. Quoting most of John Taylor's statement, a Worcester County gentleman praised Taylor and expressed the hope that Taylor would do as he said (*Independent Chronicle*, 21 February, RCS:Mass., 1705). On 12 March the *Massachusetts Centinel* contradicted a rumor circulating in Boston that Taylor had not lived up to what he had said, declaring that Taylor "has not in the least deviated from that declaration" (RCS:Mass., 1654).
- 14. At this point the *Independent Chronicle*, 7 February, inserted a brief paragraph praising the acquiescence of the minority. See RCS:Mass., 1648.

Jeremy Belknap: Notes of Convention Debates, 6 February¹

Wedy Feb 6. A M. S Adams offered some additional amendmts to secure (the) Rights of Consc[ience]—Liberty of (the) Press—Right to keep Arms—Protection of Persons & Property from Seizure &c—wh[ich] gave an alarm to both Parties—the Antifeds supposed (that) so great a Politician would not offer these amendts unless he tho't there was danger on these Points—(the) Feds were afraid (that) new Converts would desert—A[dams] percieved (the) mischief & withdrew his Proposal—another renewed it—but it was voted out & A[dams] himself was obliged to vote agt it.² & 4 a clock P M was assigned to take (the) great Question. wh[ich] was done by Yea & Nay when (the) Numbers were thus—whole 355—

For the Constitution with Proposal of amendment—187
Against it—

Majority in favor of it—

NB. there were 9 Absent Members

 $\begin{array}{c}
355 \\
\underline{9} \\
364 \text{ in all}
\end{array}$

Several Leaders of \langle the \rangle Minority acknowledged they had been candidly used and *fairly beaten*, & promised \langle that \rangle *now* \langle the \rangle Constitution was established they would submit & use their influence to promote Peace & Union³—

- 1. MS, Belknap Diary, MHi.
- 2. In a note Belknap made elsewhere in his diary after the Convention adjourned, he wrote that it was believed that Adams's manuever lost votes for the Constitution. Moreover, three days before Adams made his motion, Charles Jarvis tried to persuade him not to make it (RCS:Mass., 1597–98).
- 3. For the remainder of Belknap's entry under this date, which he probably wrote weeks later, see RCS:Mass., 1597–98.

Newspaper Report of Convention Proceedings, 6 February, P.M.

Connecticut Journal, 13 February¹

The following is an account of the Yeas and Nays, of the different counties, in the State Convention of Massachussetts.

Counties.	Yeas.	Nays.
Suffolk,	33 [34]	5
Essex,	38	6
Middlesex,	18 [17]	10 [25]
Hampshire,	19	33
Plymouth,	21	6

Barnstable,	7	2
Bristol,	10	12
York,	6	11
Duke's County,	2	0
Worcester,	7	58 [43]
Cumberland,	10	3
Lincoln,	9	7
Berkshire,		_15
	187	168

1. Incorrect numbers are corrected in brackets. The Connecticut Journal's account was reprinted in the Massachusetts Centinel, 23 February; Salem Mercury, 26 February; Hampshire Gazette, 27 February; Independent Chronicle, 28 February; and Cumberland Gazette, 28 February. Except for the Hampshire Gazette, the Massachusetts reprintings added this paragraph: "It will be observed, that in the three counties, Worcester, Hampshire, and Berkshire, where the unhappy commotions of last winter raged, there were 106 nays—and but 62 in all the other counties." (A variation of this paragraph appeared in the Essex Journal on 27 February [Mfm:Mass.], and two days later this variation was reprinted in the Exeter, N.H., Freeman's Oracle.) Both figures are incorrect because none of the newspapers altered the Connecticut Journal's incorrect nay figures for Middlesex and Worcester. The nay vote for Worcester, Hampshire, and Berkshire counties was 91, while that for all other counties was 77. On 27 February the Hampshire Chronicle published a similar table (also with some incorrect numbers) that it had received from a correspondent. The Chronicle's report ended with this statement: "Worcester alone, has as many Nays, as Suffolk, Essex, Plymouth, Barnstable, York and Bristol" (Mfm:Mass.). The Chronicle's report, minus its concluding statement, was reprinted in the New York Journal, 3 March; Maryland Journal, 11 March; and Philadelphia Independent Gazetteer, 17 March.

The Massachusetts Convention Thursday 7 February 1788

At 10:00 a.m. the Convention met for the last time. Several Antifederalist leaders "beg'd to have an opportunity to speak a few words to the Convention, before they dissolved"—a request granted by the Convention. The three Antifederalists whose remarks were recorded—Samuel Nasson, Benjamin Randall, and Benjamin Sawin—had voted against ratification of the Constitution. All three, however, promised to support the Constitution. (See RCS:Mass., 1494, 1585.)

The Convention then provided for the payment of the delegates, ordered the delegates to proceed to the State House to proclaim the ratification of the Constitution, and appointed a committee of four delegates and the secretary of the commonwealth to prepare an address to the people on the Constitution's principles. It ordered copies of this address to be printed, given to each delegate, and transmitted to each town. By unanimous votes, the Convention thanked the President and Vice President, the chaplains of the Convention,

and the proprietors of its meeting place—the church in Long Lane (called Federal Street after 8 February).

The Convention also accepted an invitation from some Bostonians to have refreshments in the Senate Chamber of the State House at 1:00 p.m., where the ratification was scheduled to be proclaimed. Some time between noon and 1:00 p.m., the Convention adjourned to the State House, where Joseph Henderson, the sheriff of Suffolk County, declared the ratification. Thereafter, President John Hancock dissolved the Convention, and the delegates proceeded to partake of the refreshments provided.

Convention Journal, 7 February

Met according to adjournment

The Committee on the pay Roll reported the same, amounting to four thousand four hundred and ninety nine pounds two shillings. Read & accepted & Voted, that His Excellency the Governour be, and he hereby is requested, by and with the advice and consent of Council, to draw his warrant on the Treasury of this Commonwealth for the aforegoing sum of £4,499.2.0. to be paid to the members of the Convention, in the proportion mentioned in the said Roll¹

Voted, That when the business of the Convention shall be compleated, the members will proceed to the State House, to proclaim the ratification of the federal constitution, and to take an affectionate leave of each other.

Whereas it is of importance that the good people of this Commonwealth should be informed of the reasons which induced the Convention to assent to and ratify the constitution for the United States of America, it is therefore,

Resolved that the Hon. George Cabot Esquire, Theophilus Parsons Esqr., Ebenezer Peirce Esqr. & the Hon Caleb Strong Esqr. together with the Secretary of the Convention, be a Committee to prepare an address to the people, stating the principles of the said constitution, the various objections which were made against it, and the answers they received; and explaining the absolute necessity of adopting some energetic system of federal government for the preservation of the union. And that the same be published and transmitted to every town within this Commonwealth, one copy thereof to be for the use of each member of this Convention. And that the Convention do recommend to the General Court, that they make provision for the publication of the said address, and give such directions for the distribution thereof, as that court shall judge proper.²

Ordered that the Secretary of this Convention, lodge the Journals thereof, in the office of the Secretary of this Commonwealth.

Voted unanimously, that the thanks of this Convention be given to His Excellency the President, for his generous and patriotic efforts, during a painful illness, to unite the members of this body in such a decision upon the subject of their deliberation, as, in his opinion, was essential to the safety and happiness of the people of the United States; and also for the patient attention, and perfect impartiality, with which His Excellency has presided, while his health permitted him to regulate their debates.

Voted unanimously, that His Honour the Vice-President be requested, to accept the united thanks of this Convention, for the uniform candour and impartiality, exhibited by His Honour, while presiding in the absence of the President.

Voted unanimously, that the thanks of this Convention, be presented to the Reverend Clergymen of the town of Boston who have kindly officiated, as Chaplains to this Convention during their session.

Voted unanimously, that the thanks of this Convention be given to the Proprietors of the Meeting House in Long Lane in Boston for the accommodation the Convention have received, in their House.

Voted that a Committee of five be chosen to wait upon His Excellency the President and the Honble. Vice President with the votes giving the thanks of the Convention to them respectively.

The Hon. Mr. Phillips, the Hon. Mr. Turner, Mr. Ames, the Hon. Mr. Adams, and the Hon. Mr. King, were appointed on the said Committee.³

Ordered that the Secretary acquaint the Revd. Clergymen of Boston, and the Proprietors of the Meeting House in Long Lane of the votes passed, respecting them.

An invitation from certain inhabitants of Boston, requesting the members of the Convention, to take refreshment at the Senate Chamber when the ratification of the constitution should be declared, Read,⁴ and Voted that the thanks of the Convention be given to the inhabitants of Boston for their polite invitation, and that the convention will attend as requested.

The business which was before the Convention being finished, on motion, that the Convention adjourn to the State House, for the purpose of declaring the ratification of the constitution for the United States of America.

Adjourned accordingly.

The Convention assembled again at the State House, where the ratification of the constitution aforesaid was publickly declared. after which,

The Convention was dissolved.

- 1. See RCS:Mass., 1498-1514.
- 2. For more on this address, which was probably never drafted, see RCS:Mass., 1657–58.
- 3. For a manuscript copy of this vote, found in the Cushing Papers at the Massachusetts Historical Society, see Mfm:Mass. For photographic facsimiles of the votes thanking the president, vice president, and chaplains found in the records of the Convention, see Mfm:Mass.
- 4. The unsigned invitation, dated "Thursday Morning 7th February" and addressed to "His Excellency, Governor Hancock," reads as follows: "A number of the Citizens of the Town of Boston present their most respectful Compliment to all the Members of the Honorable Convention and request the Honor of their Company at the Senate Chamber at One oClock This Day" (Constitutional Convention, 1788, M-Ar). For a photographic facsimile of the invitation, see Mfm:Mass.

Newspaper Reports of Convention Proceedings and Debates 7 February

Massachusetts Centinel, 9 February¹

The Convention met on Thursday, when Major Nason, in a short address, intimated his determination of supporting the Constitution, and exerting himself to influence his constituents to do the same.²

Mr. Randal said, he had been uniformly opposed to the Constitution—he had, he said, fought like a good soldier,³ but, as he was beat, he should set down contented, hoping the minority may be disappointed in their fears, and that the majority may reap the full fruition of the blessings they anticipate. In the hope that the amendments recommended by his Excellency the President will take place, I shall, says he, go home and endeavour to satisfy those that have honoured me by their choice; that we may all live in peace.

Major Sawin⁴ declared, that the Constitution had had a fair trial, and that there had not, to his knowledge, been any undue influence exercised to obtain the vote in its favour—that many doubts which lay in his mind had been removed—and that although he was in the minority he should support the Constitution as cheerfully and as heartily as though he had voted on the other side of the question.

The above open, manly and honorable conduct of the gentlemen who composed the minority, was very different from that of the turbulent opposers of the Constitution in Pennsylvania, who, not content with their declamatory and odious protest against its adoption, are now endeavouring to involve their country in all the horrors of a civil war, by ex[c]iting tumult and insurrection. To the everlasting honour of Massachusetts will the above be told—as it will convince the world, that her sons know rightly how to prize the great principle of republicanism—that of submitting to the decision of a majority.⁵

After the gentlemen above-mentioned had expressed their sentiments—on motion of the Hon. Mr. Cabot, the following votes, were passed, VOTED, unanimously, That the thanks of this Convention be given to his Excellency the President, for his generous and patriotick efforts, during a painful illness, to unite the members of this body in such a decision upon the subject of their deliberation, as in his opinion was essential to the safety and happiness of the people of the United States; and also, for the patient attention, and perfect impartiality, with which his Excellency has presided while his health permitted him to regulate their debates.

VOTED, unanimously, That his Honour the Vice-President be requested to accept the united thanks of this Convention for the uniform candour and impartiality exhibited by his Honour while presiding in the absence of the President.

Votes of thanks to the Rev. Chaplains, and the proprietors of the Meeting-House in Federal Street, were also passed.—After which it was voted to move from the place wherein the Convention were then sitting, to the State-House, in order to declare the ratification of the Constitution, in form; which took place immediately. It being known that the indisposition of body of his Excellency the President, would prevent him from leading the Convention on foot, a number of respectable citizens appeared at the door of the house, with an elegant carriage, into which, with the violence of ardent affection and honest enthusiasm, they forced his Excellency—and notwithstanding his most earnest solicitations to be permitted to proceed in a different manner—they drew him in it to the State-House—where the Convention, having convened in the representatives' chamber, voted to attend the Declaration of the ratification of the Constitution—which was done by the High Sheriff of the county of Suffolk, as follows.

[The complete text of the Form of Ratification was printed here.]8

Massachusetts Gazette, 8 February

Yesterday, A.M. the Convention met, according to adjournment, when a vote was passed for proceeding in procession to the state-house, and there to declare the ratification of the FEDERAL CONSTITUTION, which that honourable body, on Wednesday last, by a majority of NINE-TEEN, assented to, in behalf of the commonwealth of Massachusetts. About 12 o'clock, the procession moved from their place of session, preceded by the honourable vice president of the Convention. His excellency the president being seated in an elegant vehicle, was drawn by THIRTEEN patriotick and publick spirited MECHANICKS, who thus

expressed their love and respect for a man who ever loved and respected his country.9

The procession having arrived at the state house, entered the senate chamber, from which his excellency the president, the vice-president, secretary, high sheriff of the county of Suffolk, and other respectable characters, went out upon the balcony of the state-house, from whence his excellency the president addressed the multitude who had assembled below, in a short speech, preparatory to what they were about to hear declared. The high-sheriff then declared the federal constitution adopted and ratified by the Convention of the commonwealth of Massachusetts.



OLD STATE HOUSE, BOSTON. Oil by James B. Marston, 1801. Courtesy of the Massachusetts Historical Society. (Photograph by Richard Cheek.)

After which the whole assembly testified their approbation by the loudest huzzas.

[There follows a description of the "elegant repast" that took place in the Senate chamber, including the thirteen toasts that were drunk. For the rest of this item, see RCS:Mass., 1613.]

1. Reprinted, in whole or in part, in the Boston Gazette, 11 February; Salem Mercury, 12 February; Essex Journal, 13 February; Cumberland Gazette and Worcester Magazine, 14 February; Hampshire Gazette, 20 February; in the February issue of the New York American

Magazing, and in twenty-one other newspapers by 14 March: R.I. (2), Conn. (1), N.Y. (5), N.J. (1), Pa. (7), Md. (3), Va. (2).

- 2. On 19 November 1787 the town of Sanford voted not to send a delegate to the Convention, but on 10 December, at the instigation of Samuel Nasson, it reversed itself and appointed Nasson to be its delegate (RCS:Mass., 1023). Returning home from the Convention, Nasson wrote George Thatcher that he was well received. He also told Thatcher that he gloried in being in the minority; he said he fought like "a Good Soldier" and would support the Constitution if it were adopted and implemented (8 and 26 February, and 23 March, RCS:Mass., 1649, 1707–8, 1727). On 10 March John Avery, Jr., informed Thatcher that Nasson had wanted the Constitution to be ratified conditionally (RCS:Mass., 1675).
 - 3. See note 2 (above).
- 4. Benjamin Sawin (b. 1748) was a Marlborough tavern keeper and a militia officer, who attained the rank of brigadier general after 1796. Sawin's election as a Convention delegate was unusual. He never held an important town office or served as a town representative or justice of the peace, either before or after the Convention.
- 5. Much of this paragraph was originally printed in the *Independent Chronicle*, 7 February. This paragraph, which appears immediately below the *Chronicle's* complete rendering of the vote on ratification, reads, "The open, manly and honorable conduct of the gentlemen who composed the minority, in the great question yesterday taken in the Hon. Convention, was very different from the turbulent opposers of the Constitution in Pennsylvania, who, not content with their declamatory and odious protest against its adoption, are now endeavouring to involve their country in all the horrors of a civil war, by exciting tumult and insurrection."
- 6. The Convention *Debates* (Mfm:Mass.) indicates that, before the following votes were taken, the Convention passed the payroll, which amounted to £4499.2 ſ.
- 7. On Friday, 8 February, "THE PEOPLE" of Boston, taking part in the "GRAND PROCESSION" celebrating the ratification of the Constitution, adopted an ordinance altering the name of "the avenue called Long-Lane, to FEDERAL-STREET," in honor of the ratification of the Constitution. For the text of this ordinance, see *Massachusetts Centinel*, 13 February (RCS:Mass., 1628–29).
 - 8. For a discussion of the publication of the Form, see RCS:Mass., 1468.
- 9. On 18 February the *Vermont Gazette* printed a slightly different version: "The ratification of the Federal Constitution in Massachusetts occasioned the greatest public rejoicings in the metropolis, of any event that has taken place since the peace. The horses were taken out of his Excellency Governor Hancock's chariot, and he was drawn in triumph amidst loud acclamations of the populace, from the State House to his Excellency's dwelling by thirteen citizens."

Appendix I Convention Expenses

The Convention payroll is found in a twenty-page manuscript entitled "Pay Roll of the Travel and attendance of the Convention begun and held at Boston, from the 9th day of January to the 7th. day of February 1788," which is part of the volume "Constitutional Convention 1788" (M-Ar). On 31 January the Convention ordered that the payroll be made up for the period from 9 January to 5 February, a total of twenty-eight days (RCS:Mass., 1380). The payroll is arranged by county in the order of creation. Within each county, towns are listed in the first column in the order of creation. The second column gives the names of 364 delegates who attended. Additional columns list the approximate number of miles traveled, the payment due for the travel (at a rate of seven shillings per ten miles), the number of days in attendance, the amount due for attendance, the amount due for an additional two days (6 and 7 February), and the total amount due each delegate. Mileage figures varied from nothing for those delegates living in Boston and the surrounding towns to 210 miles for several Maine towns in Lincoln County. Delegates were to receive seven shillings for each day attended. Delegates living in Boston and the surrounding towns were not credited for Sundays. Three delegates received payment adjustments that were recorded on a summary page of the manuscript. (For these adjustments, see notes 1-3.) The total amount allowed to the 364 delegates was £4,499.2.0.

The payroll omits the compensation for secretary George R. Minot and messenger Jacob Kuhn. On 14 March the legislature resolved that Minot receive £30.0.0 and Kuhn, £10.10.0. Edward Vannaver, the sexton of the Long Lane Congregational Church, was to get £6.0.0. Four days later, warrants were drawn on the state treasury to make these three payments. (For the legislative proceedings and resolution and the warrants for these payments, see Mfm:Mass.)

On 7 February the Convention requested that Governor John Hancock, with the advice and consent of the Council, pay the delegates from the state treasury (RCS:Mass., 1492), and that same day Hancock and the Council issued a warrant to pay the delegates (Mfm:Mass.). On 8 February state treasurer Alexander Hodgdon paid the delegates only about a third of what was due them because he lacked sufficient funds. Therefore, on 7 March Hodgdon asked the legislature to find £3,000.4.0 to pay the remainder (Mfm: Mass.). On 25 March the legislature authorized Hodgdon to borrow that amount (Mfm: Mass.).

The experiences of delegates Justus Dwight and Isaac Backus reflected the manner of payment. Dwight's journal reveals that, before he left Boston, he received a bank note for £4.10.0 and that he was still due £9.3.0 (Mfm:Mass.). Backus noted in his diary on 8 February that the delegates received about a third of their pay; in his case this amounted to £3.0.0 (RCS:Mass., 1597). The failure to pay the delegates in full was probably a hardship for some of them. (See Henry Jackson to Henry Knox, 3 February, RCS:Mass., 1571.)

Payments to Convention Delegates

Delegate (Town)	Miles of Travel	Amount for Travel	Days of	Amount for Attendance	Two Days Additional	Тотац
		TTAVCI	Attendance	Attendance	Attendance	TOTAL
Benjamin Adams (Ashby)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Daniel Adams (Townshend)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Mark Adams (Kittery)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
Samuel Adams			24	8.8.0	0.14.0	9.2.0
(Boston)	٥٢	1.4.0	10	6.6.0	0.140	0.46
Noah Alden	35	1.4.6	18	6.6.0	0.14.0	8.4.6
(Bellingham)	105	3.13.6	90	0.16.0	0.140	1496
Josiah Allis	105	3.13.0	28	9.16.0	0.14.0	14.3.6
(Whateley)	70	9.0.0	90	0.10.0	0.14.0	10 10 0
William Almy	70	2.9.0	28	9.16.0	0.14.0	12.19.0
(Westport)	1 5	0.10.0	00	0.10.0	0.14.0	1100
Fisher Ames	15	0.10.6	28	9.16.0	0.14.0	11.0.6
(Dedham and				•		
Dover)	100	C C O	00	0.10.0	0.140	10100
Moses Ames	180	6.6.0	28	9.16.0	0.14.0	16.16.0
(Fryeburg)	110	0.17.0	0.0	0.00	0.140	10.10.0
Consider Arms (Conway)	110	3.17.0	26	9.2.0	0.14.0	13.13.0
John Ashley, Jr. (Sheffield and	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Mount Washington)		100	00	7140	0.14.0	0.100
Isaac Backus (Middleborough)	40	1.8.0	22	7.14.0	0.14.0	9.16.0
Samuel Baker (Bolton and Berlin)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Thomas M. Baker (Upton)	40	1.8.0	24	8.8.0	0.14.0	10.10.0
Nathaniel Barrell	80	2.16.0	28	9.16.0	0.14.0	13.6.0
(York) Bailey Bartlett	35	1.4.6	28	9.16.0	0.14.0	11.14.6
(Haverhill)						
Moses Bascom (Greenfield)	115	4.0.6	27	9.9.0	0.14.0	14.3.6
John Baxter, Jr. (Medfield)	20	0.14.0	25	8.15.0	0.14.0	10.3.0
William Baylies	50	1.15.0	28	9.16.0	0.14.0	12.5.0
(Dighton) Zaccheus Beal	165	5.15.6	28	9.16.0	0.14.0	16.5.6
(Bowdoinham) Joshua Bean (Winthrop)	210	7.7.0	28	9.16.0	0.14.0	17.17.0

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Comstock Betts (Richmond)	155	5.8.6	28	9.16.0	0.14.0	15.18.6
Abraham Bigelow (Weston)	15	0.10.6	26	9.2.0	0.14.0	10.6.6
David Bigelow (Worcester)	4 5	1.11.6	28	9.16.0	0.14.0	12.1.6
Elijah Bisbee, Jr. (Plympton)	4 5	1.11.6	28	9.16.0	0.14.0	12.1.6
Phanuel Bishop (Rehoboth)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
John Black (Barre)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
Timothy Blair (Blanford)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Benjamin Blaney (Malden)			24	8.8.0	0.14.0	9.2.0
William Bodman (Williamsburgh)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Benjamin Bonney (Chesterfield)	115	4.0.6	28	9.16.0	0.14.0	14.10.6
Richard Bordon (Freetown)	50	1.15.0	14	4.18.0	0.14.0	7.7.0
Shearjashub Bourn (Barnstable)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
James Bowdoin (Boston)	-	-	24	8.8.0	0.14.0	9.2.0
James Bowdoin, Jr. (Dorchester)	. 		24	8.8.0	0.14.0	9.2.0
Jacob Bradbury (Buxton)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Jesse Bradley (Lee)	145	5.1.6	28	9.16.0	0.14.0	15.11.6
Artemas Brigham (Northborough)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Hezekiah Broad (Natick)	20	0.14.0	27	9.9.0	0.14.0	10.17.0
Eleazer Brooks (Lincoln)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
John Brooks (Medford)	- -	- ,	22	7.14.0	0.14.0	8.8.0
Benjamin Brown (Lexington)	15	0.10.6	27	9.9.0	0.14.0	10.13.6
David Brown (Swanzey)	50	1.15.0	26	9.2.0	0.14.0	11.11.0
Lawson Buckminster (Framingham)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Jonathan Bullard (Oakham)	65	2.5.6	28	9.16.0	0.14.0	12.15.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
John Burnham (Lynn and Lynnfield)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
David Bush (Pittsfield)					_	
Francis Cabot (Salem)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
George Cabot (Beverly)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Ebenezer Carlton (Methuen)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
John Carnes (Lynn and Lynnfield)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Elisha Carpenter (Becket)	135	4.14.6	28	9.16.0	0.14.0	15.4.6
James Carr (Hallowell)	200	7.0.0	28	9.16.0	0.14.0	17.10.0
Staples Chamberlain (Holliston)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
John Chamberlin (New Salem)	85	2.19.6	28	9.16.0	0.14.0	13.9.6
John Choate (Ipswich)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Adam Clark (Pelham)		2.19.6	28	9.16.0	0.14.0	13.9.6
Israel Clark (Topsfield)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Kimbal Clark (Harwich)	95	3.6.6	28	9.16.0	0.14.0	13.16.6
Jonathan Cogswell (Ipswich)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Lemuel Collins (Lenox)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Elihu Colton (Longmeadow)	110	3.17.0	26	9.2.0	0.14.0	13.13.0
Nathan Comstock (Wrentham)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Clark Cooley (Granville)	120	4.4.0	27	9.9.0	0.14.0	14.7.0
Daniel Cooley (Amherst)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Richard Cranch (Braintree)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
Zaccheus Crocker (Sunderland)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Jonah Crosby (Winslow)	200	7.0.0	28	9.16.0	0.14.0	17.10.0
Caleb Curtis (Charlton)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
* * * * * * * * * * * * * * * * * * * *						

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Samuel Curtis	45	1.11.6	14	4.18.0		6.9.6
(Worcester) Joseph Cushing (Hanover)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Nathan Cushing (Scituate)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
William Cushing (Scituate)	30	1.1.0	28	9.16.0	0.14.0	$16.7.0^{1}$
Richard Foxwell Cutts (Berwick)	95	3.6.6	28	9.16.0	0.14.0	13.16.6
Thomas Cutts (Pepperell- borough)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Tristram Dalton (Newbury)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Francis Dana (Cambridge)	·	-	20	7.0.0	0.14.0	7.14.0
Stephen Dana (Cambridge)	-		24	8.8.0	0.14.0	9.2.0
Caleb Davis (Boston)			24	8.8.0	0.14.0	9.2.0
John Davis (Plymouth)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Joseph Davis (Holden)	55	1.18.6	28	9.16.0	0.14.0	12.8.6
Moses Davis (Edgecomb)	190	6.13.0	28	9.16.0	0.14.0	17.3.0
Thomas Davis (Plymouth)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Thomas Dawes, Jr. (Boston)	· _		24	8.8.0	0.14.0	9.2.0
Jonathan Day (Dudley)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Gilbert Dench (Hopkinton)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Samuel Denny (Leicester)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Thomas James Doglass (Norwich)	115	4.0.6	28	9.16.0	0.14.0	14.10.6
Frederick Drown (Rehoboth)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Elijah Dunbar (Stoughton)	15	0.10.6	26	9.2.0	0.14.0	10.6.6
Cornelius Dunham (Tisbury)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
John Dunlap (Brunswick)	160	5.12.0	28	9.16.0	0.14.0	16.2.0

	Miles of	Amount	Days of	Amount	Two Days Additional	_
Delegate (Town)	Travel	Travel	Attendance	Attendance	Attendance	TOTAL
Thomas Durfee (Freetown)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Elijah Dwight (Great Barrington)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Justus Dwight (Belchertown)	90	3.3.0	28	9.16.0	0.14.0	13.13.0
Joshua Dyer (Cape Elizabeth)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Nahum Eager (Worthington)	120	4.4.0	26	9.2.0	0.14.0	14.0.0
Benjamin Eastman (Granby)	95	3.6.6	27	9.9.0	0.14.0	13.9.6
Samuel Eddy (Colrain)	120	4.4.0	27	9.9.0	0.14.0	14.7.0
Benjamin Ely (West Springfield)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Peter Emerson (Reading)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Jeremiah Emery (Shapleigh)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
David Fales (Thomaston)	200	7.0.0	28	9.16.0	0.14.0	17.10.0
Michael Farley (Ipswich)	30	1.1.0	22	7.14.0	0.14.0	9.9.0
Israel Fearing (Wareham)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Samuel Field (Deerfield)	110	3.17.0	26	9.2.0	0.14.0	13.13.0
Aaron Fisher (Westhampton)	110	3.17.0	25	8.15.0	0.14.0	13.6.0
Jabez Fisher (Franklin)	30	1.1.0	26	9.2.0	0.14.0	10.17.0
Asa Fisk (South Brimfield and Holland)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Daniel Fisk (Pepperrell)	45	1.11.6	26	9.2.0	0.14.0	11.7.6
Ephraim Fitch (Egremont)	155	5.8.6	28	9.16.0	0.14.0	15.18.6
Joel Fletcher (Templeton)	65	2.5.6	28	9.16.0	0.14.0	12.15.6
William Flint (Reading)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Daniel Forbes (Brookfield)	65	2.5.6	28	9.16.0	0.14.0	12.15.6
James Fowle, Jr. (Woburn)	10	0.7.0	<u> </u>	-	_	

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Silas Fowler	110	3.17.0	28	9.16.0	0.14.0	14.7.0
(Southwick) John Fox (Portland)	130	4.11.0	28	9.16.0	0.14.0	15.1.0
Solomon Freeman (Harwich)	95	3.6.6	28	9.16.0	0.14.0	13.16.6
John Frye (Royalston)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Abraham Fuller (Newton)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
John Fuller (Lunenburgh)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Timothy Fuller (Princeton)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
David Gilmore (Woolwich)	170	5.19.0	28	9.16.0	0.14.0	16.9.0
Phineas Gleason (East Sudbury)	20	0.14.0	25	8.15.0	0.14.0	10.3.0
John Glover (Marblehead)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Jonathan Glover (Marblehead)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Josiah Goddard (Athol)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
John Goldsbury (Warwick and	90	3.3.0	28	9.16.0	0.14.0	13.13.0
Orange) Noah Goodman (South Hadley)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Christopher Gore (Boston)	· . · —	- -	24	8.8.0	0.14.0	9.2.0
Nathaniel Gorham (Charlestown)		_	24	8.8.0	0.14.0	9.2.0
Samuel Grant (Vassalborough)	210	7.7.0	28	9.16.0	0.14.0	17.17.0
William Gray, Jr. (Salem)	20	0.14.0	18	6.6.0	0.14.0	7.14.0
Jonathan Green (Stoneham)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
Benjamin Greenleaf (Newburyport)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Jonathan Grout (Petersham)	7 5	2.12.6	28	9.16.0	0.14.0	13.2.6
Moses Hale (Winchendon)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
John Hamilton (Granville)	120	4.4.0	27	9.9.0	0.14.0	14.7.0

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Nathaniel Hammond (Rochester)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
John Hancock (Boston)	, '		6	2.2.0	0.14.0	$0.0.0^{2}$
John Harnden (Wilmington)	20	0.14.0	25	8.15.0	0.14.0	10.3.0
Isaac Harrington (Shrewsbury)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
David Harwood (Sutton)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
John Hastings (Hatfield)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
James Hathaway (Spencer)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Melatiah Hathaway (Dartmouth)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Elijah Hayes (Berwick)	95	3.6.6	28	9.16.0	0.14.0	13.16.6
William Heath (Roxbury)	-	. —	12	4.4.0	0.14.0	4.18.0
Moses Hemmenway (Wells)	90	3.3.0	28 %	9.16.0	0.14.0	13.13.0
Ezekiel Herrick (Tyringham)	140	4.18.0	28	9.16.0	0.14.0	15.8.0
Jacob Herrick (Wenham)	30	1.1.0	28	9.16:0	0.14.0	11.11.0
Stephen Holden (Westminster)	55	1.18.6	28	9.16.0	0.14.0	12.8.6
Abraham Holmes (Rochester)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Samuel Holten (Danvers)	20	0.14.0	11	3.17.0		4.11.0
Hezekiah Hooper (Bridgewater)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Joseph Hosmer (Concord)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Daniel Howard (Bridgewater)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Daniel Howard, Jr. (Bridgewater)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Jonathan Howes (Yarmouth)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Jonathan Hubbard (Leverett)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
John Hurlbert (Alford)	155	5.8.6	28	9.16.0	0.14.0	15.18.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Israel Hutchinson (Danvers)	-		8	2.16.0	0.14.0	3.10.0
Daniel Ilsley (Falmouth)	130	4.11.0	28	9.16.0	0.14.0	15.1.0
John Ingersol (Westfield)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Enoch Jackman (Salisbury)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Joseph Jackson (Brookline)	_	_	24	8.8.0	0.14.0	9.2.0
Ebenezer Janes (Northfield)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Charles Jarvis (Boston)		- -	24	8.8.0	0.14.0	9.2.0
Nathaniel Jenks (Brookfield)	65	2.5.6	28	9.16.0	0.14.0	12.15.6
John Jennings (Ludlow)	90	3.3.0	28	9.16.0	0.14.0	13.13.0
John Coffin Jones (Boston)	- ' -		24	8.8.0	0.14.0	9.2.0
Thomas Jones (Hull)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
William Jones (Bristol)	200	7.0.0	28	9.16.0	0.14.0	17.10.0
Benjamin Joslyn (New Braintree)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
Jonathan Keep (Westford)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Rufus King (Newburyport)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Martin Kingsley (Hardwick)	75	2.12.6	27	9.9.0	0.14.0	12.15.6
Thomas Kittridge (Andover)	25	0.17.6	24	8.8.0	0.14.0	9.19.6
Joshua Lawton (Loudon)	130	4.11.0	28	9.16.0	0.14.0	15.1.0
Edmund Lazell (Cummington and Plainfield)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Jeremiah Learned (Oxford)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Nathaniel Leonard (Taunton)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Benjamin Lincoln (Hingham)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Stephen Longfellow, Jr. (Gorham)	125	4.7.6	28	9.16.0	0.14.0	14.17.6

D.1. (T.)	Miles of	Amount	Days of	Amount	Two Days Additional	
Delegate (Town)	Travel	Travel	Attendance	Attendance	Attendance	TOTAL
John Low (Coxhall)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
John Low	40	1.8.0	28	9.16.0	0.14.0	11.18.0
(Gloucester) Nathaniel Low	95	3.6.6	28	9.16.0	0.14.0	13.16.6
(Berwick) Benjamin Lurvey	50	1.15.0	24	8.8.0	0.14.0	10.17.0
(Almsbury) Thomas Lusk (West	155	5.8.6	28	9.16.0	0.14.0	15.18.6
Stockbridge) William McCobb	210	7.7.0	23	8.1.0	0.14.0	16.2.0
(Boothbay) Ezra McIntire (Charlton)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
William McIntosh (Needham)	15	0.10.6	27	9.9.0	0.14.0	10.13.6
Joseph McLellan (Portland)	130	4.11.0	28	9.16.0	0.14.0	15.1.0
Thomas Mann (Wrentham)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Richard Manning (Salem)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Isaac Mansfield (Marblehead)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Ebenezer March (Newbury)	45	1.11.6	22	7.14.0	0.14.0	9.19.6
Nathaniel Marsh (Haverhill)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Nymphas Marston (Barnstable)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
Christopher Mason (Swanzey)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Timothy Mason (Windsor)	135	4.14.6	28	9.16.0	0.14.0	15.4.6
Thompson Maxwell (Buckland)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Elisha May (Attleborough)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
William Mayhew (Edgartown)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Malachi Maynard (Conway)	110	3.17.0	26	9.2.0	0.14.0	13.13.0
Stephen Maynard (Westborough)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Aaron Merrick (Palmer)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Phineas Merrick (Monson)	80	2.16.0	28	9.16.0	0.14.0	13.6.0

Delegate (Tours)	Miles of	Amount for Travel	Days of	Amount for Attendance	Two Days Additional	Total
Delegate (Town)	Travel	Traver	Attendance	Attendance	Attendance	TOTAL
Samuel Merrill (North Yarmouth)	140	4.18.0	28	9.16.0	0.14.0	15.8.0
Thomas Mighill (Rowley)	35	1.4.6	26	9.2.0	0.14.0	11.0.6
Simeon Miller (Manchester)	30	1.1.0	1	0.7.0	0.14.0	2.2.0
John Minot (Chelmsford)	25	0.17.6	25	8.15.0	0.14.0	10.6.6
David Mitchell (North Yarmouth)	140	4.18.0	28	9.16.0	0.14.0	15.8.0
Elisha Mitchell (Bridgewater)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Abner Morgan (Brimfield)	75	2.12.6	27	9.9.0	0.14.0	12.15.6
Benjamin Morse (Groton)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Jonas Morse (Marlborough)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
David Murray (Newcastle)	190	6.13.0	28	9.16.0	0.14.0	17.3.0
Samuel Nasson (Sanford)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
James Neal (Kittery)	75	2.11.6	28	9.16.0	0.14.0	13.1.6
Seth Newton	30	1.1.0	27	9.9.0	0.14.0	11.4.0
(Southborough) James Nichols (Brookfield)	65	2.5.6	28	9.16.0	0.14.0	12.15.6
Samuel Niles (Abington)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Zenos Noble (Washington)	140	4.18.0	28	9.16.0	0.14.0	15.8.0
Daniel Noyes (Ispwich)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Samuel Nye (Salisbury)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Thomas Nye (Sandwich)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Azor Orne (Marblehead)	20	0.14.0	27	9.9.0	0.14.0	10.17.0
Peter Osgood, Jr. (Andover)	25	0.17.6	26	9.2.0	0.14.0	10.13.6
Joseph Palmer (Falmouth)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Timothy Parker (Sturbridge)	65	2.5.6	28	9.16.0	0.14.0	12.15.6
Asa Parlin (Acton and Carlisle)	25	0.17.6	26	9.2.0	0.14.0	10.13.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Theophilus Parsons	45	1.11.6	28	9.16.0	0.14.0	12.1.6
(Newburyport) George Partridge (Duxbury)	40	1.8.0	21	7.7.0	0.14.0	9.9.0
Matthew Patrick (Western)	75	2.12.6	28	9.16.0	0.14.0	13.2.6
Willis Patten (Almsbury)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
George Payson (Walpole)	20	0.14.0	27	9.9.0	0.14.0	10.17.0
Phillips Payson (Chelsea)	_		24	8.8.0	0.14.0	9.2.0
William Pearson (Gloucester)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Samuel Peckham (Petersham)	75	2.12.6	28	9.16.0	0.14.0	13.2.6
Ebenezer Peirce (Partridgefield)	125	4.7.6	28	9.16.0	0.14.0	14.17.6
Isaac Pepper (Ware)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Samuel Perley (Gray)		4.18.0	28	9.16.0	0.14.0	15.8.0
John Phelps (Westfield)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
William Phillips (Boston)			24	8.8.0	0.14.0	9.2.0
John Picket, Jr. (Sandisfield)	140	4.18.0	28	9.16.0	0.14.0	15.8.0
Jeremiah Pierce (Adams)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
John Pitts (Dunstable)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Lemuel Pomeroy (Southampton)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Elisha Porter (Hadley)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Asa Powers (Shutesbury)	90	3.3.0	28	9.16.0	0.14.0	13.13.0
Aaron Pratt (Taunton)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
John Pratt (Mansfield)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Esaias Preble (York)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Edward Pulling (Salem)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Daniel Putnam (Fitchburgh)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
William Pynchon (Springfield)	100	3.10.0	28	9.16.0	0.14.0	14.0.0

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Benjamin Randall	20	0.14.0	26	9.2.0	0.14.0	10.10.0
(Sharon) Valentine Rathbun (Pittsfield)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Jesse Reed (Charlemont)	120	4.4.0	26	9.2.0	0.14.0	14.0.0
Samuel Reed (Littleton)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Thomas Rice (Pownalborough)	185	6.9.6	28	9.16.0	0.14.0	16.19.6
Moses Richardson, Jr. (Medway)	. 25	0.17.6	27	9.9.0	0.14.0	11.0.6
Sylvester Richmond	50	1.15.0	28	9.16.0	0.14.0	12.5.0
(Dighton) Nathaniel Robbins (Milton)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
Daniel Rogers	40	1.8.0	28	9.16.0	0.14.0	11.18.0
(Gloucester) Thomas Russell	·		24	8.8.0	0.14.0	9.2.0
(Boston) Benjamin Sawin	30	1.1.0	26	9.2.0	0.14.0	10.17.0
(Marlborough) Obadiah Sawtell	40	1.8.0	28	9.16.0	0.14.0	11.18.0
(Shirley) Enoch Sawyer (Newbury)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Newman Scarlett (Tewksbury)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Theodore Sedgwick (Stockbridge)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
William Sever, Jr. (Kingston)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Moses Severance (Montague)	100	3.10.0	27	9.9.0	0.14.0	13.13.0
Dummer Sewall (Bath)	170	5.19.0	28	9.16.0	0.14.0	16.9.0
William Shaw (Marshfield)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Benjamin Sheldon (Northampton and Easthampton)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
David Shepard (Chester)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Joseph Sheple (Groton)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Asaph Sherman (Rutland)	55	1.18.6	28	9.16.0	0.14.0	12.8.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Francis Shurtliff (Plympton)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Daniel Shute (Hingham)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Amos Singletary (Sutton)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Thompson J. Skinner (Williamstown)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Holder Slocum (Dartmouth)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Abraham Smith (Paxton)	60	2.2.0	18	6.6.0	0.14.0	9.2.0
John K. Smith (Falmouth)	130	4.11.0	28	9.16.0	0.14.0	15.1.0
Jonathan Smith (Lanesborough)	150	5.5.0	28	9.16.0	0.14.0	15.15.0
Josiah Smith (Pembroke)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Thomas Smith (Sandwich)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Isaac Snow (Harpswell)	165	5.15.6	28	9.16.0	0.14.0	16.5.6
Isaac Soul (Middleborough)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Jedediah Southworth (Stoughton)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Walter Spooner (New Bedford)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
John Sprague (Lancaster)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Marshall Spring (Watertown)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
David Stearns (Milford)	35	1.4.6	26	9.2.0	0.14.0	11.0.6
Phineas Stebbins (Wilbraham)	90	3.3.0	28	9.16.0	0.14.0	13.13.0
Samuel Stillman (Boston)	_		24	8.8.0	0.14.0	9.2.0
Joseph Stone (Ward) Caleb Strong (Northampton and Easthampton)	60 100	2.2.0 3.10.0	28 28	9.16.0 9.16.0	0.14.0 0.14.0	12.12.0 14.0.0
Increase Sumner (Roxbury)	-		24	8.8.0	0.14.0	9.2.0
David Sylvester (Pownalborough)	185	6.9.6	28	9.16.0	0.14.0	16.19.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
William Symmes, Jr. (Andover)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Daniel Taylor (New Marlborough)	145	5.1.6	28	9.16.0	0.14.0	15.11.6
John Taylor (Douglass)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Jonas Temple (Boylston)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
David Thacher (Yarmouth)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Thomas Thacher (Dedham and Dover)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Benjamin Thomas (Middleborough)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Joshua Thomas (Plymouth)	40	1.8.0	21	7.7.0	0.14.0	9.9.0
Edward Thompson (Mendon)	40	1.8.0	27	9.9.0	0.14.0	11.11.0
Samuel Thompson (Topsham)	160	5.12.0	28	9.16.0	0.14.0	16.2.0
William Thompson (Billerica)	20	0.14.0	26	9.2.0	0.14.0	10.10.0
William Thompson (Scarborough)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Isaac Thomson (Middleborough)	40	1.8.0	22	7.14.0	0.14.0	9.16.0
Israel Thorndike (Beverly)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Daniel Thurston (Bradford)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Pelatiah Tingley (Waterborough)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Ebenezer Tisdell (Easton)	25	0.17.6	28	9.16.0	0.14.0	11.7.6
Jonathan Titcomb (Newburyport)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Samuel Tobey (Berkley)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Cotton Tufts (Weymouth)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Charles Turner (Scituate)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
John Turner (Pembroke)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Joseph Bradley Varnum (Dracut)	35	1.4.6	28	9.16.0	0.14.0	11.14.6

Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
David Vaughan (Hancock)	160	5.12.0	28	9.16.0	0.14.0	16.2.0
Ebenezer Wales (Dorchester)		_	24	8.8.0	0.14.0	9.2.0
Ebenezer Warren (Foxborough)	30	1.1.0	27	9.9.0	0.14.0	11.4.0
Israel Washburn (Rainham)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Freeman Waterman (Halifax)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
John Webber (Bedford)	15	0.10.6	28	9.16.0	0.14.0	11.0.6
Agrippa Wells (Bernardston and Leyden)	110	3.17.0	27	9.9.0	0.14.0	14.7.03
Nathaniel Wells (Wells)	90	3.3.0	28	9.16.0	0.14.0	13.13.0
Thomas M. Wentwort (Lebanon)	h 110	3.17.0	28	9.16.0	0.14.0	14.7.0
Samuel West (New Bedford)	70	2.9.0	28	9.16.0	0.14.0	12.19.0
Asahel Wheeler (Sudbury)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Nathaniel Whitcomb (Greenwich)	80	2.16.0	28	9.16.0	0.14.0	13.6.0
Abraham White (Norton)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Charles Whitman (Stow and Boxborough)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Levi Whitman (Wellfleet)	110	3.17.0	28	9.16.0	0.14.0	14.7.0
Daniel Whitney (Sherburne)	20	0.14.0	28	9.16.0	0.14.0	11.4.0
Josiah Whitney (Harvard)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Anthony Wibird (Braintree)	10	0.7.0	3	1.1.0	0.14.0	2.2.0
William Widgery (New Gloucester)	155	5.8.6	28	9.16.0	0.14.0	15.18.6
David Wilder (Leominster)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
Ephraim Wilder (Sterling)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Jacob Willard (Ashburnham)	60	2.2.0	28	9.16.0	0.14.0	12.12.0

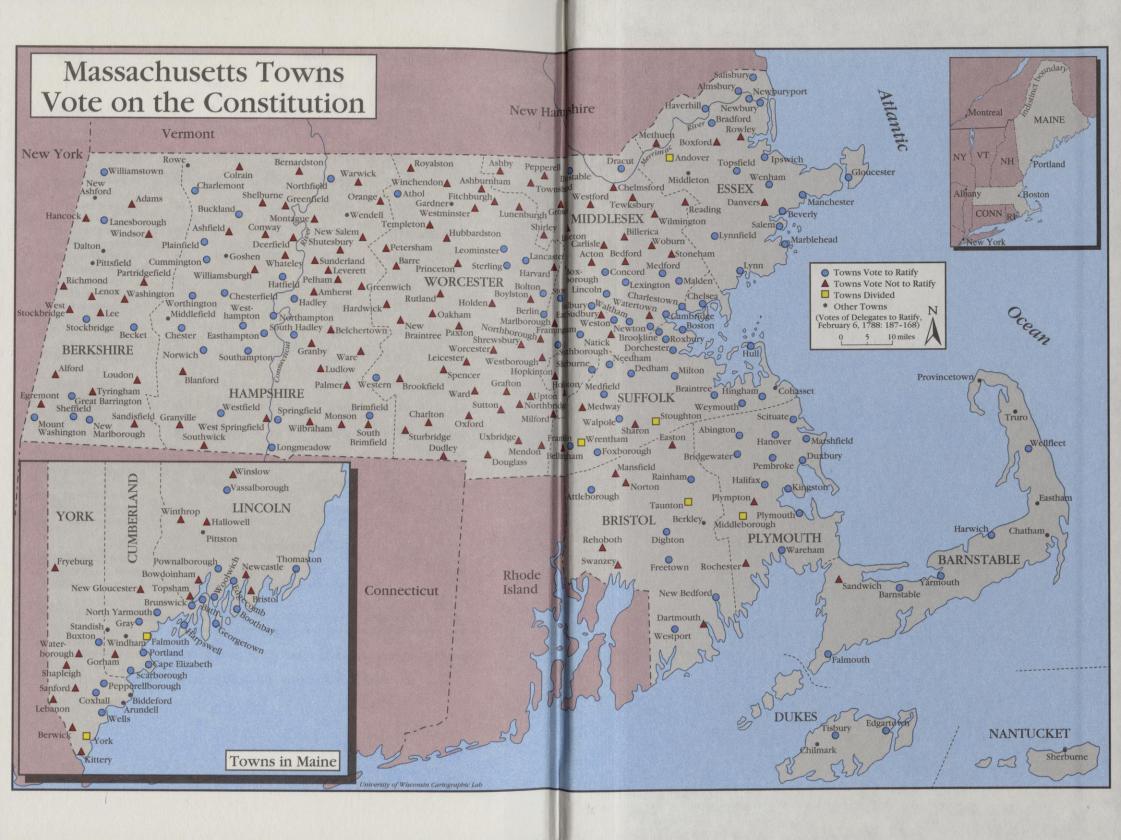
Delegate (Town)	Miles of Travel	Amount for Travel	Days of Attendance	Amount for Attendance	Two Days Additional Attendance	Total
Delegate (Town)						
Samuel Willard (Uxbridge)	45	1.11.6	28	9.16.0	0.14.0	12.1.6
Ephraim Williams (Ashfield)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
James Williams (Taunton)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Leonard Williams (Waltham)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
John Williston (West Springfield)	100	3.10.0	28	9.16.0	0.14.0	14.0.0
Moses Willmarth (Attleborough)	35	1.4.6	28	9.16.0	0.14.0	11.14.6
Robert Wilson (Shelburne)	120	4.4.0	28	9.16.0	0.14.0	14.14.0
Timothy Winn (Woburn)	10	0.7.0	28	9.16.0	0.14.0	10.17.0
William Winsor (Rehoboth)	50	1.15.0	28	9.16.0	0.14.0	12.5.0
John Winthrop (Boston)			24	8.8.0	0.14.0	9.2.0
Aaron Wood (Boxford)	30	1.1.0	28	9.16.0	0.14.0	11.11.0
Joseph Wood (Beverly)	25	0.17.6	27	9.9.0	0.14.0	11.0.6
Joseph Wood (Grafton)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
Josiah Wood (Northbridge)	40	1.8.0	28	9.16.0	0.14.0	11.18.0
John Woods (Hubbardston)	60	2.2.0	28	9.16.0	0.14.0	12.12.0
Nathaniel Wyman (Georgetown)	180	6.6.0	28	9.16.0	0.14.0	16.16.0
		Othe	r Payment	S		
George R. Minot, Sec	retary					30.0.0
Jacob Kuhn, Messeng	ger					10.10.0
Edward Vannaver, Se	xton, Long	g Lane Co	ongregationa	l Church		6.0.0

^{1.} The total includes an extra $\pounds 4.16.0$ given to William Cushing, perhaps for his service as the Convention's vice president and presiding officer in the absence of President John Hancock.

^{2.} The total subtracts $\pounds 2.16.0$ "Given by His Excelly [John Hancock] the President together wth. his extra pay."

^{3.} The total includes an extra £0.7.0 given to delegate Agrippa Wells.





when it became clear in which direction the political winds were blowing. Federalists suggested to Hancock that if he proposed nine amendments drafted by the Federalist caucus, they would not run an opposing candidate against him in the spring gubernatorial elections. They also assured Hancock that he would have their support for vice president of the United States. If Virginia did not ratify—thus making George Washington ineligible to be the first president under the Constitution—Hancock would be the obvious alternative.

The nine amendments drafted by the Federalist caucus were merely recommendatory. The Convention would ratify the Constitution unconditionally and instruct the state's future members in Congress to seek congressional approval of the recommended amendments, which would then be submitted to the states for their ratification, as provided for in Article V of the Constitution. Hancock took the bait, attended the Convention, and presented his "conciliatory proposal." The Convention ratified the Constitution and the recommendatory amendments by a narrow majority of nineteen. This "Massachusetts method" of ratification would be used by Federalists in six of the remaining seven states to win narrow victories that otherwise might have been unobtainable.

This third of four Massachusetts volumes contains the official record of the Massachusetts Convention and the substantial accounts of the debates taken in shorthand and transcribed by the printers for publication in newspapers and in a book edition. Also included are the notes of several delegates and spectators, a three-color end paper map of Massachusetts ratification, a general and a Massachusetts chronology, and a list of state officeholders. Unofficial commentary on the Convention, the aftermath of ratification, and the cumulative index for all four Massachusetts volumes appear in the next volume.

THE EDITORS

JOHN P. KAMINSKI, GASPARE J. SALADINO, and RICHARD LEFFLER have been editing The Documentary History of the Ratification of the Constitution since 1970. CHARLES H. SCHOENLEBER joined the staff in 1987 and Margaret A. Hogan in 1998. Dr. Kaminski is also the author of George Clinton: Yeoman Politician of the New Republic (1993); editor of Citizen Jefferson (1994), A Necessary Evil? Slavery and the Debate over the Constitution (1995), and Jefferson in Love (1999); and co-editor of The Constitution and the States (1988), A Great and Good Man: George Washington in the Eyes of His Contemporaries (1989), and The Bill of Rights and the States (1992). He and Richard Leffler have co-edited Federalists and Antifederalists: The Debate over the Ratification of the Constitution (1989 and 2nd ed. 1998) and Creating the Constitution (1991 and new ed. 1999).

Critical acclaim for The Documentary History of the Ratification of the Constitution

"No student of the period should neglect this splendid scholarly achievement."

AMERICAN HISTORICAL REVIEW

"A reference work's reference work." JOURNAL OF AMERICAN HISTORY

". . . the great work will always hold a high and honored place in the annals of American scholarship." VIRGINIA MAGAZINE OF HISTORY AND BIOGRAPHY

"Each new volume now fills another vital part of a heroic mosaic of national history." AMERICAN BAR ASSOCIATION JOURNAL

"... will be of enduring value centuries hence ... one of the most interesting documentary publications we have ever had ... it will stand high among the enduring monuments of our Constitutional Convention's bicentennial." NEW YORK HISTORY

"The introductory essay and the headnotes are invariably excellent, and the scholarly apparatus is a model. . . . This excellent volume turns a searchlight on the early phase of the struggle over ratification of the Constitution, and we await with confidence subsequent volumes in the series." JOURNAL OF SOUTHERN HISTORY

"These volumes will be used always as examples of the editor's art. The value of each volume and the whole series is awesome in terms of constitutional history." GEORGIA HISTORICAL QUARTERLY

"... a monument not to be bettered and one likely to be a landmark for all future excursions into the history of the ratification of the federal Constitution." NORTH CAROLINA HISTORICAL REVIEW



The Documentary History of the Ratification of the Constitution I Constitutional Documents and Records, 1776–1787

Ratification of the Constitution by the States
II Pennsylvania
III Delaware • New Jersey • Georgia • Connecticut
IV-VII Massachusetts
VIII-X Virginia
XI North Carolina
XII Rhode Island
XIX-XXI New York
XXII Maryland • South Carolina • New Hampshire

Commentaries on the Constitution: Public and Private
XIII 21 February to 7 November 1787
XIV 8 November to 17 December 1787
XV 18 December 1787 to 31 January 1788
XVI 1 February to 31 March 1788
XVII 1 April to 9 May 1788
XVIII 10 May to 13 September 1788

THE STATE HISTORICAL SOCIETY OF WISCONSIN MADISON WISCONSIN 53706

