

THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

VOLUME XXXIII

Ratification of the Constitution by the States

PENNSYLVANIA

Supplemental Documents

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1. This paragraph, revised and excerpted from Merrill Jensen's 1976 preface to the Pennsylvania volume, the second volume of *The Documentary History of the Ratification of the Constitution*, recalls the immense debt of gratitude owed to the many generous institutions and repositories, who gladly shared time, expertise, and resources with project editors more than four decades ago. Their collections constituted, and still constitute, critical parts of Pennsylvania's historical record on ratification. We thank them once again on behalf of the entire American people, whose legacy they have helped to preserve, and we apologize for any omissions, which were not intentional. For the entirety of Jensen's prefatory statement, see RCS:Pa., 5–6.

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* (27 volumes),
- (3) *Commentaries on the Constitution: Public and Private* (6 volumes),
- (4) *The Bill of Rights* (6 volumes).

Internet Availability

The Pennsylvania supplement volumes and all other volumes will be found on the website of “Rotunda: The American Founding Era,” maintained by the University of Virginia Press (<http://rotunda.upress.virginia.edu>), and at UW Digital Collections on the website of the University of Wisconsin–Madison Libraries (<https://uwdc.library.wisc.edu>).

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

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

Ratification of the Constitution by the States (Vols. II–XII, XIX–XXXIV).

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

Supplements to Ratification of the Constitution by the States.

Supplemental documents were originally placed on microfiche and

are available in that form for Pennsylvania (Vol. II), Delaware, New Jersey, Georgia, and Connecticut (all four, Vol. III), and Virginia (Vols. VIII–X). The original microfiche editions of supplemental documents for Pennsylvania, Delaware, New Jersey, Georgia, and Connecticut were digitized for online viewing. These digitized supplements can be located at UW Digital Collections on the website of the University of Wisconsin–Madison Libraries (<https://uwdc.library.wisc.edu>). Supplemental documents for all of the states will be made available in digital form in the coming years. This three-volume print edition of Pennsylvania supplemental documents is a singular project among the supplements, helping to ensure that the complete story of Pennsylvania ratification remains intact for future generations.

Much of the material for each state is repetitious or peripheral but still valuable. Mostly literal transcripts of this material are placed in the supplements. (Any exceptions to this rule have been clearly indicated.) Occasionally, images of significant manuscripts are also included.

The types of documents in the supplements are:

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

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

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

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

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

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

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

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

The Bill of Rights.

The public and private debate on the Constitution continued in several states after ratification. It was centered on the issue of whether there should be amendments to the Constitution and the manner in which amendments should be proposed—by a second constitutional convention or by the new U.S. Congress. A bill of rights was proposed

in the U.S. Congress on 8 June 1789. Twelve amendments were adopted on 25 September and were sent to the states on 2 October. These volumes 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.

General Ratification Chronology, 1786–1791

1786

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

1787

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

26 October	Georgia calls state convention.
31 October	Virginia calls state convention.
1 November	New Jersey calls state convention.
6 November	Pennsylvania elects delegates to state convention.
10 November	Delaware calls state convention.
12 November	Connecticut elects delegates to state convention.
19 November– 7 January 1788	Massachusetts elects delegates to state convention.
20 November– 15 December	Pennsylvania Convention.
26 November	Delaware elects delegates to state convention.
27 November– 1 December	Maryland calls state convention.
27 November– 1 December	New Jersey elects delegates to state convention.
3–7 December	Delaware Convention.
4–5 December	Georgia elects delegates to state convention.
6 December	North Carolina calls state convention.
7 December	Delaware Convention ratifies Constitution, 30 to 0.
11–20 December	New Jersey Convention.
12 December	Pennsylvania Convention ratifies Constitution, 46 to 23.
14 December	New Hampshire calls state convention.
18 December	New Jersey Convention ratifies Constitution, 38 to 0.
25 December– 5 January 1788	Georgia Convention.
31 December	Georgia Convention ratifies Constitution, 26 to 0.
31 December– 12 February 1788	New Hampshire elects delegates to state convention.
1788	
3–9 January	Connecticut Convention.
9 January	Connecticut Convention ratifies Constitution, 128 to 40.
9 January–7 February	Massachusetts Convention.
19 January	South Carolina calls state convention.
1 February	New York calls state convention.
6 February	Massachusetts Convention ratifies Constitution, 187 to 168, and proposes amendments.
13–22 February	New Hampshire Convention: first session.
1 March	Rhode Island calls statewide referendum on Constitution.
3–27 March	Virginia elects delegates to state convention.
24 March	Rhode Island referendum: voters reject Constitution, 2,714 to 238.
28–29 March	North Carolina elects delegates to state convention.
7 April	Maryland elects delegates to state convention.
10–12 April	South Carolina elects delegates to state convention.
21–29 April	Maryland Convention.
26 April	Maryland Convention ratifies Constitution, 63 to 11.
29 April–3 May	New York elects delegates to state convention.
12–24 May	South Carolina Convention.
23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.

2–27 June	Virginia Convention.
17 June–26 July	New York Convention.
18–21 June	New Hampshire Convention: second session.
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments.
25 June	Virginia Convention ratifies Constitution, 89 to 79.
27 June	Virginia Convention proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to put 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

6–10 January	Vermont Convention.
10 January	Vermont Convention ratifies Constitution, 105 to 4.
18 February	Vermont admitted to the Union.
15 December	Bill of Rights adopted.

Calendar for the Years 1787–1788

1787

S M T W T F S	S M T W T F S	S M T W T F S	S M T W T F S
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1788

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Symbols

FOR MANUSCRIPTS, SHORT TITLES, AND CROSS-REFERENCES

Manuscripts

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

Short Titles

Assembly <i>Minutes</i>	<i>Minutes of the . . . General Assembly of the Commonwealth of Pennsylvania</i> [1787, 1788]. For a full citation for each session, see "Note on Sources" (RCS:Pa., 36).
Hiltzheimer, <i>Diary</i>	Jacob Cox Parsons, ed., <i>Extracts from the Diary of Jacob Hiltzheimer, of Philadelphia. 1765–1798</i> (Philadelphia, Pa., 1893).
Lloyd, <i>Debates</i>	Thomas Lloyd, comp. and ed., <i>Debates of the Convention, of the State of Pennsylvania on the Constitution, Proposed for the Government of the United States</i> (Philadelphia, 1788).

Cross-references to Volumes of

The Documentary History of the Ratification of the Constitution

CC	References to <i>Commentaries on the Constitution</i> are cited as "CC" followed by the number of the document. For example: "CC:25."
CDR	References to the first volume, titled <i>Constitutional Documents and Records, 1776–1787</i> , are cited as "CDR" followed by the page number. For example: "CDR, 325."

- RCS References to the series of volumes titled *Ratification of the Constitution by the States* are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:Pa., 200.”
- Mfm References to the supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:Pa. 2.” All supplemental documents will be available at UW Digital Collections on the University of Wisconsin–Madison Libraries website (<https://uwdc.library.wisc.edu>).

Pennsylvania Chronology, 1786–1788

1786

- 7 March Assembly committee appointed to consider Virginia's call for a commercial convention.
- 21 March Assembly authorizes Supreme Executive Council to appoint five delegates to convention at Annapolis.
- 11 April Council appoints Robert Morris, George Clymer, John Armstrong, Jr., Thomas FitzSimons, and Tench Coxe delegates to convention at Annapolis.
- 20 September Council receives report of Annapolis Convention.
- 10 October Assembly election.
- 28 October Assembly receives report of Annapolis Convention.
- 14 December Assembly submits report of Annapolis Convention to a committee.
- 21 December *Independent Gazetteer* publishes Virginia act of 4 December appointing delegates to convention in Philadelphia in May 1787.
- 30 December Assembly elects Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas FitzSimons, James Wilson, and Gouverneur Morris delegates to convention in May 1787.

1787

- 21 February Confederation Congress calls Convention at Philadelphia to amend Articles of Confederation.
- 28 March Assembly elects Benjamin Franklin to Convention.
- 4 September Assembly session begins.
- 17 September Constitutional Convention adjourns *sine die*.
- 18 September Constitution read in Assembly.
- 28 September Absent members prevent Assembly quorum and call for state convention.
- 29 September Absent members returned by force; quorum declared present; and state convention called. Assembly adjourns *sine die*.
- 9 October Assembly election.
- 22 October Assembly session begins.
- 6 November Delegates elected to state convention.
- 9 November Assembly refuses to require two-thirds quorum for state convention.
- 20 November Pennsylvania Convention meets in Philadelphia.
- 12 December Convention rejects amendments to Constitution and votes to ratify 46 to 23.
- 15 December Convention adjourns *sine die*.
- 18 December Dissent of the Minority of Convention published.
- 26–27 December Riots and celebration of ratification at Carlisle.
- ca. 27 December Beginning of petition campaign requesting Assembly to reject Convention's ratification of the Constitution.

1788

- 19 February Assembly session begins.
- 1 March Antifederalist militiamen march into Carlisle, and rioters released from prison.
- 17–29 March Assembly receives and tables petitions signed by more than 6,000 inhabitants of Northampton, Dauphin, Bedford, Franklin, Cumberland, and Westmoreland counties requesting Assembly to reject ratification of Constitution.
- 29 March Assembly session ends.

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

P E N N S Y L V A N I A
Supplemental Documents
[2]

166. An Assemblyman

Pittsburgh Gazette, 27 October 1787

Messrs. Scull & Boyd, I request you to insert the following address of a part of the minority of the late house of assembly and also the notes I send with it, and in doing so you will much oblige

Your humble servant.

(For the address alluded to, see our last.)¹

The resolution for calling a convention made in the name of the late assembly, mentions, that the congress did, on the 28th day of September, unanimously resolve that the constitution should be transmitted to the legislatures of the several states, this is doubtless inserted in order to induce people to believe that the proposed constitution was judicially before the legislature, whereas the truth is, that the resolve of congress alluded to, was not transmitted from congress unto the legislature of Pennsylvania until several days after the house of assembly finally adjourned, and the resolution of the assembly for calling the convention was moved about eleven o'clock A.M. and after the propriety of the measure being fully debated by about one o'clock, P.M. on the same day, that the resolve of congress was adopted at New-York, upon which it pretends to be founded.

It is said that a man who was a member of the late assembly, reported at Greensburgh, that the facts contained in the address of the minority are false, or in his own words, not a word of truth in it, and further, that those whose names are affixed to it never saw it nor signed it; now the truth is, that the signers of the address appointed some of their own number to prepare their address, and met again and signed it, but not being all present, no names were added. And they all signed with their own hands, I am one of those myself who signed, and I assert the facts contained in the address to be true, excepting that those facts respecting the conduct of the mob I did not actually see and hear, but had it from sufficient testimony.

The same gentleman is reported to have said that the people, or armed guard of the city, was sent to bring in the absent members, and that they would have been all committed, and prosecuted for a misdemeanor, but out of respect to their constituents. How childish this relation? who is it that doth not know that members of the legislature are accountable for their conduct as members, to no court or law, but to their own conscience, and their constituents, or to the order of the house, which in some cases extends to a fine of five shillings; but the report is so far from being true, that, upon the application of James M'Calmont, esq. to the supreme executive council, upon the 4th inst.

it was resolved by his excellency the president (Dr. Franklin) and council, that the attorney general do prosecute Cap. John Barry, and such other persons as were active in the riotous proceedings, &c. The truth of the above will be supported by

An Assemblyman.

1. For the address, which was reprinted in the *Pittsburgh Gazette* on 20 October, see RCS:Pa., 112–17.

167. Hugh H. Brackenridge
Pittsburgh Gazette, 27 October 1787

NARRATIVE of the Transactions of the late Session of Assembly, so far as they respect the System of Confederate Government, proposed by the General Convention of the States at Philadelphia—By Hugh Henry Brackenridge.

When the late general convention of delegates from twelve states, which sat at Philadelphia, had dissolved, it was signified to our house, by our delegates in that body, that they were ready to report what had been done by them in the business to which they had been appointed. They were accordingly introduced; and the aged and venerable Franklin having addressed the speaker, delivered to him that plan of government for the states, which had been the result of four months deliberation. At the request of the house it was read by the speaker himself, a very numerous gallery attending; some of the most respectable inhabitants of Philadelphia, whom the greatness of the occasion had induced to be present. Silence was preserved until they had retired from the house; but then an universal acclamation was heard, and a current of joy ran through the city, and the bells rung; There being now a prospect that we should enjoy the fruits of our sufferings through the revolution; by the happiness of a forcible and effective government, which would secure peace at home, and give us respect abroad.

Petitions were presented in a few days to the house from near 10,000 of the inhabitants of Philadelphia, and the neighbourhood, all ranks and parties joining to request the house that they would recommend the chusing representatives in a convention of the state, to adopt this frame of government. On Friday, the day before we had proposed to adjourn, a member moved to take the sense of the house on this subject. A debate ensued; some being of opinion that we ought to wait until we heard from Congress, our present federal head, and to whom the late convention had made report; That indeed we had no right to proceed in this business until the Congress should recommend it. For by the articles of confederation “no two or more states shall enter into any treaty, confederation or alliance whatever between them, without

the consent of the United States in Congress assembled; nor shall any alteration be made unless agreed to by Congress, and confirmed by the thirteen states.”

To this it was answered, that the calling the late convention did not originate with Congress; it began with the state of Virginia, which was followed by this state, without any hint of the necessity of this measure from Congress whatever; it was a proceeding altogether out of the confederation, and with which Congress had nothing to do. The refusal of Rhode-Island to confirm that alteration of the articles of confederation which gave to Congress the right of imposing five per cent on all imports, had shewn the necessity of departing from the articles which rendered it necessary that 13 states should agree in any alteration, and had given rise to the calling the convention. This was recurring to the great source of all authority, the people, and taking up the thing wholly on new ground. It was a direct violation of the articles of confederation, and in the face of them, and therefore it was improper to consult Congress about it; that they ought not to seem to know any thing of it, until the new system was organized, and the dissolution of the old pronounc'd. It would be unnatural in the present Congress to recommend their own death. That the convention had reported to Congress was not necessary; for the delegates of each state doubtless reported to their several legislatures, and that was sufficient. It was a thing merely of compliment that the convention had reported to congress; and it was a thing merely of compliment in us to wait for any annunciation of congress respecting it.

In the second place, if we should leave the matter to the representatives of the next house, it would be late in the year before a convention could meet according to their recommendation; this state would lose the credit of taking the lead in the business; other states who might follow would not have time sufficient before December 1788, the time appointed for the meeting of the new Congress, to provide for the chusing delegates, &c. or to make any arrangement which might be necessary for the organization of the new system.

The sense of the house being taken, there were 43 in favor of the motion; 19 against it.

It was now the middle of the day, and the house adjourned until the afternoon. On the rolle being called at this time, there were nineteen absent, and eighteen of those who had voted against the motion in the forepart of the day. There not being a house, forty-five members only present, the serjeant at arms was dispatched to desire their attendance. On his return, being examined, he informed the speaker that he had found the absent members convened at the house of major Boyd, with two of the council, Messrs. Smiley and M'Lean. That he had delivered

the message, but they had declined to attend. On this the members present were requested by the speaker to attend on the next day, at the usual hour of adjournment, viz. half past nine o'clock in the forenoon. At this time the 45 members met, but the abscondents on the former day were still absent. The speaker informed the members, that he had that morning received from congress by express who had rode all night from New-York, and arrived about six o'clock, *dispatches containing an unanimous resolution of that body recommending to the states the calling a convention for the consideration of the new system.* That he had taken the trouble to call on messrs. Whitehill, Findley, and others, and to shew them these dispatches; that all ground of debate being now removed, they might come, and join the other members in this and the remaining business of the house. That as nevertheless these members had not attended, it would be proper to send the serjeant at arms with a message to them. For not only this business of recommending the calling a convention, but also much other business remained to be completed. There were ten bills lying on the table ready to be passed into laws, all which would be lost unless a house could be made; a great deal of inferior business to be arranged, which should the next house have to go over again, it would cost the state some thousand dollars. On this the serjeant at arms was dispatched, together with a clerk of the house, to read to the refractory members, the dispatches of congress, for the arrival of which they had the day before insisted the house ought to wait.

The serjeant at arms returned with two of these members, M'Calmont and Miley; and informed the house, that he had not been able to deliver the message to the others; he had got his eye on some of them, but they had disappeared; particularly he pursued William Findley the length of a square, but he *hastened his pace*, and by turning a corner got out of view.^(a)

But there being now a quorum, it was proposed to proceed to business; when M'Calmont, rose and informed the house, that he had been brought there by constraint; it was observed that the house could take no cognizance of the manner in which he was brought. If force was necessary to bring him to do his duty, the more shame for him. But there he was, and it remained to proceed to business. On this he offered five shillings the fine for non-attendance, and proposed to withdraw. The house refused to give him leave, and he sat down. The business was completed in the course of the day, and the house dissolved.

There can be no doubt but that it was in the power of the house, to have dispatched the serjeant [at] arms for the refractory members who were absent, and that it was in his power to have called on the posse

to assist him in bringing them in by force, That also it was in the power of the house to have fined and imprisoned them for this *contempt*; but as a house was made without them, it was thought not worth consuming the time of going through this, on their account; more especially as there was scarcely time remaining sufficient to conclude the business of the session, in the course of the day, being saturday, and the members were anxious to return home.

(a) He lay that whole afternoon in the upper story of the house of Robert Irwin.

168. Pittsburgh Gazette, 27 October 1787

Observations on the Address of the Sixteen Members

There is no man of understanding who casts his eye on this address, who will not be struck with two things, first, That the sixteen or any of them had no hand in writing it. The stile is very different from any thing they could produce. It has been done by some man of better talents, and who has said things for them which never came into their heads to say. In the second place, it will be observed that it is done with much art and with address to the prevailing prejudices of the past time. For instance, it is said, that our delegates in the late convention were all of one *political party* and opposed to *that constitution* for which you have on every occasion manifested your attachment. How long will the cry of *constitution* be made use of by designing men to sanction bad measures, or prevent good? *Can anything good come out of Nazareth?* was the cry among the Jews. It is true, the delegates were "all citizens of Philadelphia," and all of them of "one political party," but surely they were all men of understanding, and against whose characters in private life nothing can be shewn. Why not consider the work and let the men alone? "None of them calculated to represent the landed interest of Pennsylvania." I believe all these delegates have land in the state, and understand the landed interest, if that can be supposed distinct from any other interest, as well as any men in the state; some of them, have more land than all the sixteen remonstrants put together; one of them has more land even in Washington county, than the representatives of that county have there or any where else. The truth is, Whitehill and Findley were offended that they or those who direct them, were not appointed in the convention; and this is the ground of the whole disturbance. Now whether the people will sacrifice their own happiness to the chagrin and revenge of these men, is the question. "The house had not received it officially from Congress." I say it was received and shewn

to Findley and others, under the hand of Charles Thompson, and yet they declined to attend.

The cry of Constitution is repeated in the address. "The new government will annihilate ours, and that of every state in the union," I grant it will reduce the province of state legislation, by taking the imposts on trade into its own hands, and the raising taxes also for the discharge of the general debt,—but no way can it have the least effect on the *nature* of the government. The writer of this address must have a contemptible opinion of the people to think they can be called together by a sound; taken with a whistle.

I take their address in the order it is written, and observe in the next place that the noise which is made about the treatment of M'Calmont and Miley, was on small foundation, but had it been more severe it was perfectly justifiable. Members who will abscond from the house, with a view of preventing public business, deserve all the indignity which can be put upon them.

It is said, that, the "conduct of these members in absconding had at least the good effect to lengthen out the time of election, and incline us to postpone the election for members of convention until the first Tuesday in November next!" This I know to be a misrepresentation. For it was moved by me that the election should be on this day, and their being in the house or out of it, never came into my mind, in considering the propriety of fixing that time.

An expectation is expressed, "that you will consider whether or not you are in a situation to support the expence of such a government," &c. To go into this, or the other queries which are made would take up a good deal of time and paper; I shall therefore only just observe, that the plan of government such as it is, has been framed by the wisdom of some of the first men in the union, on some months as is acknowledged of mature deliberation. And it is not probable that the sixteen members, with the writer of the address, and all they can call to their assistance can make a better. We stand in need of something of this kind to save us from destruction; and we may as well take that which is provided for us. General Washington, Benjamin Franklin, and other great men have approved of it; and though Alexander Wright, William Findley, Flannegan [i.e., Flenniken], Gilchrist, and others are against it, There is a possibility that it may not be altogether so bad as is imagined.

It is said, that "the convention were not unanimous; that several of those who had signed did not fully approve of the plan of government, and three of the members, viz. Governor Randolph, col. Geo. Mason, of Virginia, and Eldridge Gerry, of Massachusetts, had such strong ob-

jections as to refuse signing.” That no one of the convention did fully approve of every particular, is possible, for the convention themselves tell us that this system is the *result of mutual concession*; but that all who signed did fully approve of it *on the whole*, is certain; otherwise they would not have signed it. With respect to Eldridge Gerry, I say nothing; but this, I can say, that governor Randolph did declare, more than once, and in strong terms in company, where I was present, and wished it to be announced, that he did fully approve of this plan of government, and declined signing it, *but because he conceived the attestation of the president on behalf of the rest sufficient*. With col. Geo. Mason I conversed often, and he appeared to me to have his objections to find out after he had refused signing; and though a sensible, and it is said, a good man, yet he seems to be influenced on this occasion, more by passion than by reason.

It is possible that the arts used may prejudice the people, and prevent the adopting this system. In this case it will be owing to their inacquaintance with it. If that should be the melancholy result of all the pains that has been taken for their good in bringing it about; all I can say is in the language of the prophet, “O Israel thou art destroyed for lack of knowledge.”

169. Thomas Forrest to Joseph Ward
Philadelphia, 29 October 1787¹

The present appearance of things here is very much against speculation, every thing very dull in the paper way here, I know of nothing at present that makes for a Rise in Stocks, except the adoption of our New Constitution, which I believe will be shortly in this State, should it be, it will occasion a partiall Rise in the Continental debt, in that case if You thought it adviseable, after comparing the annex'd price courrant to your prices that any rise would make it worth your notice I would be happy in being concernd in a Spec[ulation] in that debt, I shall inform You as soon as it takes place, & give You my opinion on the prospect of a rise—

I have some of Your dollar money I would thank You to lett me know how it could be sold, whethe[r] interest & principal is counted or Princippal only, I have some six months notes signed J Peirce—directed to the Receiver of Continental Taxes, would thank for the selling price, also the selling price of facilities, Balloons facilitated or otherway, There is a Certificate Signed J Nourse which from the difficulty of transfer probably might be bought cheaper than Balloons, Delewar, Maryland Jersey & this State will shortly come into the adoption of the Conti-

[mental] Constitution and every adoption will make a partiall rise in that paper. Virginia seems doubtfull Yett I hope she will comply, if any thing occurs worth mentioning before I hear from You I will communicate it with pleasure

1. RC, Ward Papers, Chicago Historical Society.

170. A Pennsylvania Mechanic

Philadelphia Independent Gazetteer, 29 October 1787

To the Printers of the United States.

GENTLEMEN, I have been delighted with the noble struggle which the brave and virtuous throughout America have been, and still are, making to establish the new frame of government. I am charmed with the good sense and humanity of the people at large, who, though they are very generally warmly attached to it, yet they bear, with uncommon patience, all the insults hitherto thrown out against it, and the gentlemen of the late convention.

The friends of the new system are not ashamed to avow their principles, and their writings, on the subject, while its enemies take every prudent measure to prevent detection.

I know a gentleman in this city, high in office, who has written much against the new system, notwithstanding he has never, in company, uttered a syllable against it. Hence I conclude that the antifederal junto are conscious of the wickedness of their proceedings—that their cause is that of the devil—and of it they are truly ashamed. It appears by a late eastern paper, that the publisher of the Massachusetts Gazette is determined to publish no sentiments on this important subject, unless the writers leave their names with the printers, “that any one who may be desirous of knowing the author, may be informed.” No honest man—no true friend to America—or to the liberty or happiness of mankind, can object to this.

For your imitation, gentlemen, I humbly proposed the conduct of this your worthy brother, the publisher of the Massachusetts Gazette.

26th October, 1787.

171. A By-Stander

Philadelphia Independent Gazetteer, 30 October 1787

MR. OSWALD, The defenders of an important cause are generally satisfied with asserting it against those who employ real arguments, and

despise the little cavils and unfair allegations of others. This is probably the reason why no reply is made to the insinuation that the honorable Convention has been influenced by the treatise of Mr. Adams, called his *Defence of the Constitutions, &c.*

I have no great opinion of this performance: it contains some good things amidst a confuse[d] medley; and his favorite idea is overdriven to be truly republican—Though the most distinguished persons ought to be senators, where the government is composed of three branches; there is no necessity for their being men of the first fortunes—The word *well born* is the more improper here, as the pride even of hereditary nobility declines fast in the present monarchies of Europe. Neither wealth nor family should be further regarded, than as they afford means of acquiring and exerting superior abilities. The sage, the hero, and the patriot are equally well born in a cottage or a royal palace, *born in an happy hour* for their country.

Mr. Adams does not however by any means recommend his triple division of government as a model for the Congress. “A single assembly, he says, is every way adequate to the management of all federal concerns; because Congress is not a legislative assembly, nor a representative assembly, but only a diplomatic assembly.” He also disapproves of granting Congress any considerable powers, and thinks, “that the people are much to be applauded for their caution on this delicate subject.”^(a) Gentlemen, that insult the Convention as the plagiaries of Mr. Adams, and dare to impose such falshood on the many who never have read his book, will I hope hereafter be more discreet in their assertions—such miserable expedients only prejudice their cause.

(a) Page 363. letter 53. Congress, ditto 364.

172. Montgomery County Election Notice Philadelphische Correspondenz, 30 October 1787

Es wird hiemit Angezeigt,

Denen Freyen Leuten von Montgomery Caunty, daß ingefolge eines Entschlusses der General-Assembly des Staats Pennsylvanien, vom 29sten letztern Septembers, schickliche Personen zu wählen, um als Deputirte in einer Convention die Bundesschaftliche Constitution betreffend, zu dienen, eine General Wahl vor die obengemeldete Caunty, Dienstags, den 6ten Tag nächsten Novembers, gehalten werden soll, zu dem vorhergemeldeten Vorhaben, und an denen verschiedenen Plätzen in der benannten Caunty, als nach dem Gesetz zu Wahlplätzen für Repräsentanten zur General-Assembly bestimmt seyn, und daß selbige Wahl

unter der Führung derer Beamten, welche die letztere General-Wahl führten und denen Regeln und Vorschriften derselben gemäß, geschehen soll, an welchen Dertern dann die Wahlfähige der Cauntty zu wählen haben, Vier schickliche Personen, um in einer Convention des Staats zu dienen.

Francis Swaine, Scheriff

173. Philadelphia Freeman's Journal, 31 October 1787

A letter from a gentleman in London says, "I wish to settle beyond the Atlantic, but am at a loss whether to follow the 13 stripes, or take shelter under the fading laurels of Britain. Carolina takes my fancy most, but before I fix my choice I wish for your opinion, whether your government is likely to flourish on the broad basis of equal liberty, or to wither like an untimely flower before the chilling breath of a *narrow minded* aristocracy."

174. Galba

Philadelphia Independent Gazetteer, 31 October 1787

MR. OSWALD, The hint in your paper of this morning, that every one ought to leave his name with the Printer who writes for or against the new form of government proposed by the Honorable Convention, is only, in my opinion, right in part:—for, what reason is there that the patriotic gentlemen who write in favour of a scheme of government, that holds forth *peace*, happiness and prosperity to our distressed country, should, by leaving their names with the Printers, be exposed to the malevolence of those wretches who pretend to find fault with it. Indeed I think it perfectly right, that those who wantonly write against it should leave their names, that they may be justly exposed to the contempt and indignation of their fellow citizens, as enemies and traitors to their country;—and I hope every patriotic Printer in the union will for the future, pay proper attention to the justness and absolute propriety of this hint.

29th October, 1787.

175. Homespun

Philadelphia Independent Gazetteer, 31 October 1787¹

MR. OSWALD, Since the new Constitution of Congress has been published, I have made a journey into the three counties adjoining to us, in which I had many acquaintances among honest men of both the old parties which formerly divided this state. Good manners induced me,

where I was hospitably entertained, to avoid broaching the subject of our new Federal Constitution, as I might possibly spoil the social happiness which (I who am no party man) had been used to enjoy with my good friends, Constitutionals and Republicans. My hosts could not bear this my reserve. One and the other exclaimed, "Why do you not talk to me of the new Constitution? I have seen and read it, and though I liked the men who made it, I like the Constitution they have given to us much more." Others observed that the good men who have been so often tried and approved by us may go off this uncertain stage in the course of a few passing years, but they have left a legacy which will make us and our children and our children's children as happy as a good government can make them for hundreds of years after the framers of it are no more. "God be praised!" said an old man (whose benevolence I shall long remember) my neighbors of the Jerseys, of Delaware, New York and Maryland will be as happy as myself; he then addressed himself to his younger child, a daughter. "Dolly, my girl, you will not go from home when you go with Jersey Dick, for we are all now one people; I shall not fear as I have done, that we who lie on the borders shall be cutting each others' throats about bounds, smuggling and trade." One man, indeed, in a corner of one of our friendly circles, who after hunting for an office twenty years, had at last got the office of excise in his county, muttered something of *Old Whig, Centinel, sixteen Assemblymen, Governor Randolph, Lawyer Mason, one Geary*, liberty of the press, jurymen, and that officers who had served but a few years, and who had not been paid for their services, should be continued for life, and many other things of the same kind, in a sullen grumbling ill-natured way, was at length interrupted by a decent elderly man, who as I learned had ever been a friend to his country, never a placeman, a Whig from benevolence to his family, his neighbors and all whom he knew, an honest man in the worst of times, who wished the farmer might reap plentiful crops and have a good market, and that trade might flourish, that we might make as many things among ourselves as possible, that tradesmen might fare well, and as he said that the President and Senate might be able to make and keep good and sufficient treaties to insure all these solid benefits to us, says this good man: "My friend, the exciseman there in yon corner, talks of old Whigs, nobody can doubt of my being one of that sort, for I am an old man and always was a Whig since the name was known, and have been, I am bold to say, as good a centinel among our militia in the field of battle, as any man who calls himself a centinel in a newspaper. I think sixteen men should submit in their opinions to forty-three, when all *our* states approve of the conduct of the forty-three and condemn the sixteen. And

I will say the men were right who, with the sergeant of the Assembly, brought the two men of the sixteen runaways back to the Assembly; for if they had not done so, sixteen men would have overthrown our government of Pennsylvania. Though I am no scholar I think the Speaker and the forty-three had a power from the good rule of preventing greater evils to force the whole sixteen to attend in their seats. If they have not this power, my friend the exciseman there in the corner, must lose his office, as the government and all offices and the constitution and all would be at an end immediately. As to Governor Randolph, I am told he is a cunning man but no enemy to the new Constitution. He only wanted to overreach another man [Patrick Henry?] in politics. Lawyer Mason may plead his own cause in Virginia, where it is a chance of about four hundred thousand (that being the number of people in that state) to one, that is Lawyer Mason, that he is in the wrong. Besides, I may say, he has the delegates of every state against him into the bargain. That Geary will never get on farther than Rhode Island, where the bad people will keep him, as the only man they can find out of their state, who is as bad as themselves. The liberty of printing, I find, from Burns justice and our state constitution, is a thing quite safe already, and so is our trial by jurymen. If so, our Convention would have wasted their time and our patience, my friends, if they had spent their time in making new fences where the old ones were strong enough. They had enough to do that was necessary, God knows! My friend, the exciseman, thinks that a man once in office should continue so for his life. I must needs say, I think he may if he be a good officer. I would give him my vote that he remain exciseman as long as he lives, and longer if it was possible, if that will make him listen to reason; for neither myself nor my children, I hope, will covet any office unless it be such in which we may fight the enemies of our United States. As we begun, my friends, so let us continue united. I have often told my children of the bundle of faggots. "You may break each of them apart like the stem of this pipe" (taking hold of the pipe he was then smoking) "but if you bind them together, Goliath nor Sampson cannot break them." Wherever I went in this my journey, I found all the good people talking in the same honest sensible way. This pleased me, I will confess, for it favored an old opinion that where passion does not twist our understandings, all upright and sensible men think in the same way. In short, *that* plain downright good sense which *governs* the honest farmer, miller, tradesman and merchant, *governed* the honest, tried and approved men, who sat in the late Convention of these our United States.

1. Reprinted: York *Pennsylvania Chronicle*, 7 November. This document has been edited.

176. Poplicola**Philadelphia Independent Gazetteer, 31 October 1787**

To the Printer of the Independent Gazetteer.

SIR, It seems generally agreed, that the proposed change in our federal government should have a free and attentive discussion, before the approbation or rejection of a free and enlightened people should be pronounced upon so important a subject. Although this discussion ought to be made by the people at large, yet many of us are prevented from entering upon the task by the immediate avocations of private life. As a citizen, I thought it my duty to consider with attention a plan which was to fix the happiness or misery of myself and my posterity. In the course of this consideration, some difficulties have occurred to me which may probably receive a solution from your correspondents. You will therefore oblige me, by inserting in your paper the following queries.

1st. Does not that part of the VIth article of the proposed federal government, which makes all treaties, heretofore entered into under the authority of the United States, the supreme law of the land, admit the return of the attainted traitors to the enjoyment of the rights of citizenship, and entitle them to the restoration of their forfeited estates?

2d. Also, will not ARNOLD upon his return be entitled to his pay and the people be taxed for its discharge?

3d. And, can the persons, who were present at the town-meeting in the city of Philadelphia on the 14th day of June, 1783, pledging themselves to *oppose* to the utmost of their power the return of those men, and the restoration of their estates, give the proposed plan their support?

October 29, 1787.

177. Pennsylvania Gazette, 31 October 1787¹

We hear that the Presbytery of Donegall, lately assembled in Cumberland county, after finishing their ecclesiastical business, unanimously agreed to use their influence with their respective congregations to promote the adoption of the new foederal government. These pious and sensible men, it seems, considered the honor of God, and the success of their labors in the ministry, as intimately connected with the establishment of a government, whose objects are the restoration of order, justice, and constitutional liberty to our country.

1. Reprinted: *Pennsylvania Packet*, 1 November; *Pennsylvania Mercury*, 2 November; and twice in New Jersey and five times in New England by 23 November.

178. Pennsylvania Gazette, 31 October 1787

Extract of a letter from Easton, Oct. 25, 1787.

“We have had a number of publications against the new government sent to this county [Northampton] by George Bryan, none of which

have had any effect upon our people. His *Centinels* and *Old Whigs* serve only to light the pipes of our honest German farmers, who now see how much they have been misled by his honor, and who are now unanimously in favor of the new Constitution. We shall send you a good delegation of foederalists to the convention.”¹

* * * * *

We hear that an honest German tavern-keeper in this city, to whom a number of Mr. Bryan’s publications were committed, to be sent into the country, upon discovering what they were, threw them with honest indignation into the fire.

1. Reprinted: Philadelphia *Independent Gazetteer*, 1 November; *Pennsylvania Journal*, 3 November; and twelve times in New England, New York, New Jersey, and South Carolina.

179. *Pennsylvania Gazette*, 31 October 1787

A correspondent is happy to find that the county of Luzerne is represented in the present Assembly; and adds that there is great reason to hope, from the abilities, and disposition of the new member, that a perfect reconciliation will be accomplished between the government and that district, where every thing remains at this time in the utmost tranquility.

180. *Pennsylvania Gazette*, 31 October 1787

Upon the return of CORNPLANTER, an Indian Chief, to his nation, in the year 1786, he praised the blessings of civil government, and proposed to his countrymen to exchange their savage mode of life for the pleasures of civil society, and offered a plan of government for that purpose. Whereupon CAIASHUTA, another Chief, arose, and addressed his countrymen in the following speech, which may be considered as an answer to all that *has* been, or *shall* be written against the proposed Constitution of the United States.

Brothers,

Before it is forbidden by law to speak every thing we think, and do what we please, I shall take the liberty of bearing a testimony against the government that has been proposed to us.

I shall begin by informing you, that it will deprive us of many of our *dearest natural rights*. It will prevent our fishing or hunting upon the grounds of our neighbours. It will take away from us the power of revenge (so sweet to an Indian) and transfer it to certain persons, called Judges and Magistrates. It will prevent our taking as many wives as we

choose, and changing them as often as we please. It will compel us to hoe our own corn, and cook our own victuals, both of which are employments suited only for women. It will restrain us from drinking and smoking, by imposing heavy duties upon *Rum* and *Tobacco*, and thereby deprive us of two of the highest pleasures of life. It will punish certain acts which we deem essential to liberty, and a material portion of our *dearest rights*, with imprisonment, whipping, and death. Our young men shall no more train themselves for the delightful pursuits of war, by occasional irruptions upon the American husbandmen. A formal declaration of war, agreeable to the customs of civilized nations, will be necessary to sanctify every murder, if we submit to the restraints that will be imposed upon us by civil government. No more will dexterity or secrecy in stealing entitle our warriors to praise in peace, or pre-eminence in war. The pride of our nation, like the oak that yields to the north wind, will then mingle with the dead and noisy leaves under our feet. Those hands, which never felt a ligature of any kind, shall then be bound in chains. Your backs shall swell with stripes, inflicted by the hands of merciless executioners; and even CAIASHUTA himself, who now addresses you, and who has so often led you to glory in war, and afterwards placed you in safety under the tree of peace, shall perhaps be the first victim to a law that shall place him upon a level with a dog, by depriving him of life, not by fine, not by a bullet, not by an arrow, but by the ignominious punishment of the halter and the gallows. These hoary locks will then kiss, for the last time, the passing breeze. Caiashuta's wives shall then in vain weep at the feet of his angry judges, in hopes of obtaining his pardon, and his sons shall be threatened with his fate, for nobly swearing they will revenge his death. And for what shall this neck be made like the crane's? For what shall this body feed the birds of the air? Why only for taking a horse out of a neighbour's field to ride on to our town, or for committing what the white men call treason, that is, opposing the execution of a law of the state, which was contrary to his interest or inclinations.

Nor, brothers, is this all. We must submit to yield a certain portion of the profits of our labour for the support of this government. The money exacted from us for this purpose will be called *taxes*. If we refuse to pay them, our horses, or cattle, or farming utensils will be seized by an officer appointed for that purpose, and sold for the amount of them. If they bring more than is due from us, the residue will be kept by the officer who sells them. The number and salaries of the officers of government will be beyond calculation. NINETEEN men will be taken from their ploughs, and employed every day in the year in an executive council, in reading news-papers, and giving away profitable offices. Even

the secretary of this body, whose only business will be to light the fire of the councillors, shall receive for this service 750 l. a year. Thus you see, brothers, the dangers and oppressions to which you will expose yourselves by adopting the most simple form of civil government that can be offered to you. It will destroy our heaven-born equality of rank and property. It will furnish the means of advancement to men who are noted for "wisdom and virtue," and thereby favor their becoming the lords and masters of their less wise and industrious neighbours. Brothers, our situation is not so bad as has been represented to you by some specious and declamatory orators in their speeches at a late council fire. Our cabins are still proof against the snow storm. Our granaries are still filled with corn, and if we have not venison enough for all the families of our nation, the kettles of your head men have never been empty. The sun shines bright through yonder cloud. The great spirit is propitious. We embrace once more the liberty, the independence, and the blessings of the savage life. Away with all your forms of civil government. They have all of them, in their turns, enslaved the nations that have adopted them. Even the simplest democracies have been the richest Savannas of slavery. Savages alone have preserved their liberties. Who ever heard of an Indian tyrant or slave? Shew me the one, or the other, and this tomahawk shall immediately slake its thirst in his blood."

181. A Jerseyman

Pennsylvania Gazette, 31 October 1787

To the PRINTERS of the PENNSYLVANIA GAZETTE.

Gentlemen, Having spent a few weeks in a retired part of your city, I observed near my lodgings a great concourse of people assemble every evening at the house of a certain major [Alexander] Boyd. I was led to enquire who this major Boyd was, what the business of the persons was who met at his house, and who they were. My landlord, who is a very discreet kind of a man, gave me the following answers to my questions. He told me that major Boyd had lately failed as a vendue-master, and had left his two securities to pay 700 l. to the state for him—that the persons who met at his house were the minority, who are opposed to the new government—that judge Bryan (an officer of government) attends their meetings—that the other members of this society consist chiefly of officers of government, eight or ten back county members of assembly and council, and three or four strangers, and that they devise ways and means every night to circulate pamphlets and pieces against the new constitution. I thought it necessary to give you this information before I left the city, that the inhabitants of your state, and of the neighbouring states, may know from how small a body,

and from whose house, all the opposition to the foederal government has arisen in Pennsylvania.

I forgot to mention before, that a certain T. Nicholson,¹ the Accountant-General of your state, belongs to the major's evening parties.

1. John Nicholson.

**182. Charles Nisbet to the Students after Vacation
October 1787 (excerpt)¹**

. . . We have already had a large trial of illiterate and unexperienced governors and legislators, and the great and manifold difficulties into which their folly has plunged us, if properly considered may excite the people to be more desirous of men of letters and knowledge in the offices of government. Extremes often succeed one another, and if the fondness of the people for learning prove as strong as their antipathy has been hitherto, young men of parts and cultivated Understanding will have the fairest hopes of being elected into offices of government.

Besides, as a federal government is proposed, and may probably take place, letters and knowledge will be undoubtedly necessary in those, who are to share its Dignities, which will open a higher object for the ambition of youth than they have had hitherto. The legislative and Executive offices in a particular state are indeed in themselves honorable, but they have been shared of late by so many weak men and fools, that a person of honor and virtue can scarcely think them worthy of his ambition.

To have a share in conducting the Counsels, or promoting the happiness of a large, united and rising empire, is surely an object capable of exciting the ambition of all who have any, and such an object the federal government holds up to every young man without distinction, who by learning and experience shall qualify himself for it.

The Equistrian and Senatorial Dignities among the Romans required a certain portion of wealth, in order to be capable of obtaining them, but the plan of federal government now proposed requires capacity and reputation only in those, who are to be chosen into the offices of government; a circumstance which ought to incline all the poorer citizens to wish for its introduction. . . .

1. Typescript, Dickinson College Library, from original in John Young Papers, Centre College of Kentucky, Danville.

**183. Agricola
Philadelphia Independent Gazetteer, 1 November 1787**

MR. OSWALD, The choice of members for the ensuing convention, to determine upon the propriety of adopting the constitution proposed

for the better government of the United States, is an object of such infinite importance to that community of which we form a part, as deservedly to claim the serious attention of every citizen, however narrow his circumstances, limited his abilities, or confined his influence. Actuated by this reflection, I have endeavoured to throw before your readers a few observations, which if they should excite a proper investigation of the principles—character and abilities of those persons, who may be proposed to represent us upon this occasion, they will have answered every end. In order that we may form proper and distinct ideas upon this interesting subject, it may not be amiss to inquire 1st what are the duties required of this body? and 2dly What are the qualifications necessary to enable persons to perform the task assigned them.

In considering the first point it will naturally occur, that the constitution submitted to us, must either be accepted or refused *in toto*. No separation of parts can be made—No arrangements can be adopted, by which any particular section can be admitted and any other rescinded; but we must take the whole plan as it is offered to us, without endeavoring to effect any alteration, or reject it totally, without making exceptions in favor of any particular part. This then being our situation, what must be done in order to form a proper judgment, with respect to this truly momentous affair? I answer we should calmly consider, and deliberately weigh, the advantages which this form of government may hold out to us, and when we have cautiously compared them with the disadvantages and dangers which may threaten us upon an adoption of it, we should determine like wise men, whether it is most for our happiness, our safety and our interest to make it the rule of our conduct, or whether we should be likely to obtain a more eligible one, if we should determine to reject it. Should it be asked, What are the advantages promised by the constitution in case we should accept it? I would reply, as far as I am able to judge of it, it ensures us an ample portion of liberty and security at home, and respect abroad. For the attainment of these great, and I may add, essential privileges, nothing short of the powers vested by this constitution in the United States at large, could possibly be adequate; for when we consider that this immense tract of country is inhabited by a people possessing in some degree, different characters—accustomed to different modes of living, and of course, entertaining different sentiments upon certain subjects, we cannot suppose, that a mode of government, which should in all parts accommodate itself to the temper—prejudices and habits of one particular state, would at the same time, meet the approbation of all. The wisest systems might appear objectionable to a people accustomed to modes of acting different from what they should prescribe—but sensible and

enlightened nations gradually adopt that mode of conduct, and that form of government, which is most congenial to their liberty, and, of course, their happiness. We are at this time sensible how inadequate the present confederation, by which these United States are bound to each other, is to the end required, viz. *the proper administration of justice throughout these states, and the preservation of that character which it is both our interest and our duty to maintain.* A trial of some years would necessarily make us better acquainted with the merits, as well as demerits of the one proposed to us, and enable us to apply with greater certainty of success, those remedies which it might require. We should always remember, that we are bound, by every tie, to sacrifice little interests to the attainment of great and important ends. In an union of so many different states, it might be difficult to adopt, at once, principles which would coincide, in every particular with the ideas of all the parties concerned, but the giving up trifling and immaterial advantages by one state, would induce a similar conduct in others, and in the end produce, what we must all ardently desire, *an eligible and effective federal government.* For this purpose the duty required of our representatives in the approaching convention will be, *carefully to examine the constitution, and if the parts adopted to conciliate the interests of our sister states should not appear particularly injurious to us, they should not hesitate to decide in favor of its adoption,* and by giving it a fair trial, afford us an opportunity of ascertaining, whether the fair prospect which it offers is visionary or real.

A writer in Hall and Sellers last paper, under the signature of an American Citizen, appears to have examined, with much candor and ability, the different parts which form the constitution offered to us by the late convention, and I must confess, I rejoice when I see such a pen employed in recommending a form of government, which when considered in the whole strikes me as containing powers wholesome, necessary, and consistent with the liberties of the people. If my fellow citizens should be of the same opinion, and yet wish that its several parts should undergo a thorough examination, it will become them to choose men whose abilities are equal to the task, whose characters are irreproachable, and whose views are truly patriotic and independent. If such men should be chosen we can have nothing to fear, but on the contrary, we may entertain reasonable expectations that their examination will be conducted with propriety, and their decisions founded in public good. But lest private interest should interfere, and prevent persons from viewing the plan proposed for their examination with an unprejudiced eye, we should be careful in excluding from this body those kind of characters, who from long habit are taught to believe, that they have a natural right to live upon the public, and might be

induced, by present emolument, to sacrifice the true interest of their country. In order to avoid even an appearance of this kind, *place-men* and *Office-hunters* should not be permitted to obtain a seat in the next convention. There are many persons in this city, and I doubt not in every part of the state, who are looking towards the public purse for maintenance for themselves and friends, and would strenuously oppose such measures as might weaken their influence or counteract their views. From some circumstances which I have heard, I am induced to believe, that no pains are spared to hold up the constitution in an improper light to our German fellow citizens through the medium of their newspapers, and to make them believe that the form of government at present offered to us, is little better than the unlimited power of absolute princes. How false such suggestions are every candid mind will determine, and those industrious and laborous people cannot fail of detesting the authors of such calumnies when informed (and they cannot certainly be kept much longer ignorant) that these reports are propagated in order to render them subservient to factious purposes, and make them the stepping stones by which ambitious men may advance themselves to places of honor and profit. Much has also been said concerning a bill of rights, as if all those rights, which are inherent in us, as members of a free country, could be rendered more secure by a formal acknowledgement of them, by persons acting under an authority derived immediately from ourselves, or irretrievably lost by the silence of our representatives. The fact is, that such an acknowledgement would have been of very little consequence, and the stir which is made about it is only intended to enflame and exasperate weak minds, and by these means excite an opposition to all federal measures. If the constitution had designated *G***** B***n* as the supreme judicial magistrate and *his self important son* as proper to fill some lucrative and respectable post, with power to saddle his fellow-citizens with enormous taxes for the maintenance of himself and friends, we should have heard no complaint respecting the immense expence of government, but we should no doubt have had it extolled as necessary, proper and advantageous.

But the effect which party views have upon public measures is not new, and the *auri sacra fames* assumes so many different shapes as to render an examination into the real motives for the conduct of persons entrusted with the management of public affairs, highly proper and even very necessary. The diminution of salaries paid to public officers as well as of the wages allowed assemblymen, was undoubtedly a measure which ought to have claimed the attention and support of disinterested patriots, and yet great opposition was given to it by the seceding members, and particularly by those of them, who make the greatest

noise about public good. It is the fear, that their present prospects should be blasted, and that they shall be no longer able to dupe their fellow-citizens into a belief, that their individual exertions are necessary for the preservation of the liberties of their common country, that makes them anxious to prevent the adoption of a constitution, which appears likely to secure us the enjoyment of those privileges for which we have struggled so hard. It is owing to the baneful projects of such men, that this state is kept in one continual ferment—that habits of idleness and dissipation are encouraged, and honest, but laborious pursuits checked. Some of the antifederal junto feeling warm in their places, have been attempting to recommend their friends and connections to posts equally comfortable, and the *son of a red-nosed Vicar*, just arrived at manhood, has had modesty enough to solicit to be made Recorder of Deeds, and in order to induce those in whom the appointment lay to favor his application, generously offered to give a certain portion of his profits to an institution of which his father was president. Every encouragement, under our present situation, seems to be offered to persons bankrupt in reputation, as well as fortune; the war worn soldier has been juggled out of his hard earned pay by the crafty demagogue—the honest citizen has been made the cats paw of the needy adventurer, and the laborious farmer has been heavily taxed to support the pomp and aid the designs of judges more attentive to their bellies than to the important duties of their station. A seat in our Executive Council has sometimes been bestowed upon very improper persons in order to keep them, if report says true, out of confinement, and the secretaryship of that body appears a convenient sinecure for persons who wish to enjoy *otium cum dignitate*.

184. Philadelphia Independent Gazetteer, 2 November 1787

But Aaron's rod swallowed down their rods.

MOSES.

And it came to pass in the reign of George the third (now George was a man of function: He had a long nose by which he was led about withal, and his nobles did wickedly in his name, but he perceived it not) there appeared a mighty wonder in the west, which astonished the east, and made the *south* tremble.

A beast rose up out of the earth having THIRTEEN HEADS, and in each head there were many eyes; and the beast had *horns* without number.

And it came to pass in those days that the *red dragon* made war against the beast, and prevailed against him many days, insomuch that the beast became very faint, and was almost ready to give up the ghost.

But when the UNICORN beheld afar off what was doing, he had pity on the beast, and raised his horn against the *red dragon* and sorely

wounded him; so that the beast gathered strength, and prevailed against the dragon, and overcame him, and drove him into the sea.

But the beast soon forgat the unicorn, and was insulted again on every side by the red dragon—even unto this day.

And it came to pass that the beast could not endure the freedom which he had gained, but grew idle and foolish, and waxed poor, in-somuch that the crows began to whet their beaks to pick his bones.

Now the angel whose business it was to watch over the beast, thinking him out of harm, rode off on a sun beam to see the new planet Herskell.

But looking from thence through her celestial telescope, to the Columbian shore, she saw the beast languishing; and swiftly descended to his relief.

She found the beast dozing on the sun side of a hill, much stupified with the frequent doses of opium he had taken: But sprinkling kian pepper in the air, she soon made the beast sneeze, and brought him so far to his senses that he raised up his thirteen heads and looked round.

But the angel observing that thirteen heads had too many minds for one body, she smote the beast, and forthwith there sprang up a head mightier than all the other heads:

It was as it were the head of a lion, with eyes before and behind, and a sharp sword issued out of his mouth,

At sight of which the other heads rejoiced exceedingly, saying now is our salvation come, for behold the lions head will defend us, and raise us high above the heads of all other beasts.

But the sons of Belial, who cared not for the beast, arose and blew loud the trumpet of discord, and spake much evil against the head;—they were also joined by certain sons of Mammon, whose god is there own belly, and they together consulted how to destroy the head.

And it came to pass that while I pondered these things in my heart, I fell asleep: And the angel came and touched me saying, son of man arise and prophecy.

And I said who art thou? and she answered, I am the angel of the west whose particular care it is to guard the beast which thou sawest.—Arise and prophecy.

But I answered, O angel wherefore should I prophecy, seeing I am no prophet, neither the son of a prophet? She said, fear not, it shall be told thee what thou shalt say.

And forthwith she waved her wand, and the bright radiance of the angelic world shone about us, and her head was surrounded with efulgent glory:

And when she saw that I trembled because of the brightness of her glory, she said fear not, behold I will tell thee what shall be hereafter.

The beast which thou sawest has a strong body; but by reason of its many heads it is deemed a monster, and cannot arise to glory: But the head which thou sawest in the midst shall become mighty; it shall wax stronger and stronger, and in time it shall destroy the thirteen superfluous heads, and render the beast perfect.

And it shall come to pass that the whole earth shall tremble because of the beast and because of his power. The haughty kings of the east shall fear to do ill because of him, for out of his mouth proceedeth the sharp sword of justice.

The nations of the woods shall bow before the beast, and fall down on their knees, and lay their bows and arrows at his feet.

The great rivers shall be open wide to receive the tall navies of the beast, and the Imperial eagle shall spread her wings triumphant on the western wave.

Then shall the proud Spaniard be made humble, and all who speak evil of the beast shall be brought low. Then shall the sons of Belial flee to the dens and caves, and shall cry out to the rocks and mountains to fall on them and hide them from the face of the beast, for he will be too mighty for them to behold. Amen. Even so be it. Amen.

185. The Jewel

Philadelphia Independent Gazetteer, 2 November 1787

MR. OSWALD, Fair play is a jewel, say the tars, and they often say true. If we are to leave our names with you, both sides ought surely to be governed by the same rule. I think your correspondent Galba is therefore wrong in supposing that the opposers of the constitution only should be thus restricted. I am a federalist from the bottom of my soul, and shall never therefore write on the other side, yet if the rule is to be adopted I will conform to it, from a regard to equity which always looks on both sides of a case. The reason why it is supposed proper to leave names with the printer, I take to be this—To put it in his power to declare that every writer is either a NATIVE or a CITIZEN of one of these states; for no foreigner has a right to say a word on the subject: We want no such aid, and it may perhaps be found on an investigation, that some antifederal pens are dipt in foreign ink, keeping in view the old maxim, “divide and conquer.”

186. Assembly Debates (Lloyd), Saturday, A.M., 3 November 1787 (excerpt)¹

. . . It was moved to adjourn until Wednesday afternoon, in order to let the Citizens of Philadelphia have the use of the State-House, for holding the election for Delegates to Convention on Tuesday—This

motion Mr. *M'Lene* would oppose by bearly giving it his negative, as he could not consent to lose so much time.

Mr. *G. Clymer* insisted there would be no loss of time, for at present there was no business before the House, and the interval might be usefully employed in Committees preparing the business referred to them.

Whereupon the House adjourned till Wednesday, P.M.

1. Lloyd, *Debates*, II, 42.

187. Jacob Hiltzheimer Diary

Philadelphia, 3 November 1787 (excerpt)¹

Forenoon attended the Assembly. The House having no business on their file, and Tuesday next being the day for electing members to serve in a State Convention which is to meet in this city on the third Tuesday in the present month, according to law, the House adjourned to next Wednesday. . . .

1. *Diary*, 136.

188. Incognita

Philadelphia Evening Chronicle, 3 November 1787

MR. PRINTER, The late *unwarrantable* and cruel behaviour of a certain *Placeman* to a certain Gentleman of our acquaintance, reminded us of the following Fable of the celebrated *Æsop*, which we beg you will insert in your useful and entertaining Chronicle, as it may have a tendency to mend the manners of a *weak*, I like to have said wicked Man, who uses his *Power* for a cloak of Maliciousness.

INCOGNITA.

To G—O—E C—Y—R, Esq.

A goat being *mounted* upon the Roof of a *Shed*, and seeing a Wolf *below* loaded with all Manner of Reproaches. Upon which; the Wolfe, looking up, replied, Don't value yourself, vain Creature, upon thinking you *mortify* me, for I look upon this *ill Language*, not as coming from *you*, but the *Place* which *protects* you.

THE APPLICATION.

To rail and give ill language is very unbecoming, not only *Gentlemen* in particular, but *Men* in General: Nor can we easily determine whether *Courage* or *Manners* are most wanting in the person who is given to use it. Now, when any one is so *screened* & *protected* by the place he is in, that he may commit such indecencies with *impunity*, however his *Carcase*

may escape Scot-Free, yet he is sure to pay for it in his Reputation; it being impossible we should think him a man of HONOUR, who endeavours to wound us from the Advantage of the *Place* in which he happens to be, and refuses us to engage us upon equal terms, Whenever therefore we are attacked by one whom the Company we are in or some other circumstances makes it improper or impracticable to come at, let us wisely curb our passion of resentment, by considering that it is not the *silly person* who speaks, but some situation by which he is secured, that utters the reproach against us. The same reflection may serve also to divert instead of exasperating us, at the *impotent malice* of those *poor Spirits*, who, at the same time that they take Advantage of a place to brandish their *infamous* Tongues against us, and that they durst not do it, unless they *knew* themselves to be out of the reach of our *Resentment*.

189. A Federal Citizen

Philadelphia Independent Gazetteer, 3 November 1787

MR. OSWALD, *Please to give the following a Place in your impartial paper.*

Two Constitutionlists, one of which was the subscriber, were talking of the new federal constitution.—It is true we had dropped all idea of state parties, as we loved our common country and now heartily contended who should shew himself to be the best citizen of the United States: We lamented that although the true friends of the union, were zealous for the new constitution formed by the federal convention, yet there were men (though very few) of both the *old* parties in this state, who had doubts that might be easily removed—This, as we had much regard for them, we wished might be done—we thought there could not be much difficulty in this, for those men who really doubt most, are most open to conviction, when argument is used towards them with force of reason, and the gentleness which accompanies friends who have a good opinion of each other; for honest doubting is proof of an inquiring and reasoning mind; we therefore concluded, that those who were *supposed* to be of the *old* constitutional party, and who had signed the petition recommending the new federal constitution, which from their abilities, they must have done from honest conviction, would be proper to enforce the reasons that prevailed with them, on their old associates—and those of the *old* Republican party who had signed the same petition, should take the trouble of satisfying the scruples of *their* old friends. we parted very well satisfied with the plan we had agreed upon, and with a determination of recommending it, through the channel of your paper, to the petitioners and other friends of the new fed-

eral constitution. The subscriber for his friend and himself, wishes this plain and easy task may meet with the approbation of all honest men, *of whatever party they might have been* before this important moment, which is just previous to the election of our deputies to the state convention.

190. Freeholder

Philadelphia Independent Gazetteer, 3 November 1787

MR. PRINTER, It is said that some men live best in troubled waters, to whom dangers and difficulties by requiring their exertions serve only to increase their powers, but, sir, it is equally true that they who wade through the mire, will sometimes stick in the mud. Politics or morals require principles equally true with mathematics, and false deductions are the result of false and contradictory grounds in one science as much as in another—The man who expects to mislead or deceive the people in a political career, will often find himself entangled, and the net he has woven will hardly long contain a discerning multitude; the time is past when one man was so much superior to his cotemporaries—In those days of ignorance and confidence, artful and cunning jugglers exhibited proofs, of what appeared to a credulous multitude, supernatural skill, time and experience have stripped them of their disguises, and they only now appear to shew to what contemptible employments mankind will submit to for hire. Heretofore deception was denied and falsehood concealed, now it stalks at noon day, and demands its reward. The most burthensome office in the state has been canvassed for, and that part of our government which its opposers justly and with vehemence condemn, they have offered themselves as candidates for: A judge has so far descended from the dignity of his office, as for the sake of having for once in his life the suffrages of a respectable people, to pledge himself that although appointed to deliberate, on a subject far more important than any that ever came before him, he will notwithstanding any arguments which may be brought in contradiction, not only vote himself, but use his interest that others shall vote agreeably to the opinions of those, who, although they dispise him, having confidence in his weakness or his wickedness, have sent him as a Judge. If the people in the several counties had met, and with that deliberation which so important a subject demands, had examined the several parts of the proposed constitution, they would then have only a right to give their opinion on the adoption or rejection of it, and as the person whom they would have chosen as a representative, would not be theirs only, but that of the whole state, he would not be bound

by their instructions? much less proper is it then, for a certain J——e upon the request and promise of support of a few men, however respectable they are, to engage not only to vote for, but that he would use his interest, he would even go the circuit on purpose, he would spend the money of the public, to induce others to vote for a form of government, the objections to which he could not have heard, the principles of which neither he nor any other man out of the late convention, had time to consider, and it can only be accounted for, by believing that all men have their unguarded hours, and that the flattery of characters more respectable than they have been used to, will be grateful to the most depraved—that the hopes of a good name for a moment, will tempt some to a repetition of that deception and art, which has made them so mistrusted—that they will even submit to act, where they are not trusted, and instead of being independent representatives, allow themselves to be shackled with mean promises and witnessed engagements.

October 30, 1787.

191. Observer

Philadelphia Independent Gazetteer, 3 November 1787

Mr. OSWALD, As the federal constitution is open to the discussion of the public; I would beg leave to offer the following remark. In the 9th section it is recited, “that no vessel bound to or from one state to another, shall be obliged to enter, clear or pay duties in another state.” Now may not a vessel from this port meet another from London at Reedy-Island, from which take in a cargo of British goods, proceed to New-York, there dispose of them, and thus evade the payment of any duties or imposts whatever: It may be said this is a partial observation, but I think it applicable to any or either of the United States.

192. Philadelphia Independent Gazetteer, 3 November 1787

QUERIES.

How is it that the county of Montgomery sent a person to represent them in the House of Assembly, who is an antifederalist? Is that county opposed to the federal constitution?

Is it proper for our Supreme Executive Council to elect a person for their Secretary who is an antifederalist; a person who refused to sign the petition to the late House of Assembly, praying a Convention might be called for the adoption of the federal constitution, the only thing

that can save the United States, and make them respectable at home and abroad?

Is it not a part of the Secretary's business to correspond with the sister states; and in so doing may he not either directly or indirectly communicate his own sentiments, and pass them for the sentiments of the inhabitants of the commonwealth whom he represents?

Is it not the duty of our House of Assembly and Supreme Executive Council to remove every antifederalist from *all* places of honor and profit, that our country may have peace?

193. *Pennsylvania Herald*, 3 November 1787¹

An observer says, it is insinuated in different circles, that the first motion made in the state convention, will be to adjourn to Lancaster or Reading. The impressions which have been received by the back country politicians respecting some late proceedings in this city, induce them to think that in Philadelphia they cannot securely and independently discuss the business on which they are called together. It is not improbable that this motion may succeed, as it would certainly have been carried in the late assembly, if the seceding members had attended.

1. This item, also printed in the Philadelphia *Evening Chronicle* on 3 November, was reprinted in the Philadelphia *Independent Gazetteer* on 5 November and the *Lancaster Zeitung* on 14 November.

194. Minutes of the Spinsters' Society *Pennsylvania Herald*, 3 November 1787

TO the EDITOR of the PENNSYLVANIA HERALD.

SIR, You are requested to publish the following resolution, which was unanimously adopted at a numerous meeting of the SPINSTERS of this city convened in the dancing room at the city tavern on Saturday last.

Miss DOLLY PRECISE, *in the Chair*.

WHEREAS the establishment of a STANDING ARMY, has at all times been serviceable to the cause of *gallantry*, inasmuch as it tends to introduce and propagate a race of idle gentlemen, and accomplished beaux, AND WHEREAS the institution of a PRESIDENT GENERAL will be greatly advantageous to the sex, inasmuch as his *levees* will furnish a noble field for the display of female charms—therefore RESOLVED, that we do fervently approve of the new plan of Fœderal Government, and heartily recommend it to the approbation and support of our respective lovers and admirers, under the high penalty of a frown;—hereby promising and declaring that every man who diligently promotes the adop-

tion of the said constitution, whether by spouting or scribbling, shall be entitled (upon producing a certificate thereof from our secretary, and likewise that he powders his hair and wears silk stockings) to receive one kiss from any member of this meeting whom he may select to confer that reward upon his services.

Extract from the Minutes,
NANCY FEATHER, Secretary.

195. Monitor

Pennsylvania Journal, 3 November 1787¹

To the ELECTORS of PENNSYLVANIA.

My Countrymen, That important period has now arrived in which political life and death, for the last time, are set before you. It is in your power to chuse, whether you will be free and happy, or enslaved and miserable. Various innovations and changes have happened in your political system within the last few years—various amendments have been assayed to no purpose; all attempts hitherto made to establish you in independence and happiness have been blasted, have proved inadequate to the great purposes for which government is instituted, and have issued in disgrace, disappointment and contempt. Government, that bulwark of common defence, has at sundry times, within a few years past, been seen tottering on its basis, being shaken to its very centre by those frequent commotions which have been produced by the hostile invasions of lawless and ambitious men, intending, no doubt, to lay it level with the dust, and introduce anarchy, confusion, and every disorder. Harrassed and worn out with tumults and distractions, and weary of so many fruitless endeavours to secure the rights and protect the citizens of the United States, from the wicked assaults and lawless ravages and depredations of unprincipled men, and finding the confederation of the thirteen States unequal to the great ends for which it was adopted; that the power delegated to that august body, the Congress, was insufficient any longer to hold you together, and that a speedy dissolution under the old administration was inevitable; therefore, that the union may be cemented with an invincible firmness; that a foederal government may be formed upon a permanent foundation, endowed with energy sufficient to carry into execution every act and resolve necessary to maintain justice and equity and to support the majesty and dignity as well as the privileges of a free people; and that an effectual barrier may be set to guard your rights against every invasion, foreign and domestic, and to fix you in a lasting peace upon just and righteous principles, accompanied with its concomitants, na-

tional glory and felicity. For those invaluable purposes (after every other effort, as I before observed proved abortive) as the dernier resort, you had recourse to a Convention of delegates from the several states, in which the wisdom thereof, as you may reasonably suppose, was collected; the honorable Members were gentlemen of unexceptionable characters, well acquainted with political concerns, and fully possessed with the danger of the present deranged situation of your public affairs; endowed not only with wisdom and knowledge, but firmness and integrity, equal to the arduous task to which they were called, and their well known affection for and to the interest of your country must highthen your esteem of their qualifications.

From an assembly of such worthy characters, with the illustrious Washington at their head, what may you not expect? yea, and what raised expectations could you have entertained that are not more than gratified in their result, which now lies before you; the result, not of an ordinary sagacity, but uncommon wisdom; the result, not of a rash, hasty, and premature judgement, but of calm reasoning, cool deliberation, and a fair, candid and impartial discussion, on every article proposed, together with their supposed consequents, good and ill; every objection having been thoroughly examined and weighed; those obstacles arising from the separate interests of the different states duly considered, the plan was adopted not by one or two states only, or a bare majority, but the unanimous consent of twelve. I will not suggest it to be clear of every possible defect, for that is incompatible with the mutable uncertain state of human nature; and so long as men govern, errors and mistakes will happen; But this I aver, that it exceeds your most sanguine rational expectations. Permit me then to enjoin it as an indispen[sible] duty on you to accept it. It will be your wisdom to comply with it, your safety and interest call for it. I presume your feelings debate it, and what is more, Heaven itself demands it, for your salvation and national existence depend on it. God forbid, that you should be so lost to your duty and interest, at this late hour, as to spurn the last opportunity which an indulgent Providence, 'tis likely, will ever grant you, to save your sinking country from tumbling into ruin. Suffer me to urge it upon you; not to be dictated by sinister motives; renounce all selfish, mean-spirited and contracted views, and fix your eyes upon the general good, and let those generous and liberal sentiments possess your minds, as shall animate you chearfully to lay aside some advantages that respect you individually, when they stand in the way to the common interest, for yourselves are sharers in public benefits: and should you discover some inconveniences that will accrue to you from

your local situation (as undoubtedly you will, the local interests of the different parts of this extended country being necessarily different) you will by no means suffer that consideration to gain the ascendancy over your reason, so far as to influence you to reject the proposed plan of government; for, mark it, the moment you reject it, you involve yourselves and posterity in ruin. Should you now refuse to embrace this golden opportunity to establish your independency upon such a permanent and unshaken foundation (as it is now in your power to do) as shall preserve inviolable your dear bought privileges, bought at the expence of many invaluable lives and much precious treasure. You may with propriety apply to yourselves an observation of one of the wisest of men, viz. 'He that being often reprov'd and hardeneth his neck, shall suddenly be destroyed, and that without remedy;' which respects nations as well as individuals, that have been repeatedly reprov'd by such disastrous events and threatening commotions, and dangerous violences as have again and again distracted your country, greatly tending to the dissolution of your government; yea, you in vain, when too late will see your folly, when a melancholy gloom hath overwhelmed you, and your remediless distresses have overtaken you. But should you be so happy as to adopt the proposed plan of government, as I presume you will, (for I am persuaded there is virtue yet remaining among you, and some vestiges of that zeal for liberty which glowed in every American in times past, which on a fresh occasion like this, will revive and manifest itself) you may with pleasure anticipate those agreeable prospects that are opening upon you—the congratulations of your benevolent allies, which will soon reach your ears: the satisfaction it will yield to the friends of your independence throughout the world, and the joy that will leap in the breast of every well-wisher to your national interest in the union. Your fame shall outlive you—your memory will be sweet to your progeny, and generations yet unborn will feel their souls inspired with gratitude to you for that firmness, integrity and resolution, which has marked your way in obtaining, preserving, and handing down unsullied to them, those inestimable blessings which they shall hold in quiet possession. Let such motives stimulate you to embrace that which alone will disappoint and chagrin your malevolent enemies, rear the hopes of your tenuous and cheer the drooping spirits of your despairing friends, and then will you amply compensate the pains taken by the MONITOR.

1. This essay was originally printed in the Northampton, Mass., *Hampshire Gazette* on 24 October 1787 (RCS:Mass., 116–19). The *Pennsylvania Journal* reprinted it as its own addressed to the electors of Pennsylvania three days before the election of Convention delegates.

196. Hugh H. Brackenridge
Pittsburgh Gazette, 3 November 1787¹

QUERIES to the ASSEMBLYMAN.

SIR, are you not Findley? Did you not abscond from the house the two last days of the session? Did you not *hasten your pace* when the serjeant at arms pursued you to take you? Did you not run up into Robert Irwin's garret, and lay there unperceived by the family a part of the afternoon? Did you not escape thence to Col. Coates's in the Northern Liberties? Did not the speaker early on Saturday morning shew you the dispatches from Congress, under the hand of Charles Thompson containing their report in favor of the new system of congressional government? Has not the speaker signed the resolutions for calling a convention, which resolutions recite the report of Congress? Would the speaker, in the face of the public, sign a falshood? Is there not a rule of the house that the attendance of members absenting, shall be compelled by the serjeant at arms? Is there not an act of assembly to that effect? Did not the posse assist the serjeant at arms to bring in two members? Is not a contempt of the house punishable by imprisonment and fine at the pleasure of the house? is not five shillings the fine only, where no contempt is alledged? Is not an attempt to break up the government a misdemeanor and indictable at common law? I am the "man who was a member of the late assembly, and have stated these things at Greensburgh," and will support them.

1. Reprinted: *Carlisle Gazette*, 21 November.

197. A Hudibrastic and Hugh H. Brackenridge
Pittsburgh Gazette, 3, 10 November 1787¹

[3 November]

On the running away of the Nineteen Members of Assembly from the house, when it was proposed to call a convention to consider the new system of congressional government; and on the apology made by them in their address, &c. A Hudibrastic.

Away from me all jests and slurrs,
 On Pennsylvania senators,
 Save those alone the worthless few,
 Who from the senate house withdrew
 When was proposed new government,
 For as if demon had been sent,
 To strike them with phrenetic fury,
 They ran off headlong hurry scurry:

Some ran to cellars, or absconded
 In kitchens, and were there impounded.
 'Mongst these there ran a western wight,
 Who took the fore way in the flight;
 He got a garret by his clambering,
 And lay all day in his mind hammering
 Escape from danger and alarms
 Of furious, fiery sergeant at arms,
 Aided by tumultous rabble,
 Who from the gallery slipt cable
 To take and bring him to the house,
 While here he lay entrenched like mouse.

But now uplifting eye 'midst barrels,
 The caitiff spoke: ah me what perils
 Environ when the city posse,
 Draws fist enrag'd across the nose o'ye!
 It seems to me I yet see Barry
 Drag out Mac C-lm-nt. (By th' Lord, Harry,
 The wight was right, and also M-l-y
 Was taken from an out-house sliley,
 To constitute with him a quorum,
 For he it seems was unus horum)
 The wight goes on. The case is hard,
 That I myself have this day shar'd,
 Enough to vex a son of Adam,
 To be pursued by such a swad o'em
 'Twas well I took the first door open,
 Though here I ly pent up in cow pen.

Just at that instant came the house maid
 Alarm'd by hearing such strange noise made,
 Mistook the thing she saw for a robber,
 And was afraid he might play hob with her;
 She scream'd aloud, up came the mistress,
 To learn the occasion of the distress.
 She join'd the scream; next came the host,
 To see if 'twas a rat or ghost—
 The wight began to claw his breech,
 And make apologizing speech—
 I am, said he, as assembly man,
 Who to this upper story ran—
 You are, said host?—by the life of Pharoah,

You are from the wheel barrow,
 Do not I hear the chains rattle,
 That usually are ty'd to cattle?
 With that he knock'd him down with a bludgeon,
 And drew him from his airy lodging;
 And on the lower floor put question,
 Has he a party colour'd vest on,
 Or is his head shav'd? at this crisis,
 Said one examine what his phiz is.
 The wight was known, a senator,
 It was allow'd a cursed blurr.
 But now distinguish'd clear as day-light,
 They wash'd his face and gave him eye light:
 And the domestics over-joy'd
 Convey'd him to the house of Boyd.

Here were conven'd of the nineteen,
 Who in the apostacy had been,
 A dozen or more: say shall I use
 Feign'd names as doth the inventive muse,
 Or in direct expression call,
 Each by his own name literal?
 I chuse the first; then say there were,
 Two prators of speech more clear,
 Could scarce tell which of them was worthier;
 Grogram the one, Bogram the other.
 Grogram spoke first: ah what avails,
 This stratagem of turning tails?
 A house is made; the business done,
 Convention will be call'd anon,
 This system that we so much dread,
 Will soon like cap be pull'd o'er head;
 A hanging matter to our wishes,
 Not giving time to say God bless us.
 So universal is the current
 We dare not openly make stir in't
 But how to meditate side blow,
 Is what we must determine now.
 Bogram: one way is left alone,
 To keep the thing from going down;
 That is to make a contribution
 Of clamour of the constitution,

In popular measure when good reason,
 Has come across, and stop'd my weazon,
 I oft have try'd this last resource,
 And found it had a magic force,
 To quell objections and prostrate,
 All arguments of sober weight.—
 Call constitution. Grogram spoke now;
 I fear my friend this will not do,
 The thing is made a stalking horse,
 So long that almost every nurse,
 Knows that it is a pussy tabby,
 To still the populace like baby;
 A stratagem long us'd in war,
 Is lost because familiar,
 Like silly boy that oft cries fire,
 Is reckoned by the others a liar,
 Expedient of novel nature,
 In state affairs is always better.
 Unless some other scheme is got,
 Our projects must all go to pot.

Now at this critical non plus,
 Our wight arose and argued thus:
 Though constitution's almost done,
 There's still some picking in the bone,
 A new occasion gives new use,
 And let's the prejudices loose,
 No writing can be understood,
 Or read at once by the multitude,
 And in obscurity there's fear;
 So, we can get a foot-hold here,
 Say that this novel government,
 Is form'd by them with an intent,
 To eat up the offices of the state,
 And make each one of themselves great.
 That under this outrageous system
 No man alive will dare say peas t' them,
 That soldiers arm'd with battle axes,
 Henceforward will collect the taxes;
 That the convention in great fury,
 Have taken away the trial by jury;
 That liberty of the press is gone,

We shall be hang'd each mothers son;
 Say Lord knows what, as comes in head,
 Pretences for a scare crow made;
 Tell them that Mason of Virginia,
 And Randolph shun'd the ignominy
 Of putting hand to the state paper,
 And Eldridge Gerry made a caper,
 The other way: say this and more t' 'em,
 And leave result of it to fortune,
 Or in the words of better sense,
 To good discretion and Providence.

Just at this moment came a writer,
 Had drawn up all these paragraphs better;
 It was in shape of an address,
 In substance neither more nor less
 Than an apology worth making,
 For their disorderly HOUSE-BREAKING—
 Accosting them; said he my masters,
 Here is the sovereign of all plaisters
 For your desertion from the senate,
 Cost me a good deal of pains to pen it;
 The address was read; it was approved;
 All made their marks to it as behoved;
 The writer thank'd; nor could do less;
 They hurry'd it away to the press.

[10 November]

Now Grogram rose.—'Tis well what's done,
 Though still we are but coming on;
 For who so buried in the ocean
 Of ignorance to credit notion,
 That Washington could have design,
 Our government to undermine;
 Or aged Franklin to erase
 Our constitution from the base.
 Or other wise men of convention
 Have such inferior intention;
 Or that conspiring, one and all,
 They form'd a plan tyrannical,
 To eat up liberty among us
 And make our laws a mere Mundungus?

Besides our names just put on paper,
 Will sanction the convention labour;
 For who will not give preference,
 In point of reason and of sense,
 To list of members from the states,
 Compar'd with our inferior pates?
 There's Wight himself just come from mooring,
 His anchor on the upper flooring
 Is in reality but a weaver,
 Though at his trade he may be clever.

This gave offence to signior WIGHT,
 Was almost angry enough to bite,
 For true, he was of the occupation,
 Nor did he think it a degradation.
 Unless when wagg, just fiddle fiddle,
 In way of talk, would call him, TRADDLE:
 But being now assemblyman,
 He wish'd to put it off his hand,
 And keep the mystery from view;
 But we shall call him Traddle too.
 Just for the whim of the odd name,
 For what we call him 'tis the same—
 Provided we but know what's meant,
 Which of all language is the intent;
 Then as he means to speak, BE IT KNOWN,
 TRADDLE is the name he must own,
 Traddle—stop, sir, 'tis ill bred,
 To throw reflections on a trade—
 What tho' I drive a shuttle, yet,
 I may be charg'd with affairs of state,
 A weaver is as good's a farmer,
 And often by profession far more,
 Vers'd in news and politics,
 So no more of your dry tricks
 To slur men's calling—pardon sir,
 Quoth Grogam, I mean not to slur,
 Or give opinion of the matter,
 Or move at your expence my laughter,
 I only hint what others may,
 Invidiously in this case, say,
 When they compare both lists together,

That of convention and this, whether,
 The occupation and the trading,
 Will not be brought heels over head in,
 As whether you or old Ben Franklin,
 Ought to be follow'd in the wrangling—
 You skil'd in woof and warp, while he
 Has travell'd over land and sea
 Survey'd all states and the foundation
 Of government through every nation;
 Not that I doubt you may be equal
 To him and shew it in the sequel,
 But some may doubt you could at once
 By force of yourself make such a bounce.
 Grogam: I verily believe,
 Bogram has no design to give
 Offence to Traddle; but what's true,
 In this case, 'twill give much ado,
 To overpower the names against us,
 Although we take the greatest pains t'us,
 But let us do what can be done.
 For instance, as to Washington,
 Say his skill lies wholly in arms,
 And care of his Virginia farms;
 But nothing knows of state affairs,
 No more than Buff'lo does of prayers,
 And as to Franklin say he fails,
 In judgment as his age prevails;
 These hints will help the lame dog over
 The stile and give us time moreover,
 To breathe awhile, the worst o' the worst
 Is but to be where were at first.
 Thus having spoke all bow'd acclame
 And seem'd to think the very same!

Just at this instant came a writer,
 What if I should throw in my mite here?
 Give inuendoes out in legions
 And string objections up like pigeons—
 Here is a piece sign'd Centinel
 If that will do, as false as hell,
 This may accompany the address
 As greater snake is by the less.

It was approv'd and Traddle spoke,
 Grogram and Bogram, you are folk,
 Who know the tricks and quirks of law,
 What power it has to clapper claw,
 Say in your wisdom what redress,
 Against insurgents more or less,
 Who with such after claps broke loose,
 When we absconded from the house;
 Is not such overshot of rage,
 Breach of assembly privilege?
 Where commonwealth in her own right,
 May order attorney to indict?

Grogram—amongst ourselves I say't
 I rather fear event that state
 Will order bill for misdemeanor,
 Against us taken in the mainour
 Of BREAKING HOUSE. It may be said,
 That run-away match which we have made,
 Is in despite of rule and order,
 And doth on sort of treason border,
 Dissolving government at once,
 By such clandestine kind of sconce,
 And terg'versation. Bogram—I differ;
 For has it not been argued ever
 That constitution needs a check,
 Of upper house, to take by the neck
 The lower; Now outer house may be,
 Of the same use. Minority,
 In any instance may withdraw,
 And give a negative to the law.
 Traddle: Just my opinion of the matter,
 It is the speediest check in nature,
 And leaves the government still simple,
 Those therefore who would compel,
 Our pers'nal presence when absconding,
 By riotous assault and wounding,
 Deserve the rigour of the law,
 With every kind of clapper claw,
 Of action and indictment bill,
 And punishment against their will
 For the misprision. Grogram to traddle:

But when the juries come to meddle,
 With time and place and where of the assault,
 Whether in garret or in vault,
 And how we hasten'd from the sergeant,
 Dispatch'd to bring us message urgent,
 The circumstance against us there,
 May seem t' affect our character.
 For instance it may come to our spouses
 That we were found in bawdy houses,
 Or that with wine being mellowed,
 Had fallen down the steps of a cellar.
 It may be said by way of burlesque,
 That Traddle while he lay at his risk,
 In garret was of the UPPER HOUSE,
 And other things ridiculous.
 It may be said that skunks we are
 And wage posterior kind of war;
 For when we mean the most t' offend,
 We turn about the other end.

Scarce ended speech when Boyd the host,
 Rush'd in and bid each take his post,
 In other quarters of the town,
 For there was Barry coming down,
 With half a legion of the posse,
 Swearing should he come across ye,
 To tar and feather ye like geese,
 And tear my house down in a trice.

A word to the wise was here enough;
 The orators and groupe ran off
 And when poor Barry came to search,
 He found he was left in the lurch.

HUGH H. BRACKENRIDGE.

1. Reprinted: *Pennsylvania Gazette*, 21 November, and *Carlisle Gazette*, 28 November, 5, 12 December.

198. Authority

Philadelphia Independent Gazetteer, 5 November 1787

ANSWER to the first QUERY, in the *Independent Gazetteer* of this day.
 The person sent by Montgomery county, to represent them in General Assembly, alluded to in this Query, was chosen because he is a

friend to the liberties and rights of mankind, and has spirit to speak and act like a freemen. The people of that county are enemies to a despotic government, and as they have reason to believe that the adoption of the new constitution, in its present form, will establish a government as despotic as any in the world: Hence they are opposed to it.

November 3d, 1787.

199. *Pennsylvania Packet*, 5 November 1787

From a Correspondent.

The necessity of our efficient federal government to render the United States respectable as a nation, has been urged by many real, and opposed by some pretended friends—Let us attend to what those, who do not even pretend to wish us well, say on this subject.

Extract from the *European Magazine* for November, 1784, page 339, under the title—*Political State of the Nation*.

“North-America, broken off from the British empire, in other words become independent, begins to be a kind of a *vacuum* in the system of politics; a remote region, unattended to by the European powers: And if Great Britain will but punish those revolted colonies with a total disregard, and perfect indifference, they will soon grow as light as chaff in the great scale of power and consequence among nations.—Already they find a necessity of adopting the Turkish mode of negotiating peace with their inland neighbours, by sending ambassadors of peace guarded with an armed force!—This may do for the Turkish empire, great and potent as it is; but for Congress, a government without substantial power, without money, and without property, it will never do long! A slippery false peace it will be, kept only by the Indians while the peace makers and their warlike retinue are in sight, or within call. Even now the sinew states, boasted to be in future the greatest empire in the world, begin, like wolves, to worry and devour one another, for want of a superintending governing power, to hold an equal regulating hand over them all; and most grievously will they lament the loss of their dependence on Great Britain.”

200. *Newspaper Reports of Election of Delegates to the State Convention*, 6 November 1787¹

Philadelphia Evening Chronicle, 7 November 1787

Yesterday the following gentlemen were elected to represent this city in the ensuing state Convention viz. THOMAS M'KEAN, JAMES WILSON, BENJAMIN RUSH, GEORGE LATIMER and HILARY BAKER.

Pennsylvania Gazette, 7, 14 November 1787

[7 November]

At an election held yesterday, at the State-House, for representatives in the ensuing Convention, the following gentlemen were chosen by a very great majority, viz. *George Lattimore, Benjamin Rush, Hillary Baker, James Wilson*, and *Thomas M'Kean*.

[14 November]

On Tuesday the 6th inst. came on the election for five persons to represent this city in the ensuing State Convention. On the close of the Poll, at the State-House, the votes stood as follows, viz.

George Latimer,	1215
Benjamin Rush,	1211
Hilary Baker,	1204
James Wilson,	1203
Thomas M'Kean,	1157
Benjamin Franklin,	235
Charles Pettit,	150
David Rittenhouse,	148
John Steinmetz,	137
James Irvine,	132

Nothing shews the weakness of the antifoederal junto more than the above state of the votes of our city. With their utmost exertions and industry, their whole number of votes amounted only to 150. Dr. Franklin, who was run in their ticket as a decoy, was left out of the foederal ticket, only because his infirmities and present station would have made it improper to put him in the Chair of the Convention, and he could not have been there without being President. Mr. Steinmetz, who is a foederalist, was low in votes, only from being in antifoederal company.

The following gentlemen are elected members of the ensuing Convention of this state:—

Philadelphia County. George Gray, John Hunn, William Macpherson, Enoch Edwards, Samuel Ashmead.

Bucks. Henry Wynkoop, Thomas Yardley, John Bartley [i.e., Barclay], Abraham Stout.

Chester. Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheney, John Hannum.

Lancaster. Jasper Yates, Stephen Chambers, John Whitehill, John Hubley, Robert Coleman, Sebastian Graff.

York. Thomas Hartley, Henry Slagle, David Grier, John Blake [i.e., Black], Benjamin Pedie, Thomas Campbell.

Cumberland. Robert Whitehill, Jonathan Hoge, John Harris, John Jordon,

Berks. Joseph Heister, John Bishop, John Ludwick, Nicholas Lutz, Abraham Lincoln.

Philip Kreemer, Esquire, is elected a member of the General Assembly for Berks county, in the room of Charles Biddle, Esq; resigned.

Northampton. John Arndt, Stephen Balliot, Joseph Horsfield, David Deshler.

Montgomery. F.A. Muhlenberg, James Morris, John Richards, Jonathan Roberts.

Dauphin. William Brown, Adam Orth, John Hanna.

Pennsylvania Packet, 10, 13, 15 November 1787²

[10 November]

The following gentlemen are elected members of the ensuing State Convention:—

For the City of Philadelphia.

Thomas M'Kean, James Wilson, Benjamin Rush, George Latimer, and Hilary Baker, esquires.

For Philadelphia County.

George Gray, John Hunn, William Macpherson, Enoch Edwards and Samuel Ashmead, esquires.

For Chester County.

Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheney, and John Hannum, esquires.

For Berks County.

Joseph Heister, John Bishop, John Ludwick, Nicholas Lutz, and Abraham Lincoln, esquires.

[13 November]

The following gentlemen are elected members of the ensuing Convention of this state:—

Montgomery County.

F. A. Muhlenberg,
James Morris,
John Richards,
Jonathan Roberts.

Bucks.

Henry Wynkoop,
Thomas Yardley,
John Bartley [i.e., Barclay],
Abraham Stout.

Northampton.

John Arndt,
Stephen Balliot,
Joseph Horsfield,
David Deshler.

Lancaster.	Jasper Yates, Stephen Chambers, John Whitehill, John Hubley, Robert Coleman, Sebastian Graff.
York.	Thomas Hartley, Henry Slagle, David Grier, John Black, Benjamin Pedie, Thomas Campbell.
Cumberland.	Robert Whitehill, Jonathan Hoge, John Harris, John Jordon.
Dauphin.	William Brown, Adam Ort, John Hanna.

The above, together with those inserted in our paper of Saturday last, are all the returns that have been yet received.

[15 November]

John Allison and Richard Beard, esquires, are elected members of convention for the county of Franklin.

Pennsylvania Mercury, 16 November 1787

The following gentlemen are elected members of the ensuing Convention of this state:

Philadelphia county—George Gray, John Hunn, William Macpherson, Enoch Edwards, Samuel Ashmead.

Chester—Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheney, John Hannum.

Berks—Joseph Heister, John Bishop, John Ludwick, Nicholas Lutz, Abraham Lincoln.

Montgomery—F. A. Muhlenbergh, James Morris, John Richards, Jonathan Roberts.

Bucks—Henry Wynkoop, Thomas Yardley, John Bartley [i.e., Barclay], Abraham Stout.

Northampton—John Arndt, Stephen Balliot, Joseph Horsfield, David Deshler.

Lancaster—Jasper Yates, Stephen Chambers, John Whitehill, John Hubley, Robert Coleman, Sebastian Graff.

York—Thomas Hartley, Henry Slagle, David Grier, John Black, Benjamin Pedie, Thomas Campbell.

Cumberland—Robert Whitehill, Jonathan Hoge, John Harris, John Jordon.

Dauphin—William Brown, Adam Ort, John Hanna.

Franklin—John Allison, Richard Beard.

Lancaster Zeitung, 14, 21 November 1787

[14 November]

Bey einer letztern Dienstag gehaltenen Wahl für Abgeordnete zu einer Staats-Convention, wurden folgende Herren erwählet:

Für Lancäster Caunty.	[stimmen]
Stephan Chambers,	691
Robert Coleman,	691
John Hublely,	689
Sebastian Graff,	681
Jasper Yätes,	653
John Whitehill.	379
York Caunty.	
Henrich Schlegel,	916
Thomas Campbell,	899
Thomas Hartley,	864
Benjamin Pedan,	666
David Grier,	649
John Black.	649
Berks Caunty.	
Nicolaus Lutz,	604
John Ludwig,	594
Abraham Lincoln,	560
John Bischoff,	488
Joseph Hiester,	440
Stadt Philadelphia.	
Georg Latimer,	1215
Benjamin Rusch,	1211
Hilarius Becker,	1204
James Wilson,	1203
Thomas Mac Kean.	1157
Dauphin Caunty.	
William Brown,	
Adam orth,	
John Hanna.	

[21 November]

Folgende Herren sind als abgeordnete zu der Staats-Convention erwählt worden:

Für Cumberland Caunty:

Jonathan Hoge, Robert Whitehill, John Harris, John Reynolds.

Franklin Caunty:

Richard Baird, John Allison.

Philadelphia Caunty:

Georg Gray, John Hunn, William Mac Pherson, Enoch Edwards, Samuel Aschmead.

Chester Caunty:

Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheney, John Hannum.

Montgommerey Caunty:

Friederich A. Mühlenberg, James Morris, John Richards, Jonathan Roberts.

Bucks Caunty:

Henry Wynkoop, Thomas Yardley, John Bartley [i.e., Barclay], Abraham Staut.

Northampton Caunty:

John Arndt, Stephan Balliet, Joseph Horsfield, David Deschler.

Luzerne Caunty:

Timothy Pickering.

Westmoreland Caunty:

William Findley, William Todd, John Beard.

Carlisle Gazette, 14, 21 November 1787

[14 November]

The following gentlemen are elected members to the General Convention to be held for taking into consideration the proposed plan of government for the United States.

For Cumberland County.

Jonathan Hoge, Robert Whitehill, John Harris, John Reynolds, Esquires.

For Franklin County.

Richard Baird, John Allison, Esquires.

For the City of Philadelphia.

Thomas M'Kean, Benjamin Rush, James Wilson, Hilary Baker, and George Latimore, Esquires.

For Philadelphia County.

George Gray, John Hunn, William Macpherson, Enoch Edwards and Samuel Ashmead, Esquires.

For Chester County.

Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheney, and John Hannum, Esqrs.

For Berks County.

Joseph Heister, John Bishop, John Ludwick, Nicholas Lutz, and Abraham Lincoln, Esquires.

[21 November]

The following returns are come to hand since our last.

For York County,

Henry Slagle, Thomas Campbell, Thomas Hartley, Benjamin Pedan, David Grier, John Black.

For Lancaster County.

Stephen Chambers, John Hubley, Robert Coleman, Jasper Yeates, Sebastian Graff, John Whitehill.

For Dauphin County.

William Brown, Adam Orth, John Hannah.

For Huntingdon County.

Benjamin Elliott.

For Westmoreland County.

William Findley, William Todd, John Beard.

Pittsburgh Gazette, 10 November 1787

At an election held on Tuesday last for persons to serve in convention to consider the new plan of government proposed by a convention of the states lately held in the city of Philadelphia, the following gentlemen were elected for Westmoreland county:

WILLIAM FINDLEY,
WILLIAM TODD,
JOHN BEARD.

1. Some of these newspaper reports were reprinted throughout the country.

2. Reprinted: Philadelphia *Independent Gazetteer*, 12, 14, and 16 November; *Germantauener Zeitung*, 13, 27 November.

201. Judges' Certification, Lancaster County Election 7 November 1787¹

Be it known to all to whom these presents shall come, that in pursuance of a resolve of the General Assembly of this state dated the ninth day of September A. Dom. 1787,

We, Bernard Wolf one of the judges of the first district in the said county of Lancaster, John Boyd of the second district in the same county, Hugh Pedan of the third district in the same county, and Jacob Johnson

of the fourth district of the same county, being duly chosen and qualified to preside as judges in the said several districts at the late general election for representatives in Assembly, and in pursuance of the resolve aforesaid being judges in the said several districts for the election of deputies to serve in a state Convention for the purpose of deliberating on, assenting to, and ratifying the Constitution for the future government of the United States pursuant to a resolve of the Convention of deputies from the several states composing the Union lately held in the city of Philadelphia, did severally preside at the said election which was held in the several districts aforesaid on the first Tuesday in November instant; and we being now met at the courthouse in the borough of Lancaster to add together the number of votes which appeared to be given for such deputies, to serve in the said state Convention, it appears to us that a majority of votes were duly given for Stephen Chambers, Robert Coleman, Sebastian Graff, John Hubley, Jasper Yeates and John Whitehill. The said Stephen Chambers having six hundred and ninety-one votes, Robert Coleman having six hundred and ninety-one votes, Sebastian Graff having six hundred and eighty-one votes, John Hubley having six hundred and eighty-nine votes, Jasper Yeates having six hundred and fifty-three votes, and John Whitehill having three hundred and seventy-nine votes; therefore we do hereby certify and declare that the said Stephen Chambers, Robert Coleman, Sebastian Graff, John Hubley, Jasper Yeates and John Whitehill were severally and duly elected by a majority of votes as deputies to serve in the state Convention herein beforementioned.

In witness whereof we have hereto set our hands and seals this seventh day of November in the year of our Lord one thousand seven hundred and eighty-seven.

1. Copy, George M. Steinman Collection of Prints and Original Manuscripts, Box 3, Lancaster County Historical Society.

202. Judges of Election, City of Philadelphia, to Benjamin Rush Philadelphia, 7 November 1787¹

We have the pleasure to inform you that at an election held yesterday, you was elected, by a great majority, one of the delegates to represent the city of Philadelphia in a state convention, pursuant to a resolve of the General Assembly of 29th September last.

1. RC, Rush Papers, Library Company of Philadelphia. The letter was signed by Nathaniel Falconer, Hilary Baker (who was himself elected a delegate), and Lewis Farmer. It is endorsed: "Minute of an Election member of Convention in 1787." This document has been edited.

203. Philadelphia Evening Chronicle, 7 November 1787

THE LIBERTY OF THE PRESS is not secured, by the late Convention, to the people, and the powers of Congress are fully adequate to its destruction, as they are to have the trials of *libels*, or pretended libels against the United States and may, by a cursed abominable stamp act, (*as the Bowdoin Administration*) has done in Massachusetts, preclude you effectually from all means of information. *Mr. Wilson*, has given you no answer to this argument. “*O! Slavery though art a bitter draught thou’ thousand in all ages are obliged to drink of thee.*”

STERNE’S sentimental journey.

PRINTERS throughout the United States, exert yourselves for the PUBLIC GOOD.

204. Philadelphia Freeman’s Journal, 7 November 1787¹

It omens ill to the commonwealth, (says a correspondent) when trifling and insignificant persons (some of your *Saturday-night orators*, for instance) are suffered, with impunity, to palm themselves upon a credulous populace for *great* and *good* characters. One of this description, a *gaping expectant* under the proposed new government, was lately haranguing to an *admiring* circle, and every now and then belching out his nonsensical idea, that if the “New Federal Constitution was not adopted, *just as it now stands*, no other CONVENTION for revising it could possibly, in the nature of things, be again called.” This gentleman’s whimsy brought to my mind a sentiment I once heard from a London-derry cooper.—*Arrah, my dear*, (said Teague) *take care how you break that there bucket now; for, by my shoul, I cannot make it over again d’ ye see!*

1. Reprinted: *Pittsburgh Gazette*, 15 December.

205. York Pennsylvania Chronicle, 7 November 1787

To the PUBLIC:

The Address of the Editors of *The Pennsylvania Chronicle, or the York Weekly Advertiser*.

The usefulness of News-Papers amongst a people who dwell in a land of freedom, where every subject that can yield instruction or amusement may be discussed and submitted to the public consideration—is too apparent to stand in need of laboured arguments to prove.

In a Commonwealth, where the citizens chuse their legislators, who register their daily proceedings, and who ought to publish every bill of importance for consideration before it is enacted into a law, and becomes binding on the people, it is highly reasonable, and indeed nec-

essary, that the citizens should have the earliest notice of the minutes of the proceedings, and of the bills published for consideration, to enable them to petition and instruct their representatives, to judge of their wisdom and integrity in the execution of their trust, and whether their conduct has been such as may entitle them to the confidence of the people at a future election: and this cannot be done to any considerable extent without a press in the county.

At this crisis, when the whole system of the government of the United States is to be submitted to the people in convention, and the form agreed upon by that august body, and recommended to Congress, is to be considered, while perhaps worthy and good men may labour under local prejudices, and the imps of despotism will be [— — —] [— — —]ing to prevent us from applying measures necessary for our happiness and independence, is it not of the last importance that a communication of sentiments should take place amongst the citizens of the state, as well as the neighbouring states? and can it be effected any other mode in so easy and extensive a manner as by a News-paper?

The flames of war are already kindled in the old world, or at least ready to burst out every moment. The maritime powers in Europe are covering the ocean with their fleets; and from the frozen sea to the pillars of Hercules, the whole continent is in arms; the East and West Indies will be involved in the general combustion; and it is more than probable that North America will not be permitted to be a silent spectator in the general catastrophe. In such a situation, curiosity and interest will combine to induce us to procure the earliest intelligence.

It may be objected that there are Printing presses in abundance in Philadelphia, New-York, Boston and Baltimore, as also at Alexandria, Frederick-Town, Lancaster and Carlisle: all this is very true, but of what advantage or benefit are all those Presses to the inhabitants of York county? Perhaps a score out of a thousand inhabitants take News-Papers from Philadelphia, the very postage of which costs more than a News-Paper at York, and perhaps half a dozen from Baltimore, under the same difficulty: the News-paper at Lancaster, being German, cannot interfere with the York Press, issuing an English Paper; Alexandria and Frederick-town Papers, as they were never intended for this meridian, can be of little use to us; Carlisle Press has a country very extensive, having no press except Pittsburgh to the Western Ocean.

Towards the accomplishment of our plan, we have already opened an extensive correspondence, not only for the purpose of procuring all the American intelligence, but also such European periodical publications as may be both useful and entertaining.

The editors flatter themselves that by a careful selection of the various foreign papers, with such domestic occurrences as shall come to their knowledge, together with the friendly assistance of such as Heaven has been pleased to bless with genius and abilities, they will be able to accommodate their readers with every thing useful and entertaining, that can be expected from a publication of this nature, and hope that they may be happy enough to have their "Paper now and then involved in the rays, which the orb of science, that has lately risen upon our Western Hemisphere, will cast around itself,"

The editors take this public opportunity to return their thanks to their numerous subscribers, and to express their warmest wishes that the Town and County of York, where the first acknowledgment of the authority of Congress (by the Commissioners of the King of Great Britain) was received, where, the firmness and patriotism of that illustrious Body, on that trying occasion, will forever endear their memory to American freemen, and where the United States in Congress Assembled, afterwards received the treaty of Alliance formed with their generous Ally, LOUIS XVI. and from whence, in the burning months of summer and in the frosts of winter, through snows and tempests, the love of liberty and independence sent such numbers forth to join our illustrious Commander in the hour of danger,—may still continue to act with that magnanimity and wisdom, on all future public occasions, in peace, as well as in war, becoming their former character, and never submit to be ruled or governed by the opposers of liberty and independence.

The editors beg leave to extract a material part of their conditions,

1. This paper will be printed every Wednesday morning, and delivered to the subscribers in town at their respective dwellings, and where there are a number of subscribers belonging to any other town or place, their papers shall be all enclosed, sealed up together, and sent to adjacent public places, by post, at the cheapest rate, or otherwise as the subscribers may generally or individually agree.

2. The price to be Two Dollars per year, one half to be paid at the time of subscribing, and (as this arduous work is in its infancy) the other half at the expiration of six months.

The editors have only to reiterate their assurances that illiberal and indecent pieces shall not be admitted, and that the dark assassin of private character shall find no asylum behind a York press.

206. York Pennsylvania Chronicle, 7 November 1787

†† A desire being expressed, by some of our readers, "to be favoured with the Centinel," in this paper: the printers are sorry it is out of their

power to gratify those gentlemen at present, on account of its extraordinary length.—And indeed from its triteness, as well as from the impropriety of publishing the answer before the question, they beg leave to be excused.

207. A German Fœderalist

Pennsylvania Gazette, 7 November 1787

MESSRS. HALL & SELLERS, I was led by company on Wednesday last to the State-House, to see the election of President and Vice-President of the state. I was told before I went, that Mr. *Franklin* was to be President, and General Muhlenberg to be Vice-president. Upon counting the votes, I was surprized to find an opposition to Mr. Muhlenberg, and that a back county gentleman had 31 votes, by which means our worthy Vice President was elected by a majority of only 11 votes. I take the liberty of asking, by means of your paper, what can be the meaning of this opposition to Mr. Muhlenberg?—It cannot be to his whig principles, for he has fought in almost every battle during the late war. It cannot be to his abilities, for he is a scholar and a learned man, having been educated in one of our best German universities,—Nor can it be to his private character, for he is in this respect without reproach.—The true reason why he was opposed, I suppose, was because he was a GERMAN. The heads of the constitutional party find the people of our nation very useful to carry elections in their favor, but they consider them as good for nothing else—and this is the reason why so few of them hold offices in the state. These anti-foederal gentlemen are further angry at the Germans, for joining the republicans in supporting the new foederal government; and this appears to be another reason why they opposed Mr. Muhlenberg's appointment as Vice-President, for he and all his connections are foederal. I wish all distinctions of country and party to be done away, but while so many of our constitutionalists confederate against Germans and Foederalists, I shall never be ashamed to subscribe myself *A German Fœderalist*.

208. Candor

Pennsylvania Herald, 7 November 1787

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, MR. OSWALD's paper of to-day exhibits a grievous catalogue of the imperfections and iniquities of the new plan for a federal government;¹ but, except the objection respecting a bill of rights, which has been fairly answered, I can not discover one charge that does not pro-

ceed from unreasonable suspicion, or strained presumption. The Congress of the United States will possess *legislative* powers for every federal purpose; and yet the arguments that are used upon some occasions, seemingly deny those powers, and upon others, insinuate that they will only be exercised in contradiction to the end for which they are given. Examine the exceptions to the proposed constitution, and it will appear, that they are founded upon matters for which it will be the duty of the federal legislature to provide; and how absurd would it have been to attempt by the act of the late convention to regulate every possible case that might occur in the affairs of the union? For instance: it has been asked, “may not a vessel from this port meet another from London at Reedy-Island, from which take in a cargo of British goods, proceed to New-York, there dispose of them, and thus evade the payment of any duties or imposts whatever? Because the 9th section of the new plan” recites that “no vessel bound to or from one state to another, shall be obliged to enter, clear, or pay duties in another state.” Does not the querist here forget that Congress will have the power to regulate the impost? That power must be exercised by legislative institutions, and those institutions will provide against the fraud which he apprehends. It is in this case, as in most of the cases from which charges have originated; the Convention defined the authority, the Congress must devise the means of pursuing it: and I am persuaded no man will be bold or weak enough to assert, that this solemn compact, should be so construed as to introduce and tolerate speculation and fraud. Upon the whole, Sir, I think it would be but liberal and just to remember, that many of the objections to the federal plan, may be removed as soon as the authority for that purpose is established, and that it is not fair to presume the representatives of the people will neglect or pervert the duties of their appointment.

Nov. 6.

1. “An Officer of the Late Continental Army,” Philadelphia *Independent Gazetteer*, 6 November (RCS:Pa., 210–16).

209. Epicurus

Pennsylvania Herald, 7 November 1787

To the EDITOR of the PENNSYLVANIA HERALD.

Sir, I went to the meeting which was called on Satur[day] last, supposing myself to be invited under the description of “a friend to the proposed Federal Constitution,” and expecting that I should have my share in the nomination of delegates to the state convention. But, Mr. Editor, the manner in which the business of the evening was conducted,

reminded my of *Boniface's* feast, when he bade his guests chuse out of a long bill of fare, but obliged them, at last, to put up with a plain joint of meat which he had already provided for his own use. Five persons, who had been previously ordered by a few election caterers, were proposed for our approbation; but I found that it was Hobson's choice, those or none, although the card of invitation, as will appear by your Herald of that day, promised me a choice out of the plentiful political larder of the whole city.

I cannot help complaining of this deception, and recommend more candor for the future. For example; would it not have been more honest and ingenuous to have stated the invitation thus—"whereas a judge, a lawyer, a doctor, a merchant, and a clerk, (well *stuffed* with fœderal sausages) are to be served up at the state-house ordinary on Saturday next, all persons who have no antipathy to those dishes, are requested to partake thereof; but those who do not like the same, are forewarned that no other entertainment will be provided."

I am, &c.

EPICURUS.

**210 A–B. Assembly Proceedings on Act to Pay Convention Delegates
26 October–10 November 1787**

*210–A. Assembly Minutes, Friday, 26 October 1787 (excerpt)*¹

. . . *Ordered*, That Mr. Clymer, Mr. Lollar and Mr. Schott be a committee, to bring in a bill to make the same allowance to the attending members of Convention as is made to the members of the General Assembly, and also to provide for the extraordinary expences which may be incurred by holding the said elections. . . .

*Assembly Debates (Lloyd), Friday, 26 October 1787 (excerpt)*²

. . . Mr. G. Clymer called for the reading of the following resolution, agreed to by the late House,

Resolved that it be recommended to the succeeding House of Assembly, to make the same allowance to the attending Members of the Convention, as is made to the Members of the General Assembly, and also to provide for the extraordinary expences which may be incurred by holding the said elections.

This met with some opposition from Mr. M'Lene, who thought the House ought to wait until the business should be introduced by the expected message from Council.

But the Resolution was read, and Messrs. G. Clymer, Lollar and Schott, were appointed to bring in a bill conformable to its tenor. . . .

Newspaper Report of Assembly Proceedings, Friday, 26 October 1787
Pennsylvania Packet, 30 October 1787 (excerpt)

. . . Mr. G. Clymer called for the reading of the following resolution, agreed to by the late house.

Resolved, That it be recommended to the succeeding house of assembly, to make the same allowance to the attending members of the convention, as is made to the members of the general assembly, and also to provide for the extraordinary expences which may be incurred by holding the said elections.

This met with some opposition from Mr. M'Lene, who thought the house ought to wait until the business should be introduced by the expected message from council.

But the resolution was read, and Messrs. G. Clymer, Lollar and Schott, were appointed to bring in a bill conformable to its tenor. . . .

*Assembly Minutes, Tuesday, 30 October 1787 (excerpt)*³

. . . The committee appointed for the purpose, reported a bill, entitled "*An Act to provide for the wages of members of the state Convention, and to defray the expences of holding the same,*" which was read the first time, and

Ordered to lie on the table.

Adjourned until half past nine o'clock to-morrow, A.M.

*Assembly Minutes, Thursday, 1 November 1787 (excerpt)*⁴

. . . The bill, entitled "*An Act to provide for the wages of members of the state Convention, and to defray the expences of holding the same,*" was read the second time, and debated by paragraphs.

Ordered, That it be transcribed, and in the mean time printed for public consideration.

Adjourned until half past nine o'clock to-morrow, A.M.

*Assembly Debates (Lloyd), Thursday, 1 November 1787 (excerpt)*⁵

. . . The bill, entitled "an act to provide for the wages of the members of the State Convention, and to defray the expences of holding the same," was read the second time, and considered by paragraphs.

Ordered, that it be transcribed, and in the mean time printed for public consideration. . . .

Newspaper Reports of Assembly Proceedings, Thursday, 1 November 1787

*Pennsylvania Herald, 3 November 1787*⁶

The bill for settling the pay and allowance of the members of the state convention, (which are the same as members of the assembly receive) was read a second time, and ordered to be published for public consideration.

*Pennsylvania Journal, 3 November 1787*⁷

STATE OF PENNSYLVANIA,
In GENERAL ASSEMBLY,
Thursday November 1, A.M. 1787.

The BILL entitled, "An Act to provide for the wages of the Members of the State Convention and to defray the expences of holding the same," was read the second time, and debated by paragraphs.

Ordered, That it be transcribed, and in the mean time printed for public consideration.

Extract from the Minutes.

PETER Z. LLOYD, Clerk of the General Assembly.

An Act to provide for the wages of the Members of the State Convention, and to defray the expences of holding the same.

WHEREAS it is necessary to determine the allowance to be made to the Members of the State Convention, which is to be held for the purpose of considering the proposed foederal constitution, and also to provide for the same, together with the incidental expences of the said convention.

Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the same allowance be made of wages and mileage, to attending members of the State Convention, as is now made to the members of the General Assembly, and that the same together with the incidental expences of the convention be paid by warrants on the State Treasurer drawn by the President or Chairman of the convention, and countersigned by the Comptroller General.

*Assembly Minutes, Thursday, 8 November 1787 (excerpt)*⁸

. . . The bill, entitled "An Act to provide for the wages of members of the state Convention, and to defray the expences of holding the same," was read the third time.

Ordered, That the consideration thereof be postponed, and that it be the order of the day for to-morrow.

Adjourned until half past nine o'clock to-morrow, A.M.

Newspaper Report of Assembly Proceedings, Thursday, 8 November 1787
*Pennsylvania Herald, 10 November 1787*⁹

Mr. Lollar called for the third reading of the bill providing for the wages of the delegates to the ensuing convention, &c. but Mr. M'Lean wishing for a postponement as he had only that moment received a copy of the bill, it was agreed to make it the order of the day for tomorrow.

*Assembly Minutes, Friday, 9 November 1787 (excerpt)*¹⁰

. . . Agreeably to the order of the day, the House resumed the consideration of the bill, entitled “*An Act to provide for the wages of the members of the State Convention, and to defray the expences of holding the same;*” and having fully debated the same by paragraphs,

Ordered, That it be engrossed, for the purpose of being enacted into a law. . . .

Assembly Debates (Dallas), Friday, 9 November 1787
*Pennsylvania Herald, 14 November 1787 (excerpt)*¹¹

. . . The order of the day for the third reading of the bill, to provide for the wages, &c. of the ensuing convention was called up.

Mr. M'LANE moved to introduce a sentence into the bill, which declared that the number of members necessary to form a quorum of the convention, should be the same, as the number prescribed for a quorum of the general assembly, by the frame of government, which gave rise to the following debate,

Mr. FITZSIMONS. Before we undertake to prescribe to the convention, it would be well, Mr. Speaker, to consider the extent of our jurisdiction; for in my opinion, the proposed amendment will carry us far beyond its limits. Whence, Sir, do we derive the authority of dictating to that body, the principles and regulations by which it shall be governed? If there is no source to which we can trace it, is there even a precedent by which it might be countenanced? No, Sir—When this house agreed to the expediency of calling a convention, it never was suggested that our interposition should be enforced by a law; for who could be weak enough to regard that measure as an object of legislation? But from the respect which the people always pay to the recommendation of their representatives, it was thought, and justly thought, that a resolution of the general assembly would operate as a directory in the mode of proceeding upon so new, and so important a business. Let us therefore confine ourselves to the matter properly under our

consideration, the appropriation of the public money for the public service, and suffer not ourselves to be diverted into a display of power, which we cannot enforce, upon principles which we cannot approve.

Mr. G. CLYMER. It is, perhaps, Sir, a sufficient objection to the amendment, than it is not connected with the object of the bill; but the extravagant consequences that it tends to produce, must, in my judgment, furnish the most conclusive arguments against its adoption. If, Mr. Speaker, the house admits that in the degree proposed by the amendment, we have a right to stipulate a rule for the government of the convention, it must be inferred that we have a right in every degree—the same *fiat* which can constitute a quorum of *two thirds* of the delegates, must likewise be competent to render the attendance of *every member* essential to their proceedings, and thus it will eventually depend upon the management of this house, how far the convention shall execute the commission with which the people have exclusively invested that body. For, Sir, it is in vain to scrutinize the constitution under which we exercise the legislative powers of the state, to authorise our interference upon this occasion—the framers of that constitution did not foresee, and therefore could not provide for the event. In short, the convention will derive their authority immediately from the people, and any attempt, on our part, to controul and regulate their conduct, must be idle, nugatory, and absurd.

Mr. M'LANE. Sir, This amendment was offered in confidence that it would pass without animadversion, or objection. I had seen the authority of the house employed in calling a convention, and, I did not know, nor indeed have I yet heard any satisfactory reason, why it should not also be employed in ascertaining the quorum of the members, when convened. I conceive, th[e]refore, that the opposition to this question has proceeded upon mistaken ground, resting entirely upon our want of power, to prescribe rules and regulations for the government of the convention, when, if I comprehend the plain language and operation of the amendment, that power is neither asserted, nor intended to be exercised upon this occasion. The convention will certainly, Sir, frame a system of rules for the preservation of order, conformably to their own opinions, and agreeably to their own dispositions, they will nominate and elect their respective officers: With these internal arrangements, the amendment does not, and could not, interfere; but in fixing the number of a quorum, a circumstance necessarily antecedent to the existence of the convention itself, I am persuaded the means are legally vested in this house, and the end is well entitled to our consideration. For, sir, I trust it is not the wish of any man, who sits within these walls, that this business should be transacted in the

dark, or that the representatives of a few adjoining counties should take advantage of those who reside in the more remote districts of the state, and, hastily assembling, pronounce a partial decision upon a question of such general import. That every county will delegate members to the convention, is, I believe, undoubted; but the distances from which they must come are so various, that it may, perhaps, be some time before the state is completely represented, and it is only in order to obtain a complete representation, that I have proposed this amendment: which, whatever may be the issue of the conventional deliberations, will be one means of preventing suspicion and reproach.

Mr. PETERS. The gentleman who has just spoken, seems strangely to mistake the operation of the amendment, as well as the powers of this House, respecting the state convention. To provide for defraying the expences of that body, is certainly a duty incumbent upon us, since it is the legislature alone, that possesses the right of disposing of the public property; but every idea of interfering with the forms as well as the substance of its deliberations, is extraneous and foreign to our jurisdiction. Were we to enact a penalty for the non attendance of the members, by what means could we impose and collect it? The convention, created by the paramount authority of the people, is superior to the controul of this house, and can neither be bound by our laws, nor affected by our resolutions. I trust, however, that the conduct of that body will be very different from the apprehensions which have been started, and that it will neither be irregular nor precipitate in its operations, since a hasty and partial determination would be ill suited to the importance of the subject, and eventually injurious to the foederal cause. Still however it should be remembered, that it was the concurrence of the people, and not the recommendation of this house, that gave existence to the convention, we might have heaped statute upon statute without being able to accomplish this object, which yielded at once to the approbation and wishes of our constituents. Convinced therefore that we have no power, express or implied, to proceed in this form, I shall oppose the amendment, nor can I for a moment indulge an idea that the persons who shall be intrusted upon this important occasion, will act in a manner derogatory to their own characters, and the peace and happiness of their constituents.

Mr. FINDLEY. Sir, I think the question before the House has been misunderstood, for there can be no doubt of the exclusive right of the Convention to regulate their own proceedings, nor can there be any doubt respecting our inability to inflict penalties on the members of that body. To these subjects, however, every adverse argument has been applied, and not to the true nature and tendency of the amendment

in discussion. When the General Assembly undertook to call a Convention, to prescribe the preliminary forms of their election, and to declare the time and place of their meeting, was it ever presumed that the people were bound to conform, or could be punished for their disobedience to the Resolutions which expressed the sense of the legislature in those respects? And yet every objection which is urged on the present question might have been offered upon that occasion, and every principle which led to the adoption of those resolutions, must induce the acceptance of this amendment. Was it a principle of expediency that prevailed upon the House to interfere in the first instance?—The same principle still demands our attention. The time limited for the meeting of the delegates so soon follows their election, that many of the remote counties cannot possibly be represented on the day appointed: it will therefore be in the power of the neighbouring districts to take advantage of this circumstance, and the determination of a business in which the peace and happiness of the whole state, and of every citizen individually, are involved, may proceed from a few members; or, at best, a scanty majority of the Convention. Since then the House has engaged at all in the transactions of that body, the argument of expediency must surely extend their interposition to the object of the proposed amendment, which ascertains, that this great question shall not be obscurely or partially considered; but that its fate, whatever it may be, shall be pronounced by a respectable and decisive portion of those to whom it is entrusted. It may be said, indeed, that as much time is allowed for the meeting of the Convention, as for the meeting of this House; but, without remarking upon the notorious inconvenience to which the representatives of the distant counties have been exposed on that account, the difference in the nature of the business, and in the mode necessary to conduct it, will not admit of a comparison. The Assembly, Sir, cannot proceed, till a quorum of two-thirds of its members are met; they have then a numerous class of committees to appoint, and every resolution or bill must undergo repeated deliberations on several days, before it can be conclusively adopted. But the Convention will find the subject of their mission prepared for immediate discussion, and neither the absence of the members, nor any preparatory arrangements will necessarily protract their proceedings. I am solicitous, Mr. Speaker, to destroy every ground of jealousy and reproach; and when I reflect upon the shortness of the time allowed for meeting, and the precipitancy with which the business has hitherto been urged, I conceive the amendment to be indispensably requisite for removing the imputation of an improper design to exclude our distant fellow-citizens from a vote on this interesting question. I hope, therefore, as the motive and the end proposed by fixing the quorum,

are equally fair and honorable, as it is necessary to vindicate the conduct of those who have been active in pressing the Convention upon the people; and, above all, as it is necessary to give respect and stability to the decision of that body, we shall no longer oppose so salutary a measure.

Mr. FITZSIMMONS. I do not think, Mr. Speaker, that member from Westmoreland has discriminated upon this occasion with his usual accuracy. If we had proposed originally to enact a law for calling a Convention, he would then have urged, and certainly with great propriety, that we had no authority to bind the people for that purpose; yet in the instance before us, where the exception is equally striking, he attempts to maintain the jurisdiction of this House. Sir, our former resolutions upon this subject were merely recommendatory; but the amendment, if ingrafted upon a law, will assume an air of obligation. This, then, is the just distinction; for we certainly may recommend to our constituents a conduct which we cannot compel them to pursue—we can submit to their consideration the expediency of calling a Convention, but we cannot bind them to any previous forms or subsequent arrangements. Whatever we have recommended, or may recommend, upon this subject, must receive its validity from their acceptance, and not from our act; and it must afford the highest satisfaction to this House, that every ground of jealousy, to which the gentleman has alluded, is effectually removed by the general approbation and concurrence of our constituents in the measure proposed. The subject of this amendment might, indeed, be proper for a recommendation—but that it would insinuate some doubt of the integrity and judgment of the conventional delegates, who will, I am confident, possess abilities sufficient to understand the duties of their appointment, and virtue enough to discharge them prudently and faithfully, without the officious instructions of this House.

Mr. PETERS. Sir, I cannot form a conjecture respecting the motives or the object of those who argue in favour of the amendment. But it seems that the leading reason with the member for Westmoreland, is the insufficiency of the time between the election and the meeting. The same time is given to the members of the Convention, that is given to the members of the assembly; and I beg leave to ask, whether there is any cause to suspect that they will be less eager to do their duty in the one case than in the other? Upon the whole, Mr. Speaker, I am of opinion, that [no] good reason has been given, or can be given, to seduce us into a display of power which we do not possess.

Mr. ROBINSON. I consider it as an admission of the truth of the proposition, when no answer is offered to the reiterated assertion of the members who oppose the amendment that “the act of this house

which shall pretend to bind the convention must be nugatory and inefficient." This is, in truth, Mr. Speaker, a conclusive objection; for the authority which calls that body into political existence, is paramount to the authority of this house, inasmuch as the indefinite power of the people is greater than the limited power of their representatives. Nor were we ignorant of this when we preferred a recommendation to a law upon the first question for calling a convention; we knew Sir, that in that form our opinions would be received with respect, but we were aware that in the arrogant shape of a law our authority might be disputed and contemned. The salutary plan which we thus suggested to the people, has been cordially embraced, and the same regard for order and regularity, which prompted our resolutions, has influenced their approbation. In short, Sir, the question is simply this, whether, unsupported by any authority from the constitution, or by any precedent from the records of this house, we shall enact a law to fix the quorum of a convention, assembled by the authority of the people, and to declare in what manner a business shall be transacted, which is exclusively the subject of their deliberation? It is indeed the exigency of the times alone that can justify the extraordinary expedient that is now agitated by the citizens of the union; but that exigency, placing us in a state of nature, has superceded for particular purposes the regular establishments of government, and introduced an object even beyond the reach of legislation. I trust therefore, Sir, that we shall confine ourselves to what we are able to do, and avoid exposing ourselves by an idle amplification of our powers.

Mr. LEWIS. Could I imagine, Mr. Speaker, that the event of this question would enable the delegates of the convention to proceed in a partial and disorderly manner, and could I admit the authority of the house to controul their proceedings, I should not certainly rise in opposition to the proposed amendment. But, Sir, the confidence I have in the prudence of the people, that they will entrust no man upon this important occasion, whose talents and honor have not been approved, assures me that every insinuation of that kind must be groundless and unjust. What number of representatives should in reason constitute a quorum, is a question foreign to the business of this house. We are certainly bound to the number prescribed by the constitution, for it is from the constitution we derive all our powers, and we must exercise them with the restrictions and modifications of the grant. But any attempt to shackle the people by declaring that the business under their consideration shall be transacted by any given number, would be an idle and extravagant assumption of authority, at once injurious to our own characters, and to the sovereignty of our constituents. It is not, Sir,

a necessary consequence of our former interference, that we should interfere in the manner now proposed. For let us trace the subject of this convention, and we shall find that the resolutions of this house were passed in consequence of a necessity imposed upon them by the federal convention, when that honorable body (assembled under the authority of the United States to devise the means of political salvation) required that the respective legislatures should submit the new plan of confederation to conventions of the people held within each state. In discharge therefore of the duty thus imposed upon the house, they testified their approbation by the resolutions which called the convention—but there their power and their duty cease. It was right to go so far;—it will be wrong to go further. For, what must be the result of the principle introduced by this amendment? Why truly, Sir, if it is established that we have a right to prescribe the number of the quorum, we may extend it from two-thirds to nine-tenths, nay, we may render the attendance of every individual, essentially necessary to the transaction of business. Thus, whatever disposition there may be to ratify the federal plan, it will rest with this house to counteract and defeat the wishes of the people, and we shall finally experience that solecism in government, the inferior ruling the superior. But, Sir, if even the legislature possessed the authority presumed by the amendment, there should be strong reasons to induce them to call it into action—reasons which do not exist, since the members of the convention are entitled to our highest confidence, and will doubtless discharge their duty to themselves, to their constituents, and to posterity.

The question being at length put upon the amendment, it was rejected, and the bill ordered to be engrossed, in order to be enacted into a law.

Newspaper Report of Assembly Proceedings, Friday, 9 November 1787
*Pennsylvania Herald, 10 November 1787*¹²

Yesterday in the General Assembly, the bill for settling the allowance of the delegates to the ensuing convention being taken up for a third reading, Mr. M'Lean moved for an amendment, by which it was provided that a quorum of the delegates in order to proceed to business, should consist of the same number as the constitution prescribes for a quorum of the General Assembly: whereupon a considerable debate arose, in which the advocates for the amendment insisted, that the house was as competent to adopt it, in order to remove any suspicion or jealousy which might otherwise arise, that a few of the neighbouring counties would assemble and transact the business to their own minds,

before the remote counties could send forward their delegates. The members opposed to the amendment urged, that the resolutions of the house were merely recommendatory, but that its laws were held to be obligatory; as therefore the house could not impose any rules or regulations upon the convention, which will sit under the paramount authority of the people, and not of the legislature, it would be improper to do what must be in its nature nugatory and absurd; or, in other words, to enact a law which would not be binding in its operation. The amendment was lost by a considerable majority.

*Assembly Debates (Lloyd), Saturday, 10 November 1787 (excerpt)*¹³

. . . The following bills being brought in engrossed, were severally compared at the table, enacted into laws, and the Speaker directed to sign the same:

“An act to provide for the wages of the members of the state Convention, and to defray the expences of holding the same.” . . .

Newspaper Reports of Assembly Proceedings, Saturday, 10 November 1787

*Pennsylvania Herald, 14 November 1787 (excerpt)*¹⁴

. . . The bill for providing the allowance, &c. of the delegates to the ensuing convention, and the bill for raising the quota of troops, of this state, were compared at the table and enacted into laws. . . .

Philadelphia Freeman's Journal, 21 November 1787

On Saturday the 10th instant, in the General Assembly of this State, the bill for providing the allowance, &c. of the delegates to the ensuing State Convention, and the bill for raising the quota of troops of this State, were compared at the table, and enacted into laws. Same day, David Rittenhouse, Esq. was unanimously re-elected State Treasurer for the ensuing year.

*Act to Pay Convention Delegates, 10 November 1787*¹⁵

An Act to provide for the Wages of Members of the State Convention, and to defray the expences of holding the same

Section 1st. Whereas it is necessary to determine the allowance to be made to the Members of the State Convention which is to be held for the purpose of considering the proposed foederal Constitution and also to provide for the same, together with the incidental expences of the said Convention.

Section 2d. Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the Authority of the same, That the same allowances be made of wages and mileage to attending Members of the State Convention as is now made to the Members of the General Assembly, and that the same together with the incidental expences of the Convention be paid by Warrant on the State Treasurer and drawn by the President or Chairman of the Convention and countersigned by the Comptroller General.

Signed by Order of the House
Thomas Mifflin
Speaker

Enacted into a Law at Philadelphia on Saturday the tenth day of November in the year of our Lord one thousand seven hundred and eighty seven.

Peter Zachary Lloyd. Clerk of the General Assembly

1. *Minutes*, 7.
2. Lloyd, *Debates*, II, 7.
3. *Minutes*, 13.
4. *Ibid.*, 16.
5. Lloyd, *Debates*, II, 35.
6. Reprinted: *Pennsylvania Packet*, 6 November.
7. Reprinted: *Germantauer Zeitung*, 13 November.
8. *Minutes*, 31.
9. Reprinted: *Pennsylvania Packet*, 12 November; *Philadelphia Independent Gazetteer*, 13 November; and *Carlisle Gazette*, 28 November.
10. *Minutes*, 36.
11. Summarized in the *Carlisle Gazette*, 12 December.
12. Reprinted: *Pennsylvania Packet*, 12 November; *Pennsylvania Gazette*, 14 November.
13. Lloyd, *Debates*, II, 90.
14. Reprinted: *Pennsylvania Packet*, 16 November.
15. Engrossed MS, RG 26, Records of the Department of State, Original Laws, Pennsylvania Historical and Museum Commission. Printed: *Pennsylvania Journal*, 14 November.

210–B. *Assembly Debates (Dallas)*, Saturday, 10 November 1787
Pennsylvania Herald, 14 November 1787 (excerpts)¹

[A.M.]

The house met pursuant to adjournment.

The order of the day for electing a state treasurer was called up, but Mr. M'Lean expressing a desire to state a subject of some importance, that order was postponed to give him an opportunity to address the house, which he did in the following manner:

Mr. M'LEAN. It is with the greatest diffidence I rise to represent some facts, which in my opinion, respect more the dignity and honor of this

house, than the personal safety and resentments of those who are individually interested. As a member of the legislature, it is my duty to guard and protect its privileges in whatever form they may be attacked; and even Mr. Speaker, when so humble a member as he that now addresses you, has been made the means of offering an insult to the house, the offence, which is but trivial when we consider the man, becomes of great importance when we consider his office. For these reasons therefore, I think myself bound to lay before the house, the circumstances of complaint to which I have alluded; but to their wisdom I shall implicitly submit the measures which are proper to be pursued upon the occasion. About midnight on Tuesday last, a great concourse of people assembled opposite to the house of Mr. Alexander Boyd, in which myself, several other members of this house, and several members of the Supreme Executive Council lodged, and, at that time, had retired to our respective chambers. The persons thus assembled made a considerable noise in the streets, and, at length assailed Mr. Boyd's house, beating loudly at the door, and breaking the windows, thro' which they threw some very large stones, &c. exclaiming repeatedly, "here the damned rascals live who do all the mischief," and using other words highly reproachful to the members of this house and of the executive council. What were the motives of the rioters for this conduct, I do not know, nor am I solicitous to enquire; but having stated these facts, I am confident every gentleman here is ready to express his disapprobation of proceedings, so grossly in violation of the law of the land, and the established privilege of this house.

MR. FINDLEY. Though I am aware, Mr. Speaker, that the fullest credit will be given to the information of the member who has just spoken, and that upon this subject no other evidence is necessary to support his allegation, yet I have been solicitous to put the authenticity of the facts which have been stated, beyond all doubt, and therefore beg leave to present two affidavits, one made by Mr. Boyd, whose house has been attacked, and the other by Mr. Baird, a member of the Supreme Executive Council.

The clerk then read the affidavits, which were as follow:

Philadelphia, ss.

"On this ninth day of November, in the year of our Lord, one thousand seven hundred and eighty seven, before me Plunket Fleeson, Esquire, being one of the justices of peace, in the city and county of Philadelphia, residing in the said city; cometh Alexander Boyd, of Sixth-street, from Delaware river in the said city, Esquire, who being solemnly sworn with uplifted hand, doth depose, testify, and say, that on the

night of Tuesday last, being the sixth of this present month of November, this deponent together with the Honourable John Smilie, John Baird, and Abraham Smith, members of the Supreme Executive Council; and James M'Calmont, James M'Lean, John Piper, and William Findley, Esquires, representatives in the General Assembly of the state of Pennsylvania, who lodge with this deponent, were gone to bed in his dwelling in Sixth-street, aforesaid; that this deponent was fallen asleep, when about 12 o'clock at midnight, a great noise in the adjoining street, awaked this deponent, who thereupon immediately jumped out of his bed, and raising the sash of a window towards the street of the third floor of the house, he saw a considerable number of men in the street, of whom twelve or fifteen were nigh to the door of this deponent's dwelling, and that divers of the persons, so as aforesaid assembled, did then and there speak reproachfully of the gentlemen who were lodged with this deponent, and did say that here is the house where the damned rascals lodge who do all the devilment, or words to the like effect; adding that they ought to be all hanged. That hearing the window rise and seeing this deponent at the window, as this deponent believes, this deponent heard one of the same persons say, there is one of the damned rascals putting his head out of the window. That a man who lives nigh to this deponent, at this moment coming out of this dwelling, and approaching the mob aforesaid, the persons who composed the same, ran northerly towards Mulberry-street, and this deponent saw them no more. That this deponement was awaked as aforesaid, by the noise aforesaid, and by the throwing of large stones against the front door of his dwelling, some of which stones drove in the sash over the same door and fell in his entry, and one of them was at least ten pounds in weight. And that this deponent was not able to distinguish any of the aforesaid rioters, so as to know their names, or who they or any of them were. And further this deponent saith not."

Philadelphia, ss.

"On this ninth day of November, anno domini, one thousand seven hundred and eighty seven, before me Plunket Fleeson, Esq. being one of the justices of the peace in and for the city and county of Philadelphia, and residing in the same city, cometh the hon. John Baird, who is one of the members of the Supreme Executive Council of this commonwealth, and the said John, being duly sworn on the holy gospel, doth depose, testify, and say, that he this deponent doth lodge with Alexander Boyd, and that being in bed at the dwelling of the said Alexander, in Sixth-street from Delaware river, in the city of Philadelphia, on Tuesday night last, the 6th inst. and being fallen asleep, he

was disturbed and awaked by a confused noise, at first seeming to him to be the report of guns fired, made by riotous persons in the street, at and near the same dwelling, and heard the glass of the lower story of the house breaking, by the throwing of stones against the same; that this deponent still lying in his bed and not rising, heard some persons in the street say "here the damned rascals live who do all the mischief," or words to like effect. That the disturbance aforesaid, did not continue after this deponent awaked, as aforesaid, above a minute, after which, this deponent heard the rioters aforesaid, departing hastily, as the sound of their feet indicated, towards Mulberry-street; and that the honorable John Smilie, and Abraham Smith, together with James M'Calmont, James M'Lean, John Piper, and William Findley, Esquires, representatives in the general assembly of this state, do also lodge with the said Alexander Boyd, and were all in bed, as this deponent hath good reason to believe, in the dwelling of the said Alexander, aforesaid, at the time of the outrage and riot so as aforesaid committed and further saith not."

Mr. KENNEDY. Sir, the outrage that has been committed against the public peace, and against the privilege of this house, being thus authenticated, I beg leave to offer a resolution upon the subject, in which I expect the unanimous concurrence of the members.

(The resolution was prefaced with a recital of the injury stated in the depositions and complained of by the members, and concluded with authorising the executive council to offer a reward for the discovery of the offenders, and requiring them to direct the attorney general to prosecute the offenders when discovered.)

Mr. PETERS. I am very ready, Mr. Speaker, to declare that the transaction represented to the house is of an unwarrantable and scandalous nature; for the punishment of which, I shall cheerfully unite with the movers of this resolution. But I profess, Sir, to be at a loss in what manner we ought to proceed in order to maintain the dignity of the legislature, and to give efficacy to our decisions upon this subject, which is certainly of great importance, not only as it respects the present object, but as it is to establish a president for the future. I wish therefore to have a short time for reflection, and move, that the resolution before us may be referred to a committee—not Mr. Speaker to create unnecessary delay, but as I said before, to enable us to proceed with propriety and effect.

Mr. M'LEAN. I do not perceive the last reason for referring this business to a committee: it is a plain, easy, and consistent proposition that lies before us, and the honor of the house requires that an explicit and immediate determination shall take place. The very reference to

a committee will propagate an opinion that we are indifferent and in doubt as to the offence which has been committed, and it is probable that the executive council will have proceeded upon the complaint of their members, while we are indulging this useless spirit of procrastination. I cannot suppose that it is the wish of any members to defeat the question in this manner, and as it seems to be agreed, that the disapprobation of the house ought to be expressed, there can be no reason given for not expressing it at this time, since every objection either to the form or substance of the proposed resolution may be obviated by immediate alteration or amendment. It was with reluctance that I consented to delay calling the attention of the house to this business so long, but as any further delay, will I am confident be injurious to the legislative character, I shall oppose the motion for a commitment.

Mr. LEWIS. It is difficult upon questions of importance suddenly to form an opinion which will be satisfactory to the mind; and therefore, though I shall never consent to sacrifice a moment to mere delay, I shall always be desirous to obtain the time that is necessary for deliberation. The subject before us is certainly of great moment, and therefore deserves consideration, but it is likewise of a complex nature, and therefore demands it. In the account which has been given to the house, we discover an offence that may either be considered as a riot and breach of the public peace, in which case the common course of the law is competent to punish the offenders, or it may be regarded as an infringement of the privilege of this house, in which case it becomes our duty to investigate the circumstances, for it is in our power alone to punish the delinquency. Connected with this distinction, are many enquiries which it is impossible to ascertain by an instantaneous recourse to the memory; and therefore I shall vote for the commitment, which is intended I am confident to provide the proper means of redressing the injury, and not to divert our attention from the complaint which has been made to the house.

Mr. FITZSIMONS. I have taken a cursory view of the depositions, and in my opinion, Mr. Speaker, they do not support the resolution which has been offered to the house. I should certainly therefore, vote for the commitment upon that ground alone, but I conceive likewise, that in point of justice the legislature will not pass a vote which tends highly to reflect upon the city and its police, without a perfect investigation of the grounds on which they proceed. If the committee shall find the charge sufficiently supported I shall concur in any proper measure for punishing the offenders; but to vindicate the conduct of the house, it is certainly necessary to enquire into the subject before we decide upon it.

Mr. FINDLEY. Sir, I may be thought personally interested in the question, and therefore I shall not animadvert upon the means which the house ought to pursue in order to declare their disapprobation of the transaction complained of; but I beg leave to observe, that I hope no other proofs will be called for in this case, than could be called for in any other case of a similar nature. According to parliamentary usage, the complaint of a member, Mr. Speaker, need only be supported by his own assertion, and the affidavits which have been produced upon this occasion, were superfluous and unnecessary. I claim no personal compliment or distinction, but possessing the honor of a seat in this house, I hope it will not be deemed arrogant or improper to claim the privileges and credit that belong to it.

Here the Speaker declared, that Mr. Findley was certainly right in his ideas upon the subject; and Mr. Fitsimons observed, that not being present when the business was introduced, he did not know that it came in the form of a complaint from any member of the house.

After some further debate, the question for commitment was carried by a small majority.

The house then resumed the order of the day for chusing a state treasurer, when David Rittenhouse, Esq. was unanimously elected.

The bill for providing the allowance, &c. of the delegates to the ensuing convention, and the bill for raising the quota of troops, of this state, were compared at the table and enacted into laws. . . .

[P.M.]

The committee who had been this morning appointed upon Mr. Kennedy's motion, offered their report which was to the following effect:

The report having recapitulated the complaint of the members, proposed these resolutions, viz. 1st. That the subject of the complaint was a breach of privilege, and 2dly, that the executive council be authorised and required to offer a reward for discovering the offenders, and bringing them to punishment.

The motion as introduced by Mr. Kennedy being read at Mr. M'Lean's request, he asked upon what grounds the committee had omitted that part which directed the attorney general to prosecute the offenders when discovered, and moved that it should be added to the report now presented. Upon this a desultory argument arose, in which it was insisted by those who opposed the addition, that it would be wrong, chiefly, upon too grounds, viz. *first*, that the offence if considered merely as a breach of the peace was not an object deserving the extraordinary interposition of the house, as the common course

of law had provided for the punishment of the offenders, and there was no reason to presume that the executive council, the attorney general, and the courts of justice would neglect their duty upon this occasion; and if, on the other hand, the offence was considered as a breach of privilege, it would be absurd and nugatory to direct the attorney general to prosecute the offenders, since no court of justice had jurisdiction to try them, and in this house only could they be punished.

In the *second* place it was insisted that a solemn resolution of this house ought not to be added to the weight which a criminal has to encounter on the day of trial; and, however heinous the offence in the present instance, we should be cautious while we vindicate the honor of the legislature, not to trespass upon the liberties of the people.

Mr. Peters added to these arguments, that as the house seemed desirous to resent the insult offered to its members, he hoped the gentleman who proposed the addition would now withdraw his motion, that the force of an unanimous vote, on the principal question, might not be weakened by dividing the members upon the subject. But Mr. M'Lean persevering in his motion, the question was taken, and there appeared 27 for, and 34 against it.

The house then unanimously adopted the report of the committee.

The house adjourned to meet at three o'clock on Monday afternoon.

1. The proceedings of the morning session were reprinted in the *Pennsylvania Packet*, 16 November, and the *Carlisle Gazette*, 26 December. The proceedings of the afternoon session were reprinted in the *Packet*, 17 November.

211. Minutes of the Society for Political Inquiries

Friday, 9 November 1787¹

The Society met agreeably to adjournment

Present

Dr. Franklin Prest.	Mr. Bingham V.P.	Mr. Clymer V.P.
Mr. Fox Sec.	Mr. Bleakley	Mr. Meredith
Col Pickering	Dr. Rush	Mr. Millegan
Dr. Ruston	Mr. Chew	Mr. J.F. Mifflin
Mr. Bradford	Mr. Hill	

The Secretary was directed to enter upon the minutes the following Questions for discussion at the next meeting vizt.

What is the Extent of the Liberty of the Press consistent with Public utility? If it should have limits what are they? Is the Liberty of attacking private Characters in the News-papers of any Utility to Society?

The Society having assigned the next meeting for the determining upon what Questions should be offered for prizes adjourned to meet at His Excellency the Presidents on Friday the 23rd Instant at half past six in the Evening

1. MS, Historical Society of Pennsylvania.

212. An Honest Man

Philadelphia Independent Gazetteer, 9 November 1787

MR. OSWALD, An *Officer in the late Continental Army*, in your paper of yesterday, has taken some pains, and made use of some ingenuity, to impress on the minds of the people, a distaste for that political monster (as he calls it) *the proposed constitution*. I beg leave to testify my approbation of his abilities as a *convincing* writer, and my admiration of his sentiments as an intrepid one; he steps boldly forth and tells you that "*the names of Washington and Franklin have been taken in vain, and shockingly prostituted to effect the most infamous purposes.*" I suppose this is the same writer of ineffable modesty, who as the Centinel, keeping the watch on American liberties, did not scruple to call Washington a *tool*, and Franklin an *idiot*. He now further informs you, that this tool and this idiot (who from some unaccountable means possess the hearts of the infatuated citizens of America) have been compelled, *vi et armis*, by the other *miscreant members* of the grand convention, to prostitute their names, and give a sanction to measures their judgements disapproved. Bravo! Mr. Officer—you saw enough of the late commander in chief during your own campaigns no doubt, to render your accusation of pusillanimity warrantable,—and as for our governor, he's old and gray headed—of course weak and irresolute—Is it not so Mr. Officer? Bravo! again—Your conclusions are admirable—your knowledge extensive.

Of the late convention he says, "*the thick veil of secrecy with which their proceedings have been covered, has left us entirely in the dark as to the debates that took place; and the unaccountable suppression of their journals, the highest insult that could be offered to the majesty of the people, shews clearly that the whole of the new plan was entirely the work of an aristocratic majority.*" Risum teneatis?

I congratulate the author on being able to penetrate so *thick a veil*, and seeing further into a millstone than his neighbours.

This veteran in the occult sciences, forgets however one very material proof of the imbecillity of the Pennsylvania sage; Would any man but an idiot have given leave (nay requested) the new congressional body,

as soon as they should exist, to pitch their federal tent in Pennsylvania, when he entirely disapproved of their existing at all? Certainly not.

The *boldness* of this gentleman's writing, and his *thorough* knowledge of the character of General Washington, convinces me that he has fought all the American battles in the lofty regions of Grub-street, from whence he has been sent by those *true friends* to liberty and America, the English, to oppose the *oppressive measures* with which this bugbear of a constitution is fraught. "*I call upon you my fellow citizens to make a solemn pause before you proceed.*" "*Exert yourselves like men.*" This man, be he officer, centinel, or garrettee; be he a man appointed, disappointed, or expectant, must be in the right,—*he* tells you so—and all the members of the late convention must be wrong, and are a set of knaves, tools, fools, and scoundrels—for *he* tells you so—Who dares disbelieve his authority?

November 7, 1787.

213. *Pennsylvania Mercury*, 9 November 1787

THE MONITOR.

A knowledge of the principles of government is so essential to the welfare of mankind, that every opportunity which might tend to promote an enquiry into so important a subject, ought to be embraced by every one who has a sense of the dignity of man, and the rights of human nature—For by being acquainted with whatever may strike the imagination of those whose opinions are opposed to each other, the unprejudiced mind might be enabled to suggest a form that would consolidate the social compact into a perfect enjoyment of political happiness.

Freedom hath had to encounter with various acts of oppression, till at length, after struggling in contests that have afforded the most affecting meditations, she reared her temple in the United States, where the blessings of providence are secure and permanent in the enjoyment of life, liberty and property—and the period may not be far off, when she will completely deliver the world from all other usurpations but those which may result from the deliberations of disinterested hearts.

The favourable termination of the American war, opened a new source of political enquiry throughout the world. The rights of human nature—the comprehensive views of reason and conscience—were more generally investigated and better understood. The meanest citizen spoke with an elevation of mind, before unknown in the European governments. Monarchs began to view their subjects as rational beings, and,

with limited indulgences, have removed many establishments that debased the character of those nations—while others have endeavoured to place their subjects upon that natural equality, which a benevolent heart will ever be strenuous in promoting.

The prevailing disposition of human nature to plunge from one extreme into another, rendered it necessary to adopt wholesome regulations for their mutual benefit, that each might be secure from the gratification of individual avarice, and participate in the blessings of civilized society. This was the origin and intent of government, and so long as virtue prevailed, mankind enjoyed the blessings resulting therefrom. But at length different orders were created—authority assumed to itself the right of governing—candidates fought against each other, and accustomed the harmless to slaughter—military leaders were established in authority, and the blood of thousands were sacrificed to support hereditary distinctions. Here the horrors of a sorrowful and dejected countenance submitted to the arms of tyranny and despotism—the original mild and ingenuous manners of civil society were held in bondage, and obliged to submit to the dictates of those, whose pretended acts of benevolence were founded on the principles of avarice and superstition. Thus we find ambition will prevail, where authority is vested with wealth and power, and no country can preserve their liberties, who grant an unlimited indulgence in either.

That every man should interest himself in his own private concerns, will be admitted by all—but, at the same time he should never withdraw his attention from that of the community in which he may be a member; for whatever concerns them in a collective capacity, he is in duty bound to consider, as being equally entitled to the advantages resulting therefrom. The grand palladium of the freedom of this country, the *Declaration of Rights*, ought to be read and well understood by every citizen; for on them alone rests the political salvation of this country. We there find sufficient energy is given, to compel obedience to legislative authority—a perfect equality is preserved in the several branches of civil power, by a frequent recurrence to fundamental principles,—and the whole is cemented by a firm adherence to moderation and justice. In them, we find the rulers and the ruled equally participating of the blessings of liberty and property, and are equally secured in their rights and privileges as freemen. Of how much importance is it, then, to every citizen, to preserve these inestimable blessings, and duly to consider every subject which might tend to the preservation of them! It *ought* to be the *duty* of *parents* particularly to *inculcate* into the minds

of the *rising generation*, the NOBLE PRINCIPLES of VIRTUE and PATRIOTISM—by *example* and *advice* to impress on their minds, the domestic as well as public advantages resulting from industry and œconomy—For the concomitant blessings of liberty and peace have ever been found, where they have been the prevailing principles.

214. Alexander Patterson to Charles Stewart
Hamilton, Pa., 10 November 1787¹

Yours of the 22d ult. I received by Captain L. Brodhead expressive of some chagrin at the election of Peter Ealer and [John] Paul Schott, and a variety of much interesting news for which I am much indebted. But my dear friend, I am no more to be surprised at the conduct of men, or measures, unless they should stumble and do right, which we have no reason to expect. I suppose the present topic to be the new Constitution, and that every other consideration is buried under it. I don't imagine that there is the most distant prospect of justice ever being done under the present medley and motley government, for which reason I do not care how soon it is changed, and, if the[y] please, annihilated. So much for my political creed. I have had the pleasure of seeing the Solon of Wyoming [Timothy Pickering] twice since his peregrination—the first time was upon his emersion from the wilderness from the almost grip of the Anthropophagy. He looked like the Knight of the Woefull Countenance in quest of melancholy adventures. I viewed him exultingly, and invited him and his family in case they should be exiled to partake of the beneficence of my castle. He appeared to be thankful, bowed his head, and rode on in a pensive mood. Now sir it appeared that some person had wrote a letter respecting the conversation that passed between this said Solon and me, and that I was informed by Mr. Sitgreaves that he had denied having any conversation with me; and happening to meet him a few days ago in Nazareth in presence of some of the [Moravian] Brethren, I called him to an account, and, in a word, opened my whole soul to him, but did not find him to be the man of spirit represented by Mr. Cox, etc. Sir, he is a poltroon and so are all or any of his abettors. I will go to the world's end to prove it. He failed in his eloquence as well as his manhood. My arguments being sorrowful truths were prevalent, and struck the monster (tho callous) dumb. May he ever remain so, and thus I dismiss him.

I have no account that is worth communicating from Wyoming. There is nobody to oppose, therefore, few commotions. Damn them all says Trim.

It always revives my spirits to hear from you, though you cannot give good news.

[P.S.] The bearer, John Brodhead, returns. Please to send me a line.

If you see Colonel Stephen Balliet tell him that I am the man who carried the ticket for him to go into the Convention against the inclination of my friends. This, I pledge my honor, is true. It will be ungrateful in him longer to injure us by abetting Pickering.

1. RC, Colonel Charles Stewart Papers, 1752–1818 (Coll. No. 262), Fenimore Art Museum and The Farmers' Museum. This document has been edited.

215. Honor and Honesty

Pennsylvania Herald, 10 November 1787

TO THE EDITOR OF THE PENNSYLVANIA HERALD.

SIR, Misrepresentation is always injurious, to the advocate that employs it. *The Centinel*, and other papers that pursue his doctrine, have asserted that Gen. Washington and Dr. Franklin only signed the new constitution *as witnesses*. I know this to be groundless in point of fact, though I do not wish from delicacy to produce the proof, but it is likewise so in point of reason, which it is easy to evince. If those whose names are subscribed to this instrument were only *witnesses*, who were *the parties*? Were not the subscribers appointed by the people for the express purpose of *making* this deed, and in what other form could they have shewn that they had accordingly made it? But from what strange premisses is this inference drawn! The test of the execution runs, in this way—“IN WITNESS *whereof*, &c.” and therefore says the *Centinel*, the subscribers were merely *witnesses*. But then observe the consequence of this rule; as there never was a deed, or a conveyance of any kind drawn which was not tested in the same manner, therefore those whom the law, and a practice have hitherto *erroneously* considered as parties, grantors &c. are nothing more than witnesses! I should laugh at this absurdity, but that I am told it has come from the lips of a *judge*, which inclines me rather to lament either the ignorance or the wickedness of so glaring a perversion of common sense.

Another misrepresentation has been propagated, and from the same quarter.—“General Washington, quoth the *Centinel*, &c. has only subscribed his name officially *as President*.” Now every man who can read, must know, that he has signed his name with the addition not only of *President*, but as *Deputy from the State of Virginia*, and every man who can think, must be convinced that he did so in order to avoid the very imputation which has been here brought forward. In short, Mr. Editor,

whatever may be the defects of the plan, I cannot consent to think either General Washington, or Dr. Franklin, or indeed any other member of the Convention, has acted upon a subterfuge so ridiculous, and (may I add upon a subject which is connected with their illustrious names?) so base and hypocritical.

I am, &c.
HONOR AND HONESTY.

216. "R. S."

Pennsylvania Herald, 10 November 1787

TO THE EDITOR OF THE PENNSYLVANIA HERALD.

SIR, The most repeated, and certainly the most substantial, charge against the proposed constitution, is the want of a bill of rights. But as our ideas upon the subject are borrowed from Britain, it would not be amiss to recollect the manner in which the celebrated bill of rights of that nation was introduced and adopted. The constitution of England had certainly been established before the interference of the Prince of Orange, before the reign of Charles the first, and even before the reigns of Henry and his father John, for the bill of rights, the petition of rights, and the great charter itself are admitted by the best writers to be only formal acknowledgements of the pre-existing liberties of the people; or, as Lord Coke observes with respect to Magna Charta, "they contained very few new grants, but were for the most part declaratory of the principal grounds of the fundamental laws of England." It was only a deviation from the constitution then, which rendered it necessary to instruct the rulers of the land, by those memorable instruments, in the antient privileges of the subject; and the manner of doing this in the last case, which is the most applicable to our present circumstances, will perhaps furnish a profitable lesson. The bill of rights was a solemn declaration, which the *Lords and Commons* delivered to the Prince and Princess of Orange, a short time before they were invested with the sovereign authority. Merely as a declaration of the Lords and Commons, it was not considered as conclusive, for we find that the 2d statute passed after William and Mary became King and Queen, was made in order to recognize that declaration, enacting "all and singular the rights and liberties, asserted and claimed therein to be the true, antient, and indubitable rights of the people."

To apply this proceeding to the case now agitated in America:

The president, senate, and house of representatives are to be chosen either directly by the people, or indirectly by their representatives. From the persons *first* appointed to fill those important departments of the

federal government, there will be no reason to apprehend the mal-practices which, it is said, the constitution tends to encourage and tolerate by eventually establishing an aristocratic influence. It is in the power of the states individually (though they cannot individually frame a bill of rights for their sister sovereignties) to instruct and enjoin their representatives to the Congress, to propose and support a law declaratory of the liberties of the people, and this law will place the federal bill of rights of the United States, upon the same footing with the British bill of rights, which we take for our model. I have not stated these points with any arrogant view of recommending the principle they contain to the adoption of the people, but merely as the sentiments of a citizen who wishes well to his country.

217. "G."

Pittsburgh Gazette, 10 November 1787

Messieurs Printers, If you think the following worthy a place in your Gazette, you will please to insert it.

In all countries there are a variety of vicissitudes which await and pursues the conduct of the people, and in whatever way the common or general pursuits of mankind are directed, in like manner their conditions and circumstances become causes of praise or censure. Every individual that contributes his mite towards the support of government, has a right, in every free country, to scrutinize the political actions of those men who have the application of public monies, and however insignificant the person that investigates may be, it ought to be the subject, and not the man, to which our attention and enquiries ought to be directed. My interested wishes for the welfare and progressive happiness of this country are very warm and sincere; it is also my full belief that the situation we are in with respect to trade and commerce, requires very *particularly* the unanimous exertions of *every western citizen* of United America, in order to promote as much as in them lies some system of general government, whereby the *natural* advantages of our country may be made free and secure to us. Under our present government we have no prospect whatever of trade to any part of the West-Indies, and we are furthermore most insultingly debarred even a communication with one another as citizens of the United States, through the channel of the Mississippi. Without the advantages of this commercial intercourse, the western sons of America might as reasonably hope to cultivate their lands without labour, as to render their circumstances easy and comfortable while labouring under such embarrassments. The

main spring of industry is the advantages it brings: take away the prospect of those advantages, and you give a mortal stab to art and vigilance, and root out of society the best and most valuable plant that ever was nurtured or fed by the hand of wisdom, prudence, and good policy. Destitute of any market for the produce of our soil (obliged as we are part through necessity and part through luxury) to import a number of foreign articles, it becomes our indispensable duty to accomplish some means of paying in produce for these importations, &c. To me there appears little prospect of any other channel than the Ohio and Mississippi rivers, and it is a fact as evident as it is lamentable, that under the present form of federal government no treaty of commerce with any court in Europe becomes binding, consequently not effective. On the part of the different states no law of Congress is compulsive, and therefore no foreign power will ever grant one commerical privilege to the United States by any express treaty. The very confederate powers of the union are so feeble and inefficient as to allow every state at pleasure to infringe with impunity, and under the present federal government, we never need hope or expect these waters open or free to us. The wishes and the interest of the Spanish court oppose it; and while we exist under such a constitution as cannot formally, or even plausibly demand one single commercial privilege, it is trifling and futile in us to covet or expect it. Mankind are distinguished by the strength of those faculties or properties which are said to exist in the head; and, if the dignified part of the human frame is defective in the organization of its several properties in common life, we find that praise, censure, or indistinction, together with prosperity, adversity or meniality are the attributive effects. In like manner the body politic operates, and in proportion to the excellence of the machinery of that *great head*, in an exact degree the advantages and happiness of the people operate under a good constitution, a state or empire must flourish; under a bad one, the generality of the people will feel oppression and want.

With respect to the constitution lately formed by the delegates from twelve of the United States, it meets my hearty approbation, and notwithstanding the literary address of the sixteen seceding members, I am persuaded it will, if adopted, tend greatly to the happiness and prosperity of America in general. Numbers of people I am told are proposing alterations and amendments in order that the ensuing convention may urge them as parts of the federal constitution. Such conduct cannot originate with persons, who have read or considered the words of the constitution, &c. It must either be ratified or rejected just in the form it is, subject nevertheless at a future day to amendments and alterations at the pleasure of the legislatures of the several states,

as prescribed in the fifth article of the constitution, which says, that two-thirds of both houses of Congress may propose amendments, or on application of two-thirds of the legislatures of the states, Congress shall call a convention for proposing amendments to the Congressional constitution, and whenever such amendments are ratified by the legislatures of three fourths of the several states, or conventions in three-fourths, such amendment or amendments are to become valid as part or parts of the Congressional constitution. The weakness and absurdity of proposing amendments at this time is a glaring inconsistency, and would tend to destroy the very constitution altogether. If the electors in the several counties throughout the United States, are *all* of them to propose amendments, I should not be much surprised to hear it formed with such a host of amendments, a jargon of absurdities, as confused and unintelligible as the clashing of tongues at the building of Babel.

November 6, 1787.

218. William Morris to George Washington
Philadelphia, 11 November 1787¹

I take this opportunity of returning you my most sincere thanks for the favor you were so obliging as to send me & I shall allways remember with pleasure the time when I received a present from that Patriotick Chief, who at the head of a raw & undisciplined army defended his Country from the invasion of a Veteran band of Soldiers who were sent by one of the most powerful Kingdoms of Europe to enslave us but thanks to Heaven & to you Sir they were disappointed. Be assured Sir its being of American manufacture so far from lessening its value in my eyes heightens its value in them; as I am sure it would in those of any lover of his country for a People who depend upon any Nation for the articles they consume, can not be called entirely independant.

I dare say Sir it will give you some pleasure to hear that this State is likely to conform with the opinion of the Fœderal Convention in chusing a State Convention.

By the New constitution Foreign Princes may see that the American chiefs are not only Warriors in the field but also (if I may be allowed the expression) Warriors in the Cabinet.

1. RC, Washington Papers, Library of Congress.

219. Samuel Gordon to Nathaniel Denison
Wilksborough, Pa., 12 November 1787¹

It is impossible to paint to you either the Anxiety of the friends to government, occasioned by the Oposite party, who exultingly say the

Commissioners will never come here again or, that they dare not or that the Legislature of Pennsylvania will not take any further notice of us, having us now fast under the Jurisdiction of the State from w^c. we cannot Revolt if we were so disposed, knowing that they (the opposers of Government) would not view us in any better light, than that of Traitors. They are lifted up with the notion that they will have the whole Country confirmed to themselves, by a Fedral Court, and think they can keep possession untill they can procure a trial before such a Court—As to Troops, they say, the[y] do not b[e]lieve any will be sent here if there are, they will pick them off as they have Oportunity, that for that purpose they mean to turn Indian &c—Thus I have given You a few hints of hopes & fears. We have prefer'd a petition to the Honourable Legislature the prayer of which is to have the time lengthened for the Commissioners to Receive our Claims, I think there might be an addition made there to, intimating that if the Confirming Law is not continued the prayer should be, that the Honourable Legislature might Adopt some other eligable mode of confirmation agreeable to the design of Sd. Law.—

There are but a few who appear public opposers of Government, there are a greater number who wish to continue nuter untill the[y] are able to form a Judgement from Occular demonstration—And there are a few who would not Sign the petition lest they should give offence—as it bore hard on the conduct of those who were Active in the late insurrection; with a view, to exculpate the Signers from every imputation of that nature—

You will please to write me a line ☞ Mr. Butler, I am to tarry here untill Court then mean to go home & prepare for moving into this Settlement. I am about building a Grist-Mill in Hannover my Timber &c will be procured this winter

I begin to Lott the Town of Exeter this day—

1. RC, Timothy Pickering Papers, Massachusetts Historical Society.

220. Portius

Philadelphia Independent Gazetteer, 12 November 1787

MR. OSWALD, The antifederal writers are perpetually harping upon the precipitation, with which the choice of members for the ensuing Convention, has been urged, by the friends of the proposed Federal Constitution: And a writer, in your paper of to-day, under the signature of *Centinel*, concludes from thence, that the proposed plan of government is a “masked aristocracy;” and in order to support this assertion, tells us, “that there are in this, and all the northern states, aristocratic

juntos of the *well-born-few*, who are opposed to *equal liberty*, and that the deputies from this state “were, except two (Doctor Franklin and Mr. Ingersoll) of this complexion.” But on the contrary, that “the friends of freedom were the nineteen *virtuous, enlightened*, seceding members,” who violated the *fundamental law* of society that *the few should yield to the many*. But, I ask this writer, who were the friends of equal liberty, when, in a late Assembly, the repeal of that *Constitutional act*, the *test-law*, was *prevented by a secession* of nine members? I suppose he will hardly answer these nine, and yet those of them, who were members of the late Assembly, were amongst these *nineteen enlightened, liberal, virtuous men*, who, he says, are the only *friends of Democracy*.

He then produces three worn-out, refuted objections against the proposed Constitution, in order to work upon the passions of the Quakers; to whom the latter part of his piece is addressed, and wonders why they have not opposed the plan of federal government, because in “the scale of general empire they will be lost in the balance, but that in the state of Pennsylvania, they form so *considerable a portion* of the community, as must insure them great weight in the government;” and yet the freedom of this *considerable portion* of the *community*, was opposed by the *virtuous, enlightened* members, whom he extols as the only *friends of equal liberty*, and stigmatized those men, who voted for the repeal of an oppressive *test act* as an *aristocratic junto*.

November 8.

221. Pennsylvania Packet, 13 November 1787

*On the chusing a Convention in Pennsylvania, for the purpose
of considering the Federal Constitution.*

Hail, happy fair auspicious morn!
To this new world a child is born,
The radiant sun is near:—
He tips with gold the western hills,
Reflected in the murmuring rills,
Our dawn of hope is clear.

The waining moon steals soft away,
But soon she will with new beams play,
The empress of the night:
The beauteous stars, so fine and clear,
Retire, whilst dropping dews appear,
Lost in a flood of light!

The golden bright imperial sun
 His glorious course begins to run,
 Most fruitful be his year:—
 A blessed harvest may we find,
 Each bleeding heart for to unbind,
 Dry up each bursting tear.
 Of darkness tear away the veil,
 The time is come, let light prevail,
 All hearts with joy rebound!
 Earth's sons are bless'd, the woman's seed
 All powerfully for man doth plead,
 All healing it is found.
 Contentions cease—the sacred bed
 Of truth and justice raise its head!
 All fed'ral is the plan:—
 Indissoluble union join,
 Nor state from state again purloin
 The peaceful rights of man.
 Let friendly intercourse prevail,
 No little selfish schemes assail,
 Said WASHINGTON the great!^(a)
 Will you not hear your father's call,
 He loves his children one and all,
 He loves you from his heart.
 "These are the pillars" where you stand,
 Your fabric else is built on sand,
 Will soon be swept away:
 But here you build upon a rock,
 Whose sure foundations stand the shock,
 And hail a new-born day!
 Ye heralds of this glorious morn,
 Let Liberty your theme adorn,
 Sweet Liberty the fair!
 With raven locks see how she soars!
 And visits all these western shores,
 Pay tribute to her pray'r.
 Hark! hark! sweet anthems shrill and loud!
 Proclaim their sov'reign from a cloud,
 Messiah is your king!

The stars which usher'd in your day
 Do to the world new light convey,
 And joyful news do bring.

Peace to all men with love they bring,
 And sweetly in their course shall sing,
 Till endless be the light—
 Night's sable curtain then must fly!
 The tears be wip'd from ev'ry eye,
 When all will be full bright.

Philadelphia, Nov. 7, 1787.

(a) See General Washington's circular letter—where there are four things which he conceives to be essentially necessary, viz. "An indissoluble union of the states under one federal head; 2d, a sacred regard to public justice; 3d, the adoption of a proper peace establishment; 4th, the prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies—to make those mutual concessions which are requisite to the general prosperity, and in some instances to sacrifice their individual advantages to the interest of the community."—He goes on—"These are the pillars on which the glorious fabric of our independency and national character must be supported."

222. Socius

Carlisle Gazette, 14 November 1787

Some THOUGHTS, on the FEARS which many appear to entertain about the FEDERAL CONSTITUTION.

As the Federal Government, now under consideration, is a subject of the highest importance to our happiness, as a nation, it is certainly of great consequence, that we lay down right principles, upon which we may form our judgment of it. While the fears of the people are alarmed, on the one side or the other, they are not capable of such a cool examination, and deliberate choice, as the weight of the case requires; and it is certain that this has been the effect of such writings as have appeared upon this grand question. If the grounds of fear are real, they indeed ought to affect us; but it becomes us to submit them to a serious and impartial inquiry, before we suffer them to blind our judgment or precipitate our conclusions.

The very idea of government supposes power to be committed to our rulers: and power is always capable of being abused. Various arrangements have been invented to restrain this abuse of power; but it does not appear, that any possible arrangements thereof, can, merely of themselves, secure the rights and liberties of the people, in all cases, from oppression. Some are without doubt, better calculated for this purpose, than others; but when the people have chosen the best devisable form, there are other sources from which they must also derive their safety, and on which they must depend.

The form of government proposed appears to be organized with great wisdom to guard against this abuse, as the very powers will be a watch upon one another, and act as centinels in giving the alarm, should any one attempt any unreasonable encroachments on our liberties. They are all of the people, and have the same rights and privileges, in all respects, to defend. They are chosen at such times as is sufficient to secure their responsibility, and in such a manner as must ever prevent their permanency. The objects of power have all a federal nature, or are absolutely necessary to the honour and safety of the nation. But together with all this, our political liberty requires the aid of other motives and principles, which if we duly consider, with the operation and force they are allowed to have, under this constitution, it would tend greatly to allay any unreasonable fears which have been raised about it.

One great security we have of men in power, is interest, when their places are so often changeable, as is ordained in this constitution. There is no great danger of men abusing the power committed to them, to destroy those rights and liberties, in which they themselves are as much interested, as any other of the people; while they know, at the same time, that they must shortly return to that condition, which will render those privileges so precious and estimable. If they were indeed a permanent body independent on the people, and holding their places for themselves and their heirs, the motives to self-aggrandisement would prevail over all others, and our liberties were gone. But so far is this constitution from favouring such a permanency, that it cannot take place without the utter destruction of this plan of government. They will always be chosen by the people; and by the assemblies which exclude every idea of permanency, though the centinel has affected to argue it out according to his method of reasoning.

Now, apply this to some of the objections, which have been made to this plan of government.—The countenancing a standing army—if in the present depraved state of human nature, any military force should be necessary to support the honour, and promote the safety of the

nation, and protect our trade by land or sea; surely there can be no reasonable objection against it. But to imagine that the Congress, our own representatives, whose power depends entirely on the people, and whose interests, liberties and safety are at stake, in common with every person in the union, that these should wilfully impose an unnecessary burden, or subject us to unnecessary danger, is surely an unreasonable suspicion. To speak of thirty or fifty thousands of a standing army, or any thing like it, is only calculated to alarm the fears of the people, with an evil entirely imaginary.

The same may be said of the power of direct taxation. As the grand revenue will arise from another source, this mode may never be applied to, but on such occasions, as may require great exertions; and if in such cases, the Congress should make use of this method, what reason have we to think, that it should be so dreadfully oppressive? Are not the estates of those in power, as liable as others! and if they are the great and the mighty (as one writer observes) will they not be peculiarly affected. However it is certain, that the command of a sufficient revenue should be in their hands, otherwise they can never support the dignity or safety of the United States.

Another grand security, and indeed the principal one, which the people have against the abuse of power, is the freedom of choice. This is the very essence of political liberty—while this remains it is impossible they can be enslaved, and if their rulers inroach upon their privileges it must be their own fault, and not that of the government. Now this privilege cannot be taken away without destroying this constitution; under which no one, in the several branches of government, can hold a place, but by the fair choice of the people, immediately, or by electors chosen by them. They are still the sovereign masters, and may chose whom they will; all depends on their own virtue and the wisdom of their choice. While this freedom is allowed, and the power returns to us at proper intervals, not so near, as to keep us in a perpetual electionary ferment, nor so distant, as to prevent a proper responsibility in the rulers, there can be no danger from the government; we will be happy.

Indeed it is surmised, that the Congress may render this privilege difficult or impossible, by the power the constitution gives them over elections. But why should we fear such an injurious exercise of power as it is wantonly said this will be?—The assemblies have authority to fix the mode and places of elections in every county, yet we never have been afraid, that they would make a law, to oblige us to meet at inconvenient places, or drag us from one county to another to give our votes, and why should we be so exceedingly jealous of our own representatives

in this case? The reason of such a power appears as good in the one, as in the other. It is of consequence to our freedom that we have a fair and honest representation in Congress, and that no one be admitted as our representative who is not lawfully chosen. This will require a power of judging in all disputed elections, which often happen, and this implies a law, whereby the qualifications of members shall be ascertained, and as these qualifications include the regularity of the choice, as to time and mode and place, it is proper that these should be fixed by one general election-law. This will be necessary, not only to enable the respective houses to judge of the qualifications of their own members, but also for the greater ease and regularity of proceeding, having all their members chosen in the same manner, and returnable at the same time. As such a law therefore will be necessary, it cannot be questioned but that the Congress is the proper authority to make it—and to assert, that, in making such a law, they would not have a regard to the ease and convenience of the people, is very unreasonable to say, that they will frame it so, as to put it out of our power to chuse, is absolutely extravagant.

The most of those fears, which have given strength to the objections against this government, have arisen from this excessive distrust in the representatives we are to chuse; surely we ought to put some confidence in them, to whom we commit so great a trust. To be so jealous, as to excite our watchfulness against their abusing their power, is useful and salutary; but to put no confidence at all in them; to believe that as soon as we chuse them, we set them in variance with our liberties, and make them enemies to all our dearest privileges; that they will surely abuse their power, to aggrandise themselves; this is a jealousy utterly unreasonable and absurd. It is an ungenerous reflection on them we chuse, and a vile reproach upon our own wisdom. It is a principle which would set aside all government intirely.—No man in common life, acts upon so absurd a principle as this, yet most of the fears about this constitution have had only this foundation—on this principle, the Centinel has raised the most alarming apprehensions, of aristocracy, a standing army, oppression of taxes, the annihilation of state assemblies, suppression of the press, and all his catalogue of evils—and upon this also the Old Whig appears to have raised his wonderful superstructure of possibles and probables, perhaps's, maybe's and awful predictions, which have so terrified him, as to conclude that "whether it is a good constitution or a bad one, it will remain forever unamended." These writers seem to take it for granted, and I fear too many follow them in it, that we are not, nor ought to be one people; that the interest of the several states must be different from that of the union; and that there must

be an eternal variance between the Congress & the state Assemblies. This appears visibly in their writings, as the ground of their charges against the constitution.—The absurdity of these principles is evident, the ruin that must attend the adoption of them and proceeding upon them, every one must see, and consequently how groundless those jealousies are, which have no other foundation.

With all the securities, then, which we have against the abuse of power, why should we fear the constitution is free? in its nature and construction—the interest of the rulers and ours is the same—the power of displacing them is still in our own hands—and besides these, the equality among the citizens, the prohibition of hereditary property or honours—the freedom of the press—the jealousy and watchfulness of the Assemblies, whose power, after all that has been said, I cannot see to be abridged or destroyed with respect to any branch of internal policy, or in any cases but such as are federal, except the impost, and this is by all granted to Congress. With all these securities we surely cannot be in so great danger, as is apprehended by many. But after all, if it should prove dangerous and intollerable, it is capable of alteration, and it may reasonably be expected that when the people feel it so, they will alter it. The manner of process is not more difficult, in altering than making it—and the accomplishment of the one, is an evidence that the other, if found necessary, is neither impossible nor improbable.

223. Philadelphia Freeman's Journal, 14 November 1787

Anecdote—A Philadelphian being lately in New York was mentioning it to his friend as something great, that “from the time the resolution of Congress respecting the new constitution was passed till its adoption by the state of Pennsylvania, was only 20 hours.”—That shows the superior abilities and readiness of apprehension of you Pennsylvanians, said the other—we Yorkers are mostly Dutchmen's bairns, and insist upon a little more time to consider of the matter.

224. One of the Dissenting Assemblymen

Philadelphia Freeman's Journal, 14 November 1787¹

Mr. Printer, As the Constitution formed by the late Continental Convention is an object of the greatest magnitude, and upon the adoption or rejection of which the happiness or misery of this country greatly depends, I am happy to find it has become a subject of general discussion, and that many able pens are employed in the investigation of its

nature and principles; every thing, therefore, that hath any relation to this business, must be interesting, and of importance to the public. The secession of the minority of the late House of Assembly having connection with this matter, and being severely reprobated by many, who are perhaps ignorant of the principles which influenced their conduct, I have taken the liberty, as one of that minority, of stating to the public, thro' the medium of your paper, the motives which induced us to take such a measure.

In the formation of every good government, every innovation should be carefully guarded against, as it is much easier to prevent than to remedy evils. Therefore, in every free government, the power of putting a negative upon particular laws is lodged in such a man, or body of men, as have not the power to enact laws. Thus, in Britain a compleat negative is vested not only in each house of parliament, but also in the king; whereas the concurrence of king, lords and commons is necessary to enact a law. The despotism of the French monarchy is much restrained by the power lodged with the parliament of Paris, of preventing the operation of any new laws, by refusing to register them. When the Roman republic was in its zenith of glory, the negative of a single tribune was sufficient to prevent the enacting of a law; but the concurrence of twelve tribunes was necessary to make any innovation or new law. In the republic of Genoa, four fifths of the senate must agree to any new law; consequently, if even forty should concur in the measure, it may be prevented by eleven.

But to come nearer home. In our neighbouring states the majority of the senate, or upper house, have a compleat negative over the whole legislature, which amounts in most cases to one exercising a complete negative over eight, ten or twelve.

The framers of the constitution of Pennsylvania, sensible of the necessity of preventing innovations, have also provided sufficient checks; and though our legislature consists but of one branch, and it is not in the power of a single magistrate, or a majority of a small upper house, to put a negative on our laws, or prevent what they may think an improper innovation, yet in this government, which derives its greatest security from responsibility, and necessary rotation, no bills can be enacted into laws, except in cases of sudden necessity, without being published for consideration, from session to session, and thus laying them, together with the yeas and nays, and reasons of their votes, before the people at large, if any two members require it: but as the house are necessarily judges of the necessity which may exist for enacting laws hastily, the constitution has carefully guarded against any attempt of

designing men, who may, from the prevailing influence of some improper or dangerous interest, prostitute the cry of public necessity to cloak their ambition, and thus attempt such innovations as the minority may think unconstitutional and highly mischievous; to prevent which, our form of government provides that a quorum of not less than two thirds of the whole number elected shall be necessarily present in order to do business. Thus a negative check is clearly erected, and the exercise of it vested in such a minority as shall exist of little more than a third of the whole number elected. This is clearly a constitutional check; the legislature have not the power of preventing it, and the members who shall exercise it are only responsible to their constituents for their conduct.

This negative has been often put in practice; there is an instance of it having been done twice in one day; but as perhaps the subjects then before the house were not of the greatest importance, or, what is more probable, that the majority were not aided by a mob, these instances made very little noise; nor was the exercise of this negative ever attempted to be prevented, until on the _____ day of _____, 1784, when, near the close of the last session of the house, a bill was brought forward for revising the test laws; this the minority considered as a matter in which their constituents ought to be consulted, and for the enacting which there was no sudden necessity; they therefore considered the enacting thereof in such a manner as a wilful breach of the constitution, and judged it to be their duty to avail themselves of every means which the constitution itself put in their power, to preserve it inviolable, and consequently put a stop to the business until it could come before their constituents; but on this occasion the doors were attempted to be shut, and force was used to detain the members; therefore they did not return to finish the other business of the house, apprehending that if they acted under compulsion, or the power of a mob, whatever was so done would not be binding on the citizens, because freedom of acting is indispensable to the exercising the powers of legislation. The case of course came before the people, and they decided, by approving of, and returning the members who disented, and by rejecting a great majority of those who urged on the business.

The next occasion when this negative was exercised was on the 28th day of September last, being expected (at least by many of the members) to be the last day of the sitting of that Assembly, when a resolution was proposed by a member of the House, who had also been a member of the late federal convention, for calling a state convention, to be elected within about ten days, for the purpose of examining and adopt-

ing of the new constitution, proposed for the United States. To offer a resolution at that late hour; to take it up for the last reading instantly, without giving the members who did not expect such an attempt, and were consequently wholly unprepared, time, even until the afternoon, for advisement, was truly extraordinary. But when it is considered that the adopting of the proposed plan may in its consequences alter, or even annihilate the constitution of our own state, under which we sat, and which is the rule, and measure of our legislative authority, and to preserve which inviolate we had in the presence of God and of each other solemnly plighted our faith, every unprejudiced person will allow we ought to have taken time to deliberate. Even the Council of Censors, who have the constitutional right to propose alterations or amendments, yet they are strictly prohibited from calling a convention to adopt such alterations or amendments, until they are published at least six months for the consideration of the people; but in the present instance, the Assembly were called upon by surprize, to propose essential alterations in the form of government, without having any new powers from the people for that purpose, but being expressly guarded from doing it both by the powers delegated to them and their own oaths, and without permitting the people to have an opportunity to know or judge of the important alterations of this government, which they were about to adopt, or reject, or the relative fitness of the persons whom they were about to elect for the proposed convention, or without the shadow of necessity, for going into the measure with such precipitation, as no injury could arise from deferring the business until the meeting of the new House, who would at least enjoy implied powers for that purpose, and might have information sufficient from the people to enable them to go into the business with a degree of understanding suited to its importance. But taking the matter up at that time and manner, was an express violation of the existing confederation; for it is now well known, that Congress did not transmit the new constitution to this state until the week after the last House finally rose, and that it was not officially before the legislature until after the present House met: in this situation we, who were of the minority, saw no alternative, but either to assist in breaking both the constitution of this state and the confederation of the United States, or else to avail ourselves of that negative check which the constitution itself hath instituted, by constituting so large a quorum, and secured the exercise of by preventing the doors from being shut.

If the constitution had not pointed out this alternative, or if the minority had not thought proper to make use of it, yet necessity dictated the measure; for before the business was brought forward, and

before many of us knew any such matter was designed, the gallery and doors were so unusually crowded as to give ground of surprize, though we had no suspicion of the design until the extraordinary resolution was offered, and the still more extraordinary language that was made use of to support it, *viz.* “That the citizens who had declined to sign an approbation of the new plan would be shortly dragged forth to public infamy and disgrace,”—“that none would dare to oppose it,”—“that the confederation was dissolved, and rotten, and did not exist,” &c. I was then fully convinced that we were surrounded by a mob, probably brought there for the occasion, by those who, being members of the House, had the address to get themselves elected members of the federal convention, and those having exceeded the powers delegated to them, were intoxicated with such a fondness for the creature of their own production, or perhaps for the enjoyment of those offices which they had so liberally provided in the proposed plan, as not only to break through the rules of decency and good order, but every obligation they were under to their constituents. Under the full persuasion that we were acting under such a restraint as was inconsistent with the free exercise of legislative authority, and entirely subversive of the powers with which we were intrusted, when the first paragraph of the plan had been pretty largely debated and adopted, and the remaining paragraphs were before us, the House adjourned in order to meet in the afternoon (which was the only instance in that session in which we were to meet twice in one day.) I then determined in my own mind not to return, untill I could do it with confidence of enjoying personal freedom, steadfastly believing that no law enacted under the evident restraint of a mob could be binding, or admitted in a court of justice; but such of us who had opportunity, offered to the speaker and the member who moved the hasty business, for to return to the House and finish the business that was regularly before the House, upon those gentlemen engaging that the new plan of government would not be urged on them untill it could come officially; but this was refused, and it is now notorious, that upon the next day after the resolution was introduced, the mob, after rendezvousing at the state house, marched to, and entered by force, the lodging of some of the members, and carried off two of them (which was all that fell into their hands) unto the assembly room, then become the guard house of the mob, and after putting them into it, kept them there, and when under this restraint, they assumed the form of a legislative house, and counting upon the imprisoned members as a necessary part of their number, proceeded to complete the resolutions, but with some alterations, for they did not then dare to give so short a day for the election as on the preceding day, and they added an idea to delude the people, as if the proposed plan

of government had been officially transmitted to the House from Congress; but this is already noticed and is now universally known not to be true. Whilst proceeding on this business, the two members who were forced there by the mob, were not only under restraint, but one of them prevented from his freedom of even going to the door, by one who was both a member of the federal convention and of the assembly, laying forcible hands upon him and by the mob crying out "Stop, stop," &c. and during these transactions, so far was the discipline of the House from being exerted, that there was not even a call to order by the speaker.

Thus it appears, that the dissenting members only availed themselves of this constitutional negative, in a case where the Constitution itself and the Confederation were both at stake, as well as the right of the people to information in a case wherein they are to judge, not only for themselves, but for posterity. The magnitude of the case invited, and forcible necessity drove them to appeal to their constituents, who have already given an incontrovertible decision in favour of our conduct, by re-electing all of those who dissented that had not already served four years in the House, excepting one man, who was left out thro' a mistaken division of the voters, occasioned by a recent erection of a new county; thus the people have given the strongest testimony of their approbation which the case admits of.

It is the glory of the American Revolution, that the respective governments underwent a free and rational discussion, were the fruit of deliberation and choice, and were not dictated by a chieftain, nor hatched in a secret conclave, where the depraved and intriguing junto always overreach or circumvent the disinterested and virtuous; they were also generally left open to a regular course of effecting alterations or amendments, according as experience or circumstances should dictate the propriety. But who would then have believed, that at this early period, within the remembrance, and even when the feelings of the Revolution are yet fresh on every sensible and patriotic mind, that an attempt should be made in a legislative body to preclude the people, who accomplished the Revolution, and whose wounds have scarcely ceased to bleed, from the means of understanding or judging of the amendments or alterations by which they are to be bound? Future generations will justly censure those who precipitated this business, when the dark designs and ambitious intrigues which have fomented the embarrassments of the Union, and paved the way for the aristocratic attempts of the present day, shall be fully unfolded.

The worst that even an improper exertion of this negative by a minority can do, is to postpone the business in question, be it what it will, and so to give farther time for advisement. But what will be the opinion

of freemen, of the precedent set by the majority of the late House, if a mob may be employed or countenanced in compelling members to attend and act, who are necessarily responsible only to the established rules of their own house, and to their constituents? May not the mob, by the same rule, if they dislike any legislative business, which is likely to be enacted into a law, take out what number of members they please, so as to turn the majority to their wishes; or, may they not oblige them, by all the terrors of riot, to vote as they think fit? But the consequences are too plain and too dreadful to be dwelt upon. In some other free countries, mobs have had the audacity to interrupt the legislature, and prevent for a time the progress of some business obnoxious to the populace; but it remained for the legislature of Pennsylvania to suffer, and for the mob of Philadelphia to commit, that kind of outrage which puts an end to constitutional government and the peace and confidence of society at once. For, who can think a deliberative body free in their decisions, which sit in reach of the operations of such a sett of desperadoes?

One of the evils prevalent in the controversies of the present time, is, that the supposed merit or demerit of names are urged instead of reason, and detraction instead of argument: For this cause I shall not at present give my real name to the public, but subscribe myself (what I really have been)

One of the Dissenting Assemblymen.

1. With slight textual variations, this item was also printed in the *Pennsylvania Packet* on 14 November. It was reprinted in the *Pittsburgh Gazette* on 3 May 1788 and answered by "An Assenting Constituent" and "An Assenting Assemblyman," *Pittsburgh Gazette*, 10, 17 May 1788, respectively (Mfm:Pa. 679, 681). "One of the Dissenting Assemblymen" might have been William Findley, then in Philadelphia as a member of the Assembly.

225. One of the Late Army

Philadelphia Freeman's Journal, 14 November 1787

"*A Citizen of America*" has published four letters or *rhapsodies*, on the proposed federal constitution. The apparent moderation of this writer induced me to give the first an attentive perusal: curiosity carried me through the rest.

Regardless of the arguments which rise up in judgment against him, this writer treats the public judgment, like a child; instead of solid nourishment he offers it *pap*. The proposed new government is his theme; indirect and general terms content him towards its support, and, in the excess of his wisdom, he kindly and often tells us *what it is not*. But, dear doctor of politics, it is unfortunate for you, that there are citizens

among us in the stubborn habit of thinking for themselves. Sophistical arts, however smooth and insinuating, must give way to *their* more able heads and honest hearts. Thy favorite constitution is not so perfectly sound in their eyes. They discover in it the seeds of disorder—and sooner or later it must yield to an incurable distemper, fatal to the liberties of their posterity, and of thy own. This American citizen (alas! such citizens there are in the best countries) this political Esculapius, so far forgets the point of *delusion*, as openly to insult the good sense of the public. As if the deed was already done he tells us “the *old constitution contained* many of the same things, which from error, or disingenuousness, are urged against the *new one*.” But, gentle reader, hear the proof!—“*Neither of them have a bill of rights, nor does either notice the liberty of the press, because they are already provided for by the State constitutions.*”—What effrontery!—Will this writer please to point out the similarity between the two systems upon which he finds this extraordinary observation? Has he reflected that they are wholly different—that the one did not require a *Bill of Rights*,^(a) while the other, if adopted, renders this palladium of our unalienable privileges indispensibly essential? Or is the mere omission of it, under one government, an argument for forgetting it in another? O! the depravity of some minds! Has this sophistical writer so soon forgotten that *sweeping* clause (as it has been judiciously termed) which places the authority of Congress *paramount* in all respects to the constitution and laws of every state? Will he dare to say that under this unlimited supreme authority of Congress any *Bill of Rights* is sacred, or that the LIBERTY OF THE PRESS is secure?

With respect to the charge of *disingenuousness*, I would answer in the words of St. Luke—“Thou hypocrite, cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother’s eye.”

(a) See the *Articles of Confederation*, which guarantee to the several states their rights.

226. A Bystander

Philadelphia Independent Gazetteer, 14 November 1787

MR. OSWALD, Two late writers who in 23 articles attacked and defended the proposed federal Constitution, have drawn an erroneous though different contrast between its senatorial branch and the Senate of Sweden before the last revolution. This Senate had indeed almost the whole executive power of government; but it was appointed and

deplaced at the pleasure of the states, which held all the legislative powers, and by this controul over the King and Senate, in fact the executive. A Senator who did not act in implicit obedience to the ruling party, was enevitably superceded at the next diet, and often punished by severe fines. It was well known, that this country was distracted by two violent parties from the death of Charles 12th to the revolution in the year 1772. They were distinguished by the droll names of *hats* and *caps*, actuated by opposite political principles, and much influenced by foreign politics—the former by the alliance and subsidies of France; and these by the more secret intrigues of Great-Britain and Russia. These parties ruled by turn, as either prevailed in superior abilities or the means of corruption—what the one had done, was immediately overturned by the other—the public interest was generally sacrificed to avarice, ambition, animosity—to be a strong partizan was the best recommendation to the highest civil and military offices—a great part of the national revenue was dissipated in bribes, pensions, and sinecures—the first characters were sometimes ruined by confiscations only for having acted under the obnoxious party, and at last even the senatorial office was declined by men of prudence and independent fortunes. Among the leaders of these parties were men of great abilities and superior wealth; but turbulent, ignorant and indigent demagogues had frequently an amazing influence. This must always be the case in republics, where representation is general. The Swedish Parliament has four equal orders: The nobility, clergy, burgesses, and yeomanry—in each of these were many delegates chosen merely for being submissive underlings, active tools, or daring defenders of the reigning party.

When the nation was by the corruption and rage of these parties brought into woeful distress, and danger of a civil war; the present King by his admirable conduct and the assistance of those who were real patriots, effected the surprizing but really happy revolution. The government is now a well limited monarchy—the King cannot make peace and war, enact or abrogate laws, nor levy taxes without consent of the states; but he has the whole military command, and the appointment of all considerable employments—the people have as much liberty as they can bear. Sweden was from the year 1756 till 1772 in fact a republic, with a nominal King that had far less real power than the federal President will have; but the abuse of republican liberty changed it into a real kingdom. Without this the other co-operating causes had been ineffectual. Predilection for monarchy was in a great measure worn away in the space of 50 years under the impotent reign of foreign

Princes, and the continual increase of the republican branch. The leading men in both parties liked better to enjoy the royal power, than give it to the King; among the first nobility and military officers many were from this reason violent republicans—Though the nobles are numerous, and not wanting in the usual ambition; yet as the title and estate devolves on all the sons, the greater part want that wealth, without which no order of citizens can maintain a superior interest—The standing army being in its regulation similar to a militia has naturally much of the national character, and was in no small degree republican—The cler[gy] [though?] [estab?]lished, have no advantages inconsistent with a moderate republic; especially where the whole nation has the same mode of worship. The prelates though invested with great ecclesiastical authority, have at the diet only simple votes like any inferior clergymen—The extent of territory being nearly triple of Great-Britain was less favorable but not repugnant to a republican constitution.

Party, that pest of republics, was therefore the effective cause of the revolution—And though the well disposed Swedes naturally fled to the throne of an excellent King from the miseries of anarchy; the same situation would probably change any republic into a monarchy, perhaps one nearly absolute.

Gentlemen who mean to corroborate political reasoning by historical facts, ought to have a full knowledge of them; otherwise they will draw very wrong inferences. In the proposed American constitution the powers granted to the Senate or the Congress collectively can never be dangerous, while the people in general have *proper republican dispositions*. The only danger will arise from parties—When these are nearly equal, the public interest is torn between them like a sheep between two ravenous wolves—If one has a decided superiority, the other will in many respects be oppressed, and a great part of the nation become less happy—Foreign powers never fail to intrigue in either case, and will probably be called in by an exasperated minority. Parties would in this country infallibly produce monarchy or a dissolution of the union, perhaps a foreign conquest of the frontier states.

227. Pennsylvania Gazette, 14 November 1787

It is wonderful, says a correspondent, that any man in Pennsylvania should object to the new Congress having a power to regulate our state elections for *federal* purposes, who has witnessed the alarming attempts made by a faction in this state (by first limiting the *number* of electors by means of a test-law, and afterwards confining the *time* to eight o'clock

at night) to destroy that inestimable privilege altogether. This can never be effected by any influence hereafter, while our state can appeal to a strong, unprejudiced foederal power for justice and equal liberty.

228. An Enquirer

Pennsylvania Gazette, 14 November 1787

MESSRS. HALL & SELLERS, I perceive in some of our news-papers, many objections to the new fœderal Government—such as the want of a bill of rights; the neglect of a declaration in favor of the liberty of the press; the danger of our religious liberties, &c. &c. These objections I find have been answered. But I beg leave to mention several objections which I have lately heard against it, which are of more weight than any thing which has yet appeared, and which I should be glad to see answered by some one of your numerous fœderal correspondents.

Having lately travelled through Montgomery county, I stopped at a tavern in the neighbourhood of _____, where I met with a number of persons who had assembled together, for the purpose of settling some matters relative to the election of members of Convention. They immediately began a conversation with me about the new government, and with one voice condemned it as a vile system of tyranny. I asked them what their objections to it were? One of them, who, I was told, was a schoolmaster, retailed all the objections that are mentioned in the Centinel with a good deal of vehemence. As soon as he had finished, a second person complained that nothing was said in the new constitution about the liberty of fishing and hunting, which were unalienable rights, and that we should from this omission soon have game-laws in the United States. I found this man was a sportsman, and that he had hunted and fished away a valuable plantation. A third, who was the elder of a Presbyterian meeting, said that no testimony was borne in the new government against the theatre, and that now we should have plays and players in the state of Pennsylvania. A fourth objected to it, because no notice was taken in it of the Sabbath-day. A fifth exclaimed against it, because a Roman Catholic and a Jew stood as good a chance of being President of the United States as a Christian or a Protestant. A sixth, who was a weaver, abused it, because it contained nothing in favor of American manufactures. A seventh, who I was told had lately broken a new waggon in driving it over a piece of bad road, complained that it contained nothing in favor of repairing our roads. Many other objections of a like nature were made, which I do not now recollect.

I hope Mr. Wilson, at our next town-meeting, will answer those which I have mentioned, and in a manner so satisfactory as to give no occasion for further attacks upon our fœderal constitution.

229. Cato

Philadelphia Independent Gazetteer, 17 November 1787

My fellow Citizens, Is it not highly derogatory to the interest of our country, to continue so many pettifogging antifederal scribblers in offices of great public trust and confidence: Rouse ye Senators, consult the public welfare—Be not blinded by any sinister motives—Let the patriotic LOVE of your country stimulate you—Put it out of the power of any factious penny-wise politician to mar the welfare of our country (for the sake of their private interest and fear of their consequence being lessened)—I am not ignorant of the means used by some of the above described set of GENTLEMEN to depreciate the federal constitution in the minds of my fellow citizens. My countrymen? examine, search the federal constitution throughout, and you will find it drawn with the most scrutinizing regard to the interests of our country—Beware of those artful men who strive by insidious means, to depreciate it—Remember, a WASHINGTON, a FRANKLIN, a MORRIS, with other illustrious enlightened patriots composed it, many of whom have drawn their swords and lost their blood in the accomplishing our national independence: Can we suspect these men of doing any thing injurious to the public safety? Discard such an idea, and do your utmost towards the adoption of the federal constitution.

November 15, 1787.

230. Convention Debates (Lloyd), Tuesday, 20 November 1787¹

This being the day recommended by the legislature for the meeting of this body, a number of gentlemen delegated thereto, met accordingly at the state-house,

And adjourned to three o'clock, P.M. to-morrow.

1. Lloyd, *Debates*, 21.

**231. Convention Debates (Lloyd), Wednesday, P.M.
21 November 1787¹**

Sixty of the gentlemen elected to serve in the convention met.

The returns of the elections held for the city of Philadelphia and the several counties of this state, were read, by which it appears that the

following gentlemen were returned as delegates for the convention for the said city and counties respectively, viz.

For the City of PHILADELPHIA.

George Latimer,
Benjamin Rush,
Hilary Baker,
James Wilson,
Thomas M'Kean.

For PHILADELPHIA County.

William M'Pherson,
John Hunn,
George Gray,
Samuel Ashmead,
Enoch Edwards,

For BUCKS County.

Henry Wynkoop,
John Barclay,
Thomas Yardley,
Abraham Stout.

For CHESTER County.

Thomas Bull,
Anthony Wayne,
William Gibbons,
Richard Downing,
Thomas Cheney,
John Hannum,

For LANCASTER County.

Stephen Chambers,
Robert Coleman,
Sebastian Graff
John Hubley,
Jasper Yeates,
John Whitehill.

For YORK County.

Henry Slagle,
Thomas Campbell,
Thomas Hartley,
David Grier,
John Black,
Benjamin Pedan.

For CUMBERLAND County.

John Harris,
John Reynolds,
Robert Whitehill,
Jonathan Hoge.

For BERKS County.

Nicholas Lutz,
John Ludwig,
Abraham Lincoln,
John Bishop,
Joseph Heister.

For NORTHAMPTON County.

John Arndt,
Stephen Balliott,
Joseph Horsefield,
David Deshler.

For BEDFORD County.

James Martin,
Joseph Powell.

For NORTHUMBERLAND County.

William Wilson,
John Boyd.

For WESTMORELAND County.

William Findley,
John Baird,
William Todd.

For WASHINGTON County.

James Marshall,
James Edgar,
Thomas Scott,
John Nevill.

For FAYETTE County.

Nathaniel Breathing,
John Smilie.

For FRANKLIN County.

Richard Bard,
John Allison.

For MONTGOMERY County.

Jonathan Roberts,
John Richards,
Frederick A. Muhlenberg,
James Morris.

For DAUPHIN County.

William Brown,
Adam Orth.

For LUZERNE County.

Timothy Pickering.

For HUNTINGDON County.

Benjamin Elliott.

The convention proceeded to elect a president.

The ballots being counted, it appeared that Frederick Augustus Muhlenberg, esq; was duly elected.

An invitation to the president and members of the convention from the faculty of the university of Pennsylvania, requesting their company at a commencement to be held tomorrow, was read:

Agreed to attend in a body, at ten o'clock to-morrow.

Adjourned until nine o'clock, A.M.

1. Lloyd, *Debates*, 21–22.

232. Jacob Hiltzheimer Diary

21 November 1787¹

Forenoon attended the Assembly. The State Convention met yesterday afternoon in the upper room in the State House, but only thirty-eight members appearing, they adjourned until this afternoon.

1. *Diary*, 138.

233. An Old Soldier

Philadelphia Freeman's Journal, 21 November 1787

Mr. *Bailey*, I am a federalist to the bottom of my heart. The new constitution should be the glory and pride of every old soldier who has fought for his country, especially Pennsylvanians.—Who is so mean, that will not find a secret pleasure in having all distinctions and partialities in favour of any particular sett of men, levelled to the ground? How often have I been galled to the heart, during our glorious contest, to see any fellow allowed the privilege of sending a substitute or of paying a fine, instead of turning out in propria persona, as every man of courage and spirit ought to do: the fault, however, lay in the constitution of Pennsylvania, that dispensed with a fine or substitute; but thank God, our new federal government will permit no such skulking fellows, to walk about and make their jack, whilst the rest of their fellow citizens are employed in the defence of the country. Why should any

man expect that on account of his particular religious tenets he must be exempted from fighting for his country? No, no, such partialities have been too long practised here. But I anticipate the day when I shall see these men obliged to march out with their firelocks; and why not? For they have had the advantage of us too long. Why then should any man of sense, object to the new constitution, which will compel every man to take his turn either in the militia or standing army, when his country demands it? For my own part I am so well pleased with it, that I shall have no objection to turn out and establish it with the sword, if no better will do.—I believe there is not an old soldier in America who is not of my opinion.

234. Algernon Sidney

Philadelphia Independent Gazetteer, 21 November 1787¹

To the People of the United States of America.

Intus Insidia sunt; Intus est Hostis; cum Amentia nobis, cum Luxuria, cum scelere certandum est.

CICERO.

There is, says the elegant and judicious author of the essay on crimes and punishments, an attempt in the higher part of every society to reduce the lower to the extreme of slavery and misery. The people of America are as vicious in this particular, as the rest of mankind. There has been a dangerous faction in almost every state of the union, which has been a long time aiming to invade the liberties of the people. In Pennsylvania, the restless spirit of this tyrannical faction, has been as remarkable as in any other state. It manifested itself in the most outrageous violations of freedom, at the time of our last election of censors, and by the frame of government which was at that time offered to the citizens of Pennsylvania, it might be easily known what it was reasonable to expect from this faction. They were willing to prevent a member of assembly from entering his dissent on the minutes, because, say they, “we conceive the entering the dissent on the minutes with reasons, only tends to foment party disputes, weaken the force of the laws, and impede their execution.” It appears evidently by this, that the design of these men was, to restrain the liberty of the press. At last this aristocratic faction, by their intrigues, procured a convention to meet lately at Philadelphia. It was “Resolved, that in the opinion of Congress, it is expedient that on the second Monday in May next, a convention of delegates who shall have been appointed by the several states, be held at Philadelphia, FOR THE SOLE AND EXPRESS PURPOSE of revising

the articles of confederation and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress and confirmed by the states, under the federal constitution, adequate to the exigencies of government and the preservation of the union." A convention of delegates from twelve states met, and instead of proposing an alteration of the old articles of confederation, they have wished at once, to introduce a government altogether new and different. It was boasted of the convention that they kept their proceedings entirely secret. In this I do not think that there was any thing to praise. I think this secrecy has a bad appearance, that though it may be practised among enemies, it should be avoided among friends. It looks, what we shall find to be true if we examine the new constitution, that they were willing, by surprise, by a coup de main, to obtrude an arbitrary government upon the people. If they had meant well, the doors where the convention were sitting, should have been thrown open. We were told that the new constitution met with the unanimous consent of the convention, though Governor Randolph and Mr. Gerry refused to sign it, and though the brave Colonel George Mason, of Virginia, nobly said that he would sooner cut off his hand than put his name to it. The new constitution for the United States is an elective monarchy. This is esteemed among impartial politicians, to be the worst of governments. History tells us it has ruined other countries; and it may involve America in tumult and confusion, and deluge it in blood. It is said, "The executive power shall be vested in a president of the United States." Art. 2, sect. 1. And again it is said, "the president shall be commander in chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and other officers of the United States; he may convene on extraordinary occasions both houses or either of them, and in case of a disagreement between them with respect to the time of their adjournment, he may adjourn them to such time as he shall think proper; he shall take care that the laws be properly executed, and shall commission all the officers of the United States." Art 2. sect. 2 & 3. The president, or monarch, is to be elected every four years, but he may be elected during his life. The legislative powers are to be "vested in a Congress of the United States, which shall consist of a senate and house of representatives." Art. 1, sect. 1. The senate is to consist of twenty-six and the house of representatives of sixty-five members, which are too few for the government of so large an empire as the United States of America. In Great Britain,

the house of commons is much more numerous; yet the enlightened patriots of that country have complained that they were too few, and it was an admired expression of the late Lord Chatham, that increasing the number of representatives WOULD INFUSE NEW VIGOR INTO THE CONSTITUTION. The senators and representatives, are to be paid "out of the treasury of the United States," and are not under a sufficient controul of the people. They may be easily bribed or cajoled to give up the liberties of the people. They may, as we are to have no bill of rights, establish that religion by law to which a majority of them are inclined, through which we may be deprived of our religious freedom, and persecution may again build up her broken wheel. The Congress are to have "power to lay and collect taxes, duties, imposts, and excises; to establish a uniform bill of naturalization; to raise and support armies; to provide for arming, organizing, and disciplining the militia, &c. &c." Art. 1, sect. 8. It is manifest therefore, that the various states of the union will be consolidated into one large kingdom, and that the different legislatures will be little, if at all, better than corporations. For the power of external and internal faction will be in Congress, and without the power of the purse or the sword, the opposition of any state, will be little more than a brutum fulmen. It is said also, that "this constitution and the laws of the United States, shall be the supreme law of the land." Art. 6. ————. It is stipulated, most wickedly stipulated, that there shall be a power to import Negroes for twenty-one years, and that this power shall be irrevocable. It is said that this was done with a design to ease the southern states. There will in all probability be the same wish to ease the southern states, as it is prettily called, at the expiration of twenty-one years as at present. The infernal custom therefore of selling Negroes, if we adopt this new constitution, may not only prevail for ever among the people of the southern states, but may be entered into by all the states of the union. For it will be contended that if one state has a right to import Negroes, another should not be debarred from the privilege; and the continental court, which is to be paramount to all others, if it is inclined to act consistently, must allow the validity of the plea.

It is said "the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish." Art. 3, sect. 1. The judicial power is to extend "to controversies in which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state and the citizens thereof." In all these cases

it is said "the supreme court shall have appellate jurisdiction BOTH AS TO LAW AND FACT, with such exceptions and under such regulations as the Congress shall make." Art. 3, sect. 2. If any one should write a manly and spirited essay upon the errors of government, this will be deemed a controversy with the United States, or a state and the continental court, and not a jury of his peers, will destroy him as they please. Notwithstanding all the sophistry therefore of the most ingenious lawyers, it must appear indisputable to every impartial man of good understanding, that the trial by jury in some cases, and the liberty of the press are NOT TO BE RESERVED BUT TO BE GIVEN AWAY. It is declared by the English magna charta, that no man shall be in any manner destroyed, "without the legal judgement of his peers." But here we have no magna charta to which we can appeal, but every thing will be uncertain, and as it has been well observed, *misera est servitus ubi jus est vagum*. It will avail but little to say we are protected from the tyranny of government by being allowed the trial of jury in criminal cases. It requires but small knowledge of the law, to be convinced that a citizen or a subject can be sufficiently ruined by a government, by being harrassed with civil causes. He may be fined, he may be imprisoned, and where he may be thus punished without discretion or mercy, life is scarcely worth the holding back from the oppressor.

These, my friends and fellow-citizens, are some of the outlines of the new constitution, which has been insidiously proposed for your acceptance. Ye are now to determine whether ye will chuse freedom or slavery, whether ye will abide, by the old articles of confederation, or adopt this new government. We are told that under the dispensation of the gospel we are not to attend to the dictates of a priest, but that every man is to search within himself for a monitor to direct him, "for the law is nigh thee even in thy heart." We should bear the same independent spirit in regard to politics. We should boldly think for ourselves, and disdain that any should obtrude their sentiments upon us without examination. Men who have borne the highest reputation may be mistaken, or may wish to become tyrants. Distrust especially in public life, is often wisdom. We are told in scripture "that the imagination of the heart of man is only evil continually." If the French should be inclinable to support the new government, and the sole navigation of the Mississippi should be yielded to the Spaniards for a certain time, for their aid and assistance, the chains of slavery will be so riveted upon us, that it will be very difficult to cast them off. It seems in my opinion, the part of wisdom to abide like the state of Rhode-Island by the old articles of confederation. If we are willing to make the federal government

more efficient and energetic we may urge, where it is a right compliance with the recommendations of Congress for that purpose. Rhode-Island perhaps has been unjustly abused. She has never refused her quota of taxes imposed by Congress, excepting the five per cent impost, which she conceived to be a dangerous tax; and which may now be no longer indispensibly necessary, as an immense revenue can soon be acquired from the sale of the western territory. There can be no doubt but that ye will be deprived of your liberties by this new constitution. It appears certain, if we attend to the frame of government which was proposed at the last election of censors for the state of Pennsylvania; and if we consider that a member of the late Grand Convention proposed a frame of government which was refused, in which the liberty of the press was expressly stipulated for, that there is a deliberate design to deprive us of this invaluable blessing. It is the sine qua non, the sonsee, the life-blood of freedom, which gives warmth and vigour to its operations. One would think that it is only necessary to be understood there is an intention to deprive us of this glorious privilege, to rouse the generous resentment of the people to reject the proposed constitution.

As fire when kindled by our shepherds, moves,
Through the dry heath before the fanning wind.

I will conclude with observing that the advocates for the new constitution have been willing to insinuate that the adversaries of it are unfriendly to an union of the states. This is the effect of malice and of falshood. Every true citizen of the United States is convinced of the necessity of their union. It is the rock of their political salvation, and the articles of confederation, which deserve high regard, have declared that the union between the states shall be perpetual.

1. Reprinted: Philadelphia *Freeman's Journal*, 20 February 1788.

235. Pennsylvania Gazette, 21 November 1787

A correspondent informs us, that a certain heavy-moulded Physician talks loudly of *Shipping*, from a neighbouring port, a quantity of Bayonets, for the laudable purpose of opposing the new Constitution in this state.

* * * * *

We have the pleasure of informing the public, that two thirds of the members returned to the Convention of this state are foederalists, and it is expected that the whole of them will become foederal, as soon as

they hear the objections to the government removed by the gentlemen who have studied it attentively.

**236. Assembly Debates (Lloyd), Thursday, A.M.
22 November 1787 (excerpt)¹**

. . . The report of the committee of ways and means being finished, and the committees appointed on the several resolutions,

Gerardus Wynkoop observed, that as there was but little business before the House, it would not be proper to put the state to the expense of sitting much longer, waiting only for the report of those committees which were just appointed; he was well satisfied of the great saving it would occasion, and hoped the House would agree to instruct them to report to the next session, that so they might not be engrossing so much of the public revenue, as they were about to raise by additional duties.

James McLene hoped such instruction would not be given, but that the House would remain together until they had done the public business properly; he wished the bills that were ordered to be reported to, should be brought in and printed in the present session, that so their constituents might be informed of the duties they were about imposing agreeably to the constitution; he hoped the committee instead of being instructed in that manner, would be directed to turn their attention to the subject and report as speedily as possible.

Gerardus Wynkoop knew the subjects were so important that they must engage the attention of the committees for a long time.

William Findley, though he was pleased with the idea of saving to the state by making a short session, yet he could not consent to neglect the great object of his appointment, which was to have the public business well done—moreover, if these bills were not brought in this present session, it would be trespassing against the constitution with our eyes open; we would be taking means to make it necessary to violate the frame of government at our next meeting, by originating the bill and passing it the same session—moreover, it is acting without precedent, as it has been the custom hitherto always to act upon the report of the committee on ways and means, he was in hopes it would not require many days more for the House to sit.

Gerardus Wynkoop never wished to do things by halves, but would always desire to apply his whole attention to one object at a time. He had some consideration for the member who spoke last, but he wondered how it was possible that *that* and some gentlemen who are members of the state Convention, can expect to attend duty in that place and in this also, when both are sitting at the same time.

The Speaker would just inform the House that there was no business before them except the Wyoming bill, and as soon as that was gone through there would be nothing more to take up their attention, until the committees just appointed made report.

Thomas FitzSimons declared positively it was a shame to be sitting here with our fingers in our mouths, and putting the state to the expense of 200 dollars a day for doing nothing; if the committees could report in any reasonable time, he should be very glad to have the business expedited with all possible dispatch; for his own part he should certainly give his whole attention to it, though he was well convinced the arrangements they had to make must take up a great deal of time. If the House choose to adjourn for three or four days, a saving might be made, and perhaps some part of the business forwarded.

James McLene knew very few instances where business was done in such hurry, but what it was ill done. He thought the improvement that could be made in the present mode of collecting taxes, would far outweigh the expense attending on full discussion and investigation. Whereupon it was agreed the committee should report as speedily as possible. . . .

1. Lloyd, *Debates*, II, 152–53. This document has been edited.

237. Convention Debates (Lloyd), Thursday, 22 November 1787¹

Convention met, and proceeded to the University Hall, attended commencement, and returned to their chamber.

On motion of Anthony Wayne, seconded by Robert Whitehill,

A committee was appointed to report rules and regulations for conducting the business of the Convention.

The committee consisted of Benjamin Rush, James Wilson, George Gray, Anthony Wayne and Robert Whitehill.

Adjourned until half past nine o'clock tomorrow, A.M.

1. Lloyd, *Debates*, 23. This document has been edited.

238. Christopher Marshall Diary Philadelphia, 22 November 1787¹

Sunshine & Cool. Wind W. Jenny Williams & Kitty Davis to breakfast. Visited by Rebecca Smitthers—She arrived yesterday with 4 almost naked Children from Shelburn, Her description of poverty is really Moving—Visited by Robt Whitehill one of the Convention—Went to meet committee at Free Quaker Meeting—those Meet—Viz. Isaac Howel Moses Bartrim Pete Thomson, Benj. Say, broke up past 8.—home eat a few dishes with Christopher his 3 daug. Dr Wistor—to bed past 10.

1. MS, Marshall Diary, Historical Society of Pennsylvania.

239. Convention Debates (Lloyd), Friday, 23 November 1787¹

Convention met pursuant to adjournment, and proceeded to elect a secretary.

The ballots being taken, it appeared that James Campbell, Esquire was duly elected.

The committee appointed yesterday, to bring in rules and regulations, made report; and the same being read, was by special order taken up, read by paragraphs, and agreed to as follows:

I. When the President assumes the chair, the members shall take their seats.

II. At the opening of the Convention each day, the Minutes of the preceding day shall be read, and are then in the power of the Convention to be corrected; after which any business addressed to the chair may be proceeded to.

III. Every petition, memorial, letter, or other matter of the like kind, read in the Convention, shall be deemed as lying on the table for further consideration, unless any special order be moved thereon.

IV. A motion made and seconded, shall be repeated by the President. A motion shall be reduced to writing, if the President, or any two members, require it. A motion may be withdrawn by the member making it, before any decision is had on it.

V. No member speaking shall be interrupted, but by a call to order by the President, or by a member, through the President.

VI. No member to be referred to in debate by name.

VII. The President himself, or by request, may call to order any member who shall transgress the rules. If a second time, the President may refer to him by name. The Convention may then examine and censure the member's conduct, he being allowed to extenuate or justify.

VIII. Every member actually attending the Convention shall be in his place at the time to which the Convention stands adjourned, or within half an hour thereof.

IX. The name of him who makes, and the name of him who seconds a motion, shall be entered on the Minutes.

X. No member shall speak more than twice to a question without leave.

XI. Every member of a committee shall attend at the call of his chairman.

XII. The yeas and nays may be called and entered on the Minutes, when any two members require it.

On motion of Thomas M'Kean, seconded by John Smilie,

Ordered, That the doors of the Convention be left open during the session.

On motion of Thomas M’Kean, seconded by John Smilie,

Ordered, That the Constitution, as proposed by the late Federal Convention, be read. It was read accordingly.

Adjourned until ten o’clock tomorrow.

1. Lloyd, *Debates*, 23–24. This document has been edited.

240. George Latimer to John Nicholson
Saturday Morning, 24 November 1787¹

Your favor of Yesterday covering a publication, addressed “The Federal Farmer: to the Republican” is just handed me, I thank you for it, & will give that perusal you request of—

1. RC, Nicholson Papers, Pennsylvania Historical and Museum Commission.

241. James Pemberton to John Pemberton
Philadelphia, 24 November 1787 (excerpt)¹

. . . The present popular Subject prevailing among the Politicians in this & the other governments as respecting the plan of a new foederal government Recommended by the late General Convention; in which business as the minds of the people appear to be much agitated; It is the united sense of Friends, that it is most consistent to avoid intermixing in their consultations, and debates, and advice to this effect has been given to our members as early as in our late yearly meeting, and since repeated; that as far as I know they are in general quiet, and I hope will continue so. tho’ Each party are calling out for our help—and may draw the weak and unwary as on former occasions. . . .

1. RC, Pemberton Papers, Historical Society of Pennsylvania. Endorsed: “Recd. & forwd. from Liverpl. 3 of 1st Month 1788 by his Affecte. friend—Wm. Rathbone.” “From my Brother Jas. Pemberton. Reced at Kendall. 1st mo; 19th. 1788.—”

242. Jasper Yeates to Mrs. Jasper Yeates
Philadelphia, 24 November 1787¹

I have just returned from Convention where I have heard one of the most sensible, learned and elegant speeches delivered by my Friend [James] Wilson on the new Constitution of the United States, that my ears were ever gratified with. He touched on the Difficulties of forming the new Government—the inadequacy of the Late Confederation to the Purposes of America—the different Species of Governments and

the general Principles of the proposed Constitution in the most masterly manner.

1. Burton A. Konkle, *The Life and Times of Thomas Smith, 1745–1809: A Pennsylvania Member of the Continental Congress* (Philadelphia, Pa., 1904), 193–94.

243. Caius

Pennsylvania Herald, 24 November 1787

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, It is the happiness of our Constitution that we may freely enquire into the conduct of our rulers; and I believe that not only in the theory, but in the practice likewise, we shall have little reason to say, with the English axiom, “they can do no wrong.” At present I shall trouble you only with one instance of deviation, which seems to strike at the root of public faith, and private justice. I mean, Sir, the late dismissal of Mr. Wickoff from the office of Vendue-Master. This gentleman had been appointed but six months, during that time he had punctually paid the tax on sales to the state, and faithfully settled his account with his customers. In order to conduct the business of his office with propriety, he had taken an expensive lease of a store in the most convenient situation, he had with considerable cost and trouble erected the necessary accomodations, and he had laid in an extraordinary stock of wood, &c. for the winter. Under all these circumstances, the council, without complaint or notice, dismissed him from his office. That the emoluments have not defrayed the disbursements of his appointment, is but a trifling consideration when we regard the consequences of this treatment; for, Mr. wickoff’s other pursuits were all interrupted by his engagement in the vendue, and his credit will necessarily be affected in some degree by a dismissal, which those who do not know the ways of party, will rather ascribe to his delinquency, than to the injustice of men, whom our constitution presumes to be invested with power on account of their superior wisdom and integrity. Whatever therefore may be the merits of his successor, there can be no justification of the injury done to Mr. Wickoff, but upon the ground of his own demerits. Nor will the people consider it as a sufficient vindication of their representatives that the conduct was adopted by one party, to retaliate upon another. If the executive council had any cause for displacing Mr. Wickoff, it is due to their character, and to the expectation of their constituents, to declare it—if they had no cause, it is due to the reputation and peace of a worthy citizen, to avow their motives. The manner in which the public affairs are transacted, through the medium of faction, has long afflicted the minds, and must at length excite the resentment of the people.

244. Pennsylvania Herald, 24 November 1787¹

The TIMES. A PANEGYRIC.

Hail! happy times, when speculators weep.
 And, undistrib'd, inactive lawyers sleep!
 Hail! happy times, when from th' unbolted door
 The villain turns, and swears to rob no more!
 Hail! happy times, when e'en Jew-Brokers fail!
 Nor prey upon the public—but in jail!
 Hail! happy times, when, as in days of yore,
 We all alike are rich, alike are poor!
 When sordid avarice boasts no more his hoard,
 Nor full-fed lux'ry loads the tempting board;
 When vanity no more excites disgust,
 And pride herself is levell'd with the dust!

Satire, avaunt!—To Europe's realm repair,
 And lash her faithless fops, and painted fair.
 The pointed fury let her statesmen feel,
 And lash her venal priests for courtly zeal,
 Who mix with pure religion worldly leaven,
 And call their Kings, the delegates of Heaven.
 Beneath thy fury let these hirelings groan,
 Nor spare each Lamb, dozing on his throne,
 Wrapt in the cumb'rous majesty of state,
 Whose nod is honor, and whose frown is fate.
 Her pension'd writers (Janus is our own,
 Who props a bank, although he scorn'd a throne,
 And, should his breast with just resentment burn,
 Would scorn a bank, and prop a throne in turn,
 And, if both throne and bank reject the job,
 Would damn them both, and idolize the mob;
 And, if all three should scorn the honest fellow,
 For Daniel Shays and liberty would bellow)
 These miscreants, Satire, lash, nor dare to hint,
 That we from int'rest speak, or write, or print.

Satire! withdraw from Europe's tainted courts;
 Nor deign to visit her deserted ports:
 Behold her vessels mould'ring or decay'd,
 Whilst industry weeps o'er expiring trade.
 Her merchants, once for probity renown'd,
 Disdain to pay one penny in the pound,

And, leaving their exhausted countries, many
 Repair to these blest shores to seek that penny.
 By coming hither Shylock prov'd his sense,
 And none but fools can laugh at his expence,
 Who labour'd for the state without reward,
 The first wheel barrow man upon record.

Come, Panegyric!—to our cits and swains,
 Record our future bliss, in flowing strains;
 And tell each simple, rough, laborious fool,
 THE WELL-BORN AND THE RICH alone should rule.
 But should his bosom swell with surly pride,
 Shew him the schedule *fairly* ratified;
 And be their names recorded in his mind,
 Who boldly dictated, or humbly sign'd.

Next to our merchants' longing eyes display,
 Commerce exulting on the wat'ry way:
 Tell them, the loss of credit, credit brings,
 As the young phoenix from the dead one springs,
 And prove, beyond the power of refutation,
 That luxury becomes an infant nation.

Nor let our merchants boast the palm of wit;
 If they bite others, they in turn are bit;
 Link following link, the chain of fraud extends,
 Connecting knaves and fools, and foes and friends;
 Should the last knave prove moderately lucky,
 He shines a fopping merchant—in Kentucky.

Florio, by many thought a harmless man,
 Expert to chuse a silk, or flirt a fan,
 Skill'd in that happy chat, which charms the fair,
 Wit in his laugh, and humour in his air;
 Too wise to risque by bold exploits his neck,
 But not too squeamish for an artful spec;
 Active to gain, and diligent to save,
 Florio turns out a most accomplish'd knave.
 The friend, who on his honesty presum'd,
 And hoary age, by him to want are doom'd.
 Possess'd of every base, unmanly art,
 A brazen front, an adamant heart,
 Harsh to the poor, and to the proud a slave,
 Bold to the weak, and humble to the brave,

Him, at their feasts, our men of taste require,
And coxcombs imitate, and belles admire.

Ye humble sons of decency retreat!
Ventosus comes, renown'd for many a feat,
Who, in his enterprizes staunch and hearty,
Full often damns himself, to save his party.
Since the first Brutus for a king made sport,
(From policy the zany of a court,)
Who can deny *that* man is free and brave,
Who glories in the trappings of a slave,
Ready to ape the willow, or the oak,
His heart replete with fire, his head with smoke.
Didius, proceed!—Encrease thy ample store;
Thee venal crowds are ready to adore;
Inferior Levites, by Ventosus aw'd,
Shall hail thee Patron, Monarch, Saviour, God!
And what bold heretic will dare resist
The golden idol, and the brazen priest?

Haste, Panegyric! and in glowing rhymes,
Record the *ne plus ultra* of our times,
And tell th' admiring world, a modern dame
Hepparena far excells, in want of shame;
The Roman sire his injur'd daughter slew;
So fierce the deed, we scarcely think it true.
Now sire and daughter to the world proclaim,
By *prudence* urg'd, a tainted, blasted name.
Aw'd by the noble horror of the tale,
Bench, jury, surgeon, advocates, turn'd pale;
The mighty devotees of Venus blush'd,
And ribaldry, in wonder lost, was hush'd!

Haste Panegyric, haste!—Our country calls,
And visit Themis in her sacred walls:
No honest man in sorrow e'er went hence,
Or dreads that puzzled law will wrong dispense.
Falsehoods in drowsy declamation creep;
Bold truths must rouse the jury—or they sleep;
And they judge rightly, who this maxim hold,
Boldness is truth—for truth is ever bold.
Even he^(a) who check'd proud Philip in his fury,
Must yield to him, who boldly checks a jury;

And he,^(b) whose trunkless head and hands on high,
 Drew Pity's tears from every Roman eye,
 To him must yield the palm for sound and sense,
 Whose brainless trunk yields pondrous eloquence;
 In days of yore thus from the hollow oak,
 Solemn and deep, Dodona's pleaders spoke.
 See! where in graceful attitude he stands,
 How clear his head, and O! how clean his hands:
 Ye people! hear this oracle of law,
 Who, having help'd to make it finds the flaw;
 Who solves his riddles to each gaping dunce,
 And shines a sphynx and Œdipus at once!

(a) *Demosthenes*.

(b) *Cicero*.

1. Reprinted: *Pittsburgh Gazette*, 29 December.

245. Philadelphia Independent Gazetteer, 27 November 1787

ANECDOTE,

Recommended to the serious Attention of every Member of the CONVENTION.

The late Mr. ISAAC NORRIS, whose memory will forever be revered by every good citizen of Pennsylvania, had served his country with the utmost fidelity for more than twenty years, in the character of a Legislator. His age and encreasing weakness of constitution, at length obliged him to quit the arduous task of reconciling and directing the various interests and views of his fellow Representatives to the *good of his country*. Not long before this happened, some measures were pursued, against which, Mr. *Norris* thought proper to bear his testimony with more warmth than usual. On this occasion, having quitted the *Speaker's* chair, he, with all the fire of juvenile patriotism, and the dignity of venerable old age, made the following remarkable declaration—"No man shall ever stamp his foot on my grave, and say, CURSE HIM! HERE HE LIES WHO BASELY BETRAYED THE LIBERTIES OF HIS COUNTRY!"

246. Candid

Pennsylvania Packet, 27 November 1787

FELLOW CITIZENS, The object of our present attention is the establishment of a permanent government for ourselves and posterity; than which, except what immediately concerns eternal salvation, no object of greater magnitude can be offered to human consideration.

History does not afford an instance exactly parallel with the present—a people highly civilized, in an enlightened age, in profound peace, the wisdom of the world in their hands, all theory before their eyes, and all experiment within their knowledge, resolving themselves, as it were, into a state of nature, to institute a system of government, which is to characterize their country, and on which their political happiness and safety is to depend. I say, history does not furnish an instance of such a people, so employed, and under like circumstances.

The only practicable mode of commencing this important business has been adopted. Delegates have been appointed by the respective states for the purpose of framing a system of government, and proposing it on the consideration of the people at large. In this first step you have shewn a discretion and propriety not usual in popular elections. I mean as to the persons whom you appointed to this difficult and important service, your most precious and admired characters were brought together on this occasion—men most eminent for wisdom and integrity—men whose judgments could not be warped by any personal interests whatever, who were themselves to partake of the good or evil of the fruits of their deliberations—men whose attachment to their country cannot be doubted, and whose competency to the business in hand, has never been disputed. One partiality alone could influence the component parts of that most respectable body, the late Convention; and that I conceive to be a happy influence. The delegates from the respective states would naturally, and from a sense of duty, be jealous and watchful, that in the formation of a general government, no more of the specific rights or interests of each state should be sacrificed, than was absolutely necessary for the dignity, safety, and good government of the United States; and therefore, it may be supposed, as the fact really was, that they have made the best compromise of complicated interests, which the nature of the case would allow; so that the present question is not whether the government proposed is the best of all possible governments, theoretically considered; although if fairly investigated, it might stand even this test. But whether a better union of separate sovereignties can be obtained; or which is of still greater importance, whether if the proposed system should be rejected, the states will ever again make the same compromise.

The theory of government hath employed the pens of speculative and learned men in every age; and yet no system hath ever been formed which is not liable to many positive and many more probable evils and objections. A scheme of government which shall invest the rulers with efficient powers, without a possibility of these powers being in any instance abused or misapplied, should be sought for by those only who

are looking for the Philosopher's stone, or the perpetual motion. But supposing it were possible to form a political system unexceptionable in theory, it would be found unexceptionable in theory only. The temper, genius, and internal circumstances of the country to which it is to be applied, must be considered, otherwise the people might be very unhappy under this best of all possible schemes.

In governments, two extremes are positively evil—an uncontrolled and irresponsible tyranny on the one hand, and such a relaxed state on the other, as is insufficient for defence or good order, in which all men are put upon a level without regard to virtue, merit, or abilities, and in which, he who can practise most upon the credulity and indolence of the multitude, will have the best opportunities of gratifying his ambition and avarice. Between these extremes are many degrees of excellence; many combinations of forms and dispositions of delegated power, which may be suited to the circumstances of different nations, and yet all liable to ingenious objections by those who may think it their interest to magnify possible evils, and hold up imaginary dangers.

If a people should remain without any government, until a system could be framed so seemingly perfect in itself, as to be impregnable to all criticism, they would wait till fallable man should do that which the Deity at least hath not done. The government of the Jews, which was a pure *theocracy*, was not so perfect, but that people frequently murmured and rebelled.

After our struggles for liberty and independence were crowned with acknowledged success, the politicians of Europe looked to see the sun of our glory rise; but a long night hath followed. Our foederal union hath become insignificant—almost contemptible. No one will be so hardy as to assert that our situation as a nation, is either happy or honourable. And how long shall we remain in this situation?—Until all mal-contents shall be satisfied? Until the *unanimous* consent of the people shall be obtained? Be not deceived—those who oppose this constitution, under a pretended zeal for the liberties of the people, would with equal zeal, and under the same pretences, oppose every other that could be offered. I know not how it may be in the other states, but in Pennsylvania we need only look at the men to know their motives. If we wait till these men are satisfied, we shall wait till some *Shays*, some desperate adventurer shall rise in the blast of popular confusion into influence and importance, and frame a government for us in a camp. And then, a very short answer will suffice for all objections real and imaginary.

It is time—it is high time that we had an efficient government, in which the wisdom and strength of the United States may be concentrated. The Fable of the man and his sons and the bundle of sticks, may

with propriety be extended beyond the usual interpretation of mere mental concord. The moral of the Fable requires not only a bundle of sticks, but a bundle of sticks *bound together* for a union of strength. An efficient foederal government is the only cord that can bind our states together for any length of time. For want of this bond of union, Rhode-Island, which is but a twig in the bundle, hath already shewn symptoms of disaffection.

The establishment of a good and respectable government for the United States, was an event which the leading men of a party in Pennsylvania neither wished for, nor expected. Their hope was, that the delegates from the different states would never unite in any system. But it was discovered that a frame of government was indeed likely to be fixed upon, and was nearly ripe for promulgation, some of the party were so indiscreet as to declare their intended opposition, even before they knew the system they were determined to oppose. But the more cunning, though not less adverse, waited till the Convention had announced their plan, and even then, these politicians affected to be in its favour, and wish its success, until by an unexpected motion in the house of assembly, they were compelled to throw off the mask, and declare themselves openly. They wished to prevent even the first step for bringing the foederal government into existence. They saw plainly, that a majority of the house would be for recommending it to the people of the state at large to appoint delegates in their behalf to consider, and if proper, give the assent of this state to the proposed plan. In this emergency they played off a stroke of wicked policy, which the same party had once before found successful. As many of the malcontents, or rather tools of real malcontents, as were sufficient to break up the house, abandoned their seats; but even this manoeuvre did not answer the purpose. An accident not looked for, defeated the pernicious intent, and the house have legally, and in complete organization, recommended that a State Convention should be called, and pointed out the time and mode of doing it.

The disappointed partizans are now filling the news-papers with loud outcries against the proposed constitution. They have invoked Hecate to their aid; called up lofty spirits from the deep, and presented raw head and bloody-bones to the people; weak and nervous politicians are even terrified by their incantations. But the fallacy consists in this: These writers consider the proposed constitution as vesting governmental powers in strangers to be imported from God knows what country, whose interests and those of the people of the United States are not only separate from, but opposed to each other. And in this view they descant largely on the dangers and evils to be apprehended. Upon no other ground can their arguments prove of any force. But the truth is, that

this foederal assembly, this senate, and this president of the United States are to be composed of our own brethren? of men of our own appointment, taken from amongst ourselves; whose interests must go hand in hand with ours; who, if they do evil, must partake of that evil. If they enslave others, they cannot leave their own children free. If they involve the country in ruin, they cannot provide a *Goshen* for themselves, their families and friends; for their power will neither be perpetual nor hereditary. The constitution ordains a frequent recurrence to the people for the choice of their legislators and principal officers, all of whom are responsible for their conduct, and the component parts of the system mutually controul and check each other, in all cases where checks and controuls are consistent with good government.

But this good constitution may be corrupted and abused, say the opposers; and so indeed it may. From a like argument, divine wisdom would have never made man, because his body is subject to disorders; much less would man have been entrusted with freedom of will, because it is too manifest that he can make a bad use of it. For the same reason, we should not eat for fear of indigestion, or drink for fear of a dropsy, should never travel lest we lose our way, or go to sea because we may be shipwrecked. Some hazard must attend all human transactions, and the event of the most simple pursuit cannot be ascertained with certainty.

Imagination has been wearied with efforts to vilify the foederal constitution proposed by the late Convention; but if nothing more substantial can be urged against it, we may well pronounce it to be most worthy of our acceptance. The irresistible voice of the people seems to be in its favour; and I hope, and I doubt not but that it will be established to the honour and safety of the United States, and to the confusion of their enemies internal and external.

247. Carlisle Gazette, 28 November 1787

ANECDOTE

W———— one of the 16 Members of the late Assembly who deserted the House, was on the day of the election of Members for the Convention, endeavouring to exculpate them from the charge of a breach of duty and a violation of their oaths, and even claiming praise for such PATRIOTIC conduct.—He assured his audience that the right of a few Members to break up the House upon such an occasion, was the grand BULWARK of the Constitution.—A venerable old gentleman who was present, after making a few remarks upon the wear and tear which conscience had undergone upon this occasion, said it was the CALFWARK of the Constitution.

248. Pennsylvania Gazette, 28 November 1787¹

§ The Land-holders and Inhabitants of the county of *Philadelphia* are requested to meet, on FRIDAY next, at one o'clock, at the House of William Leshar, in Germantown, to take into consideration the propriety of signifying their approbation of the county being offered to Congress as a seat of Government, in which to exercise their jurisdiction, agreeable to the Terms of the proposed Fœderal Constitution.

November 28, 1787.

1. This item was also printed on the same day in the *Philadelphia Freeman's Journal*, *Philadelphia Independent Gazetteer*, and *Pennsylvania Packet*, and was reprinted in the *Packet*, 29 and 30 November, and the *Pennsylvania Mercury*, 30 November.

**249. Alexander Fowler to John Nicholson
Pittsburgh, 1 December 1787¹**

Our worthy representative Mr. [William] Findley is still suffering abuse from the envenomed and disappointed [Hugh H.] B[rackenrid]ge. I enclose you another of his Hudibrastical performances for your amusement. The deserts of such a character ought not to be buried in Woods and Wilds. His Friends ought to know his worth; if they think him as disinterested & valuable as we do here he would soon be *exalted*.

I was under the necessity of troubling you with two small Drafts, which if you have recd. my Acct. due the 1st October last I could wish you to discharge, and the Ballance you will be kind enough to enclose me by Colonel Stephen Bayard, who will hand you this Letter, and to whom I beg leave to refer for all the news in this quarter—.

N.B. please retain my certificates untill I have the pleasure of seeing you, & favour me with your City Politicks.

1. RC, Nicholson Papers, Pennsylvania Historical and Museum Commission. Endorsed: "Recd Decr. 13th. 1787."

250. A Bye-Stander**Philadelphia Independent Gazetteer, 1 December 1787**

MR. OSWALD, What a contracted soul must that man have, who does not think that inestimable jewel, that greatest of blessings, *Liberty*, is worth contending for; who advises his fellow-citizens, when they have the alternative within their reach, to submit to tyranny without a struggle, because the life of man is such a span seldom more than three score years.^(a) Indeed the votaries of despotism must hereafter give the palm of superior merit to him, for he hath discovered that a good government, is the greatest curse, that can be inflicted on mankind;

for, says he, it attaches men too much to this sublunary scene, it makes them reluctant to quit their earthly tabernacles: On this principle the Turks are supremely blessed, who suffering under constant oppression, can have no inducement to wish their existance prolonged; they must be in a constant state of preparation to make their exit.

(a) *This is the substance of a speech delivered by C——f J———e
M'K——n in the Convention on Tuesday last.*

251. H. H. Brackenridge
Pittsburgh Gazette, 1 December 1787

On the Popularity of —————

Whence comes it that a thing like this,
Of mind not bigger than a fly's,
Should yet attract the popular favor,
Be of his country thought the saviour,
Sent to *assembly* and *convention*
With votes almost without dissention,
As if, dame nature, took the trouble,
To give him gifts and talents double;
For two capacities at once,
A thing scarce equal'd in romance,
For Swedenberg to whom was given,
To be in hell, forsooth, and heaven,
Had not miraculous power, God bless us;
To be at once in both these places.

Whence comes it say you? Is it odd,
That men should make a beast a God?
Did not Egyptians worship bulls?
And were the Jews a whit less fools,
In setting up the god Ball Peor
To be an object of their prayer?
For even legislator Moses,
And Aaron, spite of both their noses,
Could not restrain the multitude
Say they were stocks, do what they would.
For after such while sage was snoring
The people would run still a whoring.

What wonder then that this Teague Regan,
Like astcroth, or idol Dagon,

Should here receive our reverence,
 In spite of truth and common sense;
 Men in all ages are the same,
 And nature is herself to blame,
 Who has not given to all an eye,
 Of sapience and philosophy.
 What though he wished to damn the motion,
Of opening passage to the ocean
 By Mississippi; and what's more,
Of making roads, to our own door;
 And voted with a stubborn will,
 Against the *Pittsburgh County* bill.
 What though constituents he disgrac'd
 By *flying from his post* in haste,
 And taking shelter in a garret,
 Like vile rat catcher, or grey ferret;
 This circumstance has done him good,
 With th' injudicious multitude;
 They wish to justify their choice
 In sending such a thing to the house,
 And so the more, he runs a stern,
 They hold him up with new concern,
 A kind of partnership in shame,
 But binds the faster him and them,
 Like the Casrarian spouse and bride,
 By dint of nuptial water ty'd—
 The more they are sprinkled by the priest
 The couple are the better pleas'd.

The circumstance of running off
 Has had a good effect enough,
 It gave the populace a hint,
 That devil *was in new government;*
 For sure the system must be bad,
 Could make a senator run mad;
 Assume the postures of a cat,
 And on his marrow bones ly squat—
 What eloquence could not produce,
 Is done by turning tail to the house;
 'Tis thus that rowers make boat swim,
 By turning backside to the stream.

But why aloft did Traddle rise,
 As if he wanted wasps or flies?
 A cellar was the proper place,
 To hide himself in his disgrace;
 There he could weave; and while at work,
 Be thought a Paddy just from Cork;
 For who would ask, let who would come,
What senator is that at the loom?
 'Twas thus, comparing great with small,
 The Carthagenian Hannibal
 With aid of piss-burnt wig did pass,
 For fittler of the camp that was,
 And so escap'd in day of battle,
 Among the ordinary cattle;
 For who in war so fierce a medler,
 Would think worth while to kill a pedlar,

But men relinquish proper station,
 As oft they do their occupation,
 Though punish'd in the self same case,
 With a connatural disgrace;
 They rise, but shew defects the more,
 The things that covered were before,
 And hence the subject of lampoon,
 As Sawney said of the racoon,
 Ah man! 'ya climb; and aw the farce,
 Is but the mare ta shaw yar—

Had Traddle staid at home and woven,
 Who would have known he had foot cloven?
 Who would have laugh'd at incident,
 That such should judge of government,
 As if it were a web which woman,
 Complaining (not a thing uncommon)
 That it was badly put together,
 Not close enough to keep out weather,
 Should have agreed; the customer,
 With tradesman, not to make a stir,
 But settle difference and account,
 By puting neighbouring weavers on't.

252. Philadelphia Independent Gazetteer, 3 December 1787

Now in the Press, and will with all possible expedition be
 published in one Volume, Octavo,

DEBATES OF THE CONVENTION
OF THE
STATE of PENNSYLVANIA,

On the Constitution proposed for the government of the United States of America, accurately taken in Short Hand,

By THOMAS LLOYD.

The Price of this work cannot be accurately ascertained, because the quantity will depend altogether upon the arguments used by the Honorable Members of that body—but it is intended to be at the rate of one dollar per 100 pages. Subscribers to the Debates of the General Assembly will be furnished at one third of that price.

Subscriptions are received by Joseph James, Printer, in Chesnut-street, or Thomas Lloyd, in Cherry-street.

** Several of the editors friends having supposed a pamphlet printed by Thomas Bradford, entitled, "The Substance of a Speech delivered by James Wilson, Esq. &c." was written by him, he conceives himself under the necessity of counteracting any impression such an opinion may have made upon the public, by assuring them he was not the writer, but pledges himself to give that address in the forementioned volume, without mutilation or misrepresentation.

December 3, 1787.

**253. Robert Galbraith to George Woods
Pittsburgh, 4 December 1787 (excerpt)¹**

. . . The situation of this Country at present is very alarming for the want of Money, very few in this Town can procure Money to go to market, and as to pay or recover a Debt it is out of the question, and nothing in my opinion at present will relieve us but a confirmation of our Feederal Govermt. . . .

1. RC, John Anderson Papers, Pennsylvania Historical and Museum Commission.

**254. Jacob Hiltzheimer Diary
Philadelphia, 4 December 1787¹**

Went with Captain N. Falkner, in my chair, to William Leshers in Germantown. Then I went out and brought to the house Leonard Stoneburner, a number of the inhabitants and landholders of Philadelphia County, to consult concerning the offering to cede a part of the county to the Federal Government for their residence and exclusive jurisdiction. Mr. Matthew Clarkson was called to the chair and Mr. William Hall made Secretary, and after some debate it was agreed that the ques-

tion be put. The Chairman told the gentlemen present that those who are in favor of making Congress the offer should show their assent by holding up their hands, which was done by all in the room. A number of blank petitions were then handed to gentlemen residing in different parts of the county to get them signed. A number of gentlemen signed at the table.

1. *Diary*, 139–40.

255. “O.”

Philadelphia Independent Gazetteer, 5 December 1787

Mr. OSWALD, The late Mr. Onslow when he was Speaker of the House of Commons, said to a member who had been silent during a whole session, “Sir, if you are a *fool*, you are a wise man; but if you are a *wise man*, you are a fool.” It would be happy for this state, if some members of a certain body were *wise men* in the acceptance of the first part of this sentence; and perhaps some time might be saved if there were a few fools in the latter sense of it. Silence, whether a virtue or a fault, seems to be out of fashion among politicians.

I was led to this reflection by a part of yesterday’s debate about the words “migration or importation,” which a member with true accidental perspicuity, called synonymous terms; and in this instance particularly intended to convey the same idea, because they were *connected* by the *disjunctive conjunction* OR.—Heaven-born science! through what chinks dost thou deign to dart thy rays upon us!

256. Pennsylvania Gazette, 5 December 1787¹

A correspondent expresses great concern at the expence that falls on the state, from the mode of conducting the business of the honorable convention. Till the present week, they only did business about four hours in the morning, when they might have pursued their deliberations equally well in the afternoon of every day. The house of assembly have committees out in the afternoon, but the nature of the business of the convention does not require this. Two hundred dollars per day are the constant expence; which is at the rate of the enormous sum of seventy-three thousand dollars per annum. He asks where the public creditors will get their interest, if such new and great expences are constantly diverting their appropriated funds?

1. Reprinted: *Pennsylvania Packet*, 7 December; *Pennsylvania Journal*, 8 December.

257. A Freeholder**Philadelphia Independent Gazetteer, 6 December 1787**

Mr. OSWALD, I am afraid we have got into a scrape by putting so many counsellors, judges, assemblymen and lawyers into our state Convention. They are spending a wonderful deal of their time and our money. I wish we had put in plain folks not so much used to talking in public. I would not wish to hurry them, but that I think, if they do not like the constitution proposed they should say so at once. A week would have been time enough to talk the matter over, and then they might have taken the question. Really, sir, public expenses are so great, trade so hampered for want of power in Congress, produce of course so low, and living so very expensive, that any needless charge is death to us, however great the sport is to them, who spend the money.—I hope therefore the House will take the question very soon.

Germantown-Township, Dec. 4. 1787.

258. A True Whig**Philadelphia Independent Gazetteer, 6 December 1787**

MR. OSWALD, Who are those “24 virtuous characters who compose the minority in the Convention whose souls have been *tried* in the late glorious war” we are told of in Mr. Bailey’s paper of this day? In what manner have *their souls* been *tried*? Where was *Mr. S*———y the day of the battle of Brandywine? Did he command the right or left wing of the army of the United States? Did he dispute rank, on that day, with Major General Lord Sterling? Was that the cause of his Lordships putting him in the guard-house? Or did his Lordship consider him a suspicious character? A Spy! Where was *Mr. F*———y and *Mr. R*———t *W*———ll, during the late glorious war? go through the whole *antifederal junto*, and you will find few real whigs amongst them! no sir, good whigs are good members and supports of good government! Sir, we have a constitution offered us by the United States for our acceptance, in which all the real and disinterested whigs will unite: And which the good whigs will adopt. I believe, sir, the only antifederalists in this or the neighbouring states, are the street or sun shine whigs, and office holders who know that as the number of offices and officers will be lessened, they are unwilling to part with them. There will be no such thing under the federal constitution as creating offices for the purpose of making a favorite an officer, at the expence of the people.

259. Charles Nisbet to Alexander Addison
Carlisle, Pa., 7 December 1787 (excerpts)¹

I received yours of the 10th November by Mr. [Thomas] Scott who supposed he might return in three weeks, but it is not probable that the Convention will rise so soon as he expected. As the enemies of the new Constitution pretend to have so many things to say against it, tho' indeed mostly in the way of prophecy, they must necessary be heard and answered, and the whole proposed Constitution must be debated article by article, before the question be put whether or not it shall be adopted by this state. . . .

I am sorry that your neighborhood has been disturbed by Indians, and heartily wish that those white Indians who are the cause of it, were either sent away to their copper colored brethren, or knocked on the head, as they deserve. But this supposes a government, which does not exist among us at present. I am not surprised that a great number of people are against the new Constitution, because, if it is adopted, it will entirely take away what they falsely call liberty—I mean a privilege of paying neither debts nor taxes. The state government, which is quite contemptible and inefficient, is on that account the object of their admiration, and it is for this reason that they wish its continuance, and fear a change. But for the same reason every lover of justice and good order must wish for a change, and may be sure that no form of government whatever can be half so hurtful to the public as the present anarchy is. The counties on this side of the Susquehanna are averse to all change, being in debt to government, and most wisely expect to have the direction of the whole state, merely because they pay nothing for the support of government. This county [Cumberland] owes £59,743, and most of the others have paid nothing as yet, so that their members have no right, on constitutional principles, to sit in the Assembly, and have been admitted hitherto only by indulgence. It is no wonder to see men, whose heads have been turned by such unmerited favors, supporting the grossest absurdities, and treating the regular citizens of the state as fools and idiots. Indeed they have been fools for bearing with them so long, and if the new Constitution is not adopted, we may soon hear of a state bankruptcy and a community of goods, the favorite objects of these men, and a total impunity of injury in every part of the state. I hear that the Assembly have risen without coming to any decisive resolution on the affairs of Wyoming, which convinces me that they are totally incompetent to the business of government, either in peace or war. Tho' I am zealous for the new Constitution, as many are

here, it is not because I see no faults in it, on the contrary, perhaps I see many more faults in it than any of its declared enemies, tho' they are of another kind, and perhaps what some would reckon its chief excellencies, but I find it prudent not to mention these to friends or foes, till the Constitution is enacted, when a fair opportunity is offered to everyone, to suggest what he apprehends is necessary for its improvement. If one considers that it originated from a Convention, the far greatest part of whom neither fear God, nor regard man, who have no sort of political knowledge but a few scraps they have picked up from the collections of superficial writers, it may be reckoned a miracle of divine goodness that it is not ten times worse than it is. What ought to silence all complaints is that there is no sort of probability that either a better convention could be assembled, such is our scarcity of men, nor that a better constitution could be agreed to by the people of these states, till they get a great deal more sense and virtue. . . .

1. RC, Nisbet Papers, University of Pittsburgh Library. This document has been edited.

260. From John Bull

Northumberland, Pa., 10 December 1787¹

I have the satisfaction to acquaint you that the Majority of the People of this county are much averse to the adoption of the New System of Government without amendments.

1. Printed: Henkels Catalog No. 1210 (12 March 1918), item 306; Henkels Catalog No. 1275, part 2 (April 1921), item 392.

260–A. A Federalist

Philadelphia Independent Gazetteer, 11 December 1787

Mr. OSWALD, I am a sober, orderly citizen, not wise enough to frame governments, nor weak enough to act contrary to my conscience. If any thing could induce me to oppose the new constitution, it would be the indecent, supercilious carriage of its advocates towards its opponents, which I take to indicate the spirit of the system itself. Every insult offered to the minority is offered to the state, which they, as well as the majority, represent, and it surely will not be denied that for general reasoning the friends do not muster stronger than the enemies of this plan. I declare to you, sir, that the management of this business has shaken the faith of

A FEDERALIST.

**261. Newspaper Reports of Pennsylvania Ratification
Wednesday, 12 December 1787**

Northampton, Mass., Hampshire Gazette, 12 December 1787¹

By a gentleman who passed through town on Saturday last, from New-York, we are informed, that the Convention of Pennsylvania have, by a considerable majority, adopted the new constitution.

New York Daily Advertiser, 17 December 1787²

By Saturday's mail we learn, that the Convention of Pennsylvania have agreed to and ratified the new Constitution, by a majority of 46 to 23.

New York Daily Advertiser, 17 December 1787³

Extract of letter from a respectable merchant of Philadelphia, dated December 13, to a gentleman in this city.

"Yesterday our Convention adopted the new Federal Constitution; great rejoicings here this day."

New York Journal, 17 December 1787

Notwithstanding no papers are come to hand of a later date than Wednesday last from Philadelphia, we are assured, from good authority, "THAT THE STATE CONVENTION OF PENNSYLVANIA ADOPTED THE NEW CONSTITUTION ON THURSDAY LAST." Yeas FORTY-SIX, noes TWENTY-THREE; being the 13th instant, December, 1787.

New York Packet, 18 December 1787⁴

We learn from Philadelphia, "*That the State Convention of Pennsylvania adopted the New Constitution on Thursday last.*" Yeas 46, noes 23.

Carlisle Gazette, 19 December 1787

A gentleman who left Philadelphia on Thursday last, informs, that on the preceding day the votes for ratifying or rejecting the Federal Constitution, were taken, when there appeared in favour for the plan 46, against it 23; and in the evening was proclaimed at the Court-House. At his departure, the greatest preparations were making for rejoicing, illumination, &c. in the city.

Connecticut Journal, 19 December 1787⁵

On Thursday last, the 13th instant, the Convention of the State of Pennsylvania ratified the new Federal Constitution.

For it,	46
Against it,	<u>23</u>
Majority	23

Albany Gazette, 20 December 1787

FEDERAL CONSTITUTION.

A gentleman who arrived in the stage last evening from New-York, advises, That the Convention of the state of Pennsylvania, have ADOPTED AND RATIFIED the FEDERAL CONSTITUTION.

New Haven Gazette, 20 December 1787

The State of Pennsylvania, by a large majority, has RATIFIED and CONFIRMED the Federal Constitution.

Providence Gazette, 22 December 1787

The Post from New-London informs, that a Letter is received there from New-York, advising that the State Convention of Pennsylvania has adopted the proposed Plan of foederal Government, by a Majority of 44 to 22.

Boston American Herald, 24 December 1787

By private Letters in town from Philadelphia of 13th instant, we learn.—That on the 12th, at 12 o'clock at night, the honourable Convention then sitting there, FORMALLY RATIFIED and CONFIRMED the Plan of Government, lately offered to the People by the late honourable Federal Convention.—This noble, magnanimous Deed, meet the Universal Plaudit of the worthy, patriotick Citizens of Pennsylvania.

Boston Gazette, 24 December 1787⁶

Extract of a letter from a gentleman in New-York to his friend in this town, dated the 16th instant.

“By letters last night from Philadelphia, we have certain accounts that the Convention of PennsyIvania, have adopted the Federal plan of Government on the 12th inst. The votes on this occasion, were 43 to 22—I hope your State will also soon set us a good example[.]”

Massachusetts Gazette, 25 December 1787⁷

Extract of a letter from Philadelphia, December 13.

“Yesterday the Convention of this state adopted the new plan of government, and this day made proclamation of the same publickly. That the state of Delaware have done likewise, I suppose you have heard. In a day or two, I think I can assure you, New Jersey will follow the example.”

Massachusetts Gazette, 25 December 1787

Letters received by the mail on Saturday evening, announce the following IMPORTANT INTELLIGENCE, viz.

“THAT on the night of the 12th inst. at twelve o’clock, the honourable Convention of the commonwealth of Pennsylvania, FORMALLY RATIFIED and CONFIRMED the plan of government recommended to the people for their adoption by the late Convention of the United States, The votes on this occasion were, yeas 43—nays 22. This noble, magnanimous deed, meets the universal plaudit of the worthy, patriotic citizens of Pennsylvania.”

Charleston City Gazette, 26 December 1787⁸

Saturday arrived here the ship Charleston, Capt. Allibone, from Philadelphia, who brings intelligence, that the convention had ratified the new federal constitution, by a considerable majority, there being 43 members for, and 26 against it; on this occasion such rejoicings took place as had never before been known by the oldest inhabitants. The state of Delaware has also agreed to the proposed new plan of federal government.

Massachusetts Centinel, 26 December 1787⁹

Extract of a letter from a gentleman in Philadelphia, dated Dec. 13, 1787.

“I am abundantly happy in being able to communicate to you the good news of last evening, when our State convention confirmed the Federal Constitution by a great majority. Those members who were in the opposition are composed of some of our most *ignorant* and *illiterate* men, from the remote back counties, who do not speak the sentiments of their electors, but are led by *three artful, cunning* men, something of the cast of the Rhode-Island *Know Ye Junto*.—These three men came from three of our back counties, and have been remarkable, ever since the revolution, for opposing every good measure recommended by the more sensible and virtuous citizens, who (happy for us) are yet able to govern.—New-Jersey we expect will come into the measure in a few

days: Delaware has done the business, and we trust the other States will follow of course, so that we may soon be fixed under a solid government.—The proceedings of the convention were proclaimed this day at the Court-house, amidst the acclamations of a croud of spectators.—The President and Council with all the civil and military officers of the city, with most of the respectable inhabitants marched in procession with the State Convention—the bells are chiming—13 cannon were discharged, and the minority are shrunk into contempt. We congratulate you on this happy prospect.”

Massachusetts Centinel, 26 December 1787

SECOND PILLAR raised.

On Wednesday the 12th inst. in the State Convention of Pennsylvania, the Hon. Mr. M’Kean, agreeably to notice given on a previous day, recurred to his motion made at the opening of the Convention, viz. “RESOLVED, That this Convention DO ADOPT and RATIFY the CONSTITUTION of Federal Government, as agreed upon by the Federal Convention at Philadelphia on the 17th day of September, 1787.” A lengthy debate took place, which did not close until 12 o’clock, at night, when the question being put, the numbers were, for the motion 44, against it 22. The next day proclamation of the same was publicly made, and was RATIFIED by the PEOPLE with those expressions of applause which the sons of freedom alone know how and when to give.

Virginia Independent Chronicle, 26 December 1787

The states of Delaware and Pennsylvania have adopted the Constitution—the former unanimously—and the latter by a majority of 23.

Virginia Gazette and Weekly Advertiser, 27 December 1787

On the 12th instant the Fœderal Constitution was approved of by the state of Pennsylvania, by a majority of 23 members.

1. Reprinted: *Massachusetts Gazette*, 21 December. On 22 December the *Massachusetts Centinel* reported that “The account received from Northampton, that Pennsylvania had ratified the federal Constitution, is not authentick.—The account was received at Northampton the 8th inst. and as we have received Philadelphia papers to the 9th inst. which mention that the Convention had it then under consideration, we are authorised to say so.”

2. Reprinted: Poughkeepsie, N.Y., *Country Journal*, 26 December.

3. Reprinted twice in New York City and once in Hartford, Conn., and Exeter, N.H.

4. Reprinted once each in New York City, Hartford, and Exeter.

5. Reprinted: *Connecticut Courant*, 24 December, and Springfield, Mass., *Hampshire Chronicle*, 25 December.

6. Reprinted in Salem, Mass.; Portsmouth, N.H.; and Portland, Maine.
7. Reprinted: *New Hampshire Gazette*, 2 January 1788.
8. Reprinted in Charleston, Savannah, and Augusta.
9. Reprinted in Boston, Newport, and Providence.

**262. Francis Hopkinson to Thomas Jefferson
Philadelphia, 14 December 1787 (excerpt)¹**

I have only Time to scribble a Line or two—You have no Doubt received from some of your Friends the new System of Government for our Country—This has been the Subject of great Debate in our Convention for three weeks past & perhaps the true Principles of Government were never upon any Occasion more fully & ably develop'd, Mr. Wilson exerted himself to the astonishment of all Hearers—The Powers of Demosthenes & Cicero seem'd to be united in this able Orator. The principal Speeches have been taken in short hand & will soon be published—I shall take Care to secure you a Copy—The Result will appear by the enclosed—Delaware had before adopted the new Constitution by the unanimous vote of Representatives—It is much feared that Virginia will not come in—the interest of the Lee's, of Mr. George Mason, & Govr. [Edmund] Randolph are against it—[Samuel] chace is also opposing it in Maryland . . .

1. RC, Jefferson Papers, Library of Congress. Printed: Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950–), XII, 423.

263-A. Anthony Wayne's Notes
William L. Clements Library, University of Michigan

Tuesday 27 Nov 1897

Michigan - On the question of entering
the arms on the Government
5000 Copies already made
they may be furnished with
very large volumes, at the
expense of the State.

44 Days } 22 Years

Wisconsin - It is impossible to take
a vote but in the General
election -
To be deprived of voting
rights for one year.

When party united
our liberties are in danger.

The arms produce
a change in the opinions
of the people.

Postcard

Wis.

It took me not only for the
army but for the members
with the 100 members.

May vote 1897.

The number of votes is
the same.

Dr. Bond

Dr. Bond says that there is but
one opinion of already not being
able to do it in any other way
with the 100 members.

Major Carter has often
been taken down with the
charge of neglect etc.

Mr. Yates - The objection is answered
to two heads - a Bill of the
of the constitution of the
State.

The 100th. Question is to
exclude of the 100 members from
of votes.

The 100th. Question is in regard
to the 100th. Question.

Mr. Bond says that what is not expressly given
may be not in the Constitution
- but not in the Constitution.

From the 100th. Question
to the 100th. Question
to the 100th. Question
to the 100th. Question.

Mr. Bond says that what is not expressly given
may be not in the Constitution
- but not in the Constitution.

Mr. Chief Justice
 We have your copy of the
 when there were 1200
 of them of the
 China, Sweden & Prussia
 The 13th will form the
 same but with in their
 to regulate the
 considered into a variety of
 with in their
 of them and after in
 religion, custom — can I
 know? Had they will agree
 in them, with respect to
 Constitution,
 The Day 30th
 Mr. Justice, I understand
 of 1800 - 1801 - we have not
 the first day with
 Mr. Justice
 They wish to give
 them any objection
 shall meet before
 with any further
 Mr. Justice, I understand
 is as usual when the
 but in the case of the
 to the County in the
 to the County being
 the County because
 of that County
 and the County

Mr. Justice
 The Norman Convention
 included the Statute of the
 British laws and the
 Rights of English by the people
 but different in America
 The power of the King
 ought to be limited in England

Mr. Justice
 The Norman Convention
 included the Statute of the
 British laws and the
 Rights of English by the people
 but different in America
 The power of the King
 ought to be limited in England

263-B. Anthony Wayne's Notes H. Bartholomew Cox Collection (Privately owned)

(Vertical on left margin)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Top left)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Top center)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Top right)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Middle left)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Middle center)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Middle right)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Bottom left)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Bottom center)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

(Bottom right)
 Mr. Tolson
 Mr. [unclear]
 Mr. [unclear]

January 30
 Mr. Wilson
 The members in the House
 of 100 small vote men
 by voting any 2/3 of
 Papers in order may
 require amendment
 Amendment proposed
 by 2/3 of the

What is advantage seen
 to support Mr. C. in when
 in question will divide in
 the vote for it when the
 principle of majority is
 found voting by yeas & nays
 the actual vote is
 of the State Govts.

The Senate can only be
 chosen by the respective State
 Legislatures — should the
 State Legislatures be annihilated
 this Govt. must fall with them

A. J. P. N. W.
 The Govt. will not make
 the former — perhaps the
 last day might not make any
 up 2/3 of majority of members
 Members were for their regular
 a small minority might elect
 though the Clause was not
 any for proportionate

This Govt. has fully provided
 against secession — but
 it had gone to the left hand
 i.e. in favor of secession
 by a complete fusion of Govts.
 in both West of Kentucky
 The former of being less used.
 It had taken away all power in West
 of the State Govts.
 of the L. A. State Govts.
 West of Kentucky
 They have the power of say
 of Govts. — they have nothing
 to do with Govts.

The form of Govt. may exist
 after long after the abolition
 of the Senate are some way
 to restore the Missouri Govts.
 when the Senate were lost
 a ~~new~~
 x the Senate — when he would
 only the Government of the Govt.
 the

January 30th
 Justice
 Mr. Wilson plays himself
 to the State of N. — West of N. E.
 were voting the Govts.
 Two Govts.
 1st No right without a 2/3 of Govts.
 2nd We think this is impossible had from the State Govts.
 in a broken Govt.
 3rd to a small Govt.
 4th to a strong Govt.
 Govts. in the members
 without voting Govts. — the
 people in their respective
 Govts. do any Govt. Govt.
 They themselves are not bound
 by 2/3 of Govts. require Govts.
 They people will have it
 in their power to return them
 even while Govts. are
 for the proportionate of justice
 will

1st City - no thing to do
 we think on paper it is
 sound - But when the
 construction of the paper is
 2. to avoid taxation both
 indirect & direct
 the price of paper is the same
 as that of the currency who
 will be apt to buy with paper
 3. No check to the Congress
 checks are effective. The
 quantity of money will
 be made all at once - & it
 will do nothing injurious to
 our credit, but what
 really will be done

The fact is, that
 every two years - the
 price of money is
 raised of necessity
 County has 400,000
 similar to the Bank.

Saturday 1st Dec
 The spot of the fact is not, as
 I wish to express to the friends
 attending
 Mr. W. is a member of a committee
 on health, being by authority of the
 General's staff, he is an excellent
 person in his office

The fact is, that
 my opinion is, that the
 is very good. I think it is
 not such as the people had a
 right to expect.

We the people - not the people of the
 State of New York - We all agree
 it would appear that neither
 union is expected

The fact is, that
 are only 100,000 - when they
 have more than 100,000
 people in the present
 They seem to take it only
 in the first instance. There
 can not exist two for every
 to the

♦ National Convention was chosen
 to be bound by the laws of two
 States, which —
 The original Part of the Convention
 should be considered as a
 as one State is within, such then
 as others —
 They are not possible can
 the State is since the adoption of
 the Supreme Court they are the
 law. The Convention is the party
 by the people —
 Rights may be nations by the people
 are set to by Rome. We —
 The State may be called the man
 of the People
 have not the right whom we ought
 to extend. Let us extend
 that the State, according to the
 of the People
 The Congress have the power of
 passing through the liberty of the people
 instantly
 to be given
 Liberty of the people
 of the people of the people

to be bound to the laws of two

They are not possible can

of the People

The Congress have the power of

2/25/06

46

511

38
 716
 10
 18

Monday 3rd Dec 1777

Mr. Finley. The King makes treaties

Ministerially - & the Legislature

Mr. Wilson. The House of Commons in this Country makes the treaty ministerially } find difficulty in making laws to conform them

Mr. Wheel. by this conf. two kinds of treaties are inconsistent between them 1st & 2^d Act of Conf. 1777. The 1st Conf. is for the purpose of the laws of the land - in the nature of trades

Mr. Wilson. Treaties in all Countries - have the form of laws. Blackstone

Mr. Finley. My obj. is to point out inconsistencies in the Conf. of

I think in G. B. the crown makes the treaty - in the 1st Conf. the Parliament make the treaty therefore it is the act of the Legislature & not the act of the whole People

Mr. Wilson. As to the power of the Parliament & of the people to consent

Mr. Finley. states exceptions to the 1st Conf. the 1st part admitting the importation of slaves. } What were the further steps to gain of the Conf.

No restraint in the Articles of Confederation in this sense. A duty amounting to a prohibition. } This restraint 21 Years

Tuesday 4th Dec 1787

Mr Smilie The Senate were mind to represent
an Antifederal Society & the house
of representatives to represent
the mass of the people

I shall endeavor to promote
One branch of the leg^{is} can invade
destroy the balance intended
by the other - The H of R are
so few in number they have
but very little influence

The districts being large - the
members returned will not be by
the voice of the people

This body will be fully to govern the

The means of formation will be in the
power of the Senate will you bring
an act to vote on to try it the Senate

The treaty of Commerce between
G. B & France 1763 Art 11th
Mon 1st spirit & Ch 11th books

In a Govt there is no right
of a B of R for in my opinion all
rights are for the people - nor
would I attempt to define the rights
of these people what I see one have

in every corner there is supreme
controlling power, who shall exercise
power - If B. informs us that this
power is in the B. P.

Article 1st of the Const. 4th
Mr Smilie's position is: that B. P. resides
in the S. G. mine is that it
resides in the people

The influence will be increasing
every year & the ratio being 30'000
deafness taken every 10 years -
in the course of 25 yrs double

of the State before have an
actual check upon the Senate
by changing the term two years &
having some in that body who
may try to prevent them from doing so
+ Chief of B. upon treaties
The power is absolutely on the King
how they can't be made but by
the consent of 2/3 of the branches
of the leg^{is} Mr. Wilson

Wednesday 5th Jan: 1797
 Mr. Shirley Contracts for a B of A the Liberty
 of the Press - tried by jury -
 I mean by forth Mont. J. L. B. 2000
 speaking on this - the people are -
 when the paper is in our hands
 N. 1. 1 Book 12 C. Page 19 C. 4 -
 2:10 PM

When I was first an attorney
 of the late Genl. I declined it as
 thought it too great an undertaking
 for me to respect & guard the rights &
 Liberty of the People.

The paper may be open then
 it is to be from each state
 wide 3 1/2 feet

Mr. Shirley
 I am very sorry
 you do not take satisfaction
 - that I feel I do
 I know the importance
 of the cause and why I do
 not - I do the best I
 can to convince you I ought
 may be perhaps by the
 Under Seal
 The way has been
 to unite the wills of
 the people

The Genl. has been
 before my trial the people
 have sought to settle
 know will bring my trial
 Mr. Shirley to offer witness
 have also many in 1797
 1797 the 14th have been my
 1797 - should be in
 of the Shirley
 Page 218 and column
 of the
 1797 - 1/2 feet 1/2 feet
 The people & Council
 of the State by your
 The people may be
 of the Liberty of the Press

Thursday 6th Dec 1797.

3000 Militia including pay.
 Arms, & accoutrements for three months
 The first £100,000
 The second 300,000 —

vide page XXVI & XXVII last
 of the Confederal decree to Georgia
 facts

The Confederation have
 been frequently charged
 with intending to deprive
 the Citizens of America
 of their means of Subsistence

It is said that in 1785 an attempt
 was made to lay open on the Trade
 Commerce to pay in paper to the States

Mr Smilie the expenses of
 standing Army nothing to
 the great expense of the Militia

The first has no powers — he
 is only about to the Militia

The Officers of the Army will
 obey those who appoint them
 will the last clause but 2 in Art. 1.
 Will the middle clause of the 10th
 for governing the Militia be
 continued by Congress — no we shall
 find laws intended to be against
 it Art. 6 Congress shall guarantee
 to each State a Republican form of Govt.

Mr Finley — by the silence of the Question
 on the other side I think that they
 concede & admit the force of the
 Arguments offered by the Member
 from Georgia

The Militia may be ordered
 from New Hampshire to Georgia
 to suppress an insurrection

Mr Smilie have the Question will not take
 advantage of the majority of one
 of our members

Mr Finley has another objection to the power
 of regulating Trade

McLure Objects to the manner of
 holding Elections 2^d Feb. 1st Anti:
 this State may have its elect.
 established to 3. & over lat.

But what will be the support
 of the Delaware representation
 1 member for every 30,000

Smile Adams's looks takes this position
 53d 352 — 53d 372 b

W. Mitchell Considers that the short powers
 granted to Congress will totally
 obstruct the trade ports

— The power may extend to deposit
 regulate the Wells of Navigation
 Congress can by this constⁿ give
 all the real estate to the Directors
 the Congress may deprive the
 element of Commerce of the liberty
 of Commerce by treaty

When the fault of treaties are made
 part of the constⁿ of the united States &
 the States are to be bound by them

and these Provisions of this State being
 well suit to him — Georgia be held
 in Charter Commerce wth the own territory
 — it does not fall that City of self states
 must see; because they may see
 but then on this law and the fact
 vide Practical

— The power to decide in Controversies
 between Citizens of different States
 Savannah River

off^r Practical both as to law & fact
 the Charter Courts in many of the States
 since of the fact as well as law

M. Smilie

if the States cannot obtain redress in the State Courts
 the same power in the Federal Court

In coll^y direct tax's whether
 the State might have a quarrel with one
 of the States, may not that Citizen be dragged
 to the appl. Court of Congress
 The expenses will be accumulated by the
 additional in State Courts

Finley

Wide Court of the Ct. Just.
No Person holding any Office
under the US shall be a member
of either house VCS

I have my doubts wch of the Suddth of
of the Judges - such as to state times
of paying the salaries -

The Judges are Suddth to any
other Officers - they may
hold jobs in the deft. or contracts

The power of making treaties ought
to be confined - they are declared the
Sup: Laws of the land & therefore
they may be of such nature as to
retard the imping the navy Conf-

Saturday 8th Dec 1787
M^r W. Mitchell

We have no right to
give ^{any} money of the Conf which
are conf: in the Conf.

- 1. Take Notice
of the Declaration
against the nature of the
Members of the Court
- 2. The Powers of the
House of Representatives
of the Conf
- 3. The said Declaration
VCS
- 4. The Senate shall
advise the Conf
The Conf
M^r W. Mitchell

264-A. James Wilson's Notes of Debates
Historical Society of Pennsylvania

In Convention.

The Matter of Form returned to commit
 some Monday 26th Nov^r 1787. P. M.

The Report of the Committee on the Report of the Delegates from the State of Pennsylvania - There can be only one Question
 the form for Debate as in Committee before us. The Question on separate Paragraphs
 We have another alternative - every word preclude a Vote of Approval or
 They will appear on the Minutes, the whole system. Each Paragraph may
 be dissolved; but without taking a Vote
 We must take the system in the whole, the whole. A House, consistent in the
 and, as the Result of the whole, ratifiable, may be defective in some of its
 or not ratify. - parts. We come not to compose a
 new Book.

The gen^l Convention took Allowance
 of them; and were not appointed
 by the People. Moved and seconded that the best
 Rule be reported. -

To whom shall we propose Amendments, go into a Committee on the whole, than
 to report the Report - By going into a
 Committee there will be a double
 legation.

Mr. A. Whitehead - We are not precluded
 from proposing Amendments - We
 are going to examine the Foundation
 of the Building. By proposing Amend-
 ments, we shall see what they say in
 the other States, and then can accom-
 modate.

Mr. Justice - shall legal Description I am
 inferior to (Mr. Justice) - The Act
 proposed by him is contrary to every
 Idea of Order - The Act that
 would give the longest Time to consider
 should be preferred - In Convention
 we can consider only each Part once.
 - The People of Penn^a will be lead by
 the Representatives of U. S. - The Government
 of Penn^a will think and act.
 Mr. Bell

2

No sixth - We must keep the
system with the Authority of the People,
or to refer it that change.

Tuesday 27th Nov. 1787. A.M.

Mr. Mott - moves that Reason for
you and King may be entered in the
Journal.

Mr. McKean - A speech to promote com-
munity and mutual forbearance.
No two gov^{ts} exactly alike.

Division of the Legislature into
two Branches, with a qualified Veto
highly proper - there should be
supremacy in the Magistracy, and
stability in the Laws.

Remarks

The Constitution opens with a ^{solemn} ^{and} ^{practical}
Declaration - that the Supreme Power re-
sides in the People. It is announced in
their Name. They ordain and establish.
They can repeal and amend.

++ Contrast this with the Principle of Monarchy
where.

There should be more than one Branch -

Art. 1. I. In order to secure Liberty and the Consti-
tution, it is absolutely necessary that the legi-
slature should be restrained

It may be restrained in several Ways -

1. By the Judge deciding ag^t the Legist. in the
Name of the Court.
2. By Elections at proper Intervals of Time
3. By the Interposition of the Supreme
Power of the People on necessary Occasions
Necessity

Propriety
 4. By a Division of the Legislature An.
 - thereby into more Bodies than one.
 State the Strength and Operations of
 this Division

II. There will be more Caution - more
 Precision - more Stability in the Laws

III. On the Principles of the Constitution, the
 State should be represented, and possess
 the Power of self preservation

This Power is so strongly guarded, that
 it never can be lost to any State, without
 its own Consent
 See *Chambers on Nat. 5.*

It is founded in the Object of an
 - maintaining the State Government

The Merit of the qualified. Signa-
 - has -

* The Objections of the Critics will be
 applied (by the Knowledge, and Experience
 of the Heads of Departments. Art. 2. s. 2.

1. It enlarges the Field of Deliberation
 and Debate *
2. It provides the Materials of a practical
 History of Legislation
3. It secures an additional Degree of
 Deliberation in passing the Laws.
4. It gives an additional security to
 the Power delegated to the executive
 Department

The Judges possess their Power of Independence
 and self Preservation by their Decisions.

Art. 6. s. 2.
 Art. 6. 2. c. 2.

The Importance of the Right of suffrage

4 Wilson Mrs. vol 2. p. 26

2

5

In Convention

28th Sept. 1787

Mr. Rutledge — There is no security for
our Rights in this bond.
Committee to Draft: of Independence.
— Why did they omit a Bill of Rights?

While Proposal to Surrender by Congress and
State Con. there is a Bill of Rights.
Without one, we cannot know when Congress
used their Powers. — There is no check but
the People. — no security for the Rights of
Congress. C. Rutledge of the Senate. —
The sweeping clause took all the
Bills of Rights of the several States, and
their Governments are not confined.

Mr. McCall — If we ever saw that the
general Government would act in
favor of the State Gov^{ts}? we would
be satisfied. Power is of an encroaching
Nature. — We are not bound by
Forms or Examples of other Countries.
We should improve on them.

"We the People" — changes the
Principles of Confederation and enters
upon a consolidating and absorbing
Government.

Does not this System violate the
Confed? of States as expressed here

13

6

13 was necessary before — may not
 ✓ the other 4 shall insist on the
 Conf.?

The Review was intended to
 ✓ give more Power to Congress —
 ✓ the Power of the Delegates of this
 State in the Convention:

A gen^l Gov^t was not thought
 ✓ of: Nor to unduly the State.
 Gov^t — The Convention have
 made a Plan of their own. —

✓ They have appointed the Power of
 proposing. — Alterations in Gov^t
 -ments should proceed from the
 People — The Agents of States
 are limited in their Powers: but
 the Review should have been left
 to the People.

✓ There is a Method of Amendment
 in the present Conf.

Art. 1. Power unbounded —
 ✓ What are to be Judges of what is necessary
 -ary and proper

Art. 2. annual Part^s and Officers;
 -bles necessary — Dr. Phil. took
 ✓ 7 Hours — Annual Delegates in
 Congress may be recalled —
 6 Hours had long

✓ Art. 4. Terms and Place of Election

The

4
 The Members of the Senate may
 enrich themselves: For they have a
 Power to tax: Their Power goes
 - wide every Thing: It forms our
 gen^l. consolidating Government.

Power of borrowing Money -
 raising Armies.

If we give the Power, we are saying,
 We the Legislature are of our own
 Election.

Could any State oppose the great
 Gov^t? All are to be sworn to ob-
 - serve it.

A Bill of Rights, may be dangerous
 to the Government.

Art. 6. This Article eradicates
 every Oath of State - gov^t. - and
 was violated so - if it was de-
 - lib^{erately}.

Art. 1. c. 9. This is intended to
 - every on the Bureau when the
 State - gov^t. are destroyed.

Can we give away the Rights
 of Commerce? There is no Re-
 - source of it - We then Resolutions
 - can be ex post facto Laws. Art. 1. c. 9.
 Lib

8

Let us seize our debates —
 and not quarrel about the — Bill
 of Rights — They are not secured
 except as to Stat. Gov.

Mc Wilson —

Mr. Justice — This Court goes too far
 in favour of Supremacy. — We
 admit that the Form of the Stat. Gov.
 must submit to Best than Efficiency
 and Power must be destroyed by
 the super abundant Power of the
 general Gov. —

It is not a federal Gov. — act a
 Confederation

It is a simple Gov. — Legislative
 — Judicial — Executive.

The Power extends to all civil and
 Legislative etc — to Taxes; and
 leave only to the States what they
 please.

Art. 1. s. 8. "collect Taxes" — "to make
 all Laws necessary &c."

Who are to be the Judges of what is
 necessary for the Progress of U. S.

The Stat. Gov. cannot make Head
 of the gen. Government.

Power will not open

At

3

9

A Power of appropriating Money
 ✓ raising Armies, and commanding
 the Militia: could the State Gov^{ts}:
 oppose this.

This will be a Privilege between
 the Gov^{ts}: of St. Gov^{ts}: — On each Side
 ✓ they will endeavour to encroach the
 Power.

Others to be taken to the Gov^{ts}: Gov^{ts}:

The State Gov^{ts}: will lose the Object^t:
 of their Privilege by losing their Power.
 ✓ The People will not support them;
 but will suffer them to descend to
 Nothing.

The Gov^{ts}: of Gov^{ts}: may subsist after
 ✓ the Establishment of gov^{ts}: — or in the Senate
 of Rome.

✓ The State Elections will be still at
 - Large

✓ The State Gov^{ts}: will be more Electors.

✓ Will one consolidated Gov^t: be a
 proper one for the United States?

Mr. McLean

There has been no Objection to two
 Branches in the Legislature. — nor to
 the Mode of choosing them or the Privi-
 .dents.

The Powers are well defined and
 necessary.

The

The great question is, 1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.17.18.19.20.21.22.23.24.25.26.27.28.29.30.31.32.33.34.35.36.37.38.39.40.41.42.43.44.45.46.47.48.49.50.51.52.53.54.55.56.57.58.59.60.61.62.63.64.65.66.67.68.69.70.71.72.73.74.75.76.77.78.79.80.81.82.83.84.85.86.87.88.89.90.91.92.93.94.95.96.97.98.99.100.101.102.103.104.105.106.107.108.109.110.111.112.113.114.115.116.117.118.119.120.121.122.123.124.125.126.127.128.129.130.131.132.133.134.135.136.137.138.139.140.141.142.143.144.145.146.147.148.149.150.151.152.153.154.155.156.157.158.159.160.161.162.163.164.165.166.167.168.169.170.171.172.173.174.175.176.177.178.179.180.181.182.183.184.185.186.187.188.189.190.191.192.193.194.195.196.197.198.199.200.201.202.203.204.205.206.207.208.209.210.211.212.213.214.215.216.217.218.219.220.221.222.223.224.225.226.227.228.229.230.231.232.233.234.235.236.237.238.239.240.241.242.243.244.245.246.247.248.249.250.251.252.253.254.255.256.257.258.259.260.261.262.263.264.265.266.267.268.269.270.271.272.273.274.275.276.277.278.279.280.281.282.283.284.285.286.287.288.289.290.291.292.293.294.295.296.297.298.299.300.301.302.303.304.305.306.307.308.309.310.311.312.313.314.315.316.317.318.319.320.321.322.323.324.325.326.327.328.329.330.331.332.333.334.335.336.337.338.339.340.341.342.343.344.345.346.347.348.349.350.351.352.353.354.355.356.357.358.359.360.361.362.363.364.365.366.367.368.369.370.371.372.373.374.375.376.377.378.379.380.381.382.383.384.385.386.387.388.389.390.391.392.393.394.395.396.397.398.399.400.401.402.403.404.405.406.407.408.409.410.411.412.413.414.415.416.417.418.419.420.421.422.423.424.425.426.427.428.429.430.431.432.433.434.435.436.437.438.439.440.441.442.443.444.445.446.447.448.449.450.451.452.453.454.455.456.457.458.459.460.461.462.463.464.465.466.467.468.469.470.471.472.473.474.475.476.477.478.479.480.481.482.483.484.485.486.487.488.489.490.491.492.493.494.495.496.497.498.499.500.501.502.503.504.505.506.507.508.509.510.511.512.513.514.515.516.517.518.519.520.521.522.523.524.525.526.527.528.529.530.531.532.533.534.535.536.537.538.539.540.541.542.543.544.545.546.547.548.549.550.551.552.553.554.555.556.557.558.559.560.561.562.563.564.565.566.567.568.569.570.571.572.573.574.575.576.577.578.579.580.581.582.583.584.585.586.587.588.589.590.591.592.593.594.595.596.597.598.599.600.601.602.603.604.605.606.607.608.609.610.611.612.613.614.615.616.617.618.619.620.621.622.623.624.625.626.627.628.629.630.631.632.633.634.635.636.637.638.639.640.641.642.643.644.645.646.647.648.649.650.651.652.653.654.655.656.657.658.659.660.661.662.663.664.665.666.667.668.669.670.671.672.673.674.675.676.677.678.679.680.681.682.683.684.685.686.687.688.689.690.691.692.693.694.695.696.697.698.699.700.701.702.703.704.705.706.707.708.709.710.711.712.713.714.715.716.717.718.719.720.721.722.723.724.725.726.727.728.729.730.731.732.733.734.735.736.737.738.739.740.741.742.743.744.745.746.747.748.749.750.751.752.753.754.755.756.757.758.759.760.761.762.763.764.765.766.767.768.769.770.771.772.773.774.775.776.777.778.779.780.781.782.783.784.785.786.787.788.789.790.791.792.793.794.795.796.797.798.799.800.801.802.803.804.805.806.807.808.809.810.811.812.813.814.815.816.817.818.819.820.821.822.823.824.825.826.827.828.829.830.831.832.833.834.835.836.837.838.839.840.841.842.843.844.845.846.847.848.849.850.851.852.853.854.855.856.857.858.859.860.861.862.863.864.865.866.867.868.869.870.871.872.873.874.875.876.877.878.879.880.881.882.883.884.885.886.887.888.889.890.891.892.893.894.895.896.897.898.899.900.901.902.903.904.905.906.907.908.909.910.911.912.913.914.915.916.917.918.919.920.921.922.923.924.925.926.927.928.929.930.931.932.933.934.935.936.937.938.939.940.941.942.943.944.945.946.947.948.949.950.951.952.953.954.955.956.957.958.959.960.961.962.963.964.965.966.967.968.969.970.971.972.973.974.975.976.977.978.979.980.981.982.983.984.985.986.987.988.989.990.991.992.993.994.995.996.997.998.999.1000.

To prevent mischief we will not
quit the Power of doing good.

Who are to be the judges? — those who
are chosen because they are capable of
being so.

Power of free is of as much practical
Importance as its Nature.

In Convention. 30th Nov. 1787.

Mr. Whitehall — The gen^l gov^t may not
exist after the Abolition of the Stat. gov^t.

The Powers of Congress are unlimited and
undefined.

The States may hold their Powers, as
long as they have, and there is no Power to
prevent them.

Art. 1. s. 8. last clause gives the Power of
self preservation independent of the union.
rat States; for in case of their Abolition
it will be alleged in Favour of the
gen^l gov^t that self-preservation is the first
Law.

The "Limit" of Election is in their Power
and therefore they may make it as long as
they please.

There are some Objections on this
gov^t — why not more?

A

It was systematically intended to abolish the State govern^{ts}.

Mr. Kinsley — England became enslaved at the
Time of the Congress.

The Power of collecting Taxes is unhappy.
Recommendations have been insufficient.

Our Representatives have this Power.

In the Time of the Congress, they opposed
the Senate.

J. Arch — All Rights of Rights have been broken.

There is no Security for Liberty but in two
Things — just Representation and Justice
Rights.

The Citizens of U. S. have the the occupancy
of Liberty; shall they make a Part of longtime
Violence to themselves.

Mr. Yates — Objections admitted to 2. State —
Name of Bill of Rights — Abolition of State gov^{ts}.

4. Art. 4. s. Guaranties of Republic government.

Power must be given. All Power may be abused.

The Objections in Art. 4. s. 10, will ruin
our Commerce, ruin public Credit, ruin
Taxes.

Mr. Smith

12

Mr. Trindley — The Observations made, relate to what is, and what is not in the system.

I confine myself to answering the Remarks that have been made by Solomon.

The natural course of ~~Law~~ is to make the many slaves to the few. This is proved by universal Experience.

England had always the born Law: Its Charities will not apply to us. Bills of Rights were great Improvements there.

Government will continue its own Power, so as to suit its own Wishes, which it will call Necessities.

Because all Securities are broken, shall we have none?

It is not a new Doctrine that, because a good fact is demonstrated, produces this effect, therefore we ought to be indifferent about it.

✓ Powers given — Powers reserved — ought to be all enumerated.

✓ Let us add a Bill of Rights to our other Articles.

✓ In Britain the Appropriation is annual:

✓ Annual Elections are absolutely necessary in the Govt: that is not merely federal.

✓ The Senate, the principal Branch, is held for Office, and receives Responses, & bills for.

Number

L.

13

Number of Representatives too
 small - There should be more in the
 new and thinly settled Country, than
 in our old and populous.

Pennyl^a: will not have any Repre-
 sentatives far from Philad^a.

This is not a confederal but a con-
 solidating Government.

Wrought to suppose that Congress had
 abuse in Powers,

The Powers of the gov^t extend to
 State and internal Congress.

Dr. Bush - Our Rights are not yet all known
 why should we attempt to enumerate
 them.

Mr. Smith. -

In the Remembrance there is a
 Bill of Rights of Virginia

Mr. M^r Kear - I wish to see what Plans
 of Bill of Rights these Gentlemen
 would propose.

Mr. Smith - We will exhibit a Bill
 of Rights, if the Gentlemen Convention
 will receive it.

1. Great Point - See Bill of Rights annexed
2. Has this objection against the State of
 - Vermont

14.

Direct Taxation - poll Tax -
standing Army - are Objections.

However

Freedom almost unknown in
the old World - we will go there
for Precedents of Liberty.

Bill of Rights necessary as the
general instrument of ^{direction} compact - and
to mention the Rights reserved -
The Sovereignty and Independence
of the States should be reserved.

There must be a People before there
is a King; and the People, in the first
Instance, have inherent and inalienable
rights.

We ought to know what Rights we
surrender, and what we retain.

Suppose Congress to pass an Act
for the Curbing of Libels, and re-
strain the Liberty of the Press - for
they are warranted to do this - what
Security would a Printer have, bred
in one of their Courts.

An aristocratic Gov^t cannot
bear the Liberty of the Press.

The Senate will swallow up any
thing.

What Harm for a Bill of Rights?

Edw

In Convention Dec. 1st 1787. 15.

Mr. Johnson — Our principal Debate during the many Days we have met, is whether the House should have a Veto. Let us first take a Survey of the Provision and see whether a Veto be necessary.

Mr. Chambers — The Manner of Debate is been very irregular and desultory.
"All legislative Powers herein granted, Art. 1. S. 1.

Mr. Sevier — It has been the Endeavour of many to point our Negatives, highly like punishing a Man in Jail that is said. Our Situation is such, that we are not hardened in Point of Sense and Negatives. We are enjoying our Liberty and Happiness to a very great Degree.

Our Difficulties arose from the Revolution and heavy Taxes laid in 1782.

This System not suitable to our Negatives or Expectation

Negatives — We could not enforce Treaties — regulate Commerce — and draw a Revenue from it.

This System goes to raise internal Tax — Capitalization — Courts — is an Extension of the Judiciary Power even to the Capital Cases — a Dependence of the State Officers on the genl. Govt.

John

16

This system is not such as was expected by me, by the People, by the Legislatures, nor within their Power.

It is a consolidating government and will abolish the State Govts. or reduce them to a shadow of Power
1. from its Organization

"for the United States."

"We the People" not "We the States" —
From this we could not find out that we were United States.

"Sovereignty in the People"

The Sovereignty of the States not laid forth — nor represented.

"Each Senator shall have one Vote" —
Under the present Confederation the State Sovereignty is represented. In Congress they vote by States — a State can speak but one voice

2. from its Powers

The who can less possess all other Sovereign Powers — There cannot be two Sovereign Powers.

Sovereignty Power

A subordinate sovereignty is no Sovereignty.

Will the People submit to two Soverign Powers.

The Power of Election gives absolute Sovereignty — to the judging Electors.

The Federal Powers are consistent with the Legislative Powers.

Dalh

5.

17

Both of Allegiance shews it to
 be a consolidating force.

The Wagon paid out of the pocket
 Learning a Proffessionals force.

No. 1. Article - Congress have Authority to
 declare what is a Libel. Art. 1. c. 8

A Jury may be packed

No. 2. Corriday - That the Supreme Power
 is of Right, in the People is true in all
 Countries.

Contra the People

No. 3. Whitehill - This it is not declared that
 Congress have a Power to destroy the
 Liberty of the Press; yet, in Effect, they
 will have it: For they will have
 the Power of self preservation

They have a Power to secure to
 themselves the Right of their Privilege -
 under this they may license the
 Press, ^{no Doubt,} and under licensing the Press
 they may suppress it.

Art. 1. c. 6. The Press is by this
 clause restrained; because the Members
 shall not be questioned for speeches
 in any other Place.

Amendment: may be laid before
 Congress.

Northwick

18.

W. Smith - In the Construction of a complete Government all the necessary Powers are given that are not restrained.

The Supreme Court shall have Jurisdiction in cases where a State is a Party.

✓ Crimes shall be tried by Jury
 ✓ i.e. they have Power to declare

✓ W. Smith - The Opposition of our local Principles

✓ This Plan is inmate to our Liberties

In Convention Monday 3^d Dec. 1787. P.M.

D. Smith - He is not here as Representative of the People - we were not appointed by the Legislature

A Paper for State Sovereignty defies the Union of men -

Britain France - enjoy more Advantages, expensive than operate.

A Wholly of Sovereign or political Liberty.

The Sovereignty of Penn^a is not to U.S.

1. I have no a Not for Member of Congress
2. I am a citizen of every State
3. I have more Security for my rights
 The Wholly of Penn^a is not Sovereign
 Penn^a - The Sovereignty are not to U.S.

4. No Corruption of Blood — *Scotchmen except*
5. No Paper Money or Tender Laws.
6. No religious Test.
7. Commerce — its Influence on Agriculture —
8. Ship building. — Iron Mines.
9. Slavery
10. Provisions to lead on Capital build —
one only exists in the Southern — the other
exists in the Eastern States.
11. The commutation of the Mississippi
with the Atlantic will be found under
the new Constitution

The Atlantic in Virginia from Kentucky
an *Cothensville* for the system.

By adopting the funding system we
have opened a great Disproportion of the
public Debt. It must be thrown back on
Congress.

Disrupt general thro' the Country.

1 Mr Similes — It is admitted that the Atlantic
very good is given up.

2 I never heard any thing so ridiculous —
except a former *Left Section* of the same part.

3 Our proportions have since has been the
source of our Disrupt — together with our *Co-*
transformation.

4 We wish alterations made in the *Confeder-*
5 But we wish not to sacrifice the People of
Ohio to obtain them.

People

20.

5 Rights of Commerce should be secured -
They are in the Bill of Rights of Penn?

6 Mr. Ferriday - A Confederation and good govt.
- would be more to me and my
Family than Wealth, Honour and Office.

7 This a Govt. of Individuals, and not a
Confederation of States

8 Sovereignty is in the States and not in
the People in its Exercise.

9 + v. Madison's Description of Sovereignty - it be-
- longs originally to the People of the Society
Dist. Page 9. of the Introduction.

10 Madison's Description of a Federal Republic
- If I am wrong Madison's Description are
wrong. Dist. p. 11. & 10.

11 1. Investigate the Nature and Principles of
the Government

12 2. How well it apply to our Liberty and
Interests.

13 Gentlemen should first explain it, Principles.

14 General Interests are well secured

15 A single Branch I will concede.

16 I wish not to destroy this system: the
Parties are well laid - By Amendments
it may answer all our wishes.

17 Notwithstanding the Legislature Power is not
v. s. 1. The Power of Justice is given to the Courts
and Senate. This is Branch of Legislature then.

18 Dark Conclusion.

Mr. Ferriday -

6.

21.

- Mr. Pickens - According to common Use
-ception of Mr. D. Tucker an act Part
of the legislative Power. The King of Gr.
Britain.
- 19 Mr. Findley - The King of Gr. he makes
Laws Ministerially - And the Legis-
ture comprises them
- 20 Members impeached for the State
Treaty.
- 21 Mr. Smiley - If the Members ^{tho' the} make an in-
glorious conduct; they may be im-
peached and punished - But can you
impeach the Senate before itself.
- 22 If it is ministerial, the Senate are not
bound by a Legislature
- 23 Supreme Laws cannot be made mini-
-terially, but legislatively
- Mr. Pickens - In Gr. the Senate are obligatory.
- 24 Mr. Smiley. In Gr. the Law is frequently
necessary for the Execution of a Treaty
- 25 Mr. Whitehall - When a Treaty is made in
Gr. it binds not the People, if unreasonable.
Treaties are binding by Act of Parl. and the
Consent of the People.
- 26 Mr. Findley - The President has a qualified
Right: This is another inconsistency.
- 27 Mr. Smiley - If the K. of Gr. makes a Treaty
contrary to Act of Parl. it cannot be executed
till the Law is repealed. We have not the same
Security here.
- If the

22.

28 If the trade could be engraced on the British American way; we would have more security.

29 *Mo. Tuesday* — The Motion of amending the Subalterns in dash. other Cases" Act. 1. 0. 9.

30 Act. 1. 0. 9. 1st Clause — Negation of it is an-
-nally the: His importation of the goods.
-ranches the Importation of Slaves, — if
it lays a Duty on the Importation of other
Persons

31 This is a Provision; and yet the Course
of presenting Importation is no other given.

In Convention to ^{the} 27th Dec. 1787 A. M.

32 *Mr. Smith* As the general Part of the States have con-
-fessed Legitation, I shall give up that
Part

33 I shall not object to the President's Negation,
for he will surely be able to execute it. The King
of G. B. does not execute.

34 This then is an separate Order, there is a
mutual Privilege: The Senate will express
✓ it. House of Reps. will request the common
Step of the Rights.

35 Are the Rights of the People secured? Is this
✓ Bottom preserved? — A Comparison between
the Powers of the two Houses.

36 The Number of the House of Reps. too small.

37 They will not have the Corruption of the People.
✓ because they will not be known by them, as to their other
-action of. Only 8. for Conn. — Mr. Deane will
✓ be very large.

38 The general Part of the attention even in this
✓ House will be attached to the mutual Privilege

Thi

- 39 This Body will be subject to Corruption;
and the Means of Corruption will be in the
Senate; for they have a share in the Appointment
of all Officers.
- 40 There will be a large writing to receive Orders
The lower House may be corrupted, with Officers, by
the Senate; as the House of Commons are —
there will be Judges — Law Officers, and the
S. & the Senate — Civil Officers
- 41 To the Legislative Power of the Senate are
added some Judicial Power — and on alarming
Cases of the Executive: They are to consent with
the President in making Treaties, which are to be the
Supreme Law of the Land.
- 42 In J. B. if Treaties interfere with existing
Laws; they must be complied. Treaty of Commerce
between France and England. Art. 11.
- 43 The Senate may be bribed: ought they not
to be brought to Punishment? Not their Lot:
Largest convict here on Imprisonment.
- 44 If it was not for such Things as these, our
would not contain any of this Constitution.
- 45 The Senate may for ever prevent the Passage
of a single Measure to the lower House; while
their own Representation may be increased.
- 46 This Constitution contradicts the leading
Principles of Govt. Mont. b. 11. c. 6. p. 133.
- 47 We have not any Security from the judicial
Department. — The Judge for deciding a Law
may be impeached by one House, and tried by the
other.

Bl. 252, 257.

24.

In Convention 5th Decr. 1787. U. S.

48 Mr. Madison - The States made Bills of Rights, not be-
cause they were known in Britain; but because
they were proper.

49 A Majority of the States, have them.

50 Art. 1. 2. 2. "The People, in whom the Supreme
Power resides".

51 Art. 1. 1. 2. "Sovereignty".

52 The Sovereignty is essentially in the
People; but the ~~sovereignty~~ is vested in the
Congress or Senate or a Monarch

53 Art. 1. 1. 2. 10.

Exception made

+ 54 If all the Powers of sovereignty are vested in
one Man or Body, it is a Tyranny.

55 The States have already parted with a portion
of their sovereignty: They now proposed to
give more. But the People did not mean to
give up that the whole should be given up to the
general Government.

56 The State Governments are not subordinated
to the gen^l Government or to external Law
and other external Purposes.

57 Congress may, with safety, raise a Revenue
from Commerce

58 The general Government is farther removed
from the People than the State Governments

59 There cannot be two taxing Powers on the
same subject - Taxation draws Legislation
with it. - There is no Sovereignty in the States
with Regard to Taxation.

Done

7.

25.

- 60 There is no sovereignty left in the State
 ✓ Governments — the only one is in the general
 government.
- 61 The general Interests of Pennsylvania
 were not represented in the Convention.
- 62 Sovereignty properly resides in the People
 ✓ but they have vested certain Parts ^{of it} in the State
 Government, and other Parts in the present
 Congress.
- 63 He never said that the People were made for
 the State.
- 64 Who denied that sovereignty ever resides
 ✓ in the People.
- 65 There is a Declaration in the Bill of Rights
 of Penn^a that the People may change the Consti-
 tution — And they only did a constitutional Step
 — which is also done in the System before us — The
 same thing has also been done in some of the other
 States.
- 66 ✓ The Declaration that must be not sufficient.
- 67 He ought to draw Instruction from the State
 Constitutions. Many of them Virginia in par-
 ticular — declare that the Legislative, executive
 ✓ and judicial Departments should be kept
 distinct, and independent —
- 68 What can be a greater source of Corruption
 ✓ than for the Legislature to appoint officers and
 for a lifetime.
- 69 I would be at any Expense rather than sub-
 mit to the Requirements of Corruption — such as this.
- 70 There can be no Legislation without Taxation
 — The State will not be able to raise a single Shilling.
- 71 ✓ I mean by a constituting part, that which
 puts all the thirteen States into one
- 72 ✓ This is a constituting government, as to all
 useful Purposes of sovereignty. L

73 In the Senate, a College of Delegates enjoy
the Privilege for one that a College of Seniors enjoy.

74 It is not all in for a College of Seniors to be
led by a Representative from Georgia, as if by
his own Representative.

75 The smaller States, have a Majority in
the Senate; and they may lay Taxes on the
Larger States.

76 Congress may make the Number of Representa-
tives as few as they please.

77 In Form before the Revolution, the new Coun-
ties were unequally represented.

78 Form is unequally represented in the Name
of Representatives.

79 100 Members are enough for a deliberative
Body: And, on the present Plan, the Number
will be either too large, or the Representation
too small: To avoid this, let us have a federal
Government. - Internal Power is a Federal Govt.
It is indispensible. let not this be lost.

80 To stave the Danger of refusing this Plan, is im-
proper. It is the Opposite Plea. Let the matter
be decided.

In Convention 5th Dec. 1787. P. M.

81 Mr. Fendley. The partial Negation of the President is a
Part of legislative Authority, or no Bill can
become a Law without his Revision.

82 Mr Adams defines a natural Right;
every "Man or have a separate Interest from
the Community;" "Those that, in most Countries,
are called the Nobles."

83 The larger the District, the fewer the Repre-
sents - it is a good Rule to us, and appears
to be the very best of Plans.

84 Adams's Def. Def. p. 3.

But not the Voice of Whiskers. 85 The Voice of the People is the sense of the Land.

86 Are 8 Members a better Representation of Penn^a than what they now enjoy?

87 While the Senate of State Gov^{ts} continue, all their Opposition of Affairs continue.

88 We all wear the same Story about the So^{ve}ignty of the People - Sovereignty remains unchanged in them.

89 Annual Election an an annual Rejoice - less of the Sovereignty of the People.

An Attempt was made to keep the People of 90 Are the State Government a Slave? They are not except in Maryland and Delaware.

91 I believe that there are Gov^{ts} that keep the several Powers more distinct than the U.S. Gov^t before us.

92 We are agreed as to the Independence of the Judge.

93 The present System has increased the Difficulty of drawing the Line between Gov^t and State Gov^{ts} - unwisely by encroaching into national Rights.

94 The President may aid the unconstitutional Senate - and must aid it.

95 Internal Power is a federal govern^{ment} or inadvisable.

96 There is no guard against Congress making Paper Money.

97 The States have redeemed their Paper Money better than Congress have done.

98 Amendments will always take more Power from the People, and give more to the Government.

The

99 There is no security for such Amendments as we want: If we did obtain them now, we shall probably never possess them:

100 The System ought to speak for itself, and not need Explanations.

Mr Chamber - From the Pleas on the other Side, I conclude they have no more to say against the first Article, I am to protest to the Consideration of the second Article.

Mr Wagon. I second the Motion: I hope the Reason in favour of the proposed Constitution will induce many of the Opposition to come over.

101 Mr Winchell - If we go to the 2^d Article; shall we be permitted to draw our Opposition from the first, - to show that this is a consolidating Gov^t, and will annihilate the State.

102 Art 1. s. 3. How shall the date of the first 1/20th of the London be vacated? This must be made by Law of the Senate and Represen-
-tatives: But they may make or not make the Law at their Pleasure.

103 The present Congress or some other Body should have decided this Matter.

104 The Senate may be enlarged under the 5th Article "If equal Suffrage" may mean a Suffrage in Proportion to Numbers, and consequently would enure on the Number and Influence of the State.

105 Such Member may be chosen as the City of Philadelphia; shall please - then of the State &c.

106 Art. 5. To whom an Congress is proposed or amendments? - to a few States of the different States if they please.

Congress,

8

29

3

- 107 Congress, when they propose Amendments, will have it in their Power to regulate the Election of Convention; or may order one Election and one Convention for the whole Union.
- 108 As long as the Word stands, there cannot be another Amendment; if the former should be corrected.
- 109 Ever last Reads are in the Power of Congress.
- 110 A Colony of one State may own a Colony of another State for an Indivisible of Land claim'd by Will under the Law of the State in her Charter.
- 111 They may establish the Right of Passage.
- 112 Mr Smilie. Has not this Day been pretty closely expressed by us in the Opposition.

LH

In Convention 6th Dec^r 1787. P. M.

- 113 Mr Smilie — I object to the Power of Congress over the Militia, and to keep a standing Army
- 114 What I mean by a consolidating Gov^t is one that will transfer the Sovereignty from the State Gov^t to the gen^l Gov^t.
- 115 It is properly an Aristocracy.
- 116 Because the Representatives are too few, and will be elected only by a few Tolls in every large District.
- 117 In Penn^a before the Revolution, the little County Towns governed the Elections.
- 118 The People will not attend the Election; only the Tolls of government will attend.
- 119 If Congress carries their Power over the same Place and Manner of Elections; when an in^o Man may be elected in one Tolls and at one Place. Should any Body have this Power? The

50.

- 120 The Balance of Powers in the Senate
 ✓ Thin than in the Executive Department will
 corrupt the Legislature, and detract from
 the proper Power of the President, and will
 ✓ make the President merely a Tool to
 the Senate
- 121 The President should have had the
 ✓ Appointment of all Officers, with the
 Advice of a Council.
- 122 The Senate will overturn the Balance
 ✓ of Government by having the Scepter and
 the Sword: The President will act in
 ✓ Concert with them
- 123 In a free Gov^t there never will be a
 ✓ of standing Armies; force depends on the Con-
 ✓ fidence of the People: If it does not so de-
 -pend; it is not free
- 124 The Convention, in framing this Gov^t
 ✓ knew it was not a free one; otherwise they
 would not have taken the Scepter of the Senate
 and the Sword.
- 125 The last Resource of a free People is taken
 ✓ away; for Congress are to have the command
 of the Militia.
- 126 The Laws of Com^o have hitherto been ex-
 ✓ ecuted without the Aid of the Militia
- 127 The Government of each State will be
 ✓ only the direct leg^s of Congress.
- 128 The Militia Officers will be obliged
 ✓ by Oath to support the good Gov^t of their
 of their own States
- 129 Congress may give us a select Militia
 ✓ which will, in fact, be a standing Army —
 or Congress, instead of a general Militia,
 may say there shall be no Militia at all.
 When

- 130 When a select Militia is formed, the People
 ✓ in general may be dismissed
- 131 Will the States give up to Congress their
 ✓ last Reserve - the Command of the Militia
 - Co?
- 132 Will the Militia Laws be as strict
 under the Genl Govt as under the State
 ✓ Govt? Militia Men may be punished with
 Whipping or Death. They may be dragged
 from one State to any other.
- 133 "Congress guarantee to each State a free
 ✓ publican form of Govt." Is this a security
 for a free Govt? Mr. Adams's Defense.
 B.C. Plans is a Republic.
- 134 Can even the shadow of State Govt
 be continued if Congress please to take
 it away.
- 134 The Senate and Presd. may dissolve
 ✓ the Representatives, when once a standing
 Army is established with Funds; and
 then the Government will terminate.
- 135 Mr. Tindley - The objection of the Militia from
 being an unpaid, unpaid, and of ce-
 ✓ lessive practical Influence. Tax and
 Militia Laws are of universal Operation.
- 136 The Militia will be taken from Home,
 and when the Militia of one State has
 ✓ quitted Insurrections and destroyed the
 Liberties; the Militia of the last State may
 at another time, be employed in retaliation
 on the first.
- 137 No Provision in Behalf of those who are
 ✓ conscientiously scrupulous of bearing Arms.

Mr. Smith.

138 Mr. Smelt - As Citizens, we are all equally interested. Let us have a friendly, free and fair Discussion.

139 Mr. Trindley - The Power of regulating Elections remains to be considered.

140 as to the "Place" of Elections
Art. 1. s. 2. is struck the Public more suddenly and with more Force than any other. The "Time" may be justified.

141 Congress may say that now shall vote by Ballot.

142 The Mode of Election will be appointed in such Way as to give the greatest Influence to Gov.

143 The "Place" of Election are of more Importance than the Time or Manner.

144 The State was computed as to the Place by their Knowledge and Responsibility. This is entrusted by our Constitution to the State Legislature.

145 This can have no influence or power there.

146 The Place of Election may be removed so as to take it out of the Reach of the Law and not being Clauses of them.

147 By the Clause the government may mould and influence Elections as they shall please.

148 This Gov. may go into the blame of Honorably; but more likely of Antistocracy.

149 Under the present Constitution Congress have not both the Power of issuing Liberty Bonds, and the Means of paying them.

150 I could not conceive a better Plan than this for introducing Antistocracy.

Mr. Smelt.

9.

33

151 Mr. Smith — Mr. Adams says there is in the
 Doubler, a natural Brititovary Letter,
 v 53. p. 362. Three Branches of Government
 in every Society. The Executive ought to
 have a Negative on the Legislative.

152. The People of U. S. thought a single
 Branch sufficient for Congress; which is
 not a legislative but a diplomatical
 by Art. 1. 5.

153. Letter. 55. 372.

In Convention of ^{the} 22^d Dec. 1787. D. M.

154. Mr. Willard — The Vice President's vote is an independent
 perhaps a dangerous Office; as he will be often linked
 with the Legislature, and will have a Voice when the
 Vote, an equal, wherein may depend on his Vote.

155. The Power of Congress to fix the Limits of
 choosing the Electors of the President, is dangerous: they
 have no Power to oblige Congress to act.

156. The Power of the Senate to make Treaties is
 dangerous.

157. The Extent of this Government is too great.
 It cannot be executed: Mr. H. has proved it to
 be a consulting Government.

158. Mr. Fendley — Only a Part of the Executive Power
 is vested in the President: in the most dangerous
 v but Part, he only acts on previous orders given of
 v the Senate; only he has the sole Right of determination.

159. The officers of Government are the creators of
 v the Senate: The Senate should not, therefore, be the
 Judge of its Impairments.

160. The great Objection is the blending of executive
 v and legislative Power: When they are blended,
 v there can be no Liberty; Mr. Adams says so. This
 great

34.

great subject is better understood by the
 People and attended to by the Legislature,
 than any other: It is my Duty to insist,
 and I will insist, that the Distribution of
 Powers in the present System be amended.

161 Mr. Whitehall — Why is the homogeneity of the People
 always brought to mind? There are 13 States,
 ✓ 13 Legislatures in the United States; and 13 different
 Governments: Why knock down all this
 ✓ bunch of different governments.

162 The judicial Department is cluttered
 with and will absorb the judicial Powers
 ✓ of the several States; and striking out shall
 ✓ be stop it they.

163 The Supreme Court will have very solemn
 - our Powers ended; They would be by extension
 ✓ on the United States

164 There must be a great Number of inferior
 Courts in the several States: One for a large
 State would not be enough. — Shall an Act
 ✓ for 5 or 10 be brought in it. There ought
 to be one in every County. The Number of
 judicial Officers will be multiplied.

165 Appeals will be to the Supreme Court;
 ✓ which will put it in the Power of the wealthy to
 oppress the poor.

166 The Powers will be too extensive for the
 ✓ Safety and Happiness of the People: Justice can
 not be administered.

167 Any Kind of Action may be brought;
 ✓ - same, to be brought into the federal Courts.

168 There may be Courts of Equity as well
 ✓ as Law.

169 Can the federal Courts give Relief to
 ✓ the Complaints of the People in proper Form.
 The State Courts have much Business; they
 must more with the gen^l Court, have off

- 170 The general Courts, may alter the Rights
of Present and the Distribution of real Property?
✓ They may establish the Rights of Foreigners,
- there.
- 171 The Trial of Jury Causes is to be by Jury;
✓ therefore the Trial of civil Causes is to be by Jury
- and not to be committed to the Judge.
- 172 He proposes the Trial by Jury against
✓ the attempt of the British Colonies.
- 173 I wish, for the Honour of the Convention,
✓ that had not been omitted.
- 174 Art. 3. s. 2. "The Laws of the United States"
Laws may be made in consequence of the Court.
This not agreeably to it: The Laws may be un-
- constitutional.
- 175 Location may be so made as to abate
✓ the Liberty of Commerce Trial by Jury and
all our Liberties.
- 176 "Citizen of another State" must mean all the
Citizens.
- 177 There is no division drawn, in the judicial
✓ Department, between the gen^l and stat^l ju^{ts}.
- 178 Cases may be taken up by the Officers of
✓ the gen^l ju^{ts}: They will not be heard by the
- Court.
- 179 Mr. Justice - In common law cases there ought not
✓ to be an Appeal as to Facts: Facts proved
by a Jury should never be re-examined.
- 180 I doubt whether there has not been an
✓ Intention to substitute the civil law
instead of the common law.

181 There may be Danger in the Execution
of the judicial Department, as in the
Case of a rigorous Collection of direct
✓ Taxes - A Quarrel between a Collector
and a Citizen would drag the Citizen
into the Court of Congress

182 The Court must be very numerous
or very few: Either will be inconvenient.
✓ They must be numerous.

183 If the State gov^{ts} are to continue, the
People will not be able to bear the Ex-
✓ pense of them and the gov^{ts}? -
Will this save Expenses.

184 Mr. Lindsley - The Convention, no doubt, thought
✓ they were forming a Contract or Compact
of the greatest Importance.

185 The Judges are better for the good of Justice
in all possible Cases: The Methods of Justice
✓ are more systematical. The Law can
never be so exacted, as to prevent the Judges
from doing wrong.

186 I admit that it would have been impo-
sible to have accommodated the Trial by
✓ Jury to all the Cases: But Cases
ought not to have been given applying to
✓ such internal Objects.

187 There might have been a Declaration
that the Trial by Jury on civil Cases, as
✓ it hath hitherto been in the several
States; or in the States where the Cases arise.

188 The Jurisdiction will, I believe, be chiefly
✓ appellate; and therefore, chiefly without Jury.
The

10

37.

189 The State can make "no part" of its laws
 &c." therefore there was no objection for
 introducing the Clause "Citizen Citizens of
 different States."

190 This Clause may produce Doubts in
 the Dealings between Citizens of this State
 and New Jersey.

191 "Compensation" is a new Term: Does it
 denote Salary or Emolument. Their Salary
 should be incapable of being increased.
 holding Office under the State, or other
 Office under the great Gov. - They may
 hold commissions. I have only lately discovered
 this Objection.

192 A Treaty is not completely ^{legislated} guarded.
 It may be superior to the Treaty itself. The
 House of Representatives have nothing to do
 with Treaties.

1939 Mr. Justice - I cannot see the great Difficulty
 of securing at least the Substance of
 Jury in civil Cases - It might have
 been said that the Legislature should
 make Regulation for the Trial by Jury
 in them

194 Whatson is not given or removed. The
 Trial by Jury is given in criminal Cases
 therefore removed in civil Cases.

195 The Judges may be brodded by holding other
 Office

In

New Hamp

In Convention 9th Decem^r 1787.

196. *McDonell* — This system puts the Gov^r in a
v. *Situation*, in which the Officers are not re-
-sponsible

197. Every Door is shut against Democracy

198. It was the Design of the Convention
to divert us of the Liberty of Trial by Jury
v. in civil Cases; and to deprive us of the
Benefits of the common Law.

199. The Word Appeal is a civil Law Term,
v. and therefore the Convention meant to in-
-troduce the civil Law.

200. On an Appeal the Judge may set aside
v. the Verdict of a Jury.

201. Appeals are not admitted in the Com-
-mon Law.

202. If a Jury give a false Verdict, or that of
v. *Malice* (as in the Verdict may be set aside;
a Verdict of Error lies in no Matter of Law; but on
that that the Facts are not re-examin'd

at the Will of Part

203. 3. Bl. 878 — concerning Trials by
v. Jury

204. 3. Bl. 392. The Extent of civil Law
v. Boundings.

205. 3. Bl. 390. 391. The Property of new
v. Trials.

206. 3. Bl. 452. Chancery judgment doubts
v. the Trial of Facts by a Jury.

207. 3. Bl. 336. Trial by Verdict is the
v. only Mode known to the civil Law.

208. The Case of *Salpy* & *Burningham*.
v. New York. Appeal to the Government and
The Question here was — whether a Certificate from Council, Prayers of the Chief Justice for the
the Governor could, or were meant to alter the Law. Consent of the Judges.

- 209 "All the Appeals we have yet had have
 ✓ been in Error."
- 210 If such an attempt was made in England,
 ✓ what would the People of that Country do? It
 would set the whole Nation in a Flame.
- 211 Securing the Trial by Jury in criminal
 Cases is more than saying Nothing.
212. The Convention might have said,
 ✓ that Congress should establish Trials by Jury
 in civil Cases.
213. Mr. Whitehill — Are we to trust all the Judges, who
 were born free Slaveholders?
- 214 There is no Security, by this Constitution,
 for People's Names or Papers.
- 215 James's Letter, Art. 9. The King
 ✓ cannot punish till a Person be found guilty
 by his Peers. Question and Disruption of
 Trial by Jury in criminal Cases.
216. These Privileges ~~mentioned~~ (described in
 the Letter) are not secured by this Constitution.
217. The Cases of Mr. White, and the Discharge
 of general Warrants show that Judges may
 be corrupted.
218. A wicked Use may be made of search-
 Warrants.
219. If such Men operate as formed this
 ✓ Constitution; all Alterations will be for
 the worse.
220. The People will not submit to this Govt.
221. Art. 6. Clauses 2 and 3 are concluding
 ✓ Clauses that the State Governments will be
 abolished

New H. Bill R. s. 20. 21.
 May. B. R. s. 15.

222 The Oath here required is contrary to
 the Oath required by the Constitution of
 Penn. No Member of Assembly will
 hereafter take the latter Oath.

223 The next thing will be to call a Con-
 vention to alter the State Government.

224 All our Constitutions may be al-
 tered by Trustees made by a few Sena-
 tors.

225 This Lordly Domination will not do.

226 Our greatest Liberties will by this
 Constitution, be sacrificed to the Will of
 Men.

227 The Trial by Jury is given up to
 the Will of Congress.

Mr. K. Kean - I have read as well as heard
 the Objections mentioned here, in the
 Centinel, Bunker, Criticisms.

228 Mr. Swinley - The State has had but two Months
 to consider this System.

229 Trial by Jury is not secured in civil cases
 as in criminal ones. And at the Mercy of
 the Legislature.

230 By the appellate Clause, an appeal
 lies from the verdict, verdict of a Jury, a thing
 hitherto unknown.

231 Personal Liberty cannot be enjoyed
 without Trial by Jury.

232 All the northern Countries have be-
 zealous of Freedom. Sweden till lately
 had Trial by Jury - and certainly a free
 Govt. well balanced, consisting of four
 Branches.

Swiss

11

11.

233 Trial by jury is inconsistent with
 v a complete Aristocracy.

234 The lower class of people will be
 v oppressed without trial by jury.

235 This last is explanatory of other parts
 of the Plan.

236 The people never expressed a wish to give
 v up the Trial by jury.

237 In term. the trial by jury must be by
 v a jury of the proper country.

238 Mr. Smilie — In all Times a Minority, contend-
 -ing for the Rights of Manhood, have been
 treated with Contempt.

239 The people should be represented by persons
 in the Administration of Justice.

240. 3. Bl. 380. Every new Tribunal, without
 v jury is a step towards an Aristocracy.

Mr. Lindley —

In Convention Monday 10th Dec^r
 1787. P. M.

Mr. Lindley. — As to the Trial by jury in Sweden,
 Mod. Un. Hi. Vol 33. p. 21. 22. Juris remain
 in effect for 4. 3. Bl. 269. 380, 381.

Mr. McKean —

1. Consider Objections
2. Give Reasons in Favor of the Plan.

Objections

1. Elections not frequent enough
2. N^o of R^s too few
3. Legals have too many blended
 powers.

4.

46

44

1. Congress Term & Elections

3. Powers of Congress too large

4. Appropriations too long.

6. ~~7.~~ Whole of the Ex. Power not kept
in Presd's hands.

8. V. Pres. should not have a voice
in Senate

7. ~~6.~~ Comp. of Judges may be essentially
increas'd

8. ~~9.~~ No Bill of Rights

9 ~~10.~~ ~~The Aristocracy is consolidated~~
~~ing Govt. - not a fixed one~~
12. An Aristocracy.

I. Election not frequent enough.
The different Division of Parliament.
Term of London should be longer than
that of Representatives

II. The Representation is large enough.
Es. for 25 years the number will be doubled

III.
Form of the simple Form of Gov. on the best.
There is no Model of Representation but has
allowed that the Brit. Gov. was the best in the
World before the Corruption of it.
When a Judge &c. is impeach'd; it is probable
that some of those who oppos'd him will be
present. The Danger lies from the Desire of the
- moral.

4.

In Penn: Co. Governor appoints and re-
peals Officers.

IV. Act. 1. 1. 4.

Every Man is Judge of Qualify of Elections.
Can not take the State into his hands in the Elections.

V.

Power of interven Loes not to equal

Foreigners may compel Payment of their Debts.
Have in not had Congress except of Dependents.

Will not occupy that Congress should have a
Power of raising and supplying Armies?

— and the Command and Dis-
cipline of the Militia?

"All Laws necessary & proper" by the State to as-
sist Execution.

"The Const: shall be the Supreme Law" —

"Impeachment &c." Subject of displeasure.

VI.

In Penn: there is no Responsibility in Council, be-
cause the Pres: has given up his Right of Veto.
And they appoint by Ballot, and therefore are
not Responsible.

There is scarce a Party in Europe that has
not some Check upon them in the App: of Officers.

VII.

Officers to Judges Relations the same as to
themselves.

There might be Improvements in the Dis-
cretion of Juries; particularly in the Mode of
their appointing them.

The House of Lords have an appellate
Jurisdiction in Law and Fact.

Appellate Jurisdiction from Appeals Courts.

44

In the Boston State, Cassius, taken by
Jervis, are removed on Appeal.

VIII. What Decision for a Bill of Rights when
only delegated Powers are given? One proposed
of 1000 among 250, is it necessary to remove
the 750?

Look on Gov. p. 2. s. 141. 152.

IX. I shall not quarrel about Names.

X. An Aristocracy is the best Security
against external Force.

Consequences of accepting -

Strengthen the Govern^t - Appeal from the
People of all the States.

settle and perpetuate our Independence.

Encourage our Allies - and make our Enemies
break our Colonies and Dissensions
migrate Commerce, Stop building

The blame of Amendment. Art 5.

This is the best system the World can now
produce.

Mr. Treadwell - The Principle of our Agreement
well stated - considering God - So Con-
-sistent with the Principles were all our Agreem^{ts}.

Mr. Smith - Those who stop and laugh are not
the People of Pennsylvania: If the Gallery
was filled with Bayonets, it would not im-
-medately die.

It is a great Misfortune that another
State has been before us in the Surrender
of their Liberties.

In

12.

45.

In Convention 11th Decr. 1787. 2^d P.M.

Mr. Wilson. —

In Convention 12th Decr. 1787. A.M.

Mr. Bradley — Sovereignty — Vol. p. 9. 19.

Like on p. 13. — There is but one source from which the Legislature is formed with a Court, and there is still an inherent Right and Power in the People for self preservation; but this inherent Power can never be exercised, till the Government be dissolved.

Confederation p. 11. s. 10. —

Art. 4. §. 1. Confederal Republic.

There should have been a Council of Advice to the Presid^t responsible to the Council.

The Senate and Presid^t may make a Monarchy.

The Power of regulating Elections includes the Power of Electors.

It is not unreasonable to suppose that this system may be made better.

Mr. Smiley — The base of the Union.

Can not the Power be entrusted with some, Parties to this Gov^t?

British Debates. p. 98. 99. 21.

In

46.

In Convention 12th Dec: 1787. P.M.

Mr. Tomlinson - Power understood an extension
 by favorable for the Extension of Congress

If there was an explicit Declaration
 that the People had a Right to alter this
 System; all Matters would be easy.

The Rights of Congress are not
 secured - Postoffice useful to all by
 common Govt! - Congress may establish
 any Religion

Autocracy is the Govt. of the few over the
 many.

This Govt cannot be secured - because the
 same Means must be employed for this Pur-
 pose as a necessary to execute a Republic;
 - First Discontent and Opposition will arise
 in every Quarter. If presented at all, it
 must be by Force; The Enemies of the Con-
 -stitution must have seen that Force would
 be necessary.

This will be the Case; and if this be so,
 we have struggled and fought in vain.

Since the Case there has been a del of
 Men from N. H. to Georgia who could
 not be or to be on the same footing with
 the other States; I cannot tell how
 many of them were in the Convention.

Congress by the Powers they have already
 have contributed to throw Things into
 Confusion to produce the present great Event

157.

A change of habits is necessary to preserve the present Liberties of the People: The Adoption of the present System will not accomplish this.

If the Constitution is adopted, I look upon the Liberties of America as gone, unless they shall be recovered by Arms.

Mr Hartley -

Dr Cook -

Mr Chambers -

Mr Whitehall -

Mr McLean -

Sept 21

264-B. James Wilson's Notes for a Speech, 4 December 1787
Historical Society of Pennsylvania

Objections

1. There is no Bill of Rights: Many of the States have Bills of Rights: There are some Animations; why not more: Power given, and Powers and Rights reserved ought all to be enumerated: What Harm in a Bill of Rights.
2. There is no Check, but the Checks: Duties, Duties are not given, but as to that, say.
3. There is no Security for the Rights of Citizens.
4. This system violates the Confederation; and the Liberty of the State could not join in it; for their Powers are limited by the Confederation.
5. There is a Mode of Amendment in the Confederation.
6. "No the People say: This Clause changes the Principles of the Confederation; and in so doing a consolidating and absorbing gov: Will there be a people one for the whole State?"
7. The Sovereignty is (See next Page)
8. This system undermines and eradicates the State Governments; and was systemically intended to do so.
9. Congress may prescribe the Terms and Powers and Manner of Election, when the State Governments shall be established: They may make the Terms as distant as they please.
10. Art. 1. s. 9. last Clause gives the Power of self preservation to the general government, independent of the States: For, in favor of their Abolition, it will be alleged on the part of the general government, that self preservation is the first Law, and necessary to the Exercise of all other Powers.

11 This

Sovereignty Art. p. 5. s. 2 Lock p. 2. s. 119, 227
 Vol. 1 p. 41. s. 10 P. 245. 251. 182.
 Confederacy & Mont. b. 9. s. 4.
 against inconsistency between the Resolving, and that against the Powers of the States.

12. There is not a federal Government, but a complete one, with Legislative, Executive and Judicial Powers: It is a consolidated Government.

13. The Forms of the State Governments may remain; but their Powers will be destroyed. They will lose the Attachment of the People by losing the Power of self-preserving Advantages.

14. The People will not be at the Expence of keeping them up.

15. The State Elections will be ill-attended, and the State Governments mere Elections.

16. There will be a Rivalry between the State Governments and the general Government. On each side Endeavours will be made to increase Power. The State Governments cannot make Head against the general Government.

17. The Sovereignty and Independence of the State is not preserved: There cannot be two sovereign Powers: A subordinate is no Sovereignty: The Sovereignty of the State is not represented in this Constitution. A State can speak but one Voice; here each Senator has a State.

17. The Power over Elections, and of judging of Elections, gives absolute Sovereignty.

18. There is a Dependence of the State Officers on the general Government; they must ever be supported.

- 19 The Number of Representatives is too small; There should be more in a country lately and thickly settled, than in one old and populous. Pennsylvania will not have any Representation for from Philadelphia.
- 20 Annual Assemblies and annual Appropriations are necessary: The British Parliament took seven Years; but even there the Appropriations are annual.
- 21 The Members of the Senate may elect themselves; they may hold their Offices as long as they live, and there is no power to prevent them: The Senate will swallow up any Thing.
- 22 The Powers of Congress extend to Taxation - to direct Taxation - to internal Taxation - to Poll Taxes - to Excises - to the State and internal Commerce. Those who propose the Power to tax possess all other sovereign Powers.
- 23 Congress may borrow Money - keep up standing Armies, and command the Militia.
- 24 The Powers of Congress are unlimited and unconfined: They will be the Judges of what is necessary and proper.
- 25 The Liberty of the Press is not secured. Congress may license the Press, and decide what shall be a Libel.

Scissors

26. Crimes shall be tried by Jury; therefore Congress may declare Crimes.
27. An aristocratical Government cannot bear the Liberty of the People.
28. For Officers in Congress, Members cannot be tried in any other Place; therefore not by the People.
29. Congress will have the Power of self-preservation; and therefore may destroy the Liberty of the People.
30. The judicial Powers are co-extensive with the Legislative Power; and extend even to capital Cases.
31. This is not such a System as was within the Powers of the Convention: They opposed the Power of proposing.
32. This System was not expected by the People, the Legislature, or by us.
33. A general Government was not in Contemplation: The Business was only to amend the present Confederation, and give more Power to Congress.
34. The Objections are not on local but on general Principles: They are uniform throughout the States.
35. The Plan is inconsistent to our Liberties.

Reason for adopting the Constitution

The practical Recognition of the Supreme Power of the People

The legislative, executive, and judicial Powers kept distinct and independent.

The legislative Authority divided - Representation - Wisdom.

The Executive Authority, one - Stability - Responsibility

The judicial Authority independent - restraining the Excesses of legislative and executive Power - Equity and personal security

The account here drawn between the Power of the great and those of the State Governments.

The Result of this Distribution of Power - mutually to prevent and check Excess - to preserve the Advantages and avoid the Inconveniences of the different Branches of Government.

All Authority is derived by Representation from the People - the Democratic Principle is carried into every Part of the Government.

Right of Suffrage fundamental to Republics, secured Art. 1. s. 2. (Art. 3. 2. c. 2)

Representation and local Election according to Numbers Art. 1. s. 2. (Art. 3. c. 3. s. 3. Wickes. 308)

Number of the Legislature cannot be diminished in Government, Art. 1. s. 5.

Every

Every Thing almost is transacted by
a Majority - The Minority do not go.
-ven. (Boul. 72)

The Powers of the general Government
are necessary and well defined

The Powers of it and the State go-
vernments are satisfactory. Art. 1. c. 9. (Paley's
Princ. 270. 272. Nichol. 329. 332)

The Power of punishing or Imprisoning
for Crime and Misdemeanours in Office
Art. 2. c. 11. (Mont. 6. 11. c. 6. 131. 155.)

The accurate Description of Treason - its
multi-Genus consequences confined to the text;
-ment. Art. 3. c. 3. (Mont. 6. 12. c. 7. 11. 187)

A Republican Government is guaranteed
to each State Art. 4. c. 11. (Mont. 6. 9. c. 2.)

The Means of Improvement by Amendment
Art. 5. (Mont. 6. 11. c. 2.)

264-C. James Wilson's Notes for a Speech, 11 December 1787
 Historical Society of Pennsylvania

2^d List of Objections

Art. N^o 3. 9. 10. 52. 62. 64. 161

The Convention, no Doubt, thought they were forming a Compact or Contract of the greatest Importance. N^o 184.

The present Confederation should have been continued; but amended additional Powers should have been given. Page 5. C. 16. N^o 4. 7. 79. 149. 182.

The Council of the Government is too great. It cannot be executed. N^o 157.

The general Government ought not to have sole Power for external Commerce. N^o 56. 57. 79. 95. ~~186.~~

There is no Sovereignty left in the State Governments. N^o 60.

This is a consolidating Government, and will abolish the State Governments. N^o 74. 72. 114. 157. 162. 221. 222. 223. 224.

The Powers of the several Parts of this Government are not kept distinct and independent. N^o 46. 54. ~~67.~~ 160.

The Number of Representatives is too small. N^o 36. 37. 38. 116. And may be made smaller N^o 76. — The Districts will be too great. N^o 37. 53. 116. — They may be bribed by the Senate. 39. 40. 68. 69. 70.

The Powers of the Senate are too great. N^o 17. 41. 68. 122. 158. 159. 175. 192. — And Representation unequal. N^o 75. — The Senate may be bribed. N^o 43. —

The

The Power of territorial Taxation ought not to be given. N^o 59. 135.

The Power over Elections is dangerous. N^o 119. 140. 141. 142. 143. 144. 145. 146. 147.

The President is only a Tool of the Senate. N^o 120. 122. 133. He should have had the Appointment of all Officers with the Advice of a Council. N^o 121.

The Judges are not sufficiently independent. N^o 172. 92. — Their Powers are too extensive. N^o 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 173. 181. 182. — They may hold sinecures. N^o 191. 195.

The Trial by Jury was intended to be given up; and the civil Law introduced in civil Cases. N^o 171. 172. 173. 180. 185. 186. 187. 194. 193. 198. 199. 201. 203. 203. 207. 210. 212. 215. 227. 229. 231. 232. 233. 234. 236. 237. 239. 240.

The appellate Jurisdiction as to Trials, improper: Appeals are unknown to the Common Law. N^o 179. 188. 200. 202. 208. 209. 230.

The Expense of the general Government and of the State Governments would be too great. N^o 183.

Standing Armies should not be among the Powers given to Congress. N^o 113. 123. 149.

Nor should the Command of the Militia. N^o 113. 125. 132. 156. 157.

The Government is too far removed from the People. There is not sufficient Responsibility in it. N^o 58. 136.

The Convention knew this was not a
free government; otherwise they would not
have asked the Blessing of the Cross and the
Sword. N^o 124.

This government is, and was intended
to be an Aristocracy. N^o 34. 35. 38. 82. 115.
134. 148. 150. 151. 161.

265-A. Jasper Yeates' Notes
 Historical Society of Pennsylvania

Mr. In. Day - (The word Paragraphe to be omitted -
 - Management -
 -
 Object to Prothonotary - to let in a Committee of the whole
 Committee of the whole, objection to - Delay & Inconvenience on and then, on the
 other Prothonotary matters to be avoided
 - It takes time & expense
 - Paragraphs will not answer the purpose - In a detailed point of view
 Justice cannot be done
 - Allegory of the Pile of Building - and Chamber -
 -
 It distinct Part to be considered & objection to each Section -
 Some will be given to each Member to reflect on all the proposed Part -
 have been used - & have listened before they give their vote.
 -
 4th April 24

Mr. Nixon

I highly approve of the Legislature Power being vested in
American (Gen. Assembly)

Michigan 27 Nov 1791

Is there a deprivation in the Constitution that justifies
the People attacking the Govt if they think proper?

Read the Declaration of Independence

Mr. Nixon

There is no necessity for a Bill of Rights

Mr. Wilson

8 Vol. Parl. Hist. 110 - Bill of Rights
with the Kings Am. 1791
- 2 Vol. Parl. Hist. 258

All the Revolution the Rights of the People
was considered as founded on a Compact
1 Black. 233. to this Point -

Trinity

Delaware Massachusetts, Georgia Maryland &
North Carolina have a Bill of Rights

Should the King on being sworn be required
to the Privileges of the Nat. English Act -

There are many parts of our Bill of Rights & all
that are given to us

In the Constitution there is no Security for
the Rights of Citizens

The Section of 6th Article sweeps away all
the Rights we have under the State Govt.

A. Whitehill

The present Constitution is a Violation of our Engagement
with the Convention

The State nor Convention had such Powers

The Act of 1791 gave us such Power

Will Govt. give a general unqualified Government?

The general Legislative Power is too large & indefinite

Annual Elections necessary to liberty
except every man the Governor of the State
Congress ought not to extend the Term of
Power of choosing House of Representatives

Union may amass wealth by selling for 6 1/2%

It is the Nature of Power to expand its Boundaries

What have we to do with Magna Carta or for Brit.

The late Convention deliberately intended to destroy the
State Government

There is a Right to give away the Rights of Citizens

1791

our Government suffer from Rights & therefore the
a Bill of Rights may be necessary then it is not so
hard

Virginia, Jersey, New York, & Carolina, Connecticut
Rhode Island have no Bill of Rights.
So if we have them we are dangerous
An Enumeration of the Rights of the People
would be dangerous - for what are omitted and
to be supposed to be included

Mr. Wilson

If the State Gov^t fails, the Gov^t of the U.S. fails also
 - For there can be no Union of Peoples? unless
 there are Unions of its State Legislatures
 and the Senate can only be chosen by
 State Legislatures.
 - And each State has an equal Vote

No State to be deprived of its equal Suffrage in
 the Senate without its Consent. Article 6

The President is to be appointed by Electors
 chosen by the Legislatures of each State -

If the Legislature & Executive Power (which clearly
 exists in the State Government) cease to exist, the
 Judicial Power must cease also

Finally

The Federal Gov^t does not immediately abolish the State
 Gov^ts but eventually it will produce it -

"Instead of the Word 'People' in the Preamble of
 it, it shall be 'We' - this means the Convention
 intended to destroy the State Gov^ts"

The general Gov^t have such extensive Power in Point
 of Taxation, that the States can do but little - they
 can only try to do what is left - if any thing

The Power of raising Armies - the Power of Congress
 over the Militia of each State, is formidable to Liberty

If State Gov^t cannot raise Money enough to pay their
 Officers, they will not save those Gov^ts without Salaries

The Form of Gov^t may subvert when the Substance
 is good - as in the Case of a mixed Form

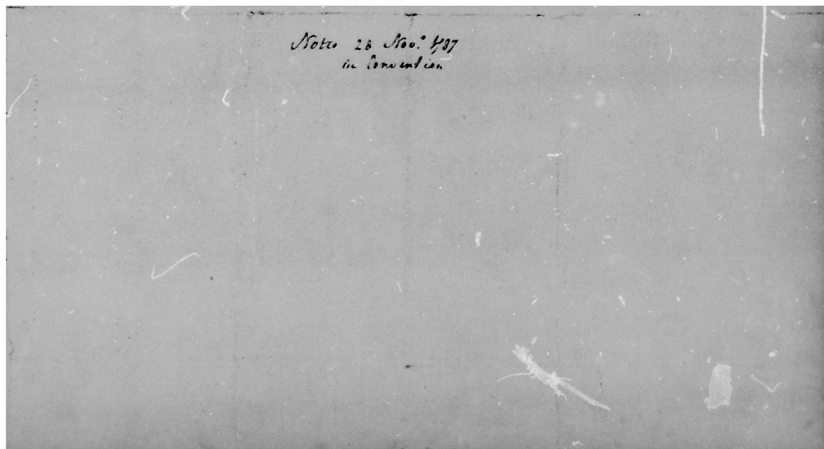
Chief Justice

There are many Gov^ts in the World each have a Part of
 Liberty.

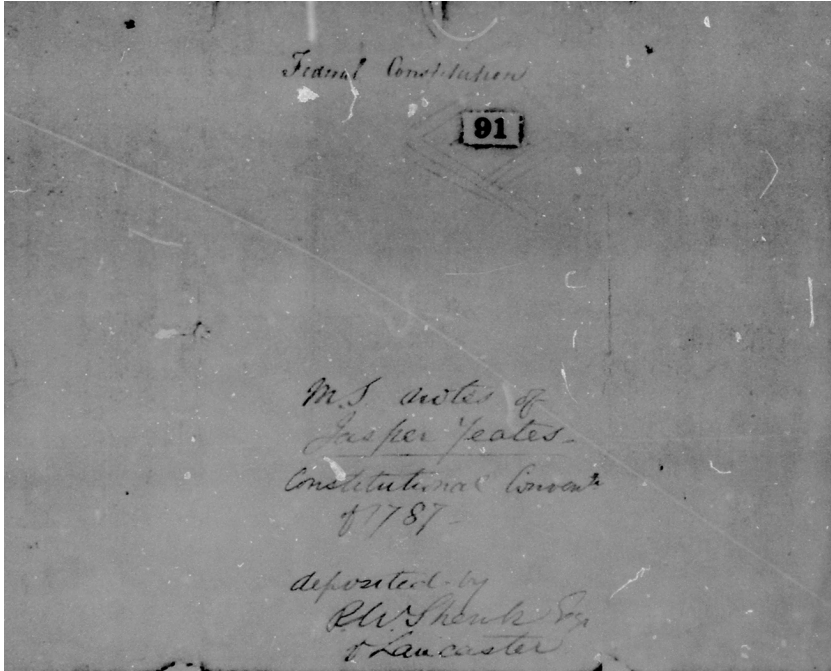
The Power of Congress cannot be so safely
 vested in any other Body - they are the Object of
 our own Choice & have our Confidence

The Encroachments of their Power excite the best
 American Minds wth exclusive Attention

Their Power are absolutely to one by the Union as a
 national Government.



265-B. Jasper Yeates' Notes
Independence National Historical Park Library



Mr. President

1269

I am in support of the motion made by the hon. Member that this Convention do adopt to ratify the Constitution of the United States as lately agreed to on the 17th Sept. last by the Convention of the United States.

The Intentions of the Member have been fully & clearly stated. no Precipitation or Haste is affected. A full fair dispassionate deliberate Discussion of the Principles of the System proposed to us is desired by all, and that the most ample Time should be given for the bringing forward & Investigating every Objection that can be made to the new Constitution. Precipitation & Delay on the one Hand & affected Delay & Inattention on the other should equally be avoided.

The primary Question then will be whether what Form or Shape our Deliberation shall be conducted - whether we shall proceed to the Discussion in full Convention as a Body authorized for this express Purpose - or whether pursuing the general System of the House of Assembly on Bills before them, we shall resolve ourselves into a Committee of the whole, chaired a Chairman, take it up Paragraph by Paragraph collect the Vote on each Paragraph & make Report to the Convention of our Proceedings & Resolutions.

I am strongly inclined to pursue the first Mode on Principles of Propriety, ease & public Utility.

We are not sent here to amend or alter the Constitution - for have no such Power delegated to us. We do not resemble the Legislature in this Particular, nor are their Precedents binding on us. The Power which is vested into several respectively produce the Effect with them of resolving themselves into a Committee of the whole to alter amend & improve any particular Bill, is not exist with us. The Cause arising with us the Effect must arise also. We are brought here for the Discussion of a single Point & in the first to determine whether we will ratify or reject the Constitution offered to us. This is the grand Question which we are to solve.

If we go into a Committee of the whole we shall after spending considerable Time on the System, have to travel the same Ground over again in Convention, & thereby incur unnecessary Expence as well as a considerable Loss of Time.

But why debate it by Paragraph by Paragraph? Surely there at least some Things it is unquestionable.

1st Objection The want of a Bill of Rights.

Resp. Our Gov^{ts} differ in this Particular from England. - Therefore the necessary check, not so hard New Hampshire, Rhode Island, Connecticut, New York, New Jersey, South Carolina, Georgia & perhaps Virginia have no Bill of Rights - are they not free? Do they hold their Liberties as just as our's?

But an enumeration would be dangerous - but might be omitted & therefore inserted whatever is not expressly added to the Federal Gov^t is still reserved.

but it is just we have granted Part of the Bill of Rights, as in Resolving the Senate the first in General Term, & deciding that the Privilege of the writ of Habeas Corpus shall not be suspended is left in Power of individual States -

Resp. This is restriction of this general Legislative Power of Congress - they might claim their Right of not restricting their Power being enumerated, it became necessary to make exceptions - These then does not form a Bill of Rights - but an exception from the general delegated Power of Congress -

2^d Objection The least restriction annihilates all Jurisdiction & is intended for the Purpose of our being with too large & dangerous State Powers.

Resp. Consider the Character of the Federal Convention for the said the Work does not justify the Remark - but it has been shown if the State Gov^{ts} must the Federal Gov^t the Representation must be chosen by them - voting for the most numerous Branch of the State Legislature - the State Legislature must choose the Senate - & appoint others to choose a Gov^t - the Judicial Power depends on the Senate - the Constitution of the State guarantees a Republican Form of Gov^t to each State (Read 11)

As to the large Legislative Power given to Congress, they are absolutely necessary to our Government, & can be abused in no Manner so easily - they are so, & so -

Then Justice depends on the Nature of a House of Representatives, & should have Power to make Regulations to prevent Frauds - It is only intended that the Power should be used when the State would either not use or abuse their Power - Will we presume that Congress will abuse their Power - It is not possible to lay down Power so exactly, but that it may be abused - The Utmost of our Wisdom may be added that there are reasons there because they may be abused -

The Supreme Power must be vested somewhere, but where so naturally as in the Supreme Head chosen by the free Suffrage of the People immediately or immediately.

The Object of State Power Legislation are different from those of the Federal Constitution they are confined to Matters within ourselves -

For have we not the general Interest of the U. S. & conduct them into our Interest - should we wish to make happy the Subjects of the whole Community?

Could the State individually exercise the Power given to Congress? Could they carry their own Laws? Could they propose an uniform System of Government & Trade? - Would they be able to protect against the State of Rhode Island & the Legislature of Congress had the Power they are now proposed to be

This matter is taken up by the opposition as if Congress were a separate independent body
deliberately admitted in destroying the liberties of the People -

Truly this is not fair - They have no separate interests from ourselves - They must feel
our pain - every indignation - We can remove them if we please -

It is confessed that the Nation abridge some of the Powers of the State Legislature - as in
preventing them from issuing money emitting Bills of Credit - making legal Tenders -
enforcing the Obligations of Contracts - &c.

But is not proper that they should be so restricted.

What have been the Effects of Tenders laws - Restrictions of Paper Money - or
the Destruction of Contracts -

All Faith has been destroyed amongst us - Speculation of the most dangerous kind
has been introduced -

The Principles of Morality has been impaired & if Virtue is the Foundation of
a Republic we have been sapping it as fast as we could -

If State Govts. are prevented from issuing their Tokens, it will produce Unrest, & the
Bills of Credit will immediately cease to be used.

Laws enjoining the general Interest of Paper will soon stand -

Commerce will flourish - Ship Building will revive again -

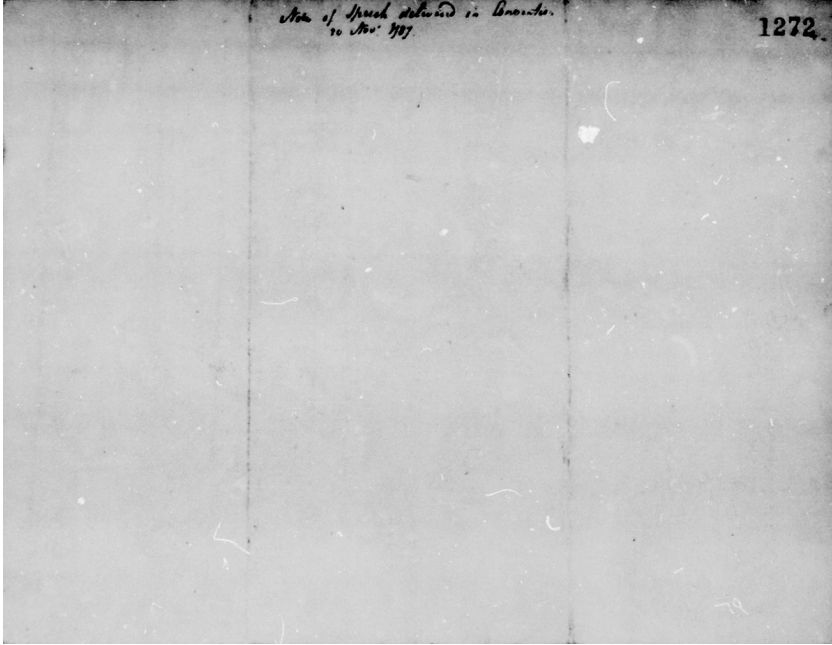
Jobs will be lessened on the Land Interest.

The Disaffection of the People will be healed & the Union of the States will depend on
unshakable Part of the National Constitution.

We shall be respectable in the Eyes of all Europe.

Our Credit will again extend itself - Congress will trust us -

longer than with the Power given them by the System, or similar Powers, could
effect these Improvements.



In Convention 30 Nov. 1797

Mr. Ashmun

The fact of self Representation as well seen
in the Federal System, that the same will
encompass all the State Government

Mr. Burke

The Number of Reps. is much too few for
so large a Country as America

But any State who has a Bill of Rights
contains it

Mr. Bayly

The State of Virginia has a Bill of Rights

Needs a Volume of the Remonstrance for
this Purpose

Says he has a French Translation of it

Mr. McLean

The Gentlemen who complain of the Smoother
of Representation in the Union, should tell us
in what Ratio the People should be represented
instead of 30,000 for 1

Formerly Representation was in the State as 700
to 1 - now it is 1000 to 1 - I suppose, in a few
Years it will be 1000 to 1

This is all Matter of Opinion

Mr. Bayly

We shall object to direct Taxation

to the Power of keeping up Standing Armies

Mr. Wilson

A large Rep. seems often of heavy Expense

A deliberative Body may be too large

I would say it may not exceed 100

Great Difficulties arise on the Question in Convention

If we suppose according to the Common Calcula-
tion that the Number of People in the U.S. double
every 25 Yrs. in the Course of our Century according
to the best Accounts we have seen of the State
of Population, the Number of Representatives
in the federal Constitution, will amount to
about 600 Persons

Carrying on this therefore to a double Period
it appears that the Ratio of 30000 for 1 will
not be improper

December 1. 1787. → 1274

Mr. Pickens moved that the Member opposing
the Constitution should keep to some kind
of order with respect to these Questions

Mr. Chalmers seconded him

Mr. Trumbull
The Constitution offered to us is a consolidated Govt
& not a Confederal Republic
It will swallow up eventually all State Govts.
There is no Sovereignty left in the State Legislatures

Mr. Wilson
All Sovereignty rests in the People
There is no Sovereign Authority in any State
" " in Congress
If the People have not granted with their Sovereign
Authority to the State Legislatures then the
Constitution cannot be defended

Mr. Trumbull
It is no Argument for the Federal Constitution
to prove that the Legislatures of Pennsylvania
have passed Laws which have been improper

Mr. Lawrence
Subject to a Bill of Rights very strongly in

Mr. Trumbull
Congress have a Power to restrain Libels

December 3. 1787.

I was absent for an Hour —

A deputation from the State of
It was contended that an Act of Parliament is
necessary in England to confirm a Treaty!
↳ R. B. H. H. H. H.

That Migration & Infestation of
Persons are the same thing in
Act of Parliament

Number 4.

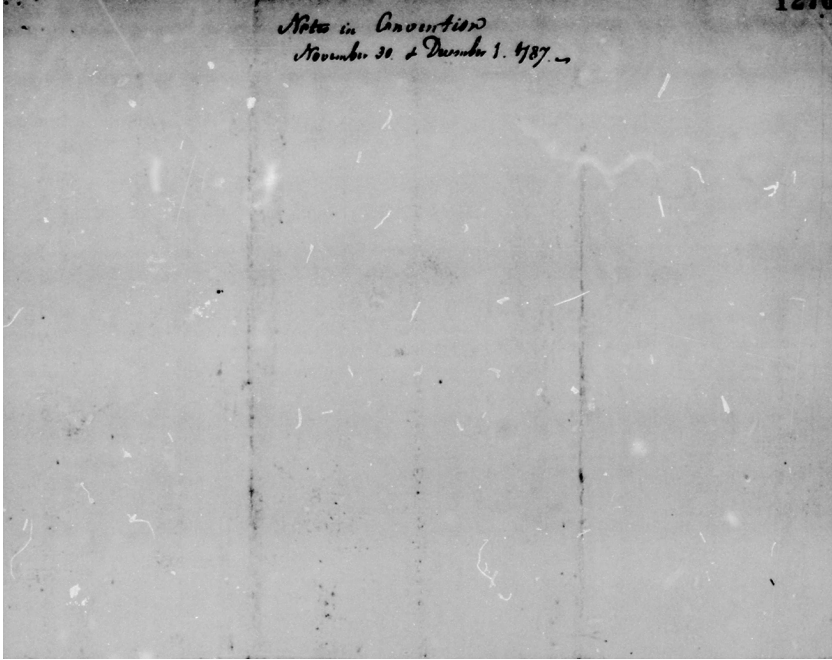
1275

Mr Wilson
I wish to hear & fully answer every
objection agt the new Constitution

Mr Smith
1. Objection. Want of a Bill of Rights

2. The Govt is a consolidated one & will
swallow up the State Legislatures

3. The Senate has a dangerous Power of
Corrupting by their Offices, the Represen-
tatives of the People



In Convention Dec 5. 1787

Mr. Tully

Madagascar Art 2 cap 2 The People in whom the Supreme Power reside ought to have the management of every thing within their reach, what would have been the management of the Executive -
- Caput Art 1 Art 7.
The Supreme Power is placed in the People

Voted 12. Jan 11
State forming a federal republic

The federal State should regulate Commerce, but it should stand go no further

The form of Legislation will follow the Question. The sovereignty of the State Legislatures will be entirely destroyed by the federal Constitution

The general interests of Europe will not be regarded in this Convention -

Had I been in the Convention, I could have opposed the structure of the Govt, & would have collected Intelligence from the Sentiments of my Friends.

Somebody has already said in the People - but they say not what I mean, I do not mean in State Legislatures

I agree that States will make for the People & not the People for the States.

If the Constitution of Europe is wrong, we ought not to adopt for that reason, a wrong federal system.

In Constitutions, friends and a constitutional means of obtaining one system is found improper

The State of Virginia expressly denies that the Legislature, Executive & Judicial Departments should be kept separate - It says Madagascar & Reason -

There is no Detraction of Office under the present federal system, as proposed is ...

There are not left in each State to bypass a card list

The people have had an equal vote in the Senate with the large States - but there is wish to be learned that would

There will be no loss of influence in the different States by adopting the new Constitution

The People are not sufficiently represented in the Plan of representation - The Number in the House for an extended Empire

December 6, 1847 1278

Mr. Smith
I mean to under the auspices of the Son
of Langley, on the Prudence & their history and
a History book

December 7, 1847

Mr. W. Schickel
The Post will be a dangerous Office.
He has the leading vote in the State
He knows the Legislature & executive Department

Mr. Smith
It was I by Mr. Wilson that this fact could
not be made.

Mr. Loring
Post in appointing Officer will generally nomi-
nate and Patron as will be agreeable to the State
The Legislature & executive Department are made
in the Constitution.

Mr. W. Schickel
The judicial Power will swallow up all the State
Courts Jurisdiction.
The People will be dragged a great Distance
to attend the superior judicial Court.
There must be a federal Court in every County
which with the opinion of the Attorney General
will be a great Benefit.
The Appeal will be very dangerous to
the People - The Wealthy must also succeed.
Money will be paid for - Taxes to lands
will be paid in the federal Court.
The Decisions of Courts of Law by a Jury
system. Trials in civil law by a Jury.
The termination of the former includes the latter.
The Liberty of the Press may be absorbed
by a Treaty.

Mr. Wilson
Law has been taken to prevent the
fact from being acts of Oppression in Government
Provision - Made by Jury and ruled in Council
law.
It is not to be supposed that Individual or
a Gov. will go Oppressive things, unless from
Principle of Interest, Ambition or Avarice.
There have been more Violations of the rights
of Trial by Jury in Pennsylvania than the Workmen
have in England in the course of a Century
notwithstanding a broad Bill of Rights.

There are no instances of exclusive jurisdiction
in the federal courts - there are but few cases
of them having original jurisdiction

1279

McIntire

In the case of the first section, the law
which is sought founded on the immediate
jurisdiction of Congress, to try Pease Case
by jury.

Jury trials may be superseded in Civil cases

Appellate Jurisdiction is a Civil Law Term

There can be no appeal after Jury Trials

It has been in an intention to substitute
the Civil Law as the form of the common Law

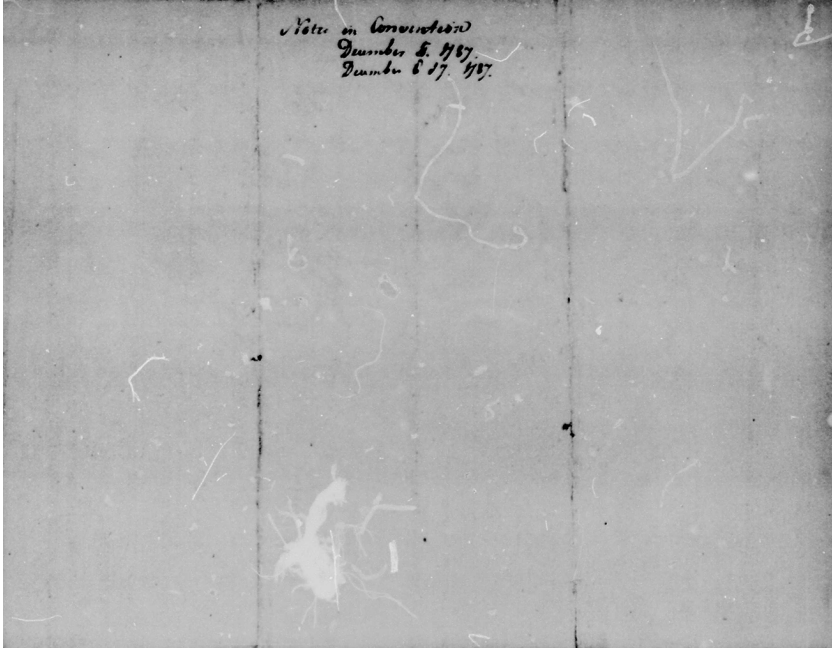
Proof of the efficacy of the different Court
of the federal system at large

Mr. Fowler

The Power vested by the new Constitution
are not accurately & precisely defined

The Liberties of the People are always safest
when Justice (who never go wrong by Appointment)
are called in to control the arbitrariness of the Judges

That the individual states are restricted from
making ex post facto laws - & the general
legislation. Authority is not prevented by the
Constitution from making such laws



In Convention December 8. 1787.

Mr. Smiley

The appellate jurisdiction is borrowed from the civil law & was not as such by Jury
- Writ of Habeas Corpus not a Jury for giving as John Vaneet

Case of Jerry v. Cunningham at New York in 1768 - Appeal from the general Court of a Jury respecting Game in the case of a Life & should to the Jury & should refer to the Supreme Court by the Judge

Inland except as she is, would not be an Innovation like our appellate jurisdiction

- The trial in criminal case by Jury is usual - but not being mentioned in Civil Cases it is clearly excluded in such latter law.

Mr. Abbot

The Federal Convention puts the Task too great for them to maintain the Mass of Trial in Civil Cases

We are plainly bound to us, had not to give among the Rights & Liberties of this People

The rich will swallow up the Poor - we shall have no security for our Property - but we shall have no other Property if it is insured?

There is no security for Peoples Lives or Property by the Constitution - all depends on the good Will of Congress & the Judge

It is a plain Breach of Oath to say that in Rights are granted by the Constitution.

- Case of Writ of Habeas Corpus taken further in Switzerland

Mr. M'Lean

For much Good has been said in this House - The whole Matter might have been decided in a few Days

Mr. Smiley

Future Ages will be surprised at Congress' Deference to the Constitution - Englishmen would not do it I would wish at Switzerland -

If there is no Bill of Rights, there should be ample security given that our Rights should be honored & secure - and that if they should be violated, they should not be enjoyed by the Power -

- If otherwise, our Liberties are lost in the most precious Manner -

An Altercation between the Chief Justice & Mr. Chamber after the Chief Justice heard the objection

Mr. Finley

3 Market. 580. Lobby on Janis

Lawrence is the most objectionable of all tyrannical governments

The Convention addressed themselves to the system of taking away the habeas writ in June

In Convention December 10. 1787

Mr. Finley

31st Dec. Unanimous Resol. Feb 21. Trial by Jury on in. Dimes in. Juris. right in. this lower Court

3 Market. Feb 28. 389 388 381. Very new Federal without a Jury, in. Introduction of Judiciary the writ of Habeas Corpus. Trial by Jury in. Juris. have been in. Dimes for one, a. meeting part.

Mr. Finley This following was objected to the system

1st) The Election of Judges & Justices is not frequent enough to secure their responsibility

2nd) People greatly differ on their Points - annual elections may be proper in a single branch but not in the present system where three objects are to be done which requires more than constant vigilance

2) 30,000 Tax's represented by one Tax-gate is too great a representation

3rd) In legal Point general provisions have in all Cases - Sup. P. Power of the Legislature. This and extended to more general Powers reaching over the whole Union

3) Jurisdiction over a House is the appropriate of judicial Officers & yet must be done in a Court which binds the Justice & Judicial Officers

4th) This is the best balance in the world. It is one of the strongest Lights in the Constitution of Justice when the Legislature comes alone against a try defendant

4) Congress may often propose Justice of Peace in other parts of the jurisdiction of the State

5th) This is as long term a good, Justice in the State is absolutely necessary to their preservation

5) Term of Court too long in laying out about Justice - their Term of Justice too great - the Appropriation of Money for too long a Term - This People have no Control over them

6th) Congress ought to have the Power of compelling the Sign of Money - the Power of raising or lowering the Interest - It is absolutely necessary for the satisfaction of the State

6) The whole branch Power not being in the President - the Power of Pardoning Government Vice Presidents or a single Officer

7th) It is an objection that the President is bound to execute the laws - This is nothing for the President - that he should be responsible to the Senate - the execution of the laws during the Term of Congress & during the recess of the Senate - This is a great Power

7) Objection against the Judiciary Department - the Number of the Judges may be increased & they may be transferred from one State to another

8th) This is a great Power - the President is bound to execute the laws - This is a great Power

8) The Power of People to amend the Constitution

9th) It is not making when there is no law or Constitution - all that is not granted is reserved to the State or the People

9) A Constitution of the Federal State

10th) This is a great Power - the President is bound to execute the laws - This is a great Power

10) On Antisocial & is extended by the Federal Constitution

11th) This is a great Power - the President is bound to execute the laws - This is a great Power

Obj 11 / The Trial by Jury not secured under
the judicial jurisdiction -

Obj 11 / The Court of Justice should in some instances
be united - The House of Delegates on appropriate points
both as to law & in fact - to have the Supreme
Court in matters in the light of - So of the Court
of Error & Appeals in Disputes about Wills -
is of Character who determine the facts -
In Massachusetts the Jury determine, law and equity
into the Supreme & by Appeal instead of writs of error

1. By adding to the Constitution you have the
Mission of Refinement of the Law, but to your Risk
2. You will thereby perpetuate our Indivision
by destroying the Rights of foreign & Domestic Commerce.

3. You will encourage your Officers & other Powers
will make treaties with us

4. It will break our Policy & Principles in every
State & Particulars in this

5. It will encourage your Legislature - your
Judicials will flourish under it
If you not agree to it, there is no Prospect
of getting another Constitution -

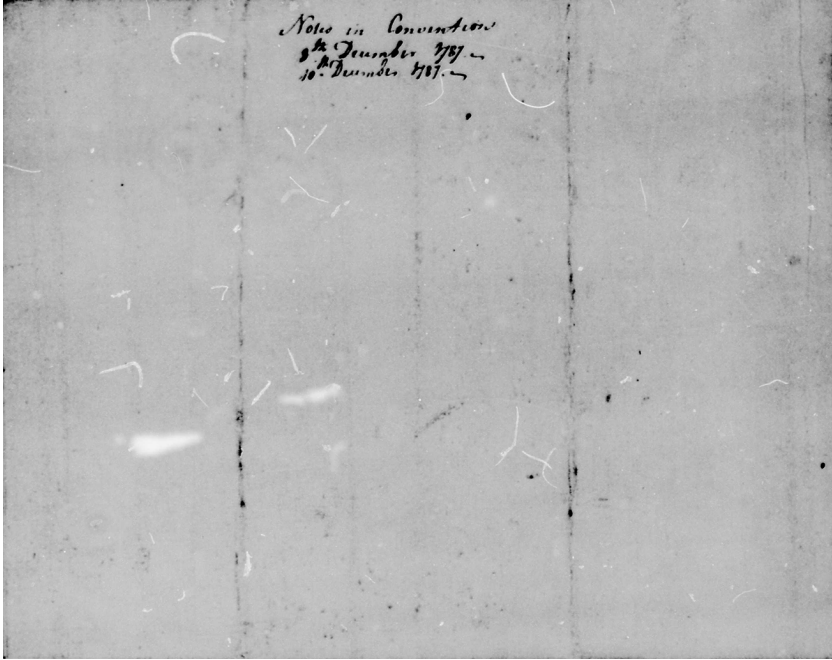
It has the seeds of Amendment in it -
Upon the most mature Reflection I pronounce
the Constitution to be the best on the Face of
the Earth -

Mr. Sumner

The Constitution with the Chief Justice is that
the Government should be consolidated

Mr. Mason

I never found we had the worst of the Argument
until to night - We have no Pleas to
lay in for us - We are not to be intimidated
the the falling one round with Bayonets -



I congratulate you on this Assembly coming to a conclusion.

It is of great consequence to us now, particularly whether we shall continue under a Confederation, without sufficient Power to carry the necessary into Execution, despised abroad & without credit at home - Or whether we shall adopt a System of Union, with energetic Powers, which can effectually carry into Execution, such Measures as may be calculated & devised for the Common Safety.

The Gentlemen in Opposition cannot complain of Precipitancy or Haste - I try to ask whether you have not on the other Hand, delayed & procrastinated the main Question perhaps unnecessarily & unprofitably.

The Objections to the new federal Constitution have been urged repeatedly in different Lights - & the same Arguments have been brought before the Convention of a Variety of Names -

1st Obj. We answer such an Enumeration is unnecessary & at best dangerous. In the Instance where Power is not allocated to our Union, the Rights still remain in the People - What is not given is reserved. Many of the States have no Bills of Rights in the Formation of their Constitutions.

2nd Obj. It is contended to certain Degrees & Vigor given to the general Union - The Sovereignty rest with the People. In them unite the Supreme Power - We are a confederal Republic with broken balancing Powers vested in certain Powers for the Benefit of the whole - The Existence of the Federal Constitution must depend on the Continuance of the State Legislatures in the form of the House of Representatives, the Senate, the President & the Judges. A Republican Form of Govt is guaranteed to each State - & are to be guarded from foreign as well as domestic Violence. - The Power given to the new Congress reach to Objects beyond the Compass of the State Legislatures - They only are competent to it.

Obj. 1. They have used the word of a Bill of Rights, that the Right of Conscience & Liberty of the Press are not thereby given to us

Obj. 2. It is said to be a consolidated Government, annihilating & absorbing all the State Legislatures which must necessarily fall of themselves.

22 Minutes past
 10 o'clock P.M. } In Convention Dec: 11. 1787.
 Began & ended at 10 O'clock P.M.
 Mr. Wilson

1286

That Gov. is founded on Consent does not appear
 to be founded on Experience or Justified upon
 the Principles of Freedom & Reason.

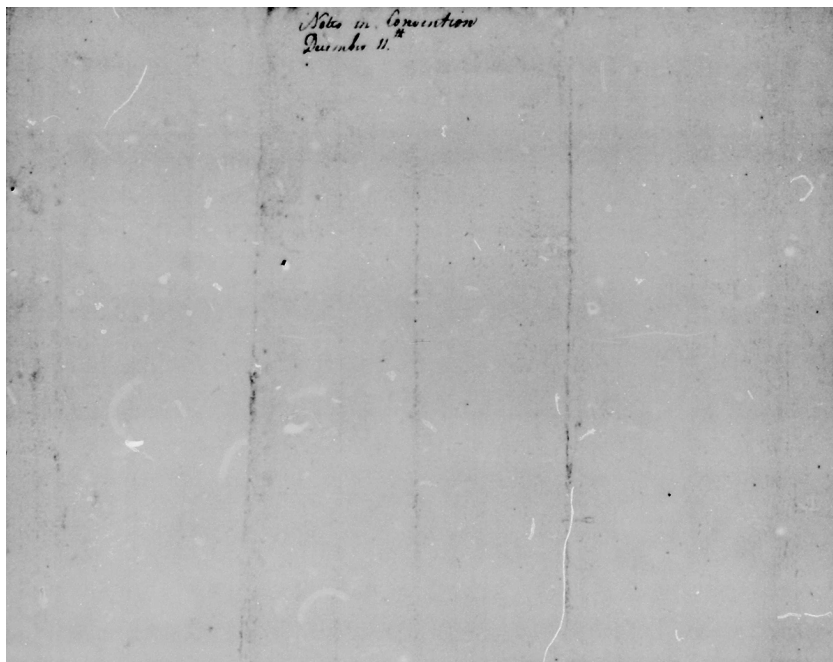
This Doctrine is solidly true in Gov. Brit.
 because it was recognized at the Revolution.

It assigns the Rights of America - because
 the Interest of each ought to be pursued & kept up.

In America the different States under the People
 who have it in their Power to obtain such
 Systems as may be most suitable to their Interests.
 In this Instance they differ from Gov. Brit.

Why then talk of a Violation of the Confederation?
 Since the People change their Constitution if
 they find thereby their common Safety endangered?

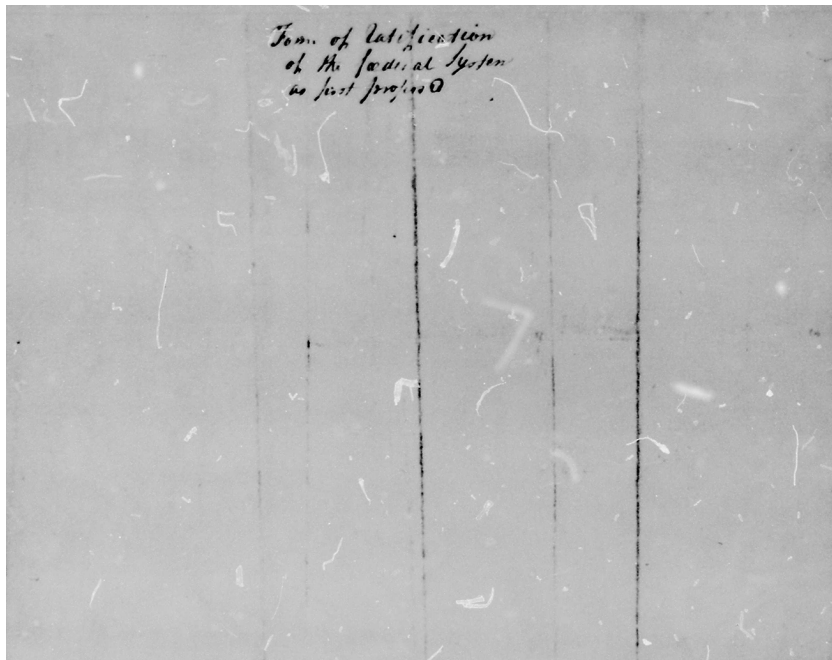
Mr. Wilson began to speak 10 minutes after 8 O'clock
 & ended again 2 Hours.



We the Delegates of the People of the State of Pennsylvania
 met in general Convention do in the name & by ^{their} Authority
 of our ~~Constituents~~ ~~of~~ ourselves a Senate to ratify the
 foregoing Constitution for the United States of America
 at Philadelphia

Done in Convention, the 13th day of December
 in the year of our Lord one thousand seven hundred &
 eighty seven & of the Independence of the United States of
 America the twelfth

In witness whereof we have
 hereto subscrib'd our Names —



**266. Newspaper Reports of Convention Proceedings and Debates
20 November–15 December 1787**

Two types of newspaper reports appear in this supplement:

- (1) Incomplete or repetitious accounts not included in the printed volume.
- (2) Complete transcripts of certain newspaper reports that have been divided up and placed in appropriate places in the printed volume. These reports, as they appeared in the newspapers, are given below.

Newspaper Reports of Convention Proceedings, Tuesday, 20 November 1787

Pennsylvania Packet, 20 November 1787

This day is appointed for the meeting of the Convention elected by the people of this state for the purpose of considering the proposed Plan of Government for the United States.

Pennsylvania Herald, 21 November 1787

Yesterday 38 members of the convention met at the state-house and adjourned 'till this afternoon at 3 o'clock. A motion was made to meet at 10 o'clock, but a member observing that those persons now on their road, could not be arrived so soon, the motion was lost.

Pennsylvania Journal, 21 November 1787

Yesterday being the day appointed for the meeting of our State Convention, 38 members met at the State House, but there not being a sufficient number to do business, they adjourned to 3 o'clock this afternoon.

Massachusetts Centinel, 5 December 1787 (excerpt)

Our accounts from the southward are highly pleasing—The Pennsylvania Convention met at Philadelphia, on the 19th ult. Of 63 members, the number returned, FIFTY are decidedly in favour of the new Constitution. . . .

*Newspaper Report of Convention Proceedings, Wednesday, 21 November 1787
Pennsylvania Packet, 22 November 1787¹*

Yesterday sixty-one members of the Convention met at the State House, and chose for their President the honorable Frederick Augustus Muhlenberg. No other business was done, except the adjournment until nine o'clock this morning.

*Newspaper Reports of Convention Proceedings, Thursday, 22 November 1787**Pennsylvania Herald, 24 November 1787²*

The convention met agreeably to their adjournment, and on motion of Mr. Whitehill, the members proceeded in a body to the Commencement at the University. After the exercises were concluded, the convention returned to the state-house, appointed a committee to frame a table of rules for their government, and adjourned 'till to-morrow morning at half past nine o'clock.

Pennsylvania Packet, 27 November 1787³

On motion of Mr. Wayne, seconded by Mr. Whitehill, a committee was appointed to report rules and regulations for conducting the business of the convention: the committee consisted of Benjamin Rush, James Wilson, George Gray, Anthony Wayne, and Robert Whitehill.

Adjourned until half after 9 o'clock to-morrow.

*Newspaper Report of Convention Proceedings, Friday, 23 November 1787**Pennsylvania Packet, 27 November 1787*

The committee appointed yesterday to bring in rules and regulations made report, and the same being read, was, by special order, taken up, read by paragraphs, and agreed to, as follows:

1st. When the President assumes the chair, the members shall take their seats.

2d. At the opening of the convention each day, the minutes of the preceding day shall be read, and are then in the power of the convention to be corrected; after which any business addressed to the chair may be proceeded to.

3d. Every petition, memorial, letter, or other matter of the like kind, read in the convention, shall be deemed as lying on the table for further consideration, unless any special order be moved therein.

4th. A motion made and seconded shall be repeated by the President. A motion shall be reduced to writing, if the President or any two members require it. A motion may be withdrawn by the member making it, before any decision is had on it.

5th. No member speaking shall be interrupted but by a call to order by the President, or by a member through the President.

6th. No member to be referred to in debate by name.

7th. The President himself, or by request, may call to order any member who shall transgress the rules. If a second time, the President may refer to him by name. The convention may then examine and censure the member's conduct, he being allowed to extenuate or justify.

8th. Every member actually attending the convention shall be in his place at the time the convention stands adjourned to, or within half an hour thereof.

9th. The name of him who makes, and the name of him who seconds a motion, shall be entered on the minutes.

10th. No member shall speak more than twice to a question without leave.

11th. Every member of a committee shall attend at the call of his chairman.

12th. The yeas and nays may be called, and entered on the minutes, when any two members require it.

On motion of Mr. M’Kean, seconded by Mr. Smilie, ordered that the doors of the convention be left open during the session.

On motion of Mr. Wilson, seconded by Mr. Yates, it was made a rule of the convention to meet at ten o’clock, A.M.

Adjourned to 10 o’clock to morrow.

*Newspaper Report of Convention Proceedings, Saturday, 24 November 1787
Pennsylvania Packet, 26 November 1787*

Saturday last, in the Convention of this state, the honorable Mr. M’Kean made the following motion—“That this Convention do assent to and ratify the constitution agreed to on the 17th of September last, by the Convention of the United States of America, held at Philadelphia.”

This motion was seconded by Mr. Allison, of Franklin, but as it was not expected to be immediately agreed to, after some conversation the house adjourned till three o’clock this afternoon.

*Newspaper Report of Convention Proceedings, Monday, 26 November 1787
Pennsylvania Herald, 28 November 1787⁴*

The convention met agreeably to adjournment.

It was moved by Mr. M’Kean, seconded by Mr. Chambers, that the convention do now proceed to consider the proposed constitution by articles.

This motion occasioned a long and desultory debate, in which it was contended, on the one hand, that the restraints of proceeding in convention, under fixed rules, precluding any member from speaking oftener than twice on the same question, and the advantages of reconsideration afforded by going into a committee of the whole would be sufficient reasons for dissenting from the proposed motion.

On the other side, the expence and delay of going twice over the same ground were insisted on, and in order to obviate the difficulty arising from the rule of debate, it was proposed to rescind that, and leave it in the power of each member to speak as often as he pleased.

The rule was accordingly rescinded, and the question being taken on a motion made by Mr. Whitehill, for postponing the resolution proposed by Mr. M'Kean, in order to introduce a motion for going into a committee of the whole, was lost, there being 43 against it, and 24 in favor of it.

The Convention then adjourned to meet to-morrow morning at 10 o'clock.

*Newspaper Report of Convention Proceedings, Friday, 30 November 1787
Pennsylvania Packet, 5 December 1787*

On Friday last the Convention met agreeable to adjournment, and resumed the consideration of the first article of the proposed constitution. After some debate on the rate of representation, prescribed, and the eventual operation of the powers granted to Congress, and on the time for which revenues may be appropriated, adjourned till 10 o'clock Saturday.

*Newspaper Report of Convention Proceedings and Debates
Saturday, 1 December, and Monday, 3 December 1787*

*An Impartial Bye-Stander
Pennsylvania Herald, 8 December 1787⁵*

SIR, In the account of the debates in the convention on [Saturday and] Monday evening last, published this day in your paper, there are two mistakes. It is insinuated that Mr. Wilson denied that the states were consolidated.—He certainly acknowledged it to a certain degree, but he said upon many occasions, that the new constitution did not annihilate the state governments, but that it deprived them of their sovereignty, which he said both in the old and new government resides only in the *people*. In this opinion Doctor Rush agreed with Mr. Wilson, and only added to it, that the exercise of this sovereignty happily was to be lodged by the new constitution in Congress.

The second, mistake relates to Doctor Rush's reply to Mr. Findley, upon the subject of the funding bill—The Doctor acknowledged, that he had been active in procuring relief for public creditors, but that upon the appearance of the funding bill in its present form, he foresaw the extent of its mischief, by including an over proportion of certificates from all the states to the injury of the original holders, and by

requiring paper money for its support; and that in consequence of this he had opposed the bill in the committee, for which he was dismissed by the public creditors from their service, and Mr. Francis Wade elected in his room—The whole design of the Doctor's remarks on the funding bill, was to shew that the society of the public creditors, and the certainty of the interest being paid on their certificates, depended on the ratification of the proposed constitution.

Wednesday, Dec. 1, 1787.

Newspaper Reports of Convention Debates, Monday, 3 December 1787

Pennsylvania Herald, 5 December 1787⁶

On Monday it was urged by Mr. Findley that Congress under the new system, would have it in their power to lay an impost upon emigrants. Dr. Rush said, he thought there was no reason to object to its being laid on the importation of indented servants, and Mr. Wilson said that the emigration of freemen was [not] an object of commerce.

Dr. Rush having frequently alluded with disapprobation to the funding system, in a late debate, Mr. Findley observed that the Doctor was one of the committee of public creditors who had conferred with a committee of the general assembly upon this measure, and was at that time active in promoting it. The Doctor, for fear any unfavourable impression should be made by that assertion, observed that he did not think the system would have extended so far.

Mr. Wilson said, that the manner in which the opposition treated the proposed constitution, taking it by piecemeal without considering the relative connection and dependence of its parts, reminded him of an anecdote which occurred when it was the practice in churches to detail a single line of Sternhold and Hopkins's Psalms, and than set the verse to music. A sailor entered a church when the Clerk gave out the following line;

“The Lord will come, and he will not,”

The sailor stared, but when he heard the next line,

“Hold your peace, but speak aloud,”

he instantly left the congregation, convinced that it was an assembly of lunatics.

Puff

Philadelphia Independent Gazetteer, 6 December 1787

Substance of a speech, delivered by J——— W—h—ll [i.e., Robert Whitehill], Esquire, in Convention, on last Monday evening.

Mr. PRESIDENT, It has been said that Congress will have power, by the new constitution, to lay an impost on the *importation* of slaves, into these states; but that they will have no power to impose any tax upon the *migration* of Europeans. Do the gentlemen, sir, mean to insult our understandings, when they assert this? Or are they ignorant of the English language? If, because of their ignorance, they are at a loss, I can easily explain this clause for them—The words “*migration*” and “*importation*,” sir, being *connected* by the *disjunctive* conjunction “or,” certainly mean either migration, or importation; either the one, or the other; or both. Therefore, when we say “a tax may be laid upon such *importation*,” we mean, either upon the *importation*, or *migration*; or upon both; for, because they are *joined together*, in the first instance, by the *disjunctive* conjunction *or*, they are both synonymous terms for the same thing—therefore, “*such importation*,” because the *comparative* word, *such*, is used, means both importation, and migration.

Mr. OSWALD, As the above *learned exposition* may be a valuable acquisition to our English commentators, it may not be amiss, at this time, to demonstrate the truth of it, for the benefit of the ignorant, to whom it may seem rather paradoxical.

Suppose the legislature of Pennsylvania should say—“French *or* British ships shall be allowed to come into our ports; but such British ships shall be taxed,” &c.—Here, it is evident, that the French ships, as well as the British, would be obliged to pay the tax, imposed as above; for they are *connected* by the *disjunctive* conjunction *or*—*Ergo*, *French ships* and *British ships* are the same thing—also, *importation* and *migration*.
Q. E. D.

I shall conclude, sir, with observing that were all the members of our convention capable, like Mr. W[hite]h[i]ll, of dissecting, analyzing, and explaining, the new constitution, they would be able in a few days, to pass a judgement upon it; and thus there would be upwards of 14,000 dollars saved to the state; for, it is very probable they will sit nearly as long, in discussing the new constitution, as the federal convention did in framing it.

Newspaper Reports of Convention Debates, Saturday, 8 December 1787

One of the People

Philadelphia Independent Gazetteer, 11 December 1787

MR. OSWALD, In your paper of the 6th instant, some person under the signature of Puff or *Froth*, I dont now recollect which; came forward in the shape of a critique, and demonstrated it very clearly that a gallon

of air would be necessary to support him, while he carped at a grammatical error, which he pretended to have discovered in Mr. J—— Wh—h—ll's [i.e., Robert Whitehill's] speech in Convention. But Mr. Oswald, how many gallons of air would it require to support this *Dr. Froth*, while he described all the errors of a different complexion made by members on his side of the house—I will mention a few, such as when J——s W—ls—n, Esquire, declared that German or Irish indentured servants, imported, were not articles of commerce, and therefore not subject to the tax of 10 dollars each—but that freemen were properly articles of commerce, (as well as blacks.)

That Virginia and most of the other states had no bills of rights, and therefore we ought not to have one; and added he, “some member said there would be no harm in having one, but it is my opinion that there would be much harm in it, and it would also put it out of the power of our independent judges to shew their firmness in checking the law-makers,” (Who appoints them, and who have the power to impeach and discard them.)

Now, Mr. Oswald, I thought it was a bill of rights ascertaining the bounds of the legislative power that gave the judges a right to say when the laws were unconstitutional, and therefore void.

The bill of rights of our constitution, Mr. W—ls—n declared had been of great hurt;—Do not you remember that it was the only thing saved you, when *Judge Jefferies* called you to his bar;—it was jury trial and the declaration of the freedom of the press which checked him, and saved you and the press from being crushed, at that time—But *Jefferies* hopes soon to be *Judge and Jury*:—He and Mr. W—ls—n Saturday in Convention interrupted a member while speaking, and declared that jury trial never existed in Sweden or in any other country, out of Great Britain and America—O Truth where art thou gone?—Fled from the Councils of America!—Are we thus to be fooled out of the transcendent privilege of freemen, tryal by jury of our peers, (or equals) and in the place of it be tryed by corrupted judges.

Is it thus that lawyers are allowed to rob us of our dearest privileges—to serve themselves; law will become a *bottomless pit*, indeed, if our right worshipful judgships are allowed to re-examine and judge of facts as well as law, in their continental courts.

*Pennsylvania Herald, 12 December 1787 (excerpt)*⁷

... On Saturday last, in the course of an argument to prove the dissolution of the trial by jury, if the proposed system was adopted, and the consequent sacrifice of the liberties of the people, Mr. Findley observed,

that when the trial by jury, which was known in Sweden so late as the middle of the last century, fell into disuse, the commons of that nation lost their freedom, and a tyrannical aristocracy prevailed. Mr. Wilson and Mr. M’Kean interrupted Mr. Findley, and called warmly for his authority to prove that the trial by jury existed in Sweden, Mr. Wilson declaring that he had never met with such an idea in the course of his reading; and Mr. M’Kean asserting that the trial by jury was never known in any other country than England, and the governments descended from that kingdom. Mr. Findley answered that he did not, at that moment, recollect his authority, but having formerly read histories of Sweden, he had received and retained the opinion which he now advanced, and would on a future occasion, perhaps, refer immediately to the book.

[For the continuation of this item, see Newspaper Report of Convention Debates on Monday, 10 December, immediately below.]

*Newspaper Report of Convention Debates, Monday, 10 December 1787
Pennsylvania Herald, 12 December 1787 (excerpts)⁸*

Accordingly on Monday afternoon, he produced the Modern Universal History, and the 3d volume of Blackstone’s Commentaries, which incontrovertibly established his position. Having read his authorities he, concluded in the following manner “I am not accustomed, Mr. President, to have my word disputed in public bodies, upon the statement of a fact; but in this convention it has already occurred more than once. It is now evident, however, that I was contradicted on this subject improperly and unjustly, by the learned Chief Justice and Councillor from the city. That the account given in the Universal History should escape the recollection or observation of the best informed man, is not extraordinary, but this I will observe that if my son had been at the study of the law for six months and was not acquainted with the passage in Blackstone, I should be justified in whipping him. But the contradiction coming from the quarter known to this convention, I am at a loss whether to ascribe it to the want of veracity, or the ignorance of the learned members.” . . .

In the convention on Monday, Mr. M’Kean said he should on Wednesday (this day) recur to his motion for the adoption of the proposed plan, and remarked that the state of Delaware had already entered into that resolution; to which Mr. Smilie replied, that the state of Delaware had indeed reaped the honor of having first surrendered the liberties of the people to the new system of government.

On Monday afternoon Mr. M’Kean entered into an elaborate investigation of the leading objections made to the proposed constitution,

and having ably defended it in all its parts, he concluded emphatically that having served a rotine in government, in the legislative, executive and judicial departments, he saw nothing in the system under consideration which his judgment could determine to be the object of terror or apprehensions; but he anticipated from its adoption what had been his constant wish—permanency in the government and stability in the laws.—As soon as Mr. M’Kean had closed his speech, a loud and general tribute of applause was expressed by the citizens in the gallery; which gave occasion to the following Philipic from Mr. Smilie. “Mr. President, I confess that hitherto I have persuaded myself that the opposition had the best of the argument on the present important question; but I have found myself mistaken, for the gentlemen on the other side have, indeed, an argument which surpasses and supersedes all others,—a party in the gallery prepared to clap and huzza in affirmance of their speeches. But, sir, let it be remembered that this is not the voice of the people of Pennsylvania; for, were I convinced of that, I should consider it as a conclusive approbation of the proposed system, and give a ready acquiescence. No, sir, this is not the voice of the people of Pennsylvania; and were this convention assembled at another place, the sound would be of a different nature, for the sentiments of the citizens are different indeed. Even there, however, it would pain me were I to see the majority of this body, treated with such gross insult and disrespect by my friends, as the minority now experience from their’s. In short, Mr. President, this is not the mode which will prevail on the citizens of Pennsylvania to adopt the proposed plan, let the decision here be what it may; and I will add that such conduct, nay were the gallery filled with bayonets, such appearance of violence, would not intimidate me, or those who act with me, in the conscientious discharge, of a public duty.” When Mr. Smilie had finished, Mr. M’Kean remarked that the worthy gentleman seemed mighty angry, merely because some body was pleased.

Mr. M’Kean said, in the course of his speech on Monday, that the apprehensions of the opposition respecting the new plan, amounted to this, that *if the sky falls, we shall catch larks; if the rivers run dry, we shall catch eels*; and he compared their arguments to a sound, but then it was a mere sound, like *the working of small beer*. . . .

*Newspaper Report of Convention Proceedings and Debates, Tuesday,
11 December 1787, Pennsylvania Herald, 12 December 1787 (excerpts)*

. . . A number of memorials were on Monday [i.e., Tuesday] last presented to the convention from the inhabitants of the county of Phila-

delphia, stating the advantages that county enjoys, and requesting it might be offered as the seat of federal government, in which the exclusive jurisdiction of Congress may be exercised.⁹ . . .

. . . Yesterday morning Mr. Wilson again adverted to the subject in the following manner. "I will, Mr. President take some notice of a circumstance, which, for want of something more important, has made considerable noise.—I mean what respects the assertion, of the member from Westmoreland that trials by jury were known in Sweden. I confess, Sir, when I heard that assertion it struck me as new, and contrary to any idea of the fact, and, therefore, in as decent terms as I could, I asked for the honorable member's authority. The book in which it is found convinces me I must before have read it, but I do not pretend to remember every thing I read. This remark is made more for the sake of my colleague, who supported my opinion, than for my own. But I will add. Sir, that those whose stock of knowledge is limited to a few items, may easily remember and refer to them; but many things may be overlooked and forgotten in a magazine of literature.—It may therefore, with propriety be said, by my honorable colleague, as it was formerly said by Sir John Maynard to a petulant student, who reproached him with an ignorance of a trifling point, "Young man, I have forgotten more law than ever you learned." . . .

A By-Stander

Philadelphia Independent Gazetteer, 18 December 1787

MR. PRINTER, Notwithstanding the respect I have for *Mr. Wilson* as an individual, yet his defence of his colleague, *Jeff.* though a witty one, I can by no means think candid or generous.—That he should have forgotten an historical fact, relative to a single nation, is not to be wondered at, especially when he has been known so far to forget, while stupidly dosing on the bench, the evidence given in the affair of *Allison v. Markoe*—but that he should make an assertion so general, as that no country but England and her dependencies ever practised the *trial by jury*, it is difficult to assign a reason for; ignorance would be an insult to the people whose *judicial* he presides over—an intention to deceive would, however strongly probable, be unproved, as referring only to the operations of his own mind.—I would therefore state facts and leave the public to draw conclusions, and to inquire the motive for assertions so shameful to the author of them. He cannot be ignorant of the history of the origin of the laws of Europe, or of the countries which gave them birth—to a lawyer of taste, the study of the manners and laws of ancient Greece and Rome, Tacitus' account of the Ger-

mans, &c. must be highly amusing; to a judge it is necessary. The Athenians had the trial by jury in still greater simplicity than the English, and indeed the whole judicial power was lodged in the people—In Rome it remained for 300 years in the Senate, and the seditions of the Gracchi, and most of the civil dissensions previous to Augustus, had for their object or pretence, the bringing the Roman Constitution nearer to the Athenian—the laws of Athens were however diffused in more or less degree, over all the world, and are now to be traced, as every lawyer knows, in those of all Europe.—*Forgetting* a single unconnected fact is pardonable; but the *denial* of one on which so many important truths depend, is, if not beneath the dignity of a *time-serving* Judge, at least, unworthy a representative of a free people.—There are three Pennsylvania farmers, all from the back country, opposed to a Chief Justice, a professor of a College, a general, and, I believe, a dozen lawyers—and yet every advantage that conceit, surprise, and in the instance I now mention, falsehood on the part of *Jefferies*, is practised.

With a mind feeble from sickness, and indolent from indulgence, I have not dwelt on particulars, but if the *Chief* will deny that his ignorance was inexcuseable, or, which perhaps is more probable, that he made a bold assertion, which he expected his friends would not betray the falsehood of, or his opponents have learning enough to contradict, I pledge myself to prove to the world he is no longer worthy of the rank he possesses, and that there are sufficient grounds for an impeachment.

I wish not to inflame mens' minds, nor to disturb that investigation so necessary at this important juncture, I have therefore not dwelt upon the only conclusion which must be drawn from *Jefferies'* assertion, supposing it were true—that trials by jury were of no great consequence, since all the ancient governments, and all of the modern ones, England and her dependencies excepted, had never practised them.

December 10, 1787.

Newspaper Reports of Convention Proceedings, Wednesday, 12 December 1787

*Pennsylvania Herald, 15 December 1787*¹⁰

On Wednesday, Mr. Findley, in the course of an eloquent and argumentative speech, suddenly introduced the following observation: "Mr. President, I have observed a person [William Jackson?] who has introduced himself among the members of this Convention, laughing for some time at everything I have said. This conduct does not, sir, proceed from a superiority of understanding, but from the want of a sense of decency and order. If he were a member, I should certainly call him to order; but as it is, I shall be satisfied with despising him."

“What,” said Mr. Findley, “would we have thought of Congress, if, at the time that body made the requisition for an impost of five percent, the powers and jurisdiction contained in the proposed plan had been required? It would have been thought at once impudent and ridiculous. How great then is the revolution of our sentiments in so short a space of time!”

In the course of the desultory debate which took place immediately before the vote of adoption and ratification, Mr. M’Kean pronounced an animated eulogium on the character, information, and abilities of Mr. George Mason, but concluded that the exclusion of juries in civil causes was not among the objections which had governed his [Mason’s] conduct. On this assertion Mr. Whitehill quoted the following passage from Mr. Mason’s objections: “There is no declaration of any kind for preserving the liberty of the press, *the trial by jury in civil causes*, nor against the danger of standing armies in time of peace.”

On Wednesday morning Mr. Findley closed his arguments in opposition to the proposed federal system, and in the afternoon Mr. Smilie, taking a general view of the subject, stated briefly the leading principles which influenced his vote. The important question was now called for, when Doctor Rush requested the patience of the Convention for a few minutes. He then entered into a metaphysical argument, to prove that the morals of the people had been corrupted by the imperfections of the government, and while he ascribed all our vices and distresses to the existing system, he predicted a millennium of virtue and happiness as the necessary consequence of the proposed Constitution. To illustrate the depraved state of society, he remarked, among other things, the disregard which was notorious in matters of religion, so that between the congregation and the minister scarcely any communication or respect remained; nay, the Doctor evinced that they were not bound by the ties of common honesty, on the evidence of two facts, from which it appears that several clergymen had been lately cheated by their respective flocks of the wages due for their pastoral care and instruction. Doctor Rush then proceeded to consider the origin of the proposed system, and fairly deduced it from heaven, asserting that he as much believed the hand of God was employed in this work, as that God had divided the Red Sea to give a passage to the children of Israel or had fulminated the Ten Commandments from Mount Sinai! Dilating some time upon this new species of *divine right*, thus transmitted to the future governors of the Union, he made a pathetic appeal to the opposition, in which he deprecated the consequences of any further contention and pictured the honorable and endearing effects of an unanimous vote, after the full and fair investigation which the great question had

undergone. "It is not, sir, a majority" (continued the Doctor), "however numerous and respectable, that can gratify my wishes—nothing short of an unanimous vote can indeed complete my satisfaction. And, permit me to add were that event to take place, I could not preserve the strict bounds of decorum; but, flying to the other side of this room, I should cordially embrace every member, who has hitherto been in the opposition, as a brother and a patriot. Let us then, sir, this night bury the hatchet and smoke the calumet of peace!" When Dr. Rush had concluded, Mr. Chambers remarked upon the Doctor's wish of conciliation and unanimity, that *it was an event which he neither expected nor wished for*. Mr. Whitehill now rose, and having animadverted upon Doctor Rush's metaphysical arguments, and regretted that so imperfect a work should have been ascribed to God, he presented several petitions from 750 inhabitants of Cumberland County, praying, for the reasons therein specified, that the proposed Constitution should not be adopted without amendments, and, particularly, without a bill of rights. The petitions being read from the chair, Mr. M'Kean said, he was sorry that at this stage of the business so improper an attempt should be made. He repeated that the duty of the Convention was circumscribed to the adoption or rejection of the proposed plan, and such had certainly been the sense of the members when it was agreed that only one question could be taken on the important subject before us. He hoped, therefore, that the petitions would not be attended to. Mr. Whitehill then read, and offered as the ground of a motion for adjourning to some remote day, the consideration of the following articles, which he said might either be taken, collectively, as a bill of rights, or separately, as amendments to the general form of government proposed.

1. The rights of conscience shall be held inviolable, and neither the legislative, executive, nor judicial powers of the United States shall have authority to alter, abrogate, or infringe any part of the constitutions of the several states, which provide for the preservation of liberty in matters of religion.

2. That in controversies respecting property, and in suits between man and man, trial by jury shall remain as heretofore, as well in the federal courts, as in those of the several states.

3. That in all capital and criminal prosecutions, a man has a right to demand the cause and nature of his accusation, as well in the federal courts, as in those of the several states; to be heard by himself or his counsel; to be confronted with the accusers and witnesses, to call for evidence in his favor, and a speedy trial, by an impartial jury of the vicinage, without whose unanimous consent, he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man

be deprived of his liberty, except by the law of the land or the judgment of his peers.

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

5. That warrants unsupported by evidence, whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are grievous and oppressive, and shall not be granted either by the magistrates of the federal government or others.

6. That the people have a right to the freedom of speech, of writing, and of publishing their sentiments, therefore, the freedom of the press shall not be restrained by any law of the United States.

7. That the people have a right to bear arms for the defense of themselves and their own state, or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed, or real danger of public injury from individuals; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military shall be kept under strict subordination to and be governed by the civil power.

8. The inhabitants of the several states shall have liberty to fowl and hunt in seasonable times, on the lands they hold, and on all other lands in the United States not enclosed, and in like manner to fish in all navigable waters, and others not private property, without being restrained therein by any laws to be passed by the legislature of the United States.

9. That no law shall be passed to restrain the legislatures of the several states from enacting laws for imposing taxes, except imposts and duties on goods exported and imported, and that no taxes, except imposts and duties upon goods imported and exported, and postage on letters, shall be levied by the authority of Congress.

10. That elections shall remain free, that the House of Representatives be properly increased in number and that the several states shall have power to regulate the elections for Senators and Representatives, without being controlled either directly or indirectly by any interference on the part of Congress, and that elections of Representatives be annual.

11. That the power of organizing, arming, and disciplining the militia (the manner of disciplining the militia to be prescribed by Congress) remain with the individual states, and that Congress shall not have authority to call or march any of the militia out of their own state, without

the consent of such state and for such length of time only as such state shall agree.

12. That the legislative, executive, and judicial powers be kept separate, and to this end, that a constitutional council be appointed to advise and assist the President, who shall be responsible for the advice they give (hereby, the Senators would be relieved from almost constant attendance); and also that the judges be made completely independent.

13. That no treaties which shall be directly opposed to the existing laws of the United States in Congress assembled shall be valid until such laws shall be repealed or made conformable to such treaty, neither shall any treaties be valid which are contradictory to the Constitution of the United States, or the constitutions of the individual states.

14. That the judiciary power of the United States shall be confined to cases affecting ambassadors, other public ministers and consuls, to cases of admiralty and maritime jurisdiction, to controversies to which the United States shall be a party, to controversies between two or more states, between a state and citizens of different states, between citizens claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, and in criminal cases, to such only as are expressly enumerated in the Constitution; and that the United States in Congress assembled shall not have power to enact laws, which shall alter the laws of descents and distributions of the effects of deceased persons, the title of lands or goods, or the regulation of contracts in the individual states.

15. That the sovereignty, freedom, and independency of the several states shall be retained, and every power, jurisdiction, and right which is not by this Constitution expressly delegated to the United States in Congress assembled.

Some confusion arose on these articles being presented to the chair, objections were made by the majority to their being officially read, and, at last, Mr. Wilson desired that the intended motion might be reduced to writing, in order to ascertain its nature and extent. Accordingly, Mr. Whitehill drew it up, and it was read from the chair in the following manner:

“That this Convention do adjourn to the _____ day of _____ next, then to meet in the city of Philadelphia, in order that the propositions for amending the proposed Constitution may be considered by the people of this state; that we may have an opportunity of knowing what amendments or alterations may be proposed by other states, and that these propositions, together with such other amendments as may be proposed by other states, may be offered to Congress, and taken

into consideration by the United States, before the proposed Constitution shall be finally ratified.”

As soon as the motion was read, Mr. Wilson said, he rejoiced that it was by this means ascertained upon what principles the opposition proceeded, for, he added, the evident operation of such a motion would be to exclude the people from the government and to prevent the adoption of this or any other plan of confederation. For this reason he was happy to find the motion reduced to certainty, that it would appear upon the journals, as an evidence of the motives which had prevailed with those who framed and supported it, and that its merited rejection would permanently announce the sentiments of the majority respecting so odious an attempt. Mr. Smilie followed Mr. Wilson, declaring that he too rejoiced that the motion was reduced to a certainty, from which it might appear to their constituents, that the sole object of the opposition was to consult with and obtain the opinions of the people upon a subject which they had not yet been allowed to consider. “If,” exclaimed Mr. Smilie, “those gentlemen who have affected to refer all authority to the people, and to act only for the common interest, if they are sincere, let them embrace this last opportunity to evince that sincerity. They all know the precipitancy with which the measure has hitherto been pressed upon the state, and they must be convinced that a short delay cannot be injurious to the proposed government, if it is the wish of the people to adopt it; if it is not their wish, a short delay which enables us to collect their real sentiments may be the means of preventing future contention and animosity in a community which is, or ought to be, equally dear to us all.” The question being taken on the motion, there appeared for it 23, against it 46. The great and conclusive question was then taken, that “this Convention do assent to and ratify the plan of federal government, agreed to and recommended by the late Federal Convention,” when the same division took place, and the yeas and nays being called by Mr. Smilie and Mr. Chambers, were as follow:

YEAS. George Latimer, Benjamin Rush, Hilary Baker, James Wilson, Thomas M’Kean, William M’Pherson, John Hunn, George Gray, Samuel Ashmead, Enoch Edwards, Henry Wynkoop, John Barclay, Thomas Yardley, Abraham Stout, Thomas Bull, Anthony Wayne, William Gibbons, Richard Downing, Thomas Cheyney, John Hannum, Stephen Chambers, Robert Coleman, Sebastian Graff, John Hubley, Jasper Yates, Henry Slagle, Thomas Campbell, Thomas Hartley, David Grier, John Black, Benjamin Pedan, John Arndt, Stephen Balliott, Joseph Horsefield, David Deshler, William Wilson, John Boyd, Thomas Scott, John Nevill, John

Allison, Jonathan Roberts, John Richards, F. A. Muhlenberg, James Morris, Timothy Pickering, Benjamin Elliot.

NAYS. John Whitehill, John Harris, John Reynolds, Robert Whitehill, Jonathan Hoge, Nicholas Lutz, John Ludwig, Abraham Lincoln, John Bishop, Joseph Heister, James Martain, Joseph Powell, William Findley, John Baird, Willam Todd, James Marshall, James Edgar, Nathaniel Breading, John Smilie, Richard Baird, William Brown, Adam Orth, John Andre Hannah.

This important decision being recorded, Mr. M'Kean moved that the Convention do tomorrow proceed in a body to the courthouse, there to proclaim the ratification, and that the Supreme Executive Council be requested to make the necessary arrangements for the procession on that occasion, which motion was agreed to, and the Convention adjourned till the next morning at half past nine o'clock.

*Pennsylvania Herald, 19 December 1787*¹¹

William Findley, at the conclusion of the speech which he delivered on Friday [i.e., Wednesday] last, animadverted upon the previous steps that had been taken to call the Convention, which, he said, were marked with disgraceful precipitancy and violence. He then added that from the returns, and upon the best information he could otherwise obtain, it did not appear that above one-sixth of the people had voted at the elections for delegates. Hence he drew an inference that there might be a majority of the state averse to the measure, and, therefore, he insinuated the propriety of postponing the decision of this great question till the general sentiments of the people could be obtained. He concluded with declaring that he did not conceive, under all the circumstances of the case, the minority of the state could be bound by the proceedings at this day, but would still have a right, which he thought would be exercised, to object to the ratification of the proposed Constitution, and, if they pleased, to associate under another form of government.

Newspaper Reports of the Public Celebration of Ratification, 13 December 1787

Pennsylvania Herald, 26 December 1787

A gentleman from New York observed, at the public annunciation of the adoption of the proposed federal government by this state, that two things appeared strange to him: *first*, that the ratification should be proclaimed before it was signed, that is, before it existed, for any member between the vote and the signing might have changed his mind and refused to subscribe the instrument; and, *secondly*, that the President, Council, and all the officers of state should engage in a public rejoicing

about an embryo, a thing which may never exist. He added that it reminded him of an old humorist, who kept the birthday of all his children, born or to be born, on the anniversary of his eldest son's birth, observing that if any more birthdays should happen, why he had saved money by the consolidation—if not, why he had been merry *for nothing*.

Winchester Virginia Gazette, 28 December 1787

By a gentleman just arrived from Philadelphia, we learn, that on Thursday the 13th inst. the honorable the Convention ratified their proceedings. And at 12 o'clock on said day, that honorable body, together with the officers of state, marched in procession to the courthouse of the city, where was proclaimed, in due form, the *assent* to and *ratification* of the *Federal Constitution*, amidst thousands who manifested their joy on the occasion.

Philadelphia Freeman's Journal, 9 January 1788

A correspondent observes that the friends of the new Constitution use every method that falsehood and cunning can invent, to make the public believe that the people are nearly unanimous for its adoption. In the Richmond paper of December 22, there is a paragraph that shows pretty clearly how far these men carry their impositions. "*Richmond, December 22*. We are informed by a person just arrived from Pennsylvania, that the Convention of that state, on Wednesday evening the 12th inst. adopted the Federal Constitution without amendment. On which occasion the city of Philadelphia was illuminated and every demonstration of joy shown by all ranks and degrees of people in that place." Will not such falsehoods as these, when detected, turn out to the disadvantage of that party? Instead of the city of Philadelphia being illuminated and demonstrations of joy shown by all ranks of people, there was every appearance of dejection and defeat in the countenances of the majority, at the time of the *solemn proclamation* of its ratification. Even the citizens of every description mustered smaller on that day, than they have been known to do on the most trifling occasion. Probably they imagined that the proclamation was rather in jest than in earnest, and that a second one would soon take place declaring the first a nullity.

Newspaper Report of Convention Proceedings, Saturday, 15 December 1787
*Pennsylvania Packet, 17 December 1787*¹²

The convention met pursuant to adjournment.

The committee appointed to consider the motion of Mr. Wilson relative to a cession, to the United States, of a district for the seat of the foederal government, report the following resolution:

That when the constitution proposed by the late general convention shall have been organized, this commonwealth will cede to the Congress of the United States, the jurisdiction over any place in Pennsylvania, not exceeding ten miles square, which, with the consent of the inhabitants, the Congress may chuse for the seat of the government of the United States, excepting only the city of Philadelphia, the district of Southwark, and that part of the Northern-Liberties included within the line running parallel with Vine-street, at the distance of one mile northward thereof, from the river Schuylkill to the southern side of the main branch of Cohockshink creek; thence down the said creek to its junction with the river Delaware. But the marsh land and so much of the adjoining bank, on the same side of the said creek, as shall be necessary for the erecting any dams and works to command the water thereof, are excluded from this exception.

Resolved, That it is the opinion of this convention, that until the Congress shall have made their election of a district, for the place of their permanent residence, and provided buildings for their accommodation they have the use of such of the public buildings within the city of Philadelphia, or any other part of this state, as they shall find necessary.

Unanimously Resolved, That the thanks of this Convention be presented to the President, for his able and faithful discharge of the duties of the Chair.

To which the President answered:

GENTLEMEN,

“I feel with the utmost gratitude the honor you have just now done me, and I shall always esteem your approbation as my highest reward for performing my duty to you, or rendering any services to my fellow citizens.”

The convention then adjourned *sine die*.

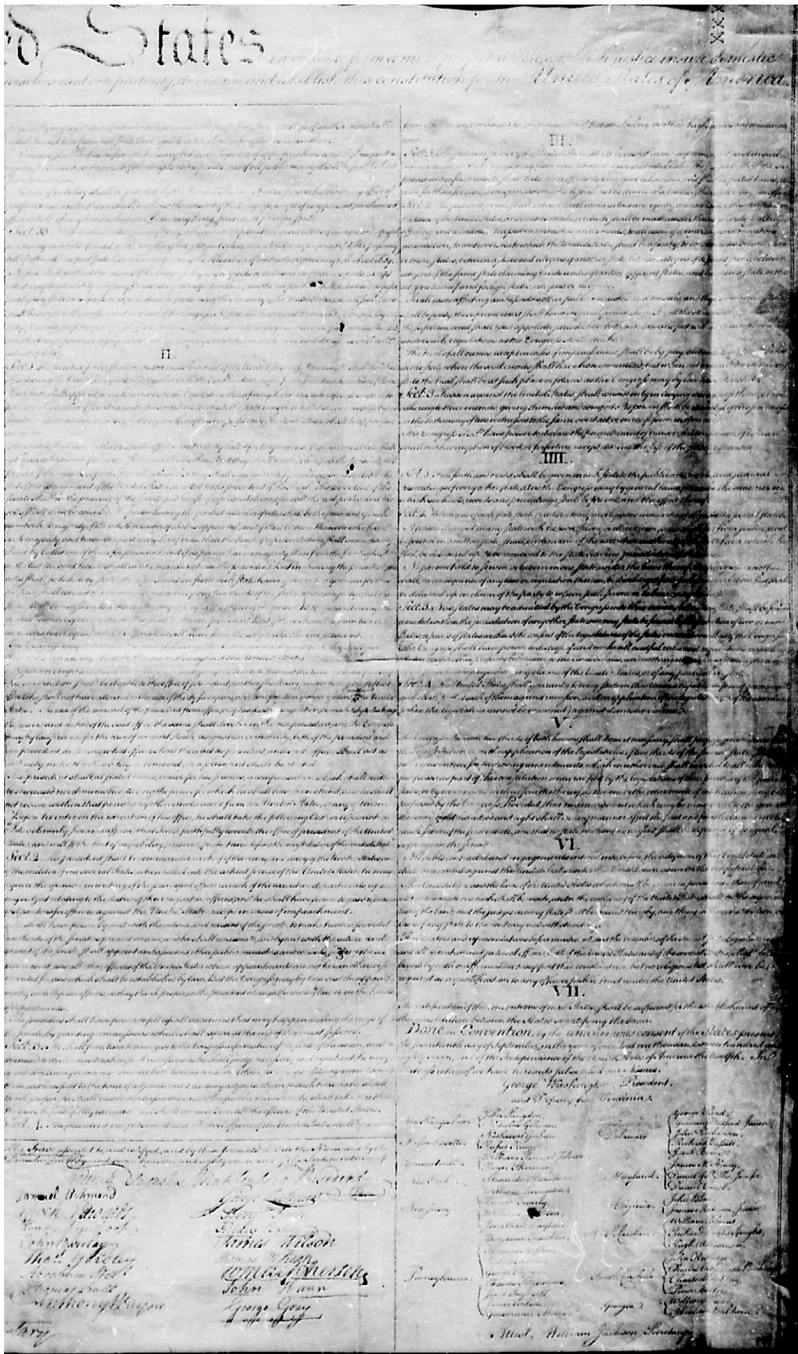
1. Reprinted: *Lancaster Zeitung*, 28 November.
2. Reprinted: *Philadelphia Independent Gazetteer*, 27 November; *Carlisle Gazette*, 5 December; *Pittsburgh Gazette*, 15 December.
3. Reprinted: *Pennsylvania Journal*, 1 December.
4. Reprinted: *Philadelphia Independent Gazetteer*, 29 November; *Pennsylvania Journal*, 5 December; *Carlisle Gazette*, 5 December.
5. Reprinted: *Pennsylvania Packet*, 10 December; *Carlisle Gazette*, 19 December.
6. Reprinted: *Philadelphia Independent Gazetteer*, 6 December; *Pennsylvania Packet*, 6 December; *Pennsylvania Journal*, 8 December.
7. Reprinted: *Philadelphia Independent Gazetteer*, 13 December; *Pennsylvania Packet*, 13 December.
8. Reprinted: *Philadelphia Independent Gazetteer*, 13 December; *Pennsylvania Packet*, 13 December; *Pennsylvania Mercury*, 14 December.

9. Reprinted: *Pennsylvania Packet*, 13 December; *Philadelphia Independent Gazetteer*, 14 December; *Pennsylvania Mercury*, 14 December; *Pennsylvania Journal*, 15 December; and *Philadelphia American Museum*, December.

10. Reprinted: *Philadelphia Independent Gazetteer*, 17 December; *Pennsylvania Packet*, 17 December; *Pittsburgh Gazette*, 29 December. This document has been edited.

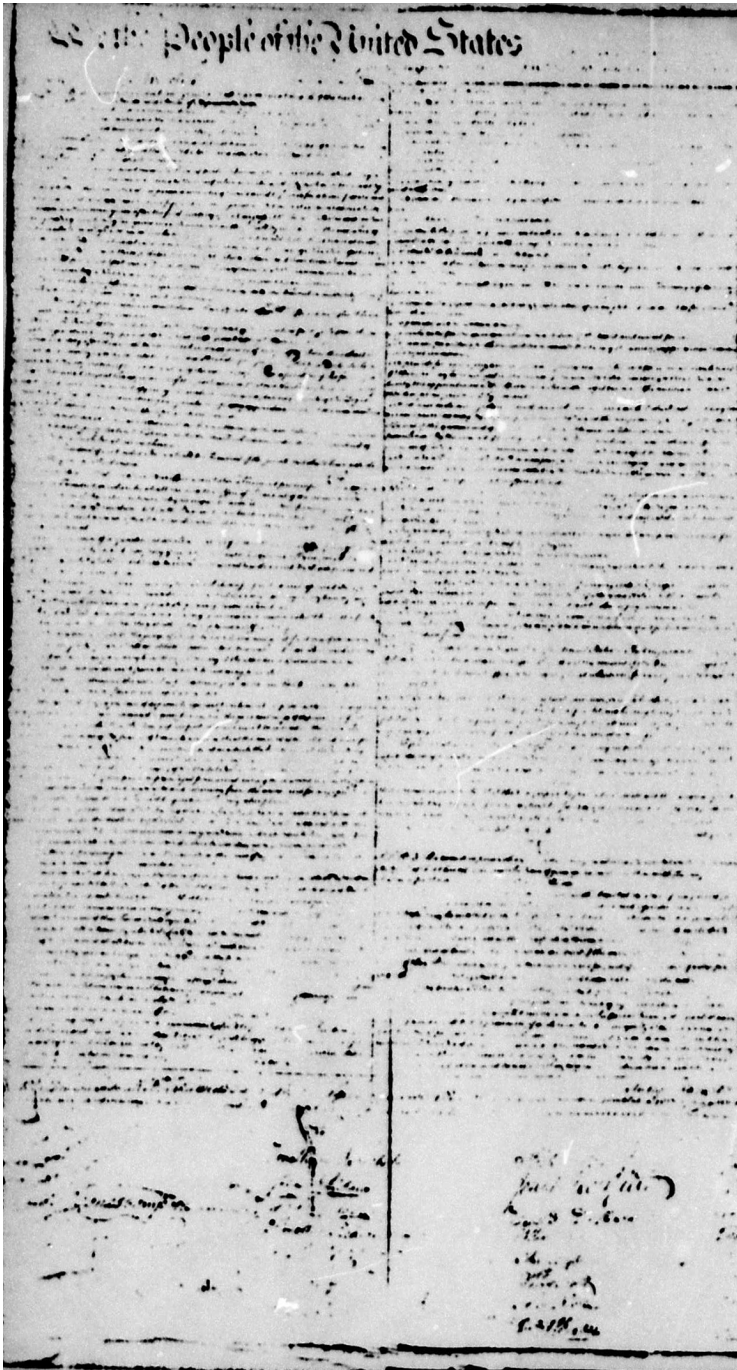
11. Reprinted: *Pennsylvania Packet*, 20 December; *Philadelphia Independent Gazetteer*, 21 December. This document has been edited.

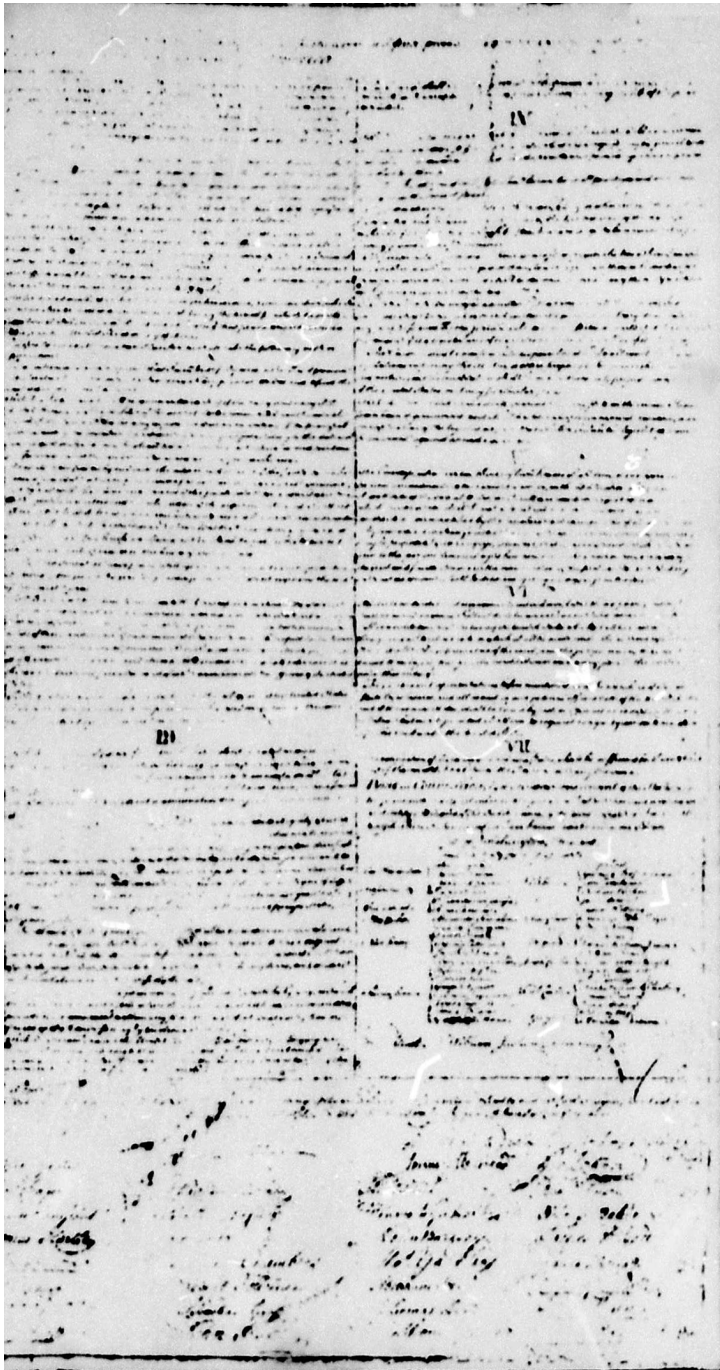
12. Reprinted: *Pennsylvania Gazette*, 19 December; *Pennsylvania Journal*, 19 December; *Pennsylvania Mercury*, 21 December; *Lancaster Zeitung*, 26 December; and *Philadelphia American Museum*, December.



1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787-92, National Archives.

267-B. Pennsylvania Ratification Document Retained by the State¹





1. MS, RG 26, Records of the Department of State, Division of Public Records, Pennsylvania Historical and Museum Commission.

268. Convention Expenses, 15 December 1787¹

DELEGATES	MILEAGE AND EXPENSES PAID 15 DECEMBER 1787
John Allison	27.13.0
Samuel Ashmead	19.16.0
John Arndt	22.10.0
John Baird	19.10.0
Hilary Baker	18.15.0
Richard Bard	27.14.0
Stephen Balliott	22.10.0
John Barclay	21. 1.0
John Bishop	17.10.0
John Black	25.11.0
John Boyd	27. 0.0
Nathaniel Breading	35. 5.0
William Brown	24.11.0
Thomas Bull	19.17.0
Thomas Campbell	25.10.0
Stephen Chambers	20.11.0
Thomas Cheyney	20.14.0
Robert Coleman	19. 5.0
David Deshler	22. 8.0
Richard Downing	21. 3.0
James Edgar	36. 4.0
Enoch Edwards	20. 4.0
Benjamin Elliott	29. 4.0
William Findley	22. 2.6
William Gibbons	19.17.0
Sebastian Graff	22.16.0
George Gray	19.14.0
David Grier	23.19.0
John Andre Hanna	23. 1.0
John Hannum	21. 1.0
John Harris	27. 0.0
Thomas Hartley	21.13.0
Joseph Heister	19.10.0
Jonathan Hoge	25. 1.0
Joseph Horsefield	22. 3.0
John Hubley	22.16.0
John Hunn	19.10.0
George Latimer	19.10.0
Abraham Lincoln	22. 0.0

John Ludwig	22.11.0
Nicholas Lutz	22. 5.0
Thomas McKean	17. 5.0
William McPherson	19.13.0
James Marshall	36. 4.0
James Martin	29.11.0
James Morris	20. 6.0
Frederick A. Muhlenberg	30.11.0
John Nevill	36. 0.0
Adam Orth	23.10.0
Benjamin Pedan	23.10.0
Timothy Pickering	25.13.0
Joseph Powell	28.14.0
John Reynolds	26.11.0
John Richards	21. 6.0
Jonathan Roberts	20. 7.0
Benjamin Rush	19.10.0
Thomas Scott	36. 0.0
Henry Slagle	25. 0.0
John Smilie	19.10.0
Abraham Stout	21. 2.0
William Todd	33.10.0
Anthony Wayne	20. 8.0
John Whitehill	22. 0.0
Robert Whitehill	24.13.0
James Wilson	19.10.0
William Wilson	25.10.0
Henry Wynkoop	20.12.0
Thomas Yardley	20.17.0
Jasper Yeates	20.11.0
	<hr/>
TOTAL	£ 1628. 9.6

Miscellaneous Convention Expenses

James Campbell, Secretary	
Contingent Expenses (paid 29 November 1787)	£ 37.10.0
Services to Convention (paid 20 December 1787)	41. 0.0
Carrying Ratification to Congress (paid 20 December 1787)	20. 0.0
Account for Printing the Ratification (paid 10 July 1788)	400. 0.0
Andrew Burkhart, Messenger (paid 15 December 1787)	15. 0.0

Joseph Fry, Doorkeeper (paid 22 December 1787)	15. 0.0
James Martin Services to the Convention (paid 18 December 1787)	6.15.0
TOTAL	£ 535. 5.0
Miscellaneous Expenses	
Joseph Dolby Ringing bells on the day of announcing the Ratification (paid 8 January 1788)	£ 6. 0.0
Thomas Bartow For gunpowder used on the day of announcing the Ratification (paid 5 March 1788)	9. 7.0
TOTAL	£ 15. 7.0
Total Expenses	
Convention Delegates (Mileage and Expenses)	£ 1628. 9.6
Miscellaneous Convention Expenses	535. 5.0
Miscellaneous Expenses	15. 7.0
TOTAL EXPENSES	£ 2179. 1.6

1. The information on the Convention expenses has been compiled from RG 4, Records of the Office of Comptroller General, and RG 28, Records of the Treasury Department, Pennsylvania Historical and Museum Commission.

269. Philadelphia Independent Gazetteer, 15 December 1787

Extract of a letter from a gentleman in Montgomery,
to his friend in this city.

“I think myself much obliged with the information you have given me of the proceedings of the Convention, though as a citizen I feel myself extremely unhappy in the contumelious conduct of some of my compatriots in Pennsylvania. Surely it ought to be known to the most illiterate American, that clapping and hissing in all civilized countries, is a rudeness confined only to *public theatres*, by which the mob as a common rabble, express their approbation or disapprobation of a comic actor on the stage. What would *Solon*, *Lycurgus*, *Confucius*, and the ancient sages in the science of civil government, think if they could have peeped into our State Convention! Would it not astonish them to behold the collective wisdom of Pennsylvania, prostituted to the inde-

corum and common licentiousness of the stage, on which an actor or orator looks to the mob for a hiss or a clap. Were there no other objection to this theatrical form of government, than the precipitancy and intemperance with which its framers and advocates have endeavoured to obtrude it, crude and unintelligible as it is, on the ignorant yeomanry of the state, I may venture to pronounce, without the spirit of prophesy, that the suspicion already kindled in the minds of the people, will frustrate eventually the operation of a government, which they only begin to understand as divesting them of many inestimable privileges as freemen, which they obtained for themselves at the point of the bayonet. In my neighbourhood, not very remarkable for patriotism, the whig and tory seem tolerably agreed to keep the evil they know, in preference to those they cannot comprehend. The whigs especially, have not forgotten the necessity of *Mercury's* axe when *Medusa* is once suffered to rear her head on an undefined plan of empire.

“Upon the whole, should this novelty in government meet the approbation of the United States, it will be the duty of every good citizen in them, to give it all the support in his power, upon the same principle which Gamaliel your predecessor advised the Jews who spurned the Christian institution, ‘If it be of God it will stand, if not it must fall.’”

270. James Thornton to Moses Brown

Byberry, Philadelphia County, 17 December 1787¹

Thine dated the 13th 11 mo 1787, I received. which was very acceptable, and to Edification, 'may we be preserved near the Blessed truth, that it may be more and more Precious in our Sight and feeling! what thou hinted respecting retirement in our Families and performances of Religious dutys in them. I much approve, and think may impress on the minds of the youth and inexperienced in the work of truth a Just Idea of [Practical?] religion—and the true fear of the Lord. which may be remember'd, all their Life time, and will be training them up in the way they Should walk. I think it will be Best. that Concerned friends who are Experienced of the Nessisty of Such Duty; Lead the way in the Life and power of truth, without Prefixing the times, but as often as the feel most opening for it Especially on first day afternoons or Ev'ings, when there may be most Leisure from outward Business. This as been our General practice for Some years which as Close'd the day Set a part for the Publick worship of Almighty God., with peace and. real comfort. while the Holly Scriptures have been reading by

Such Branches of the Family as Could read Others Siting in a weighty Solid frame of mind Intrusted thereby in a Pious and Virtuous Life. The State of our Society is Such that it cannot reasonably be Expected all woud be Likely to promote Such a practice in truth, and to anwer the Good Ends designed by Such a Line of Conduct. were it is fixed to Stated times, allway, to be observed, but might Le'd to outward Signs of Spirituall things, without the true Sence of the things Signified, But the reading of the Holly Scripures in our Families, Expecially on first days as above hinted I should urge. as a matter of faith & Principle, which aught to be regarded and put in Practice by all the Families of friends. Every where,—your Christian Endeavour, with your Legislature for. the Abolition of Slavery and trafick in the African trade. being Sucessfull. as the Law they made thereupon Evinces, is truly Salutary and wish might take place here, many friends here view the Transactions of the Convention respecting Leaveing the Trade open to Africa in the Same point of view as thee does, and have Occassonly mention'd to Leading men in State affairs, as one of the Grand reasons of our Objections to the propo'd Constitution, but as a religion of Society we can have Nothing to do with Seting up nor pulling down governments but Live Peaceably under all Governments Set over us in Godliness and honesty., yet ought to Shew Publickly our disaprobation of Every oppresesive and unrighteous Act—done by men in power, itt was Pleasant to hear of our friend Joseph Delaplaine's Prospect of going on a Vizit to your parts, hoping it will be fruitfull of good. to himself and others. I may with Si'gular Diffidence Just Inform thee that for Several years I have felt my mind impressed with a Sence of religious Duty to go on a Vizit to friends in urope Especially in Great Brittain which have of Late so Increased with such Wheights as hath Engaged me to Lay it before friends of our monthly meeting. when much Brotherly Simpathy with me was Expressed and Concluded to appoint a Number of Solid friends to Confer with me about it who are directed if way opens in the unity to prepare a Certificate to be produced to the Next meeting for friends Consideration and Concurrence. I hope to Obtain if it be right for me to go the Generall Simpathy of all my Dear friends, which I know will be a great Strength and Encouragement in So [— — —] and Extensive an undertakeing, I have Some Expectation of [— — —] and Zealous Elder in the Church to go in Company with [— — —] from a Sence of duty before Ever he New of my Concern, wh [— — —] [— — —] it Satisfactory and the more So as his Concern is Similar with mine without knowing of it from Each Other untill Providentially Discovered from a Gentle Intimation in my own mind which I told him of. wherefore I conclude its wholly of the Lord in providing

me Such a Companion, to Cross the Great Ocean which has always appeared awfull, I am in Near union with thee and thine Thy Loving friend

1. RC, Moses Brown Papers, Rhode Island Historical Society.

**271. William Shippen, Jr., to Thomas Lee Shippen
Philadelphia, 18 December 1787–19 January 1788¹**

[18 December 1787]

Altho I have written by the French packet & by a vessel to LOrient, yet I cant omit writing again via Bordeaux to inform you that your Mamma is recovering apace the use of her thigh & leg which were renderd useless by a bad Fall down stairs.

We have been & are still at a great Loss for want of a Subject for dissection & demonstration, few die & the negroes have determined to watch all who are buried in the potters field—the young men have been twice driven off by Arms, once fired on & 2 wounded with small shot, on Saturday night with the assistance of 6 invalids wth muskets they beat off the negroes & obtained a corps & lodged it in the Theatre—The resolute impertinent blacks broke open ye house stole ye subject & reburied it—this Transaction was made known to ye friends of the dead who joined ye negroes in great Numbers on Sunday night & swore death & destruction to ye Faculty. The Chief was applied to who wrote me a very friendly Letter & desired I would not allow another attempt to be made wch would so much interrupt ye peace of ye city &c—We had determind to desist for this time & wait some favorable Windfall from some obscure quarter. I am afraid we shall be puzzled to obtain Subjects wch. makes it more necessary for you to send ye preparations I mentioned in a late Letter.

As your friend Jackson was sitting in the Convention opposite to & laughing & grinning at honest Findley while he was speaking—Findley stopped short & said—Mr. President I have observed a person who has introduced himself among ye members of ye convention Laughing for some time at every thing I have said—This Conduct does not, Sir proceed from a superiority of Understanding, but from the want of a Sense of decency & order. If he were a member, I should certainly call him to order, but as it is I shall be satisfied wth despising him. even Jackson's impudence was not able to bear this merited stroke he grew pale, laughd no more & did not appear in the afternoon, a crowded house were delighted & thought Findley should have moved his expulsion from ye house. you know his contemptuous Grin—I long to send you the de-

bates—Findley has gained great honor & proved himself vastly superior to Wilson & ye Whole convention. In one particular instance he triumphed over McKean & Wilson to their infinite mortification. He asserted in a Speech that when Sweden lost the Trial by Jury, it lost its Freedom—Wilson warmly & in his dictatorial manner called for his authority to show that Sweden ever had a Trial by Jury—& the Chief called aloud on the orator to show it & declared, no country but England & her dependencies ever enjoyed Trial by Jury—Mr. F. modestly replied he could not immediately name his Authors but was sure he had read it when reading some history of Sweden—next day he produced the Modern un[iversal] History & 3d. Blackstone & severely remarked that it might be excuseable in the Ch. Justice of Pennsylvania & Counsellor of the City to forget such a circumstance in a history but I will observe that had my Son been at the study of the Law 6 months & not know such a passage in Blackstone I would be justifiable in whipping him—what a stroke to ye pride of two men who think themselves ye greatest in ye U. States! Wilson attempted a flimsy excuse for his colleague alledging that in such a magazine of knowledge 'twas impossible not to forget some &c. Oswald will never forget to mention ye incident to his Friend Jefferies his honor.—To day a writer in his paper concludes a severe piece by saying that he is no longer worthy of the rank he possesses, & that there are sufficient grounds for an Impeachment.—Your grand Father is sitting by me reading the Dissent of the minority, & says he would not have had such a thing happend to Tom for 100 pounds.

[31 December 1787]

Since I began this Letter by the watchfulness and intrepidity of little Moser a Subject was obtaind & we began to dissect him—his Friends found it out raised a Mob, draggd him out of the hay loft where we had conceald him—put him on a board & brought him down to my door attended by 3 or 400 Sailors Negroes &c, broke my Windows, called for a new Coffin wch was furnished then a Sheet wch your Sister orderd to be thrown out of ye Window. by this time I brought 4 Justices, Mr. Tod exerted himself & hurried them off to the potters field & dispersed them—4 or 5 pounds payed ye damages, & we came well off—Nancy & I were advised to sleep out of ye house for 2 nights—I went to Neighbour Fisher—Nancy to Mrs. Whartons—We were more alarmed the 2d. night by a Report sent us by a friend of ye Sailors collecting to give us a second mobbing—it was groundless—& we grew tranquil in 3 or 4 days—after 10 days peace I procured a Subject from the Bettering house as secretly & properly as it was possible but no

sooner had Beatty & Clark put it in at the back window of the Theatre & returned to Mr. Clymers stable than they were met by 15 or 20 blacks armed (who patroll every night round the Potters field & down our street & saw them) no other way could they be discovered—ye young men flew over the Catholic burying ground & escaped—the blacks broke 2 Locks enterd ye Theatre brought out the body paraded it before the door, raised the alley & buried it in the Potters field, & say they determined I shall not have a Subject this Winter We have no police in this city to correct this lawless proceeding, & 9. 10ths of the Citizens join or countenance these black devils—tis difficult to find out in ye night who they are, & if I could & prosecute them to punishment my house & Life might answer for it—I must finish my course in the best manner I can by the help of preparations Prints & parts of Brutes—& perhaps Lecture no more for I would not have my family, my property, peace of mind & my Life so much hurt & endangered for thousands—Time may suggest a Remedy & we must wait patiently. Foulke in my distress has kindly offerd the young Gentlemen Subjects as I cant if they will give him 2 Guineas each & has done several other kind things. since the last affair he begins to think he will find it difficult to procure them.—I am determined not to risque another Subject in my Theatre this Winter so that you may be perfectly easy about our safety—one of the most distressing consequences to me is that it will necessarily shorten your Stay in Europe one Year as I shall find it very difficult to procure more than 300 Guineas for your future Operations & it will take 100 of that for your Books, if you go to Germany with this you must fly thro it & your very good Friend Lewis says you ought only to look at those countrys—My prospect of selling Chailot diminishes—& I cant borrow—My dr. Son prepare yourself for the worst & be satisfied—but rest assured I will strain every nerve for your Gratification.

I dined a few days agoe wth Lewis at Campbells he drank freely & open'd in your praise till I almost blushed—frequently called out to me, give me your hand Dr. you are the father of Tom, I love him—dont corrupt him wth your politics & when he returns promise he shall see me for 2 hours before either you or his Uncles ye Lees talk with him, they are sensible men but they are wrong in their politics, Tom must be with us & then he may do what he will in this State for he has great abilities &c—I mentiond my difficulty of allowing you to see Germany for want of ye Guineas.—he replied he has no occasion to do any more than ride thro those places & I will lend you 200 Guineas & invited me to call on him on christmass day & talk wth him an hour,

when he would be idle & alone, bring one or 2 of Toms Letters with you—I did not forget his invitation, found him ready for me & prepared to answer some of my objections to the new Constitution which he did better yn I had heard them answerd by any body before—I read him your Interview wth my Lord Landsdown & your description of Pitt, Fox &c—Dr. this is ye greatest Treat I have had a long time why in ye name of heaven, have you not published yt Letter ye public would thank you & at parting he repeated his kind offer of assistance in money matters, upon this I depend for part of your 300 Guineas—If the foederal Court is fixed here he says there will be an amazing Field opened for young Fellows of abilities & he would advise you to confine yourself to it & the supream Court & do little wth ye inferior Courts. He will be a very useful Friend & you must attend to him.—B. Chew made an attempt at Montgomery the other day spoke 10 minutes, was embarrassd & set down & tryed to carry it off with a Laugh made a poor Figure.—

[4 January 1788, 10:00 A.M.]

All is still—Mr. & Mrs. & the Miss Pine & the Miss Craigs went off at 9. We have supped on Milk & toasted Cheese, your Grand Father gone to bed in your Room—Your Sister and little Peggy gone to bed too after entertaining us all very agreably with singing dancing & saying your old Speeches, Peg the admiration of us all she is very entertaining & Nancy gains great credit from her improvement of her daughter—The Negroes are appeasd & have given us a Subject & we apprehend no danger from Mobs. Foulke's schemes all abortive, and my pupils all satisfied.—So ye New Year begins well, may you my dr. Son see many happy ones! No Packet, no Convention Brig, no Cooper nor Craigie are the men all pressed, or are ye winds contrary? Jackson very attentive to Miss willing, Mrs. & Miss Allen very polite to me Last night at the Concert.—

We hear from Carlisle that when the Foederalists were rejoicing at the ratification of the new Constitution the anti-foederelists attacked them spoiled their Mirth & beat them off then carried the Chief Justice & Willson in Effigy in a Cart & gave them 39 lashes—there will be much Opposition in the Western part of ye State, & numerous petitions to ye next Assembly to call a new Convention to reconsider the Constitution—Your uncle Frank L[ightfoot] Lee thinks the new form of Govern. must be adopted, least we may not get so good a one—our state, Delaware & New Jersey have acceded already & there will be 7 or 8 more tis supposed. I dont know how to forward our Debates &c to France without intolerable postage.—& I wish you to see them. Your Mamma is recovering fast, & will walk in 3 or 4 days.—

[13 January 1788]

no Letter from my Son, no Ship from England since October except Genl. Stewart, The packet must be 10 or 11 Weeks at Sea.—

To preserve the affection of the people for the new Government the Foederalists are raising a Sum of money to pay for writing & dispersing papers in its favor, its opposers increase the more tis considered if tis ever executed this place will be the seat of the Foederal Government perhaps Germantown.

The City continues very healthy & were it not for a few cases of Midwifery this winter would be a very poor one—The cold weather is at last come the River fast & navigation entirely stopped, no Vessels sailing for England or France; No Congress has been formed since the new foederal Year, & all public Business at a stand. we have very gloomy appearances & tis thought by its friends yt nothing but the new Government can help or save us. others think it will involve us in greater distress heaven knows what will be ye Consequence. The Supream Court is sitting & ye Lawyers are busy. my greatest hope & consolation is yt you are improving yourself to be eminent & useful—have you recived the 200 pounds drawn by Fisher on Spurrier &c? have you recieved nothing for Mrs. Urquhart? When are we to expect Adams, Cutting & Craigie? I am on the rack of impatience & constantly exclaiming agt Merchants sailors post boys & Packets.—

I believe B. Chew is to be married to a Miss Pemberton not the rich one nor a very handsome one, a daughter of Jo. Pemberton; Tis said Jamey Bayard is likely to marry Genl. Dickinson's daughter—he is settled in the delaware State—Sammy at Norris Town in Montgomery where he will oppose W. Smith who is almost oracular there.—Lewis Ingersol Sargent & Bradford are still our Oracles, Wilson gets but little business. Tis thought when the new Constitution is in motion some of our great Lawyers will be appointed to lucrative offices & an opening made for young ones of abilities.—Our Winter passes away very dully, no assembly & few parties, very few dinners; I never lived so frugally in my life, have had no company these 4 months & with difficulty pay my debts and your Bills; 3 dollars supports us a Week exclusive of Servants; Mrs. Bingham has employed the town the last week in preparing to appear at a brilliant Ball in her New house tomorrow evening; The fathers say she will ruin them all—Nancy is moderate p[er]force & only demands 10 pounds for her equipment I suppose it will take 15. Good nights.—

[19 January 1788]

Mrs. Bingham's Ball was very brilliant, superior to any thing we ever saw—70 or 80 Ladies who displayed more elegance & Taste & less superfluity than I have ever observed—Frank Ingraham promises to send this Letter by his Uncle N Ingraham via Amsterdam to Paris—I shall write you by the French packet when one arrives & sails again—We have no News of the Novr. or Decr. Packet yet—no Cooper nor any other Vessel from England or France these 3 months—we look out

impatiently. The State of Connecticut have adopted the new Constitution 147 to 40.—Tis supposed yt Massachusetts & New Hampshire have also adopted it by this Time—By a Vessel arrived at Boston in 50 days we hear that peace is to be continued & the seamen will be at Liberty.—Your Sister is to have an oyster party next monday for the Coxes Shippens Burds, Lea &c—We are all well & long to hear you are so.—The Town continues healthy & the Weather is severe.—adieu

[P.S.] Your sweet little Niece figures away this evening at a Ball given by Miss Bingham.—Major Franks says you will be much improved in Paris tho you are a fine young Fellow already. present my compts. & to Mr. Jefferson & the Marquis.—

1. RC, Shippen Family Papers, Library of Congress.

272. Squib

New York Journal, 18 December 1787¹

How one story brings another to mind! Mr. Wilson's witticism (in the Pennsylvania convention) about Sternhold and Hopkins's psalms, made me think of the following: A man who was ridiculed for the *shortness of his coat*, smartly said, "It will be long enough before I get another." The person who ridiculed him was pleased with the reply, and treasured it up for the purpose of retailing it. He met with an opportunity, and said, he had heard one of the wittiest things lately that he ever met with. Upon being asked what it was, he replied, that he had been laughing at ——— because his coat was so short; and ——— told him it would be a long time before he would get another. His friend observed that he could not see any wit in it. Why, really, nor I, said he, now; but I remember it was a good story when I heard it. Mr. Wilson was equally unfortunate in retailing Sternhold and Hopkins; for the two lines he quoted are not in that version of the psalms, nor, I believe, in any other.

1. Reprinted: Philadelphia *Independent Gazetteer*, 27 December.

273. The Militia and the Supreme Executive Council 19 December 1787–5 February 1788

Jacob Trusty

Philadelphia Freeman's Journal, 19 December 1787

Philadelphia County, *Decem.* 12, 1787.

Mr. Bailey, I wish you would inform me, through the channel of your paper, of the true meaning of disarming the Militia in this State at this

solemn period: The county officer shews us an order of Council for to deliver them for cleaning; but we in our county have, upon second thought, resolved to clean them ourselves. Is this a trick for to push upon us the new plan of government whether we will or will not have it; no, Mr. Bailey, those gentlemen in your city who have planned it, are poor politicians, if they depend on our agreeing to give up our mush sticks.—I am, &c.

JACOB TRUSTY.

A Militia-Man

Pennsylvania Gazette, 26 December 1787

Messrs. HALL and SELLERS, I wish to inform *Jacob Trusty*, through the channel of your paper, that the impertinent Question he asked Mr. *Bailey* on Wednesday last, respecting the militia's being disarmed, or even an attempt of disarming them being made by the Supreme Executive Council, as you will see by their resolve, is totally groundless, and must have originated with himself, for some infamous party purposes.

"In COUNCIL, Tuesday, December 4, 1787.

"On motion, Resolved, That the Lieutenants of the city and the several counties within this state be directed to collect all the public arms within their respective counties, have them repaired, and make return to Council, with the accounts and vouchers, for payment."

Mr. *Trusty* is much mistaken, if he thinks the militia will be duped into a broil by any antifoederalist, or even by the whole *junto*, in the manner they were on a former occasion, when a sett of designing men then in power (and some of whom are still in power) in order to give scope to and conceal their nefarious practices, turned the resentment of a people grievously injured by them (but also at that time could not see where the injury originated) against some of our best whigs and most honest men, merely because they would not concur in their proceedings. I was then, and still am a militia man, and a friend to the constitution of Pennsylvania. I was high in the confidence of men in power. I know secrets of some men, that perhaps (for the benefit of society) had better remain so. I heard many fine things said about a *well-regulated mob*, by people who acted a very *disingenuous* part both then and in the hour of the *mob*. If Mr. *Trusty* should have influence sufficient to distract the minds of the *good citizens*, so as to cause them to take arms against each other, perhaps he may be found to take *arms against* the *party* he has found means to influence, and act the same *treacherous* part a high character did on the former occasion. No, gentlemen, the militia will not *trust* Mr. *Trusty*, nor any of his *junto*. I would

advise him to beware how he sports with the feelings of our militia, as characters are better known both to me, and *many others*, than they were on the former occasion. The rights of the people must not be trampled upon any longer in Pennsylvania, either by *Priest* or *Placeman*.
Philad. County, Dec. 25, 1787.

Carlisle Gazette, 9 January 1788

State of Pennsylvania, ss.

Cumberland County, 1st. Jan. 1788.

By a resolution of the Honourable the Supreme Executive Council of this State of the fourth of December, 1787, I am directed to collect all the public arms within this county, have them repaired and make return thereof to Council, &c.—I have therefore to require all such as may have public arms in their possession, to inform me thereof, that I may be enabled to conform to the directions of the Honourable the Supreme Executive Council—Those who attempt to conceal public arms, may expect to be proceeded against agreeably to law.

George Gibson, Lieut.

Trusty

Philadelphia Independent Gazetteer, 10 January 1788

Mr. OSWALD, The captains of the militia not having complied with the order of the Colonel, as inserted in your paper of the 3d instant, their reluctance has induced the Colonel to transmit them a second order—a copy of which I herewith send you for publication; at the same time informing you, that the militia of the country rather choose to repair and clean their own *arms* at this critical juncture, than to deliver them up to any one whatever.

TRUSTY.

REGIMENTAL ORDERS.

December 31, 1787.

“When the public arms are collected, and intimation of it given to the Colonel, he will prevent any further trouble to the Captains, by causing the Regimental Quarter-master to attend the delivery of them to Mr. Perkins, and taking his receipt.

“The reputation of punctuality in complying with orders which Colonel Shee is happy the regiment has acquired, will, he hopes, be maintained in the present instance, as the absolute necessity of repairing the arms belonging to the state must be obvious to every officer.”

R. HEYSHAM, Adjutant 3d P. R.

To Captain

*Newspaper Report of Supreme Executive Council Proceedings,
Thursday, 10 January 1788, Pennsylvania Packet, 11 January 1788¹*

IN COUNCIL.

Philadelphia, January 10, 1788.

WHEREAS the intention of Council respecting the Public Arms has been misrepresented:

Ordered,

That the Secretary publish the Resolves of this Board respecting them.

IN COUNCIL.

Philadelphia, Monday, November 12, 1787.

It appearing from intelligence received from Washington county, that the Indians have murdered some of the inhabitants of the said county, and that the people there are in want of arms and ammunition.

Resolved, That one hundred stand of arms, four hundred weight of gunpowder, eight hundred weight of lead, and one thousand flints, be purchased by the Comptroller-General, and sent to the Lieutenant of the county of Washington.

Thursday, November 15, 1787.

WHEREAS it is represented to this Board, that the Indians have recently committed divers depredations on the frontier inhabitants of this state: therefore,

Resolved, That the Lieutenants of the several frontier counties may, from time to time, order into actual service, for the protection of the inhabitants, such part of the militia of their respective counties as may appear to them, or any of them, necessary: not exceeding, at any one time, the proportion allowed by law.

Tuesday, November 27, 1787.

Ordered, THAT the Comptroller-General be required to furnish Council with an account of all the public arms delivered to the Lieutenants of the city of Philadelphia, and the Lieutenants of all the counties in the state.

Tuesday, December 4, 1787.

On Motion, *Resolved,* THAT the Lieutenants of the city and several counties within this state, be directed to collect all the public arms within their respective counties, have them repaired, and make return to Council, with the accounts and vouchers necessary for payment.

Extract from the Minutes,

CHARLES BIDDLE, Sec'ry.

1. Reprinted: *Pennsylvania Mercury*, 12 January; *Philadelphia Independent Gazetteer*, 14 January; and *Pittsburgh Gazette*, 16 February.

*Newspaper Report of Supreme Executive Council Proceedings, Saturday,
12 January 1788, Philadelphia Independent Gazetteer, 18 January 1788*

On motion, Resolved, That the Lieutenants of the city and counties throughout the state, be directed, as soon as the public arms are repaired, to deliver them to the battalions under their command, apportioning them to the number of men in each, take receipts for them, and make report to Council.

Extract from the minutes.
CHARLES BIDDLE, *Sec'y*.

*An Old Militia Officer of 1776
Philadelphia Independent Gazetteer, 18 January 1788*

Mr. OSWALD, The orders, issued by Council, enjoining the delivery of the public arms at this juncture, when a standing army is openly avowed to be necessary, has occasioned no small degree of apprehension amongst some of the officers, who are not in the secret, and in almost every private of the city militia. These orders, the first of the nature issued since the peace, amount, in the most liberal construction, to a temporary disarming of the people. When the arms will be re-delivered, must depend upon the *discretion* of our rulers. In the mean time a militia-man begs leave to advise his fellow citizens to comply with this official mandate; since, if no treachery is intended, their obedience to government will be praiseworthy and exemplary. But if their good sense should lead them to suspect (and suspicion in a free people is the best of centinels) that these orders originate in that spirit of domination, which has not been illiberally imputed to the new plan of government, will it not be their indispensable duty, as men, as citizens, and as guardians of their own rights, immediately to arm themselves at their own expence? This expedient will convince the enemies of liberty, that the people (their own defenders in the last resort) are prepared for the worst, and that the boasted operations of their intended *standing army* will be found to be as weak and futile, as they are justly apprehended to be insidious and base.

Philadelphia Freeman's Journal, 23 January 1788

PARAGRAPHS *from correspondents.*

Whether the motives were good or bad that influenced the Council of Pennsylvania to call in the arms of the state to be cleaned, it matters

not; we doubt not, but the measure will terminate in the public good. For, that the attention of the Militia will be roused, both to have their arms in good order, and themselves perfected in Military discipline, is a necessary consequence. Perhaps our Militia, who are the true bulwark of a free country, may soon be called upon to defend our sacred rights and privileges, against the despots and monarchy-men; and to be prepared for the worst, their *arms* and *discipline* ought to undergo a previous examination.

A person of information, in the commercial way, acquaints us, that within these few weeks *large orders* are sent off to Europe for *powder* and *lead*. As these orders have been generally from the northern States, a correspondent wishes to know, what is the object of these extra orders for ammunition. He hopes the high-flying monarchy-men, and the rest of the aristocrats, have no thoughts of letting loose the dogs of war among such of their fellow citizens as intend to oppose the new constitution.¹

*Pennsylvania Gazette, 30 January 1788*²

It is curious, says a Correspondent, to observe *the extreme ignorance or the disregard to truth*, discovered by certain violent opponents to the proposed constitution. They assert that the Fœderalists are sending orders to Europe for large quantities of powder and arms, when it is a well known fact that powder is at a price below what it can be imported for, owing to the perfection of that manufacture,—and arms are to be bought in every seaport in the union for less than their first cost in Europe.

Pennsylvania Herald, 5 February 1788

The enemies of the new constitution, says a correspondent, rely as much on lies for the promotion of their cause, as on any other means. In Boston, a design to bribe the members of the convention, opposed to the proposed plan of government, with “large sums of money, brought from a neighbouring state,” is announced in one of the papers. On enquiry it appears the writer dares not discover himself—but shelters his falsehood behind the liberty of the press—the printer will not give up his name. In this state the people are at one time alarmed with a report of disarming the militia, by order of council—at another time, with “large orders for ammunition being sent to Europe”—again, a subscription is set on foot, for the purpose of bribing writers and printers! In fine, to enumerate the various rumours circulated to serve the

basest purposes, viz. to generate a spirit of discord and disturbance, would be equally tedious and disgusting.

1. This paragraph was reprinted in the Philadelphia *Independent Gazetteer*, 25 January.
2. Reprinted: *Pennsylvania Mercury*, 31 January.

274. Philadelphia Independent Gazetteer, 19 December 1787

A correspondent assures us, that the men who are so eagerly bent upon the project of cramming the new constitution down people's throats, are forming themselves into societies in each state, under the denomination of the TOTOS, and that the emblem or device which they have adopted, is that of a man gaping very wide and straining hard to *swallow a fish, tail foremost*. Whether an exemplification of this emblem is to be exhibited in actual experiment, by all such as shall be admitted into the tribe hereafter, our correspondent cannot ascertain: Width of throat, however, and a happy facility of swallowing, will certainly be essential requisites to admission. As similarity of name often begets affection, and is frequently considered as a mark of kindred, our correspondent further assures us, that a message and belt is to be sent to the tribes of the TOTOWAAS, inviting them to a junction, and offering to admit them *in toto*. Which of the two names will prevail after the proposed junction, whether that of the TOTOS or that of the TOTOWAAS, time alone can determine.

275. Cato Pennsylvania Gazette, 19 December 1787

Messieurs PRINTERS. In publishing this short sketch of certain characters, you will oblige your old friend
C.
December 15, 1787.

There is an antient adage, that says "Every man is *honest*, till you find him to be a rogue."—Being a man of leisure, I have attended the late Convention to hear the debates that passed there. Messieurs Whitehill, Smilie and Findley made so capital a figure, that had I not known of another theatre, on which they had for several years past exhibited, I should have thought (as no doubt many other attendants will do) there were none of the members of that respectable body who had an equal regard with them for the liberty of the subject, and the preservation of their rights and liberties, from the supposed depredations of the plan for the establishment, of the Foederal Government. Unfortunately for

these *Gentlemen*, they appear to thousands of citizens in a very different light from what their fine speeches in convention would teach them to believe. On recurring to the debates in the Assembly, we shall find that the *Tender Law*, *Test Laws* and the *Funding Law*, are striking proofs of this assertion. From the first of those laws, many Widows and Orphans have been *ruined*, the morals of the people *corrupted*, and confidence between man and man *destroyed*. From the second of those laws, the constitution received a *vital stab*, and tens of thousands of valuable freeholders were reduced to *slavery* for years, and, not content with this species of tyranny, they were for entailing the misery during life on them and their posterity. From the third of those laws, which is still existing, the wounds of the soldier are made *to bleed afresh*, and thousands of citizens, who lent their fortunes to carry on the late war in defence of liberty and the rights of mankind, are brought to beggary, or live on the benevolence of their friends, with no other view than to support their partisans in wealth, by speculations and unjust taxations. In making of these laws, these gentlemen were the *promoters* and *supporters*, and, were it not for the happy change expected from other men and measures, the inhabitants of Pennsylvania might groan under such baneful influence for ever.

Comparing, therefore, these fine speeches in Convention, with their *sentiments and conduct* in Assembly, the world must determine what part of the antient adage before mentioned is applicable *to them*, and how much they are entitled to the claim of patriotism or public fame.

276. A Citizen of Philadelphia Pennsylvania Gazette, 19 December 1787

A REVIEW of the politics of PENNSYLVANIA.

It is as curious as distressing, for a well wisher to the interest of Pennsylvania to cast an eye back upon the measures that have been pursued by the constitutionalists for some years past. They began their reign by riots, and a wanton destruction of the property of those who differed from them in opinion. They have, when in power, pursued the same system, with less apparent violence, from the night when mobs attacked the windows of peaceful citizens, to this time.

One of the first acts, which marked their tyranny, was that which prescribed an oath of abjuration and allegiance, couched in terms which must have excluded half the worthiest citizens of the state from any share in civil offices. Such an open invasion of the privileges of free-

men, such a direct attempt to engross all the power and offices of the state, could not fail to weaken the cause of their own party.

Another act of tyranny, which distinguished the early part of their reign, was the taking away the charter of the College of Philadelphia. A most wanton exercise of power, without a show of right.

Another very early act of oppression and violence was, the depriving the Bank of their charter. This was done without the least proof of injury arising from that institution, on the most flimsy pretences, and merely to gratify the jealousy and spleen of a party. A more flagrant violation of sacred engagements, a more daring invasion of private property, has not been exhibited in the late transactions in Rhode-Island. No excuse can be offered for such an abuse of power, which will not justify every act of that abandoned state.

Another act, which we vainly hope proceeded from better motives, though its consequences are more pernicious, was the funding law.

The Assembly were told by Council, that the law would work mischief, by creating a speculation more profitable than labor, and thus striking a fatal blow to industry and commerce. But the opposition of Council had no effect; the law was passed. All the money which the wealthy could spare, and which used to be loaned to the husbandman and the merchant, was applied, and is still applied, to purchase stock in the funds. No person can borrow money, who will not give a higher interest than is received on certificates, which is from 18 to 24 per cent. When the law was passed, the treasury was full of money—it is now empty—taxes are in arrear—the state is involving herself, by anticipating her revenues—new certificates or orders have multiplied the objects of speculation—the certificates fall in value, in proportion to their number and the remoteness of their interest—and trade languishes.

But, as if to hasten ruin, paper money must be issued. That a paper currency was formerly useful, is not controverted; but when the country was full of securities or public notes—when depreciation had become familiar—and one part of men had been taught to undervalue all kinds of paper for the sake of speculating, and the other part, more honest, had been taught by fatal experience to dread the sight of paper—when a separation from England had withdrawn all support of our credit derived from her trade—then to make a paper currency was rashness in the extreme. After paper had depreciated, the authors of the evil attempted to throw the blame on the bank, on the brokers, on a newspaper paragraph, and on the Lords knows what. Such attempts are either *wicked* or *weak*. *Wicked*, if the authors know better; and *weak*, if they do not. There is an essential difference between specie and paper.

One answers for a medium any where; the circulation of the other is limited. The difference of value, therefore, will be proportioned to the demand for specie. In New-York the demand for specie makes the exchange from two to four per cent. In Pennsylvania, from twenty to twenty-four. This difference is not solely the *depreciation* of paper, but partly the *appreciation* of specie, which is rendered scarce by the circulation of paper. No attempts, no union of councils, can prevent this evil, and therefore paper must eternally be a source of iniquity and fraud.

The last public act of the constitutional party, that I shall mention, is their open opposition to the foederal constitution proposed by the late Convention. In this business they have been divided, a part of their strength having joined the foederalists, who were the old republican party. The opposition to the new government originated with G——e B——n, a man whom the convulsions of Pennsylvania raised from the indigence of bankruptcy to a seat on the bench, and a certain J. N——n, who holds an office of 800 l. a year under the state, which must necessarily be annihilated by the new constitution. With these men are confederated two or three foreign pettifogging lawyers, and a parson of well known character in the city. The principal enemies of the new constitution in the country are, Mess. F——y, W——ll and S——e, —men who have enjoyed a constant round of state power and popular influence ever since the beginning of the revolution. Their names are upon record in the journals of the Assembly, as the patrons of *test-laws*, *tender-laws*, *paper-money*, and laws for invading private property, by breaking charters of incorporation. They have been the steady enemies of the Quakers, and of men of tender minds of every other sect of Christians. They are the creatures of G——e B——n, and retail his principles in all their speeches and publications.

The printers in the different states are requested to publish this account of the late constitutional, but now Antifoederal, party, that the inhabitants of the United States may know how unworthy and contemptible the men are in Pennsylvania, who are opposed to the new Foederal Government.

277. Pennsylvania Gazette, 19 December 1787

Five days of the debates of the late Convention, a bystander informs us, were taken up in discussing the meaning of two words, viz. *annihilation* and *consolidation*. On these words Mr. Findley spoke, in all, nine hours—Mr. Whitehill seven—and Mr. Smilie five. Each of the above

named gentlemen delivered the same things in their speeches, and often in the same words. Their speeches upon those words cost the state one thousand dollars.

278. Pennsylvania Gazette, 19 December 1787¹

AN ANECDOTE.

A few days ago the minority of the Convention assembled in a room near the University, and sent for one of their number, a gentleman from a frontier county. After reading their protest to him, they asked him to sign it. "No," said he, "I will not. I have not the *fifteenth* part of the objections to the constitution you have mentioned; nor do I think you believe in one quarter of the objections, you have made, yourselves."

1. Reprinted: *Pittsburgh Gazette*, 19 January.

279. Pennsylvania Herald, 19 December 1787¹

A friend to society takes this opportunity of recommending to the opposition in the late convention, a serious consideration of the effects which any further resistance may produce. It is the great principle of society that a part shall submit to the whole; while, therefore, the question was in doubt, they discharged their duty to the people and to themselves in the strenuous attempt to defeat what they deemed an improper and injurious measure; but the decision which has taken place, if it does not yield conviction, ought to command acquiescence.

1. Reprinted: *Pennsylvania Packet*, 20 December, and *Pennsylvania Journal* and *Philadelphia Independent Gazetteer*, 22 December.

280. Dentatus

Philadelphia Independent Gazetteer, 20 December 1787

MR. PRINTER, In reply to the ranting falsehood of *Philadelphiensis*, published in your paper of this day, be pleased to insert the following picture, drawn by the ablest master of ancient Rome; of the contending parties in that republic, when the infamous *Catiline* and his abhorred associates attempted the subversion of the government—it is not improbable that *Philadelphiensis* will find his likeness in the list of conspirators—for, although he may not be qualified to play the bolder parts of *Catiline*, *Lentulus*, or *Cethegus* yet the character of *Gabinus Cimber*, "the contriver of all these detestable treasons," may be found to suit them exactly.

And now to the picture—the fair side of which may with truth be applied to the framers of the federal constitution, and the men who

support it—the black side, nearly representing the generality of those who by their opposition to the system, wish to plunge this hitherto devoted country into all the horrors of anarchy and discord.

“On the one side modesty contends, on the other petulance; here piety, there profaneness: here resolution, there rage: here honor, there baseness: here moderation, there unbridled licentiousness: in short equity, fortitude and prudence, struggle with iniquity, cowardice, and rashness; every virtue with every vice.

“Lastly, the contest lies between industry and idleness, sound and depraved reason; strength of understanding and frenzy: in fine, between well grounded hope, and absolute despair.” In such a conflict and struggle as this ought not the virtues of a Washington and his illustrious colleagues to triumph over the complicated vices of a Shays, a B-y-n, and their accursed companions?

December 19th, 1787.

281. Philadelphia Independent Gazetteer, 20 December 1787

☞ The Printer having the most pressing calls for money, is again impelled to request that the subscribers to his paper will be so kind as to discharge their respective balances.—And those who have been so *very liberal* as to withdraw their subscriptions and support (and have NOT settled) because he chose, in the present great political controversy, to act with his usual impartiality, by publishing freely on both sides the question, are particularly entreated to call and pay off their arrearages.

He, however, for the present chuses to suppress the ideas which occur to him on this occasion, and shall therefore only remind those *high-flying tools, pigmies and tiffanies* of power and the prevailing party, those *boasted friends to freedom and the liberty of the press*, that “*the tables may,*” in the course of human events, “*be again turned,*” and that “*the race is not always to the swift, nor the battle to the strong.*”

282. Benjamin Rush to William Irvine Philadelphia, 21 December 1787¹

I am reduced to the necessity of doing myself justice from a late attack upon me in the newspaper, by requesting you to publish the enclosed extract from One of my Speeches in Convention in *all* the newspapers in New York.—I am concerned more for the honor of the cause committed to me by fellow citizens, than for my own reputation—for as a fool & a madman I am you know *Scandalproof* in Pennsylvania.—

The protest of our minority will do no harm in the back counties. A letter from Westmoreland assures us that the foederal Spirit spreads rapidly thro' the Western Country. The hopes of our junto now are in getting such a majority in the Assembly next year as to repeal the late act of our state Convention.

You will confer a particular favor upon me by directing & sending by the post the inclosed letter to the Revd. Dr. John Lathrop—one of the ministers of Boston, and franking it with your name. It encloses a newspaper with a request similar to the One I have made of you.—

1. RC, Irvine Papers, Historical Society of Pennsylvania.

283. A Freeman

Philadelphia Independent Gazetteer, 21 December 1787¹

Mr. OSWALD, The above interesting fact [ratification of the Constitution by New Jersey] suggests an observation to my mind that I wish to communicate. The representatives of the three states on the river Delaware have met in convention at different places, to consider the proposed federal constitution, and of the whole number no one man has disapproved of the plan in his public character, except twenty three, every one of which belongs to a particular party in this state. The inference is clear, that whatever may be the merits or demerits of the constitution itself, they have not been duly considered by its opponents in Pennsylvania, but their conduct must have been considerably influenced by dislike to men of an opposite party in the state politics, and by their attachment to certain political tenets, which, whether right or not, do certainly engross too great a share of their minds and feelings.

December 20.

1. Reprinted: *Pennsylvania Gazette*, 26 December.

284. Pennsylvania Mercury, 21 December 1787¹

It is sincerely and ardently hoped, says a correspondent, that those citizens who have warmly opposed the adoption of the proposed system of federal government, will, as their endeavors have been defeated, through the concurrence of a great majority of their compatriots in favour of it, lay aside all opposition,—convinced, that whatever end it might have answered, heretofore, it cannot now produce any other effect than to disseminate hatred, malice, resentment, and a train of black and satanical passions in private life. When a good man is of opinion a measure is likely to be injurious to his country, he opposes

it with all his exertions—When it is adopted, he cheerfully acquiesces in it. It is said, that one of the leading characters in the Congress which declared Independence, after having voted against the question, and found it nevertheless carried by a majority, rose up, and declared he was convinced he must have been mistaken in his idea of the matter—but that none of those who voted in the affirmative should enter more zealously into the support of American Independence than he, since the *die was finally cast*.

1. Reprinted: *Pennsylvania Packet*, 22 December, and *Pennsylvania Gazette and Pennsylvania Journal*, 26 December.

285. “Q.”

Philadelphia Independent Gazetteer, 22 December 1787

A few Queries humbly submitted to the Consideration of the
People of Pennsylvania.

1. Was the *recommendation* of the late General Assembly to choose a Convention, for the purpose of adopting the new constitution, so binding upon the people, as that they were necessarily and legally obliged to comply with it, at the time, and in the manner, then recommended? Or were not the people still at liberty to act according to their own judgements, on this momentous question.

2. As no more than about one sixth part of the free men of this state have yet thought proper to appoint a convention for the above purpose, can the act of this small minority, or of the men chosen by them, be, with any propriety, considered as the act of the people of the state?

3. May not, therefore, the freemen of Pennsylvania, at any time before the new constitution shall become the SUPREME LAW OF THE LAND, call a convention by their own authority, to consider of this proposed plan of government; and give them power either to adopt, propose amendments to, or reject the same, as they shall, upon due deliberation, judge most proper?

286. “E. P. H.”

Philadelphia Independent Gazetteer, 24 December 1787¹

MR. OSWALD, In your paper of Wednesday last, under the signature of Thomas Lloyd, it is asserted that an account of Dr. Rush's speech published originally in the *Pennsylvania Herald*, was a *gross misrepresentation*. Doctor Rush has since been assured, and is satisfied of the contrary; you are therefore requested by the Editor of that paper to declare that the assertion alluded to, is a *gross falsehood*. It is with regret he descends

to such language; but its adapted to its object, and is all the notice which the imputation deserves.

Saturday, 22d December, 1787.

1. Reprinted: *Pennsylvania Gazette*, 26 December.

287. Tim Quandary

Philadelphia Independent Gazetteer, 24 December 1787

MR. OSWALD, As an admirer of consistency, I hope that the gentleman who moved for opening the business of the late convention with prayer, will, from his known *conciliatory* disposition, charitably remove the scruple of a number of his well-disposed constituents, who are unable to *reconcile* with their humble ideas of perfection, the *whimsical* portrait he has drawn of an *All-wise* being. The learned gentleman had told us that the general convention having neglected to crave, as a body, a blessing on their proceedings; Heaven, in revenge, had excited the public clamour against their handy work—the proposed constitution.—Three weeks had hardly elapsed when the proselytes to this opinion were somewhat staggered in their faith by another declaration coming from the *same* lips, upon the *same* floor, and delivered upon the *same* frame of government—*now* pronouncing it to be the workmanship of *Heaven itself*—*Ergo*, Mr. Printer—the *sinner*s who penned it were *inspired*—and unbelievers must repent or be d——d.

Tell me if I'm right, and remove the doubts of Yours,

TIM QUANDARY.

288. Uncle Tobey

Philadelphia Independent Gazetteer, 24 December 1787

MR. OSWALD, I believe the leaders of the majority in our convention did not publish their *address* and reasons of assent on two accounts, first, because nearly one half of their number were obliged to vote according to their solemn engagements and promises, (by which they were tied down before their election) and not according to their judgments: therefore had not signed *it*.

Secondly. Because when they found the address of the minority so ably drawn up, and so well supported by undoubted facts and unanswerable arguments, they despaired of their sophistical inflammatory address being of any service to them, therefore they resolved still to avoid the field of argument, and to depend on their old aids detraction, scandal, and falsehoods.

However I think they should have allowed their members (who they detained from Wednesday till Tuesday, to sign and carry home their address) something towards extra expences in that time.

I am yours, &c.

UNCLE TOBEY.

**289. Hewes & Anthony to Brown & Benson
Philadelphia, 25 December 1787 (excerpt)¹**

. . . we as Sincerely hope as you do, that the States will adopt the purpos'd New Constitution. that we may do Business on a more permanant footing? then we have Not the Smallest Doubt but Commerce will Revive,—this State has Compleated the Business and one on Each Side of us have come into the matter Unanimous—we also Count upon three Eastern States as Certain and have No doubt of three or four to the Southward, then the others will make a Virtue of Necessity and drop in of Course—Some Seem to Evade and procrastinate the Question but we have No Idea that any one State will Reject it. that they may all unite is the prayer of your affectionate friends. . . .

1. RC, Brown Papers, John Carter Brown Library.

290. Philadelphia Independent Gazetteer, 26 December 1787¹

MR. OSWALD, The Editor of the Pennsylvania Herald, in your paper of this day, mentions, that I termed his account of Doctor Rush's speech *a gross misrepresentation*, and adds that "Doctor Rush has since been *assured* and is *satisfied* of the contrary." I beg leave to inform you, that it is my opinion the Doctor's satisfaction arose from being *assured* the writer "did not INTEND TO MISREPRESENT IT, as is declared in the Herald of Saturday in the note prefixed to my abstract of the Doctor's speech—A misrepresentation is not the less a misrepresentation because it was done *unintentionally*, though that *circumstance* may in some degree be an *excuse* for it. After this statement of facts the public will judge for themselves.

As a sense of decency, Mr. Oswald, will not suffer me to abuse your press with such language as Mr. Dallas, the E. P. H. has forced upon your readers, I hope to stand excused for not taking any further notice of him.

THOMAS LLOYD

Philadelphia, December 24, 1787.

1. Reprinted: *Pennsylvania Gazette*, 2 January.

291. Gomez**Pennsylvania Gazette, 26 December 1787**

APPLICATION.

To those persons, who have been witnesses of the almost unanimous welcome given in this city to the new federal constitution, nothing can be more surprizing than how there came such a power of writers against it. This day we have a Centinel—the next an Old Whig—now Cincinnatus—then a Continental Officer—or, *An Ass in a Lyon's skin*—Philadelphensis—and a number of others.

One might indeed reconcile these seemingly opposite circumstances, if we could suppose, that every one of the little antifederal squad was actually endowed with the faculties of *thinking* and *scribbling*; but from a correct list, drawn out upon a single card, it does not appear that more than two of the number can have any pretensions to such capabilities. Indeed, from similarity of falshood, nonsense, sophistry and malice, there is great reason to believe that the said Centinel, Protest, &c. &c. are neither more nor less than little Briano with the red cloak, of sufficient industry and zeal to keep up such a mighty clatter, whenever it is to do mischief, and who scorns to die with rage in a hole like a poisoned rat, but (as I see from the papers of the day) still comes abroad, and keeps up the fire after the battle is over.

292. Pennsylvania Herald, 26 December 1787¹

The solicitude of our sister states respecting the conduct of Pennsylvania upon the great question in agitation, is evident from the republication of all the debates and essays which have appeared in the papers of this city. As it is certain, that truth and reason must ultimately prevail over prejudice and party, the friends to the proposed plan ought not to relax in their endeavours to prove that *it is the best the world ever saw*, as well by the advancement of new arguments in its favor, as by the refutation of the arguments opposed to it. There is, at least, something so specious in the reasoning of the enemies to the system, as to require contradiction; and what is not denied is too often taken for granted.

1. Reprinted: *Pennsylvania Packet*, 27 December.

293. Pennsylvania Herald, 26 December 1787¹

A gentleman was passing by the place where a group of convicts was at work, and over-heard the following conversation:

1st. Man. I can never agree to it—for I am confident, it will destroy the liberties of the people.

2d. *Man.* My great motive for supporting it, is that it will enable us to be honest, and pay our debts.

3d. *Man.* Ay, but I will oppose it pell mell; for it takes away that *laudanum* of our liberties, a free press.

4th. *Man.* Peace! I say it ought to be adopted, and it shall too, for it will give strength and energy to public officers.

On enquiry, the gentleman found the subject of conversation to be the proposed constitution, that the first man was a convict in chains, the second a debtor just released by the Insolvent act, the third a printer's devil, and the fourth a constable, who superintended the convicts.

1. Reprinted: *Pennsylvania Packet*, 27 December.

294. Honesty

Philadelphia Independent Gazetteer, 29 December 1787

Mr. OSWALD, Neither envy nor dislike to the present officers of government are the motives of the following observations; the love of Pennsylvania, and the happiness of its citizens, are my motives; and if I can judge of your character, I think the same sentiments are yours.

Pennsylvania is surely the first republican government that ever allowed its servants (that is the officers of government) to become masters. When we take a view of the present officers of government (in this time of calamity, when the most virtuous citizen cannot obtain by his capitol and industry, bread for his family) the fact of the servant becoming the master, will strike every observer. Was the revolution designed to serve a few men? Every body will say *no*; yet it seems as if *yes* would be a more proper answer: and to illustrate this, I will ask the people of Pennsylvania, why Jonathan Smith, Esq. should have held his office longer than the life of the constitution, which is from seven to seven years, and to hold this office too at the expence of the unfortunate, and to the exclusion of men equally as well attached to the revolution as himself? His income from that office has been 3000 l. a year; what it may be at this day, I shall not say. Dr. Phile has held his office also from the beginning of the revolution—Why should this be so? or what are his merits? Another question may be asked here, does this continuance in office dignify the state, or answer any good purpose? Certainly no. It only answers the purpose of making the officers and their families useless, worthless members of the community, and insolent to their neighbours. Shall I enumerate other gentlemen who by party *which is the scourge of the virtuous and the glory of the worthless*, have obtained and held offices against the people's welfare, and against the express meaning of the constitution, which holds out a rotation as one

of its excellencies—Yes I will, and in the face of day stand forth and declare that the present officers of government are destroying the state and driving the inhabitants to other countries, for which they will bring on themselves the vengeance of an enraged community.

Why should the Chief Justice have 1200 l. a year?—This is 700 more than the people can pay or he deserves, and be re-elected after his first seven years were expired.

Why should Mr. Attlee, Mr. Rush and Mr. Bryan, have each 600 l. a year—what are their pretensions to such emoluments, or where in the time of difficulty was one of those men found in the field defending the country? If there must be such officers, their services cannot be worth more than 200 l. a year; let them have this and no more, and if the state will destroy the people by excessive sums to such officers, the citizens must have it altered; the people can, and when left to themselves will, always do right; heretofore they have been deceived and misled, to keep a few worthless people at the head of a state, whose only claim to such distinction is art and wickedness.

What can we say but cry aloud against all the officers of government, beginning from the highest and going to the lowest. Yet, to be particular, let us name some of the fattest: Mr. Rittenhouse, some years ago had nothing; he now builds, buys, and improves. Mr. Bradford, the state's attorney, lives and acquires property in a way that his fond mama could not have expected. Mr. Bird builds and lives in taste, every body wishes him well, but not at their own expence. Mr. Sheriff has his office from the people, and he, keeping within the law, may do what he pleases till next October. Mr. Nicholson is the only *unaccountable* man in the state, and will soon be one of its richest citizens; he buys, sells and does what he pleases without controul; at the same time he controuls the Governor and Carlisle—even the invalids are under his direction, with their bayonets fixed;—God keep this man in his senses! Colonel F. Johnston and the other land-officers are in a fair way, and come on pretty well, Mr. Recorder Campbell needs all he gets, but how he deserves it is best known to those who know him intimately. The late County Treasurer is the man of men, as *Sly Boots* says; he surely had more than the art of M. Keath; he turned his lead to gold that was metal for metal, but the late County Treasurer turned the paper of the city and county into land, lots, houses, certificates, bank-stock, bonds, &c. to the amount of at least 30,000 l. for his own emolument—Refund! Refund! is the voice of justice and a republican people.

The street commissioners, county commissioners, city wardens and their tax gatherers shall have an essay dedicated to themselves, recounting their conduct when pavements are asked for, when pumps are required, and when appeals are made. In this essay the history of taking

up whole squares of pavement, and making water courses under ground at the expence of 2700 l. to a distressed people, shall be fully explained.

The manœuvre of the collector when, an assemblyman in making a law which made him, entitles him to his office in fee simple. The next best stroke to this, is the late vice-president becoming secretary. Can such men think the people are fools?

Gracious God! when will man's baseness end, and when may we expect the time that will enlighten the brave, and laborious farmer, mechanic and manufacturer, who are the support, strength, and safeguard of all countries, to stand together and check the insolence of placemen, who drink their sweat as though it came from a rock.

Arch-street, Philadelphia, December 25th, 1787.

295. "P. Q."

Philadelphia Independent Gazetteer, 29 December 1787

MR. OSWALD, I have read, with the most profound attention, the speech attributed to *Doctor Rush*, in the Pennsylvania Herald, as well as that imputed to the same orator, under the signature of Thomas Lloyd; and I cannot, for my life and soul, find any difference in the features of either of these bantlings which have been laid at the Doctor's door: I think the matter has made more *fuss* than it is worth; for let him own which of them he pleases, I do not see that either of the productions bears the least resemblance to their political mother, the proposed constitution, upon which, it is said, the Doctor has begotten them. Several citizens have wished, however, that the brats might be fairly compared together, which I have undertaken to do; and by exhibiting them to the public, you will oblige

P. Q.

Thomas Lloyd's Account.

1. The Doctor proceeded to mention several reasons for adopting the new government. These were derived, 1st from the influence which the example of a good government might have upon the nations of Europe, who had already shewn a disposition to imitate us in asserting their liberties: 2d from the effects of good government in securing liberty, for where there was no law, there could be no liberty. 3d from the distresses of the country, which the Doctor said had been before enumerated, and which he said originated only in the want of an efficient government. 4th from the present state of morals in the country: here the Doctor shewed the connexion between the want of justice and fidelity in government to individuals, and of individuals to government, and every branch of moral obligation. From this failure of political

obligation arose the want of justice between man and man—the difficulties of borrowing, and the danger of lending money—the oppression of landlords, the frauds of tenants—the numerous instances of conjugal infidelity and divorces, &c. among the lower classes of people, and lastly, the deficiency in parishes to their ministers agreeable to their subscription. The last instance of a failure in moral obligation, the Doctor lamented, as having a melancholy influence upon the happiness of our country—for, said he, where public worship is not maintained, it will be difficult to preserve religion, and where there is no religion, there will be no morals, where there are no morals, there can be no government, and where there is no government, there can be no liberty.

2. After this, the Doctor proceeded to shew the source of obligation to government, and asserted from a late writer, Mr. Paley, that it was founded in obedience to the will of GOD, collected from experience. He then mentioned the unanimity of the convention, the general approbation of the constitution by all classes of people, and the unanimity every where in votes and instructions in favor of government from New-Hampshire to Georgia, as reasons to believe that the adoption of the government was agreeable to the will of Heaven—for the *vox dei, vox populi*, was a truth, when it applied to the feelings of the people. Here the Doctor added that he believed the same voice which thundered from Mount Sinai, “thou shall not steal,” now proclaimed in our ears, by a number of plain and intelligible providences, “thou shalt not reject the new federal constitution.”

3. The Doctor then proceeded as follows “If the forms and degrees of government are so essential to the preservation of liberty, religion and morals then, said he, I call upon every member of this convention, to lay his hand upon his heart, and to ask himself, whether he can, consistent with his duty to his maker, refuse to assent to the ratification of the proposed constitution. If there is any man in this assembly, who feels a struggle between the inclination of his constituents, and the dictates of his conscience, let him obey the dictates of his conscience: it is the voice of GOD speaking in his heart, and let him reflect further, that in giving a vote upon this question, he is bound to consult the interest and wishes not of a particular county, but of the whole state.

I have no doubt, concluded the Doctor but a respectable majority will rise to the question of the ratification—but, Mr. President, this will not come up to my wishes—nothing will satisfy me perfectly but an unanimous vote. Lord Belhaven, in a speech delivered in the Scotch parliament upon the subject of the union, observes very justly that unanimity in a wrong measure is often better than division in a right one. Suppose the measure before us should be wrong, unanimity would

better enable us to recover from the evil that would arise from it. Think sir, of the effects of an unanimous vote upon our sister states. It would probably check Rhode-Island in her career of iniquity, and produce even paleness and distress at the court of St. James's. Think sir, of its effects upon the state of Pennsylvania. Let this constitution be the umpire of all our past disputes, here let us this night bury the hatchet of civil discord, and smoke the calumet of peace together. When the great question is called, should we be so happy as to see every chair in this assembly deserted, what a triumph would it be of reason and humanity, over prejudice and party. Should this be the case, Mr. President, I should find it difficult to restrain myself by the rules of the house. I should find myself strongly disposed to run across the room, and take every member of the opposition in my arms—I should think it sir, the beginning of a year of jubilee in Pennsylvania.

Pennsylvania Herald.

1. The important question was now called for, when Doctor Rush requested the patience of the convention for a few minutes. He then entered into a metaphysical argument, to prove that the morals of the people had been corrupted by the imperfections of the government, and while he ascribed all our vices and distresses to the existing system, he predicted a millenium of virtue and happiness as the necessary consequence of the proposed constitution. To illustrate the depraved state of society, he remarked among other things, the disregard which was notorious in matters of religion; so that between the congregation and the minister, scarcely any communication or respect remained: nay, the Doctor evinced, that they were not bound by the ties of common honesty, on the evidence of two facts, from which it appears that several clergymen had lately been cheated by their respective flocks of the wages due for their pastoral care and instruction.

2. Dr. Rush then proceeded to consider the origin of the proposed system, and fairly deduced it from Heaven, asserting that he as much believed the hand of GOD was employed in this work, as^(a) *that God had divided the red sea to give a passage to the children of Israel*, or had fulminated the ten commandments from Mount Sinai.

3. Dilating some time upon this new species of divine right, thus transmitted to the future governors of the union, he made a pathetic appeal to the opposition, in which he deprecated the consequences of any further opposition, and pictured the honorable and endearing effects of an unanimous vote, after the full and fair investigation which the great question had undergone. It is not, sir, a majority (continued

the Dr.) however numerous and respectable that can gratify my wishes—nothing short of an unanimous vote can indeed compleat my satisfaction; and permit me to add, were that event to take place, I could not preserve the strict bounds of decorum, but flying to the other side of the room, I should cordially embrace every member who has hitherto been in the opposition as a brother and patriot. Let us then, sir, this night bury the hatchet and smoke the calumet of peace.”

(a) This allusion, and nearly in these words, the Doctor certainly made. Citizens who were in the gallery can attest it.

296. Pennsylvania Herald, 29 December 1787¹

A correspondent observes with astonishment the perseverance of the enemies to the federal system who, notwithstanding the vote of the late convention; speak, write, and act, with a view to depreciate a government which the representatives of the people have agreed to adopt. This conduct, when properly considered, must in the long run deprive the minority, and their friends, of the remnant of popularity and influence which they enjoy. To make the people contented under a bad constitution would deserve some praise; but to foment discontents under any government betrays faction and wickedness.

1. Reprinted: *Pennsylvania Packet*, 31 December.

297. Candour

Philadelphia Independent Gazetteer, 31 December 1787

Mr. OSWALD, A writer in the Pennsylvania Gazette, falsely charges Messrs. Findley, Whitehill, and Smilie, with being the promoters of all our paper money and tender laws, and some other laws which I don't now recollect—I now call upon that writer or any other, to point out one tender law Mr. Findley ever voted for.—No he never did, but he has voted uniformly against every attempt to make any thing a tender but gold and silver:—and never did he vote for paper money emission except once for a very small sum. And Messrs. Whitehill and Smilie, are as clear of this charge as he, as to the paper money made since and long before the peace. If that writer had charged the members in the majority in Convention, he would have come nearer the truth,—for they have been always steady friends to paper money and tender-laws: indeed they have chiefly made their jacks by it.

I am, &c.
CANDOUR.

Montgomery County, December 22, 1787.

298. A New-Yorker**Philadelphia Independent Gazetteer, 31 December 1787**

Mr. OSWALD, I have had occasion, since I have been in your city, to mix with almost every description of people (those concerned in trade in particular) and find that since the able discussion in your Convention (which I frequently attended) that there is a very material and general alteration in the temper and sentiments of the citizens, with regard to the new plan of government; in those who have been its warmest friends, I find a general luke-warmness or an entire change of opinions, except for about forty or fifty of those who have been its most violent advocates and promoters from the beginning; these I found in the gallery of the Convention clapping and hissing; these, I am told, were the rioters in Sixth-street, &c. but only cast your eyes among them, and you will find that most of them are men of desperate fortune, and, with lawyer W—ls—n at their head, are anxiously waiting its adoption, expecting to mend their fortunes with lucrative and powerful offices: They are uniting, I am informed, with those of their own kidney in other states, under the denomination of Totoes, or Totowaas. The people called Quakers, are generally opposed to this system;—that is, the men of any weight among them;—to be sure, it strikes at the foundation of their society, above all others; and they are a large proportion of your citizens.

I will appeal to any of your readers, who will but take the trouble to look round, whether this is not a true state of the city on this subject. And from all that I have been able to collect from the country on this head, I find the farmers are in great confusion about it; so that I think you will have another Convention called, regularly and constitutionally, who will be empowered to make the necessary alterations, and so prevent a great deal of trouble, confusion, and perhaps much bloodshed. I am yours, &c.

A NEW-YORKER.

Philadelphia, December 26, 1787.

299. Pennsylvania Mercury, 1 January 1788

☞ The Printer acknowledges with gratitude the past favours and patronage of his friends and the public, and informs them, that in compliance with the desires of a number of his subscribers, and for the convenience of advertisers, this paper will, henceforward, be published three times a week,—on Tuesdays, Thursdays, and Saturdays; which arrangement, he flatters himself, will be satisfactory to its encouragers, as he will be thereby enabled to present them with intelligence, essays, &c. &c. earlier than his former mode allowed him.

With respect to the management of the paper, he observes that whatever may be his private sentiments, on the present or any other important subject, under public discussion, they shall never influence his conduct, *as a printer*, however they may operate on him, *as a citizen*; nor induce him to swerve from his fixed, unalterable determination to support a *free press*, and be an IMPARTIAL, UNBIASSED PRINTER.

Advertisements inserted yearly or quarterly, on reasonable terms.

Rate of subscriptions, as heretofore, 18s. 9d. per annum.

D. Humphreys.

300. Hum-Strum

Philadelphia Freeman's Journal, 2 January 1788¹

It is storied of Orpheus, that he chanted back his wife from hell by the melody of his harpsichord—that the wild beasts and birds squatted down to listen to his music—that mountains skipped and capered like the Totowas in a war-dance—that forests danced like mad folks—and that he built me up the walls of a certain city by the magic of a sprightly hornpipe.

Now as we have poetic authority for our belief of this, we need not think it impossible that *little Franciani* [Francis Hopkinson], *the exquisite fiddler*, in allegorizing the new constitution, could conjure a bill of rights into a bill of scantling, and a standing army into the battlements of a building, in the snapping of a fiddle-string. Ah! the amazing powers of *catgut*, *ridicule*, and *rosin*. *It is easier to laugh than reason*—mind that, Franky.

Some crazy people think, that the hon. Franciani Tweedledum-tweedle should reflect, that he has long had his *cups and saucers* on a collateral, or rather the same shelf with his cousin Margery, and actually boiled his pot with the same metaphorical shingles. And although the services of the Doctor of Laws, little Margery, and the whole honorable group do not entitle them to the third part of the shingles they receive—yet little Franciani's services do not amount to the valuation of a fiddle stick. Is it not a pretty thing to have 500 l. a year *sine cura*—What think you, brother sailor? That is the salary of our admiral-judge and our *fleet out of commission*. Franky thinks, no doubt, that, his *musical glasses* will keep their station under the new roof, and that he will not sing to his *fiddle*, the beauties of the battlements, with an empty stomach, while the grand sultan and the bashaws are dining in the *great parlour, ten miles square*; this is a good thought.—Study the *Scotch bagpipes*, Franky, “it is an ancient instrument of great melody.” Jamey Wolsey, the Scotch architect, has sketched out a snug *dining room for himself*,

maun, and it is currently reported, that he expects to be laird of the whole *manor*, as soon as the beloved battlements are built up—and then, Franky, you may sing to your fiddle, Jamey’s farewell to poverty, and his dependence on bankers forever—And therefore, I say once more, study the bag-pipes, Franciani—you understand me—try your hand a little at the battle of *Killicranky*, *Culloden Moor*, &c. and you may just strum over Wolsey’s lamentation, now and then, on your harp-sico—as it is likely it will be a delectable ditty some time hence.

Franky, in the second part of your allegorical roof, forget not, in the profundity of your wit and musical taste, to set to the tune of the Battle of the Kegs, the swan’s song of the mob-ocratical boys in the gallery, from twelve to sixty years of age, who honored his *honor* the Chief Justice, Jamey Wolsey, and Dr. Fulsome, with so many plaudits of approbation, and damned, hissed, and browbeat, poor Findley, Whitehill, and Smilie, who were advocating the native and unalienable rights of the people. This is an easy job, Franky, for you recollect, that I have seen you already take the note, in convention.

Sing, and fiddle too, little Orpheus, the glory of that day when the mob-ocratical junto, accompanied by *thousands* of the militia officers, &c. &c. *proceeded* in *procession* to the *solemn proclamation of the ratification* of the *new roof* and its *flanking battlements*; sing, I say, the reason why the bells, that rung that day in the steeple of the new *mitred-church*, were not bemuffled a little towards the end of the tune, to give us a few doleful cling-clangs at the expulsion of liberty and the triumph of the despocratics for a season.

1. Reprinted: Philadelphia *Independent Gazetteer*, 10 January; *Pennsylvania Herald*, 12 January; and *Carlisle Gazette*, 6 February.

On 9 January the *Pennsylvania Herald* printed the following: “The Printer would cheerfully comply with the request of several of his customers for the re-publication of the paper signed HUM STRUM, but that he conceives it to be a *personal* attack upon a gentleman, who is only *suspected* to be the author of the piece to which it refers.”

301. William Penn I

Philadelphia Independent Gazetteer, 2 January 1788

To the Citizens of the United States.

Fellow Citizens, At this important moment which is to decide on your future happiness or misery by the adoption or rejection of the *new proposed form of government*, a cool and dispassionate investigation of that system becomes indispensably necessary—I have waited for a considerable time, hoping that the subject would be taken up by some abler pen than mine—I have been disappointed in my expectation—a great many pieces have indeed appeared, which have thrown a considerable

light on this interesting subject, but they have been mostly of the desultory kind, and no person (at least that I know of) has as yet attempted a methodical examination of the proposed constitution, or a comparative view of its principles with the principles of a government in general, and of a *federal* government in particular—Although I am greatly deficient in the necessary abilities, I have however undertaken the arduous task; and I propose, in this and the ensuing papers, to go through it in the best manner I am able, and without attempting to display any ornament or elegance of style, I shall endeavour to explain my ideas with clearness and simplicity—my sole object is to be understood, and to render (if possible) these observations as useful, as their subject is interesting.

I shall in the first place lay down general principles, and proceed afterwards to their applications. I shall make very few quotations, from political writers, and take very few examples from the government of other countries whether ancient or modern—truth needs nothing but itself to enforce conviction on unprejudiced minds, and principles are a thousand times above precedents.

I shall therefore begin with examining into the nature of government in general.

Government in its general sense may be defined *a human institution by which certain powers are delegated by the people to one or more citizens to preserve their national existence, and secure to each individual, the enjoyment of his natural rights*; otherwise, in the words of the constitution of Massachusetts, *It is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.*

Government was originally instituted for the benefit of mankind—The welfare of the community is the great end which, under every form, it is intended to obtain—but what is the best form of government has long been an object of dispute among the learned and speculative. It is not true that that government is best which is best administered—it is a sophism invented by tyranny to quiet the inquisitive mind; a good administration is at best but a temporary palliative to a bad government, but it does not alter its nature, any more than a bad man by doing one good action in the course of his life, ceases to be a bad man. The best government is certainly that which is the least liable to be ill administered, in which the rulers have the most power to do good and the least to do evil. In other words it is that in which the natural rights of mankind are the most inviolably secured.

And of consequence as liberty is the most essential of those rights, which man holds by inheritance from all-bountiful nature, that which

takes from him the least share of that liberty ought to be the best—for the same principle holds in the political as in the mechanical science, and that machine in either must be allowed to be the most perfect, which with the least *strength* performs the greatest *execution*.

But here a long agitated question will occur: *What is liberty?* What is that supreme good which every one feels, and so very few can define?—I would call it the *unlimited power of doing good*, and without very critically examining into this definition, I know not what internal voice tells me that I am not mistaken. But again, What is good?—When that is fully known and understood, men will no longer differ about forms of government; it is the tree of knowledge which we have as yet only tasted; it is what we have for thousands of years, with various successes, been eagerly seeking after; it is the ultimate end of the painful researches of the human mind, and the object of these disquisitions.

Without going too deep into metaphysical investigations, that are no part of our present design, let us go back to the leading principle already established, that the best government is that which secures to the citizens the greatest share of their natural rights: their full extent unfortunately is not yet known to us; it is by slow, and often interrupted, steps that we have discovered those we now enjoy. That discovery is owing partly to our own sad experience, and partly to the philanthropic researches of those chosen few to whom the Almighty has in his mercy bestowed a larger portion of the ethereal fire than usually falls to the lot of the common race of men. Those men, whom we call *philosophers* or *lovers of wisdom*, have generally been persecuted while they lived, and have had altars erected to them after their death. Because prejudice, supported by private interest, has always stood in the way of useful truths, which however have in the end seldom failed to prevail. And wherever a sufficient number of those truths has been established and generally diffused, liberty and happiness have become the portion of every nation so enlightened—liberty is the fair offspring of knowledge, as tyranny is the grim-child of ignorance.

In this respect America is of all other nations the most favored of Heaven—The book of the constitutions of the different states, reflects such a mass of light as would have dazzled the greatest philosophers of antiquity. After the holy scriptures, it is certainly of all books that which contains the greatest store of eternal truths. I never open that sacred volume without feeling a kind of awful reverence, mixed with gratitude to the Almighty giver of all good gifts, who has been pleased to enlighten the minds of the legislators of this favored nation.

The truths which those great men have thus declared and established, are not (God be thanked) solely consigned to books made of

perishable materials; they are deeply engraved in the hearts of every American. This nation may boast of enjoying the greatest collective store of political knowledge of any people on earth. Maxims of the utmost importance to the happiness of mankind, are familiar to our meanest citizens, which many eminent Philosophers in other parts of the world, have perhaps never had an idea of—hence it must be inferred, that if we are ever brought into slavery, we shall never be allowed the easy plea of ignorance; the nations that now envy us, will despise our meanness, and see our miseries without pity.

Let us therefore try this new federal constitution that is now offered to us by the light of our own knowledge—Let us recur to those original principles upon which our present constitutions have been established. These guides never can mislead us; they are a sure touchstone to try any form of government by. If we find the federal plan conformable to those principles, let us by all means adopt it, and thereby secure perpetual happiness to ourselves and our posterity—If, on the contrary, we find that it is built on a different foundation, we must not hesitate a moment, but with a manly firmness, worthy of ourselves, unanimously reject it.

302. *Pennsylvania Gazette*, 2 January 1788

A correspondent observes, that the doctrine of the MINORITY GOVERNING in a free country is one of the greatest modern *improvements* in civil polity. The Seceders from the late Assembly of Pennsylvania tell us, it is the part of our Constitution which they most esteem and admire. The grave—the didactic Mr. Richard Henry Lee too, proceeding on this new discovery, tells us, that the power of enacting laws “by a bare majority of votes” is absolutely dangerous.

303. William Penn II

Philadelphia Independent Gazetteer, 3 January 1788

To the Citizens of the United States.

Fellow Citizens, I shall now proceed to lay down the principles that I think necessary to the formation of a *free* government, and without which, I sincerely believe, no true liberty can exist. I shall not here take notice of the *scholastic* division of government into three kinds, to wit, *monarchy*, *aristocracy* and *democracy*, nor consider separately the nature and effects of each of these different species. At present I shall confine my enquiries entirely to a *democracy*, or *government, of the people*, which I am confident is the only one under which liberty can be obtained or

preserved. The two other forms of government are so essentially different from it, that it is impossible they should have been intended to obtain the same, and which can never be done by following opposite roads. The *unity* of truth is as fixed and immutable a principle as that of the Divinity from whence it springs, and whose chief attribute it is. If so, no two opposite principles in government, any more than in any other science, can be equally founded upon it. Whether it was given to man to reach the source of the great fountain of truth, from which all true principles are derived, as rivers flow from the sea, it is not in my power to determine. We ought at least, with cautious and diffident steps, to approach it as nearly as we can, and treasure up and secure to ourselves and our posterity, the advantage of those *partial* truths, which the human mind is allowed to discover, waiting with confidence in HIM who constantly watches over his favorite creature *man*, and made him to be happy; for the blessed time when we shall perhaps discover the *grand principle*, which, when once found, it will not be in our power any more to tread the paths of error. Then, and not till then, may we expect to see the days foretold by the greatest philosopher of antiquity, when laws and government (their true principles being known to all the world) will be the same through all mankind. *Non erit lex alia Romae, alia Athenis, alia, nunc, alia posthac, sed et omni tempore, et apud omnes gentes, una eadem qua lex obtinebit.* Cic. Fragm. de Repub.

I believe that it is universally agreed upon in this enlightened country, that all power residing originally in the people, and being derived from them, they ought to be governed by themselves only, or by their immediate representatives. I shall not spend any time in explaining a principle so well and so generally understood, but I shall proceed immediately to that which I conceive to be the next in order.

The next principle, without which it must be clear that no free government can ever subsist, is the DIVISION OF POWER among those who are charged with the execution of it. It has always been the favorite maxim of princes, to *divide* the people, in order to *govern* them; it is now time that the people should avail themselves of the same maxim, and *divide* power among their rulers, in order to prevent their abusing it—The application of this great political truth, has long been unknown to the world, and yet it is grounded upon a very plain natural principle,—If, says Montesquieu, the same man, or body of men, is possessed both of the legislative and executive power, there is NO LIBERTY, because it may be feared that the same monarch, or the same *senate*, will enact tyrannical laws, in order to execute them in a tyrannical manner—nothing can be clearer, and the natural disposition of man, to

ambition and power, makes it probable that such would be the consequence—suppose for instance, that the same body, which has the power of raising money by taxes, is also entrusted with the application of that money, they will very probably raise large sums, and apply them to their own private uses; if they are empowered to create offices, and appoint the officers, they will take that opportunity of providing for themselves, and their friends, and if they have the power of inflicting penalties for offences, and of trying the offenders, there will be no bounds to their tyranny. Liberty therefore can only subsist, where the powers of government are properly *divided*, and where the different jurisdictions are inviolably kept distinct and separate.^(a)

The first and most natural division of the powers of government are into the legislative and executive branches. These two should never be suffered to have the least share of each others jurisdiction, or to intermeddle with it in any manner. For which ever of the two divides its power with the other, will certainly be subordinate to it, and if they both have a share of each others authority, they will be in fact but one body; their interest as well as their powers will be the same, and they will combine together against the people.

It is therefore a political error of the greatest magnitude, to allow the executive power a negative, or in fact any kind of controul over the proceedings of the legislature? The people of Great Britain have been so sensible of this truth, that since the days of William III. no king of England has dared to exercise the negative over the acts of the two houses of parliament, to which he is clearly entitled by his prerogative.

This doctrine is not novel in America, it seems on the contrary to be every where well understood and admitted beyond controversy; in the bills of rights or constitutions of *New-Hampshire, Massachusetts, Maryland, Virginia, North-Carolina and Georgia*, it is expressly declared, “*That the legislative, executive and judicial departments, shall be forever separate and distinct from each other.*” In *Pennsylvania* and *Delaware*, they are effectually separated without any particular declaration of the principle. In the other states indeed, the executive branch possesses more or less of the executive power—And here it must appear singular that the state of Massachusetts, where the doctrine of a separate jurisdiction is most positively established, and in whose bill of rights these remarkable words are to be found: “The executive shall never exercise the legislative and judicial powers, or either of them, to the end it may be a government of laws and not of men.” (§ 30). Yet in that commonwealth and *New-Hampshire*, the executive branch, which consists of a *single magistrate*, has more controul over the legislature than in any other state; for there, if the governor refuses his assent to a bill, it cannot be passed into a

law, unless two-thirds of the house afterwards concur. In New-York the same power is given to a Council of Revision, consisting of the Governor, the Chancellor and Judges of the Supreme Court, or any three of them, of which the Governor is to be one. In Rhode-Island and Connecticut, whose governments were established before the revolution, the Governor has a single vote as a member of the upper house, and New-Jersey has adopted this part of their constitution. In Georgia the laws are to be revised by the Governor and Council, but they can do no more than give their opinion upon them. In Maryland the bills are to be signed by the governor before they can be enacted, and in South-Carolina they are to be sealed with the great seal, which is in the governor's custody. But in the first of these states, the constitution prescribes, that the governor *shall* sign the bills, and in the latter, a joint committee of both houses of legislature is to wait upon the chief magistrate to receive and return the great seal, which implies that he is bound to deliver it to them, for the special purpose of affixing it to the laws of the state. Pennsylvania has proceeded upon a much more rational ground, their legislature having a particular *seal* of their own, and their laws requiring only to be signed by the speaker. If in Maryland or South-Carolina a difference should ever arise between the legislature and the governor, and the latter should refuse to sign the laws, or to deliver the great seal, the most fatal consequences might ensue.

Here then we see the great leading principle of the *absolute division of the legislative from the executive jurisdiction*, admitted in almost every one of the American states as a fundamental maxim in the politics of a free country. The *theory* of this general doctrine is every where established, though a few states have somewhat swerved from it in the *practice*. From whence we must conclude, that even the knowledge and full conviction of a new political truth will not always immediately conquer inveterate habits and prejudices. The idea of the negative, which the constitution of England gives to the monarch over the proceedings of the other branches of parliament, although it has so long become obsolete, has had an effect upon timid minds, and upon the minds of those who could not distinguish between the *form* and *spirit* of the *British* constitution. They would not grant to the executive branch an absolute negative over the legislature, but yet they tried every method to introduce something similar to it. They reprobated the doctrine in the most express words, and yet they could not bear to part entirely with it. It is curious to observe how many different ways they have endeavored to conciliate truth with prejudice. Of those states who have allowed the executive branch to intermeddle with the proceedings of the legislature, no two (New-Hampshire and Massachusetts excepted) have

done it exactly in the same manner. They have tried every possible medium, but having lost sight of the original principle which they had already established, and which alone could have been their safest guide, they groped about in the dark, and could not find any solid ground on which to establish a general rule. Like Noah's dove, being once out of the ark of truth, they could not find elsewhere a place to rest their feet.

These facts will no doubt afford an interesting page in the history of the contradictions of the human mind. Unfortunately, they do not stand single, and this is not the only instance that we find in the constitutions of the different states, of a general principle being expressly declared as a part of the natural rights of the citizens, and afterwards being as expressly contradicted in the practice. Thus we find it declared in every one of our bills of rights, "that there shall be a perfect liberty of conscience, and that *no* sect shall ever be entitled to a preference over the others." Yet in Massachusetts and Maryland, all the officers of government, and in Pennsylvania the members of the legislature, are to be of the Christian religion; in New-Jersey, North-Carolina, and Georgia, the protestant, and in Delaware, the trinitarian sects, have an exclusive right to public employments; and in South-Carolina the constitution goes so far as to declare the creed of the established church. Virginia and New-York are the only states where there is a perfect liberty of conscience. I cannot say any thing as to Connecticut and Rhode-Island, as their constitutions are silent on the subject, and I have not been informed of their practice.

Whether these religious restrictions are right or wrong it is not my intention, nor is it my object to examine in the course of these disquisitions—I only meant to shew, that in laying down a political system it is safer to rely on principles than upon precedents, because the former are fixed and immutable, while the latter vary with men, places, times and circumstances.

(a) I shall illustrate this doctrine by an example. A burgher of a certain borough of Switzerland was elected *Bailiff*, or Chief Magistrate, for one year, according to the constitution of the place. Shortly after his appointment, he sent for one of his neighbours, and ordered him to pull off his boots. The honest neighbour was astonished, and attempted to remonstrate, but the bailiff was determined to exert his authority, and threatened to send him to jail, if he did not yield him an immediate obedience. The poor man was forced to comply, for the bailiff was vested with power, both legislative and executive, he pulled off his worship's boots, but

said to him, "*when I am appointed bailiff in my turn, you shall pull off my boots and clean them too.*"

304. Philadelphia Independent Gazetteer, 3 January 1788

Extract of a letter from Northampton county, December 26, 1787.

"I am very happy to find all the newspapers in the state are now free and open (except *one*) and that the debates in convention are so ably handed to you every morning, and so many valuable essays are wrote on this important subject—I am informed that Dr. R-sh has become editor of *one* of the newspapers, and is employed in writing paragraphs and extracts of letters, shewing the situation of politics in the other states, &c. and for the use of the newspapers in the United States—We shall send a *small quantity* of petitions to the assembly next month for calling another convention."

305. Philadelphia Independent Gazetteer, 4 January 1788

A correspondent gives us the following paragraph. Our constitution says that trial by jury (though it is an admitted right of our citizens) shall be *as heretofore*. "Since then we knew in former times orphan's and negro courts, trials before justices, courts of admiralty, surrogates courts, boards of property and appeals to the king in council, in all which cases there were no juries, and as we now know of trials before justices, boards of property, orphans and surrogates courts, courts of admiralty and an high court of errors and appeals, in which juries are never used, it appears that it was formerly the practice, and that it is held under the present constitution of Pennsylvania, that however inestimable trial by jury is, our state legislature have a discretionary power to disuse it *in a court already established*, or *to erect a court in which a jury is never summoned*. Thus we see under our present constitution court of errors and appeals was established in 1780 and *that jury trials in it can never take place*. The court of admiralty *was altered also* the same year, and jury trials, though originally allowed in it were disused. I do not find, that it is declared or intended that juries shall be omitted in the supreme court of the union in reviewing the evidence of facts. These courts are to be organized, and their establishment completed by law, and there the matter will lie with the representatives of the people, to be altered as shall be found necessary to preserve liberty or property. If the federal legislature shall find any fault on experience in the constitution of the continental courts, they will as naturally alter them, as our state legislatures would do: or if *the people* find any faults of that kind, they can

instruct their representatives, or even make it a condition of their election, that they urge and endeavour for an alteration. Though I should never have agreed, that a criminal should be tried without a jury, and though I wish there was no necessity or occasion for any sort of court, such as our high court of errors, &c. in which juries are disused, yet I will appeal to those versed in law and the history of mankind, whether they do not think the trial by jury was introduced to defend the subjects of monarchies from the tyranny of kings; and whether the citizens of these free states are not, from many circumstances in their political situations, free from a number of those dangers to their property, which juries were designed to prevent. We see all the states in the union have courts in which juries are not used; but I hope and trust however, they will never be omitted, where it is possible to call them in. The person of a citizen can never be touched in many of the states without a jury, and under *the new federal constitution* no crime or offence can subject a man to fine, imprisonment, or corporal punishment unless convicted by a jury.

306. Philadelphia Independent Gazetteer, 5 January 1788

Anecdote of PUBLIUS; who pants for a *fat office* under the new system of government.

A country relation of *Publius's* calling to see him in New-York, at the time his 18th number appeared; the author inquired of him, what the people up in his part of the country said of the *Federalist*; the other, not suspecting he was the author of it, answered, that he had read it, but heard little said about it, as the attention of the people was so much occupied on the subject of the *New Constitution*, they had no time or inclination to read any essay on *Foreign Affairs*.

307. Dentatus

Philadelphia Independent Gazetteer, 8 January 1788

You are desired, Mr. Oswald, to insert the following repugnant and contradictory clauses, as they stand in the bill of rights and the constitution of Pennsylvania, in the Independent Gazetteer,

The father, and the framers of the declaration of rights and the constitution, are called on for an explanation of them.

DENTATUS.

In the 2nd article of the declaration of rights, are the following words:
 “Nor can any man, who acknowledges the being of a GOD be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship: And that no authority CAN or OUGHT

to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship."

In the 10th section of the plan or frame of government are these words,

"And each member, *before he takes his seat*, shall make and subscribe the following declaration."

"I do believe in one GOD, the Creator and Governor of the universe, the rewarder of the good and the punisher of the wicked. *And I do acknowledge the scriptures of the old and new testament to be given by* DIVINE INSPIRATION."

January 7, 1788.

308. Indignatus

Philadelphia Independent Gazetteer, 8 January 1788

To the PRINTER of the INDEPENDENT GAZETTEER.

SIR, I read with astonishment and indignation, in your paper of this day, these remarkable words, in a speech of Dr. RUSH, in the State Convention on the 30th of November last—"Sir, I consider it as an honor to the late Convention, that this system (the new constitution) *has not been* DISGRACED *with a BILL OF RIGHTS.*"—The only observation I will allow myself upon it is, that it will be an *eternal disgrace* to Pennsylvania that such words were ever uttered in a popular assembly by one of her citizens—Any further remarks on such disgraceful language, would be an insult offered to the understanding of the people—As freemen, and men worthy of freedom, they must *feel* more than I can possibly *express*.

7th January, 1788.

309. Old Square Toes

Carlisle Gazette, 9 January 1788

I believe that the 23 members of the late Convention who voted against the Constitution are the most wise, most prudent, most sagacious, most enlightened, most judicious, most learned, most upright, most disinterested, most virtuous, most magnanimous, and most patriotic men that have appeared since the days of Watt. Tyler and Jack Cade. I believe that their reasons of dissent were the effects of inspiration, and that the same spirit inspired the celebrated Capt. Griskin, who headed the procession in burning the effigies. I believe that the Federal Convention was a mob, and the State Convention a riotous assembly; and had not the virtuous twenty-three been intimidated and

dragged by force by the mob of Philadelphia to the treasury and received their wages, I should be for having the 46 indicted for robbing the public treasury. I believe that the ringing of the bells—the procession of the officers of the government—the meeting of the people—the public annunciation of the ratification by the state, and the discharge of cannon which took place in the city, was a most insolent and daring riot—if not high treason against the MAJESTY of the MINORITY of the people; and let me tell the great ones of Philadelphia, that it is fifty to one that warrants are issued against them for a riot. I believe that the people who disturbed the rejoicing and committed to the flames the effigies in Carlisle are very honest men & good members of society—that they are well versed in government, and perfectly understand the constitution, which they can scarcely read. I believe that if the new constitution takes effect—we shall be all circumcised. This is a good orthodox creed for you Messieurs Printers.

310. Philadelphia Freeman's Journal, 9 January 1788

A correspondent observes, that the establishment of the new Government would, on a moderate calculation, be attended with an additional tax of 3*s.* and 10*d.* in the pound on the property of the good people of this State; as, besides the foreign and domestic debt, and the vast hosts of civil officers of government, and those to be employed by them (which will be doubled in every department) all to be paid in good hard gold and silver, there will be a numerous standing army to maintain, as it is allowed by its advocates we are to have them all around us, on every point of the compass: indeed the nature of the government is such, (not possessing the confidence of the people) that it will require to be backed with military aid in every State to make it any how efficient: and this military must not be small, while the militia have arms! The mercantile interest all over the United States, who appear to be at the bottom of this new scheme, will take care to lay very light duties on goods imported; thus mechanics will be undersold by European manufactures,—and the farmers and mechanics will bear the main burthen of enormous taxes.

311. Philadelphia Freeman's Journal, 9 January 1788

It is a great argument with the advocates of the new constitution, says a correspondent, that none of the states can make paper money or tender laws if the new constitution is established; true, they cannot, (and perhaps they ought not) but Congress will have that power, they are empowered by this constitution to make as much paper money, and

pass as many tender laws as their highnesses may please, and we know by experience, to our sorrow, that such great men are very fond of exercising this power; there are few among us who do not remember what deluges of paper money were made by Congress, and how many tender laws made to support it.

312. Conciliator

Philadelphia Independent Gazetteer, 9 January 1788¹

To all honest Americans.

Every one of you, my friends, has at some period of his life acknowledged the truth of the following fundamental principles of a free government; and no liberal man in any country ever denied them.

1. Liberty of conscience ought ever to be inviolable.
2. An unrestrained press is the bulwark of freedom.
3. Trial by his peers is the birthright of every American.
4. All powers that belong to state legislatures, and that are not expressly delegated by compact to a collective government, *for the good of the whole*, ought ever to be retained by them respectively.
5. No power, so delegated *for the good of the whole*, ought ever to be counteracted by any particular state.

Let every honest *supporter* of the new federal constitution, read these fundamental principles, and, laying his hand on his heart, let him ask himself whether they be just or not:—He ought not to be called a *Federalist*, if he does not say AY.

Let every honest *opposer* to the new federal constitution, also read these fundamental principles, and, laying his hand on his heart, let him ask himself the same question:—He ought to have a worse name than *Antifederalist*, if he does not also say AY.

Here then all honest men agree; and in the name of honesty, my friends, let me beseech you to allow the calm voice of reason to prevail; without listening to the heated declamations of political zealots, on either side of the question.

Every legislature in the union has in some way or other formally adopted these fundamental principles; they therefore, cannot disagree about them. On the other hand, every man of reflection, from Georgia to New-Hampshire, allows, that due energy, consistent with these principles, is absolutely necessary to the existence of any federal government at all.

But I am answered, “there is no bill of rights to the new constitution. Implications will not do; these fundamentals may be violated; when the liberties of a whole country are at stake, positive limits are indispensable; and the argument that *’what is not expressly given, is expressly by*

consequence, reserved,' is too novel, and too loose for the people at large; it is not generally understood; and nothing should be left for future sophistry to destroy."

All this I grant, and the late federal convention have left the provision in your power.—"No, they have not (is immediately replied) we must adopt or reject it *in toto*."—That is also true, but after it is adopted, in *toto*, will not the first Congress be in fact another FEDERAL CONVENTION, and is not the extent of the judicial power, under which the objections fall, expressly referred to them, *to be regulated and controuled*? Every member of this new body must obey his instructions, and as every legislature in the union, agrees in these plain fundamentals, there cannot be a doubt of their general adoption; more especially as the constitution itself allows them by implication. As to the necessity of adopting or rejecting the general plan *in toto*, it is the effect of experiment.—When the former confederation was made, several of the states proposed numerous amendments; the consequence was, that every proposition was uniformly negated, each state supporting only its own amendments, and opposing all the rest.

It is only therefore on fundamental, immutable, and acknowledged principles that we ought to allow ourselves to think of amendments, for any thing more, must either be futile, or defeat the whole plan. Let every state, then, after adopting the plan, direct its members of Congress to have these fundamentals sculptured in marble, making a part of the Walls of the Federal State-house, and placed over the president's chair; that, like the commandments over the altar, they may attract the eye, guide the judgment, and awaken the conscience of every beholder.

There are men in all countries who would be despots if they could;—there are men in all countries who can only be important by the prevalence of anarchy.—We in America have seen a HUTCHINSON, who like the Roman tyrant, wished to behead every freeman at a stroke: We have also seen a SHAYS, who endeavored to trample every principle of civil society under the foot of a freebooter. But in all countries, the majority are honest men, and these abound in America; it is to these I write, and it is these I wish to unite in one grand object,—THE POLITICAL SALVATION OF THEIR COUNTRY.

1. "Centinel" XIII, Philadelphia *Independent Gazetteer*, 30 January (CC:487), attacks "Conciliator" and identifies him as James de Caledonia (i.e., James Wilson).

313. Philadelphia Independent Gazetteer, 9 January 1788

Mr. OSWALD, In vindication of truth, the base perversion of which is so justly chargeable on that incendiary, Centinel, be pleased to give

the following statement, which replies to the last sentence of his publication No. IX, a place in the Independent Gazetteer.

Delicacy towards the parties, between whom the conversation passed, forbids the insertion of names—but should either of them apprehend that there is any mistake in this statement, names, and evidence to support it, are ready to be produced.

Major _____, supposed to be the person alluded to in the last sentence of Centinel's publication, No. IX, being in conversation with _____ _____ _____, Esquire, on the model of a bridge which lay at the State-House, Mr. _____ _____ _____ took occasion to remark, "that it would be necessary in the next war to cut away the bridge," to which the Major replied, "it might be better to defend it"—Mr. _____ _____ _____, went on with his observations respecting war, which drew from the Major the following remarks, (so basely perverted in the last sentence of the publication referred to.)

"It is rather extraordinary Mr. _____ _____ _____, to hear so much on the subject of war from *you*, for *my* part a seven years apprenticeship to that profession has cured all propensities of that sort—but, if your conversation carries any allusion to a civil war in this country, I must tell you, sir, that *I would rather see five thousand rascals, who might wish to disturb the peace and happiness of America, perish by the rope, than that the sword of civil war should be drawn.*"

This remark was made in the presence of at least twenty citizens, some of whom will, perhaps, recollect that it was expressed in these very words.

January 8, 1788.

314. One of the People

Pennsylvania Gazette, 9 January 1788

ON A BILL OF RIGHTS.

It is a singular property in the human mind, to transfer the habits of one country into another, where they are often both ridiculous and improper.

The natives of Holland, it is said, use foot-stoves at the Cape of Good-Hope. They build their houses with projections from the upper story, in order to raise their furniture by means of a rope and pulley from the water, which in many of their cities runs by their doors. This form the first settlers gave to their houses, twenty miles from navigable water, in the state of New-York.

The same attachment to *forms* and *habits* has obtained in America upon the subject of government, that has obtained among the Hollanders upon the subjects of foot-stoves and houses.

A bill of rights has been demanded in England, because in that country the kings *confer* liberty upon the people.

In the United States, the people derive their liberty from nature, and they delegate such parts of it only to their servants, as are necessary for its better preservation.

The very idea of a bill of rights, and of a compact, is a dishonorable one to freemen. It implies that we are insensible of our dignity, as the sovereigns of our country, and as the only source of power. It changes the places of rulers and ruled. It disposes us to look upon our rulers as our masters,—whereas they are nothing but our servants.

What should we think of a gentleman, who, upon hiring a waiting man, should say to him—“My friend, please to take notice, before we come together, that I shall always claim the liberty of eating when and what I please, of fishing and hunting upon my own ground, of keeping as many horses and hounds as I can maintain, and of speaking and writing my sentiments upon all subjects.” A servant must be a fool, who would not suppose such a master to be a madman. If he replied to him at all, he would certainly tell him, that “he had a right to do as he pleased—that his business was only to obey his orders—and that when he refused to do this, he was at liberty to discharge him.”

Liberty can never be safe, nor can governments ever be reformed in America, ’till we banish European, and in particular British, ideas of the nature of the one and of the origin of the other.

Place the sovereignty in the PEOPLE, and all the mysteries of government which have arisen out of kingcraft and priestcraft tumble to the dust.

We walked so long half-bent under the British government, that we have not, in the twelfth year of our Independence, learned to walk upright. We resemble old soldiers who have been discharged from an army, who, though independent and affluent afterwards, irresistibly and mechanically pull off their hats, at the sight of an officer who has formerly commanded them.

Instead of forming creatures to treat *us* with respect and homage, when we choose our rulers, we immediately become idolaters, and worship the work of *our own* hands. No wonder, therefore, rulers are so prone to tyranny. They are encouraged to it by the want of knowledge among the people. The sight of a bill of rights is at any time enough to kindle a fire of persecution against liberty. “I gave,” says a ruler—and therefore “I have a right to take away.”

Let these truths sink deep into our hearts: that the people are the masters of their rulers, and that rulers are the servants of the people—that men cannot *give* to themselves what they *own* from nature—that

a free government is no more than a few plain directions to a number of servants, how to take care of a part of their masters property—and that a master reserves to himself the exclusive care of all that property, and of *every thing else* which he has not committed to the care of those servants.

When the people of America are as much enlightened upon the affairs of government, as they now are upon other things, they will consider the noise that has been made about a bill of rights, as we now consider the stories that were told a century ago about the conjurors and witches.

315. *Pennsylvania Gazette*, 9 January 1788¹

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

1. This item was also printed in the *Pennsylvania Packet* on 9 January. Reprinted: *Pennsylvania Mercury*, 10 January, and *Pennsylvania Journal*, 12 January.

316. *Philadelphus* *Pennsylvania Herald*, 9 January 1788

All hail, sweet liberty! divinely fair!
 Thy call, young daughter of the sky, I hear,
 To Pennsylvania dost thou now repair!
 Joy breathes her accents in my list'ning ear.
 Welcome! thrice welcome! fair heavenly maid
 Ye States O! raise the fabric to her view,

Sacred to time, the basis now is laid,
 Nor babbling sacrifices round it strew.

But come sweet peace, and concord hither come,
 Security and love her chaplets wreath,
 Discordant jarrings banish with the drum,
 And let sweet liberty her raptures breath.

Haste! build her temple on some friendly spot,
 Majestic pillars round the altar raise,
 And should her Delaware be the destin'd lot,
 The arch would ring with Pennsylvania's praise

Come, come, ye sisters! of this friendly league,
 Nor let distrust, or jealousy assail,
 From out your borders banish factious plague,
 And let sweet harmony and joy prevail.

The clarion horn of fame will then resound,
 Proud nations aw'd will pay you due respect,
 The products of our lands will fast abound,
 And guardian navies will your rights protect.

Your lakes and rivers with canals you'll join,
 Glad commerce clap her wings on every tide,
 Through all these states, firm fix'd the federal chain,
 O'er your wide bays and rivers gallant navies ride.

Parent of rivers, Mississippi, rise,
 Pour thy exhaustless treasures to the sea,
 All greedy Spain, be only just and wise,
 Nor let fair freedom's sons be check'd by thee.

Behold a dauntless race, to freedom born,
 Generous and brave spread o'er these western lands,
 Confederate once, all savage leagues they'll spurn,
 Justice denied—blood washes all thy strands.

But O! ye mighty States, tho' infant now,
 Let union knit you to each other fast,
 Call wisdom to your aid, clear up the low'ring brow,
 Think on the perils that you scarce have past.

Past, did I say!—no, they come thick'ning on,
 The dreadful storm is ready now to burst,

Be speedy then to guard fair freedom's throne,
 If once it falls you're level'd with the dust.

But mark what radiance burst from yonder cloud!
 The smiling skies presage delightful days;
 CHOOSE GOOD OR EVIL, wisdom calls aloud,
 Fate does not always favour long delays.

Philad. Dec. 13, 1787.

317. *Pennsylvania Herald*, 9 January 1788¹

ANECDOTE.

A gentleman was lately asked his opinion of the piece entitled *The New Roof*; why, said he, I wonder the author has passed such encomiums on the skill of the *architects*, for it is well known that there was but *one* MASON among them, a workman of indisputable abilities, as he himself had built the largest of the thirteen columns, who seeing the plan of the *New Roof*, drawn by the modern PALLADIOS of the western world, refused to put his hand to it, declaring that it was by much too heavy and unwieldy for the under-work, and that it would inevitably crush down the columns, and bury the whole family under their ruins.

1. Reprinted: Philadelphia *Independent Gazetteer*, 12 January; *Pennsylvania Packet*, 14 January; and *Carlisle Gazette*, 30 January.

318. *Pennsylvania Packet*, 9 January 1788¹

A correspondent has informed us, that no motion or question was ever proposed in the Federal Convention upon the subject of a bill of rights. Mr. Gerry's and Mr. Mason's ideas of the necessity of such an appendage to a free government were picked up from the Centinels, &c. after the rising of the Convention. Instead of a motion from Mr. Mason for a bill of rights, our correspondent informs us, that he both moved for and advocated the Aristocratic proposition, that pecuniary qualifications should be required in the holders of offices, and that the qualification for one of them (and that not the highest) should be *sixteen thousand dollars*.

1. Reprinted: *Pennsylvania Journal*, 12 January.

319. *Gouvero*

Philadelphia Independent Gazetteer, 10 January 1788

Mr. OSWALD, At this important crisis, when the sanction of the people is *much wanted* to the proceedings of our convention: You will please

insert the following recipe for making a county meeting; which upon trial,^(a) I have found to be the best yet used in Pennsylvania, for the purpose of taking the sense of a county and obtaining their sanction to any measure. I am, &c.

GOUVERO.

Draw up a set of resolves, enclose them, and (if you have any thing to do with a bank) a five dollar note, in a letter to a partizan in the county (who must be promised an office, &c.) with the following directions to him, viz. Call on some few of your trusty friends and companions, and proceed as quietly as possible to some one of the little towns (the more out of the way the better) get all the townsmen you can into a tavern, and after laying out the five dollar note in grog, beer, &c. and you are all grown cheerful, place a *hero* in the chair, who, after reading the resolves, must order those who do not dislike them to hold up their hands, and of course (*nemine contradicente*) let him sign them as the unanimous resolve of a meeting of sundry respectable (not *disorderly*) inhabitants of the county of ———, &c. but care must be taken that no stir be made during the time; 10 or 12 persons will be sufficient for a meeting, sooner than make a stir about more; and the company must separate as soon as may be, as the farmers may hear of the meeting and give you interruption; but by all means avoid firing any cannon, as the reports will bring in and conjure up the antifederalists, &c. which may be attended with *dangerous* consequences.

(a) Pittsburgh, Carlisle, and Easton.

320. Tom Peep

Philadelphia Independent Gazetteer, 10 January 1788

Mr. PRINTER, I think it my duty to inform the public, that the *aristocrats* held an *extraordinary* meeting, in consequence of a *special convocation* on Friday evening last, at the house of Mr. *Epple*, at the sign of the *Rainbow*. This assembly, which clearly proclaims their fears of the present spirit of the people, was not so numerous as was expected by the *chieftains*. A great number of the persons invited did not attend, and *one fourth* at least of those who attended, went there without any invitation. Mr. *George Clymer* was appointed chairman, and the meeting being organized, Mr. *Wilson* rose, and made a long pathetic speech, in which he observed, that the *democratic party* (to which to be sure he gave another name) was daily encreasing in consequence of the publications which issued constantly from the press against the *proposed*

constitution; that the *aristocrats* (to whom also he gave another denomination) had visibly relaxed of late in their efforts to complete the glorious work they had undertaken. That the press ought to be kept groaning with pieces, paragraphs, anecdotes, and *skits* of all kinds in favor of the new form of government. That as the publishing and circulating those pieces would be productive of some expence, they had been called together to consult on the propriety of raising money by subscription to defray those charges. In consequence he moved that committees might be appointed in the different wards of the city, to wait on the aristocrats, and their dependents, and collect subscriptions among them, which motion was carried in the affirmative, and committees were consequently appointed.

The public will now no longer be at a loss to discover the origin of those numerous paragraphs, anecdotes, innuendos and falshoods, which have begun to flow afresh with greater rapidity from the press; it was necessary to inform them of the means by which the aristocrats intend to carry their monstrous plan into execution, and of the effect which the present disposition of the people has begun to have upon them.

321. An Honest American

Philadelphia Independent Gazetteer, 11 January 1788

To CONCILIATOR.

SIR, I acknowledge the truth and importance of your five “fundamental principles of a free government,” in the fullest manner; and were these secured in the proposed federal constitution, it should meet with my hearty approbation. You confess, however, that the constitution itself does not secure these rights; but alledge “that the first Congress will be, in fact, another federal convention, and ought to be directed by their constituents to have these fundamentals sculptured on marble, making a part of the wall of the federal State-house, and placed over the president’s chair, that, like the commandments over the altar, they may attract the eye, guide the judgement, and awaken the conscience of every beholder.” But, sir, let me ask you, what security even this would be to the people of America, for the permanent enjoyment of these rights? Is it not an acknowledged principle, in all legislative bodies, that whatever law is enacted at one session, may be repealed at any succeeding one? However well disposed, then, the first, or any other Congress, may be to secure—the liberty of conscience—the liberty of the press—trial by jury—the sovereignty of the particular states, &c. yet can any thing short of a formal declaration of these in a *constitution*,

by which alone any future Congress can be bound, afford to the people any rational assurance for the continued enjoyment of these sacred rights?

322. Watchman

Philadelphia Independent Gazetteer, 11 January 1788

MR. OSWALD, I observe in your paper of this day, that the *Ward Assessors* of the city are called to meet on Saturday evening next, at the Harp and Crown, on *business of importance*—I have never seen to my remembrance a similar advertisement before—I hope however, that those gentlemen are not called together to *assess* the *new tax* that has been laid on Friday last, by the *anti-patriotic* society, at Epple’s tavern—If so, it is expected they will be careful how they proceed under the appointment.

January 10, 1788.

323. Philadelphia Independent Gazetteer, 11 January 1788

“Liberty,” observes a great modern character, “is not a plant of sudden growth: time only can give it vigor. It will not take root but in a soil *congenial* to it; and, to be rendered flourishing or lasting, it must be *cultivated* with care, and *defended* with unremitting attention from the dangers which *perpetually* surround it. But how to defend, and how to cultivate it, are points which experience alone can teach mankind; and with which they who have *been accustomed* to live under an absolute monarchy can scarcely have an opportunity of becoming acquainted.”

On parity of principle and reason, therefore, in vain, proceeds our correspondent, shall a form of government, calculated to curtail and abridge the privileges of a *free people* be established among them, because they are not in a situation to receive it. Accustomed to that freedom of sentiment, liberality of mind, and manly spirit, which perhaps only a sense of independence can inspire, and which are all so requisite to produce that consonance between the *genius* of a people and the *nature* of a free government, it is not to be expected that a people so circumstanced, will, all at once, surrender rights which were acquired at the dearest rate, and tamely submit to the casual, contingent goodness of their representatives. So far to the contrary, time and the testimony of past ages, has convinced us that we must be contented to derive our freedom and political welfare, from a very different fountain; to expect justice from the limits and restrictions which are set to the powers of the sovereign; and to rely for protection on the laws which are made to secure the estate and the person of every man.

We live in a country just emerged from the thralldom of Great-Britain, and the horrors of slavery, and which is ill-suited, in that respect, to adopt any constitution, call it what you please, tending to deprive the citizens of their birthrights and inestimable privileges, and which does not secure and explain them satisfactorily by actual statute.

“The law,” says its great oracle, Sir *Edward Coke*, “*loves certainty*; and the safety of a man’s person and the tenure of his property ought to be defined in such explicit terms that they should not depend for their preservation on the precarious will and caprice of sovereignty and magistracy.” “The discretion of a judge,” as Lord *Cambden* remarks, “is the law of a tyrant: it is always unknown; ’tis different in different men. It is casual, and depends on constitution, temper and passion. In the best, it is oftentimes caprice; in the worst, it is every vice, folly and passion to which human nature is liable.”

We must admire as the Keystone of civil liberty, the statute which forces the *secrets* of every *prison* to be revealed, the *cause* of every *commitment* to be declared, and the *person* of the accused to be *produced*, that he may claim his *enlargement* or his *trial* within a limited time. No wiser form was ever opposed to the abuses of power. And respectable indeed is likewise that part of our own local constitution which leaves the *press* free and unshackled. Despots and lordlings who, coveting nothing but their own tyrannical riots, and who receive the greatest pleasures from depressing of mankind, are commonly declared enemies to the *freedom* of the *press*. They view the press as the trumpeter of their outrages, and therefore call it the *vehicle* of *scandal*, and try every method ingenuity can suggest to them for its extinction. Yet reason nor religion will never be persuaded that those who love a free people can abhor a free press.

It is not in meer constitutions or laws after all, concludes our correspondent, that we are to look for those securities, but to the persons entrusted with the management of public business. Man, a paradox in his own nature, has ever differed about his notions of government, and reconciled the strangest contradictions with equal ardor. He has occasionally been carried from the extremes of popular systems to downright destructive monarchies. Such is the fluctuation of political affairs, of prerogative and presidency, and of democratic privileges!

The fact is, the happiness of every social union is rather dependent on the virtue of administrations than the excellency of constitutions. Revered as the English plan of government is, nevertheless it is conducted by corrupt and depraved ministers. And what is the best of constitutions under the worst administrations?

“For forms of government, let fools contest,
Whate’er is best administered is best.”

Pope.

324. Philadelphia Independent Gazetteer, 11 January 1788

A correspondent observes, that but a very few votes were wanted at the last election to give the *real federalists* a majority in Convention; what then would be the complexion of a convention elected at this day? At least four to one against the new constitution! For, added to the constitutional party, which we find hearty against it in every county, a number of the republican party. And that very numerous and respectable class of citizens called Quakers, are also opposed to it. Who then are the friends of it? Where are they? We shall soon be able to count them.

325. Philadelphia Independent Gazetteer, 11 January 1788

By a gentleman of veracity from Berks county, we learn, that the people of that county are almost to a man determined enemies to the new constitution; and the same gentleman informs us, that the greater part of the good people of Northampton county, are of the same sentiments. These honest Germans have no idea of giving their *hard earnings* to the Nabobs in the ten mile square.

326. James Smith to Jasper Yeates

York, Pa., 12 January 1788 (excerpt)¹

I hope the Torrent of Political Controversy has subsided so far as to leave your mind in a state of repose, and that you can Sleep very composedly without dreaming of Messrs. [Robert] W[hitehill] or [William] F[indle]y—

I should rather fancy our good brother [Stephen] Chambers is not yet got out of the Political Tornado—but hope by the time of Carlisle Court he may be in a situation to relish the Conversation of his acquaintance over a glass of Wine. . . .

1. RC, Misc. Collection, EM, 49, Henry E. Huntington Library.

327. Contemplator

Philadelphia Independent Gazetteer, 12 January 1788

MR. OSWALD, There are some restless and ambitious mortals in every community, who are ever prone to mischief, and cannot endure the least opposition when a favorite object is in view; but rather than not

instantly seize and grasp it, would blow up the flame of civil war, and involve our country in all its concomitant calamities.

I have heard that some of your subscribers, who fain would be the exalted rulers over three millions of freemen, have lately withdrawn their subscriptions from your paper, because your press is rather too free in publishing against as well as for their favorite *hobby-horse*, the *non-pariel* constitution.

The spirit of every freeman in America must revolt at the base, illiberal idea; and I cannot withhold my small tribute of just praise for your conduct on the occasion: Their polluted mites may be dispensed with—You have nothing to fear from the malice of such predatory spirits. You cannot, must not, dare not betray and falsify the glorious motto of your paper, viz. “*that the people have a right to freedom of speech, and of writing, and publishing their sentiments, therefore the freedom of the press ought not to be restrained.*” None but selfish, *antilibertarians* would wish it. These ingrates would rejoice and exult in such a sacrifice! Then would they lift up their iron hands indeed, and trample on the liberties of the people at pleasure. Some of our lofty, high-headed *Donns*, and *Cheiftians*, are certainly actuated by an overbearing disposition, and principles of persecution. Many of their speeches have already indicated what we are to expect from their rule and domination—take the following for a specimen—“The stupid populous are eternally opposing every public measure proposed by their betters, and think their wisdom and political abilities on a par with the most learned and exalted characters among us; it is high time to teach them better.” They are now anticipating the period of lording it over the people with impunity—But I yet hope they will be disappointed in their most sanguine expectations. My countrymen, I trust, have virtue enough still left to secure their liberties, and baffle every attempt to invade and destroy them.

Let those ambitious Hydras remember that the great ones, and *well-born* of the earth, are appointed by the people to govern with equity and moderation: the people are in a primary sense, their masters and equals. It is as natural for mortals to extend their power when lifted up a little above their fellow men, as for “the sparks to fly upwards;” and therefore every effort should be made to prevent and deter them from abusing that power and elevation.—But should they restrain the liberty of the press, as is very much to be apprehended from the disposition they have already manifested, Columbia may then bid a long and lasting farewell to all her liberties; and her *Emperors*, at the head of a *band of mercenaries*, will soon become as despotic as the *Ali-Agas* of *Turkey* or the *Viceroy*s of *Tonquin*.

Lancaster county, December 27, 1787.

328. Philadelphia Independent Gazetteer, 12 January 1788

Extract of a letter from Carlisle, dated January 4, 1788.

"I dare say you have heard of the unhappy rumpus which took place here on the 25th ult. This spirit of rage and discord is encreasing every hour; Squire *Agnew* issued warrants for some of the rioters, but none would venture to serve them; a boy indeed was taken, but the people of the town threatening to rise again, he was discharged, and the country people declaring they would come in and pull down the houses of any who should attempt to issue or execute any warrants. Nothing is or can be done! You cannot conceive the violent language used here, the whole county is alive with wrath, and it is spreading from one county to another so rapid, that it is impossible to say where it will end, or how far it will reach, as the best and leading characters in all these counties, during the late war, are now the foremost in this unfortunate dispute. The county of Franklin is, if possible, they tell me, worse than ours; they also are forming themselves into societies and associations to oppose this new constitution. The order from Council to repair the arms cannot be executed; it is the subject of much speculation."

329. The New Roof

Pennsylvania Herald, 12 January 1788

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, I observe by your paper of this day, that you have been solicited to republish *Hum Strum's* celebrated satire, on the author of the piece, entitled *the New Roof*—this, however, you have declined, for the reasons given—and I thank you for the delicacy of those reasons, assuring you, at the same time, that, as far as that performance respects me, I have no objection to its appearance in your's or any other public paper. Give me leave, however, to set the author right as to two or three facts. In the first place—and sorry I am that it is so—I never did, or ever could play upon the fiddle; and this deficiency, which I confess is more my fault than his, renders the smart stroke of his rosin'd bow ineffectual, and silences all his *cat-gut* wit. Secondly, alas! the more is the pity—my salary is not £.500 but only £.300 a year; and that paid in paper money, the real value of which he may calculate at leisure, by the rule of current depreciation—and thirdly, my office is *far* from being *sine cura*. My proceedings do not swell a docket, because I very frequently accommodate differences to the satisfaction of parties, but without fee or reward to myself. And altho' by this conduct, I may prevent my appearing conspicuous *as an officer*, I gratify my feelings *as a man*. Let

Hum Strum state facts truly, and I shall not attempt to interrupt the torrent of his wit,

I am, sir, Your Friend,

THE NEW ROOF.

January 9, 1788.

330. Peep, Junior

Philadelphia Independent Gazetteer, 14 January 1788

MR. OSWALD, Your correspondent *Tom Peep*, who has undertaken to give you an account of the proceedings of the *aristocratic* meeting at *Epple's*, has not been quite so particular as I could have wished—He mentions generally that on motion of Mr. *Wilson*, a committee was appointed to collect subscriptions in the different wards of the city, for the purpose of defraying the expence of printing pieces in favor of the new constitution. But it seems to me from other circumstances not mentioned by your correspondent, that *printing and publishing* are not the only uses for which the money is intended. The fact is, that a member of the above meeting, informed the aristocratics met, that 75 l. had already been expended *for the public service*, and that a much larger sum was now wanted, which was no less than TWO THOUSAND POUNDS—It was accordingly agreed by the meeting to raise that sum by subscription, upon which 131 l. were subscribed immediately on the spot, and committees were appointed to collect the remainder.

Now, Mr. Oswald, it appears to me very proper, that the public should inquire into the nature of those *services* which require such a large sum as 2000 l. In my opinion, it can be no other than that great engine of *gouveronian* politics, BRIBERY—Such a circumstance seems truly alarming, and will I hope convince the people of the necessity of opposing in the bud so dreadful a combination of the *rich and well-born* against the liberties of the nation—The means which they employ loudly proclaim their design, and loudly calls for a speedy, manly, and spirited opposition from the *free-born* part of the community.

331. Conciliator

Philadelphia Independent Gazetteer, 15 January 1788

To an Honest American.

SIR, I am happy to find that we are, in essence, agreed, and that if the fundamental principles were secured, the proposed federal constitution would meet with your hearty approbation: Whether that can be done, after the adoption of it, or not, is now the only question.

It would have been better perhaps if these uncontrovertible principles had been incorporated into it in the first instance; but the apparent reason why they were not, is because they were by *implication* incorporated into it under the idea that the powers given were *positive*, and signified ALL the powers intended to be given: “*Thus far shalt thou go,*” is expressly said, “*but no farther,*” is implied. I beg the indulgence of your patience to dwell a little longer on this argument, although it has been so often, and so ably handled; for the avowal of my sentiments, requires this justification.

In every separate government, the power extends *to all cases whatsoever* that are not excepted, and the rights of the governed are rights of *reservation*; a parent has full power over his child, save only the child’s *reserved* rights: The state we live in has, like a parent, full power over us its children, save only our *reserved* rights: Magna Charta, and every bill of rights in the world, stand upon this principle. But in a delegation of powers it is not a usual, nor would it be a safe mode, to express them *negatively* by recapitulating all that is *not* given. If a number of merchants should join together and send a ship to China, they of course would delegate their joint power to the captain, and they would tell him, “we authorise you (by GOD’s permission) to go to China, there dispose of our property, to lay out the neat proceeds in the purchase of another cargo, and return home; engaging on our parts, to be bound by all your transactions conformable to this delegation of power.” They would not point out the places to which he should *not* go, and the transactions he should *not* undertake; if they were to give their powers in this *negative* way, any place left out of the list, and any act, unforbidden, might enable this captain to go to that unnamed place, to do that unprohibited act, and to ruin his owners without breaking their orders.

This view of the subject renders even the fundamental principles before stated, unnecessary; but the good people in these states do not perhaps generally see it in the same light, therefore let the point be fixed. In this great business, even prejudice should be gratified, if it can be done with safety—The fourth and fifth principle in particular can never be *fairly* opposed, because no man can *fairly* desire the powers given, to mean more than are expressed; and no man can *fairly* desire to render those expressed, ineffectual; these two, indeed, include every other possible one, and would prevent encroachments both ways. The first, second, third, and any other that the constitution does not itself deny, and that apply equally to all the states, might, or might not, be inserted, as might best satisfy the general wish of the people; but that they should not oppose the spirit of the constitution, and that they

should be uniformly applicable to all the states, are indispensable requisites.

After this explanatory justification of my sentiments, I come in course to your objection. Even if these fundamentals were sculptured in marble, they would be secured since “it is an acknowledged principle in all legislative bodies, that whatever law is enacted at one session may be repealed at any succeeding one.”—If this principle applied in the present case, it would be a melancholy picture of the imperfection of human affairs, and with the same reason it might be said, that there is no irrefragable security against abuse of power in any government that can be formed by men; for the same degree of strength and wickedness, that could destroy an express *proviso*, and the very condition of the existence of Congress, might destroy every part and principle of any constitution whatever.—It is not an ordinary “law enacted by a legislative body at one session, and repealable at another,” for which I contend; but it is what you yourself express to be satisfactory, “a formal declaration of these principles in a *constitution*,” and the federal convention, like honest patriots, have left the opening for us: You will find the fifth article thus expressed:—“The Congress, *whenever two thirds of both houses shall deem it necessary* shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, *shall be valid to all intents and purposes, as part of this constitution*, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.” We are not confined to any express time when these fundamental principles shall be adopted, and form “*a part of the constitution*;” it may be the first act that is done after Congress becomes an organized body; and the object of ANOTHER FEDERAL CONVENTION may be compleatly gained. Thus, you see, that the government is but a trial, and all governments are progressive things, which can never be made compleat till judged of by experiment; in the mean time remedies are constantly in our power, unless we voluntarily destroy that power, by becoming too corrupt to deserve to be free.—Are Americans so much worse than the common race of mortals, as to have none among them worthy of trust, even on trial? Has every principle of political virtue fled from us?

If there exists no confidence among us, we surely can never be free, since the first act of a free government implies a confidence in our representatives; a want of it is the grand principle of fear, and fear, says Montesquieu, is the main spring of despotism.—It is hardly to be doubted that *all* the legislatures would agree in these fundamentals, yet if only two-thirds should consent to the proposition, they may be made A PART OF THE CONSTITUTION.

The answers to the mode of amendment, pointed out in the article above quoted, are anticipated by Governor Randolph, whose respectable letter is certainly the work of an able, independent man, and he closes it like an honest one. "I WILL REGULATE MYSELF BY THE SPIRIT OF AMERICA."

These answers are:—

"1. *That it is better to amend, while we have the constitution in our power, while the passions of designing men are not yet enlisted, and while a bare majority of the states may amend, than to wait for the uncertain assent of three fourths of the states.*"

1. The passions of designing men are more likely to be enlisted *before* than *after* the adoption of the government, and permit me here to ask if the amendments by "*a bare majority*" of *seven states* against the opposition of *six*; of the unanimous work of *twelve* against the opposition of *none* (Rhode-Island having been silent) can be called the *spirit of America*?

"2. *That a feature in government becomes more and more fixed every day.*"

2. And if the features are beautiful, why should they not be more and more be fixed? Ugly features grow naturally more and more ugly, and general dislike of course encreasing, their dismemberment becomes more and more likely to be consented to.

"3. *That frequent changes of a constitution, even if practicable, ought not to be wished, but avoided as much as possible.*"

3. For this answer I confess myself unprepared; I always thought *the power* of frequent changes, by so great a majority as forms the *spirit of the nation* was a darling principle in civil liberty; for let the government be what it may the people have a right to chuse the one they like best; or *Vox populi* is not *vox Dei*.

"And 4. *That in the present case it may be questionable whether after the particular advantages of its operation shall be discerned, three fourths of the states can be reduced to amend.*"

4. Then the *spirit of America* would be against it, and in that case it should be perpetual.

It is not pretended that the words will have any more real force on marble, than on parchment; I only meant by that proposal, to say that

being always in sight, they would be a constant memento of every legislator's duty. This is not a new idea; for the law lords in England are obliged, when assembled in the House of Peers, to be seated on woolpacks, that the importance of that staple commodity may be always present to their minds, and under their protection.

I am not a bigoted panegyrist of the new constitution, for I can see some faults in it, but each fault is counterbalanced by many excellencies; and I am somewhat doubtful whether those parts are really faults which appear so to me, for many people place them among its perfections. The question in my mind, therefore, is not whether this constitution is perfect or defective; but whether we shall refuse nineteen ingots, because if we accept them we must also accept a twentieth that is perhaps false gold; and the only alternative is, to possess these riches on that condition, or be condemned to miserable poverty.—Figure to yourself, my good Sir, what our situation would be if before the new plan is adopted, we were to see at the entrance of our ports, one of the armaments which now keep France and England in a state of mutual anxiety.—This is no high coloured picture, for we have only the faith of treaties in our favor to balance both ambition and revenge, and it would not require ten minutes in an European cabinet, to find an apparent, plausible pretence to begin a war with us.—The observation of the French Minister (Count Montmorin) to the English Envoy (Mr. Grenville) on the subject of the present armaments, ought not to escape our notice. “The faith reposed in treaties (says he) formerly held so sacred, has been several times violated within this century, in a manner so unprecedented that it becomes every power to prepare for war even in the bosom of peace.” This shows the French idea of the faith of treaties. The Spanish court when they last declared war against England, found, with all the ease in the world, ninety-nine justifications of their conduct, although they were actuated by one only motive, *the hope of obtaining Gibraltar*.

When Sir Joseph York remonstrated the Dutch for giving us supplies contrary to their treaty with England, they reminded him of a sentiment which on a former occasion, originated in his own court. “Treaties between two nations are political compacts binding on both, 'till it becomes the interest and convenience of one or the other, to break them.” In this way we might go round the circle of all the powers in Europe, and find the same opinion uniformly prevailing.

What, I say, would be our situation in case of an attack? We have in effect no federal government, we have no money, we have no credit—propositions of loans have filled the newspapers, without collecting

enough to pay the printers;—we have not a single ship, nor have we a battery with even its platform in repair; and, except a handful of men on our frontiers, we have not even a military centinel to give an alarm. We have firm and resolute hearts it is true; hearts that in time of action would “fear no danger, but court a wound.” These however, would only serve to enable us to bear our misfortunes with fortitude; for our towns might be burned, before we could obtain the only means of effective defence,—A FEDERAL UNION.

Let us then, my friend, look at the great object, and preserve the sheet anchor of all our hopes. As to the idea of delaying the adoption of a new government 'till we can have it amended by a previous convention, I confess I shudder at it; for, a long scene of misery and eventual despotism, appear to me lurking under that cloak. Let us suppose for a moment, that such a convention could be again in our present situation assembled (which, by the way appears to me doubtful). The first amendment that would probably be proposed by the larger states, would be to proportion the representation in the senate, as it is in the other house, and not allow a sixty fifth part of the union to enjoy one thirteenth of its importance. On the other hand, the smaller states would propose to make the representation wholly as it was before, and thereby to give every state an equal weight. Upon this rock the constitution would be wrecked, and all its parts would be scattered in a hurricane of anarchy. The next step would show us the origin of all despotic governments, the boldest desparado would stand forth and become a sceptered tyrant; he would *be obliged* to be such, for if he were to suffer the reins to be slackened, another adventurer would cut his throat, and supplant him. In one word, the alternative is before us, and we may adopt this federal government, or sink under a dissolution. We may as a nation JOIN AND LIVE OR SEPARATE AND DIE. May Heaven guide our choice! and may America offer to the world that political phenomenon, an effective government established in harmony.

332. A Freeman

Philadelphia Independent Gazetteer, 15 January 1788

MR. OSWALD, I blush for human nature; I tremble for the happiness of the United States, when I read such gross and shocking misrepresentation as that published in your paper of this day, under the signature of PEEP, JUNIOR. He says that two thousand pounds were mentioned by a person at that meeting, as necessary to be raised, and that 131 l. was subscribed on the spot. Now I was present the whole time, and must and can declare both assertions to be absolutely *untrue*. Oh,

my fellow citizens of Pennsylvania and of the union at large, how much *are you abused* by that wretched scribbler! how much is the inestimable privilege of a free press abused to alarm you with false and wanton charges of BRIBERY, CONSPIRACY, and every thing that is fearful. Think for yourselves, and cast away far from you all the suggestions and doctrines of men of such dreadful dispositions.

January 12, 1788.

333. Undeniable Facts

Philadelphia Independent Gazetteer, 15 January 1788

To the People of America.

The subject now before you, like all other important matters, has excited much passion, and created innumerable misrepresentations. Two writers in the Philadelphia papers have most unwarrantably asserted, that the Quakers of this state are opposed to the proposed federal constitution. That numerous and wealthy society are certainly more universally in favor of it than any other society in this state. It is one of their known principles not to be much concerned in the alterations of governments; wherefore one would naturally suppose it would be difficult to adduce instances to prove their sentiments on the present occasion. It is however not *impossible* as will be found from the four following facts.

1st. When the last assembly determined to call a convention, there were seven Quakers members of the house; *all* of whom attended and voted for the call of a convention, though nineteen members opposed it, and urged that it would be better to leave it to the next house, then soon to be chosen.

2dly. When some of the members absented themselves the next day, in order to prevent the days of election and meeting of the convention from being fixed by that house of assembly, the seven Quakers duly attended, and *all* voted with the majority on the several points, that were moved as necessary to arrange and prepare for the business of the convention.

3dly. Eight Quakers were chosen members of the state convention, and *all* took their seats. They *all* voted against postponing the final determination on the constitution till the spring; which was attempted by the minority.

4thly. The same eight Quakers *all* voted for *the adoption* of the proposed federal constitution *in toto*, and for the grant to congress of the jurisdiction of ten miles square within this commonwealth for the seat of the federal government.

If the Quakers were really opposed to the new constitution, they could have made up many times the number of votes that were given in at the election of members of convention in this city for the candidates who wished to alter the proposed federal form of government. The votes ran variously from 230 to 270 for the different persons of that description. The name of Dr. Franklin, whom the Quakers venerate, was put into the unsuccessful ticket, I am persuaded without his permission. This the Quakers were convinced of, and not approving of the rest of the men, or approving of the successful members, the ticket of the antifederalists, as is evident from the number of votes, received neither their countenance nor support.

Philadelphia, January 14.

334. A True Whig

Pennsylvania Mercury, 15 January 1788

MR. HUMPHREYS, We have now had the sentiments of the two greatest and best men in America, respecting the new constitution. I mean General Washington and Doctor Franklin. They are both decidedly in favour of it, and hesitate not to say, that "all the opposition to it is addressed more to the passions than to reason."

For the sake of *peace* and the honour of our country I hope the scurrilous and paltry writers, such as Centinel, Philadelphiensis, &c. will lay down their pens. Incendiaries like these, in any other country, would have been, before this time, exalted to a gibbet.

The *antifederal mobites* at Carlisle lately attempted to show their abilities as *Levellers*: the sheriff, it may be expected, will, after the sitting of the next court, reward them according to their works.

In this city those of that description are seldom either seen or heard, except when they bellow forth their defamation and lies from our *free presses*, some of which they shamefully prostitute.

Hints have been frequently thrown out, that the Quakers of Pennsylvania are antifederal; these are like those unworthy suggestions against our most excellent General, and Governor.

The city of Philadelphia, after all that has been said in the public papers to the contrary, cannot produce more than seven and thirty persons, including fifteen wheelbarrow-men, who are opposed to the NEW FEDERAL CONSTITUTION.

335. A Free-born American

Pennsylvania Packet, 15 January 1788¹

To the Citizens of the United States.

The peace, liberty and safety of our common country call upon us at this time for all our good sense, our moderation and our integrity.

Unhappy symptoms of an unseasonable warmth have too frequently discovered themselves in the publications and debates upon the momentous subject whereon hang all our future good or evil. The proposed constitution for the United States being an object of immense consequence not only to us but to mankind, we must deeply regret and be shocked by the language with which the subject is treated. When a number of characters, than whom on the whole the union has no better nor abler friends, when a number of characters such as these, under the authority of their respective states, had formed a constitution, which was promulgated in the most open manner in thousands of public newspapers and hand-bills, reported to the legislatures, and transmitted to Congress; when Congress had passed it again to the legislatures, the legislatures had called conventions in some instances unanimously; when two of those conventions have adopted it unanimously, and another by a majority of two-thirds; what shall we say of ourselves, or what must the astonished world think of us, when they find such open conduct indecently and outrageously termed a Conspiracy—and the whole list of men who have taken a part in the business preposterously and wickedly attempted to be held up in the characters of dark conspirators. Ye men who gratefully remember past services; ye men of just and moderate, but firm spirits, as ye value the peace and honor of your country, take heed how you join such false, outrageous and seditious accusers. How familiarly do they talk of the blood of whole conventions of the people! The lives of the federalists, say the members of the political club of Cumberland, will scarcely atone for their conduct. Strange excess of a small body of men, the first throughout the Union who have come to a resolution unfavourable to the proposed constitution. It is a language and conduct unwarrantable in any cause, and however they may hope it will enflame some unfortunate part of the people, it must have a very opposite effect on the minds of those respectable men who are to compose the state conventions. All the legislatures who have yet met, and every state convention that has taken up the constitution, have subjected themselves, in common with the federal convention, to the intemperate censures and daring menaces of these writers and resolvers, manfully despising their wild charge of conspiracy, or the wilder and more wicked threats of bloodshed. For shame, for shame, my countrymen, do not thus throw new and deeper disgrace upon our already wounded national character. Do not thus exert your every nerve to precipitate this devoted country again into civil broils, bleeding, as she yet is, from her late conflict.

January 14, 1788.

1. Reprinted: *Philadelphia American Museum*, May 1788.

336. B. J. Blacksmith**Carlisle Gazette, 16, 23 January 1788**

Messieurs KLINE & REYNOLDS.

Your publishing the following Poem, will oblige one of your readers.

[First printed 16 January; repeated 23 January]

HUGH BRACKENRIDGE has been so fraught
 With scurrilous, unsententious thought,
 As to take up his venom'd pen,
 And write against Assembly-men,
 Who woud not clinch the servile chain,
 Or sell their freedom for vile gain.
 The thoughtless fool, who first did meddle
 And publish'd Hugo's idle scribble,
 These lines I trust will fully shew him,
 They're needless quite to all who know him,
 That Hugh's unworthy to unloose,
 The latches of such members shoes
 As he alludes to in his piece;
 But buffoon-scrawls can ne'er disgrace
 These honest patriotic few,
 Who saw that thralldom might ensue,
 Were stigmatiz'd by this base man,
 As meditators of a plan,
 To thwart the palpable intent
 Of free and popular government,
 Altho' our persons might not feel
 The total loss of public weal,
 Our progeny would feel the smart
 By despots lurking in the dark.
 This must ensue when we are dead,
 But Hugo is a mere blockhead,
 And can't see far before his nose,
 And doth this consequence oppose;
 In speaking of the Centinel,
 Hugh says he writes as false as hell;
 But blabbing falshood's Hugo's trick,
 Because he's tortur'd by old Nick.
 In Pittsburg Gazette Hugh cut a caper,
 And wasted ink and scrawl'd much paper;

He vaunts what mighty things he'll plan }
 And only beg an helping hand }
 To make him an Assembly-man. }
 In truth the wight's a silly goat,
 That basely stoops to ask a vote,
 This caitiff cut another prank,
 And rail'd aloud against the Bank.
 Hugh next harang'd the Fort-Pitt wights
 And boasts that he'll preserve their rights,
 He curs'd all despots black as hell,
 And in dissembling bore the bell;
 But Philadelphia stopt his gabble,
 And then he sold ^(a)Westmoreland-rabble;
 For warm ambrosial dinners soon
 Will change the fickle trimmer's tune;
 But honest men will spurn and hate
 A knave that thus betrays his state.
 When Hugo rose and made the ^(b)motion
 He set the house in great commotion,
 And gave full scope to subtle men
 To execute an artful plan.
 When Hugo's gone they loudly laugh,
 Comparing him to wasted chaff
 That flies the course the wind doth blow,
 And no more dinners now bestow.
 On him who play'd the cringing tool,
 But brand him for a turn-coat fool;
 For even a knave will execrate
 A fawning minion to be great.

[New material, 23 January]

The wight is rightly named ^(c)Smith,
 Who struck the iron with great pith
 Just while the blazing bar was hot,
 And knock'd poor Hugo all to pot.
 This temporizing scrub takes pains
 To vilify some sacred names,
 And hastes to blazon forth his parts
 But he's best vers'd in punster-arts.
 Hugh thinks in rhyme, as some suppose,
 But thro' mistake, he writes in prose,
 Inspect his hudebrastic, there

Some lines are short and some might spare,
I'm well aware that Butler's fraught
With lines too-long and some too-short;
But then he's pregnant with good sense
And by low hints don't give offence.
But if like Butler Hugo meant
To satirize in smaller extent,
I'll undertake to prove it plain,
In this respect he miss'd his aim.
When we contrast, contention ceases,
Hugo's and Butler's rival pieces;
In this just sentiment still charms us,
In that buffoonery alarms us,
In one sententiousness abounds,
But t'other by low scandal wounds,
In one true wit and judgment shines,
But t'other hauls with scurril lines,
Thus by his brayings you might guess,
Hugh's but a self-conceited ass;
But by no means has so much sense
As th' ass that crush'd against the fence,
Old Balaam's foot which made him smite
Th' ingenious beast when acting right.
To what my muse; shall I compare
This fluctuating son of air,
He's like Balaam who went to curse
The Isra'lites to fill his purse;
But Balack must have paid the piper,
If this old avaricious viper
Had been licens'd by Isra'l's God
To curse his chosen tribes abroad.
Hugh's horrid blasphemies would shock,
If possible, a stupid block;
But list and shudder at his speech,
"Tis too damn'd mean employ to preach."
Poor Hugh is such a factious creature,
And so despotic in his nature,
That had he dwelt in Heav'n above,
When Satan hostile arms did move
'Gainst God; and loud alarms were given,
And civil discord rag'd in Heaven;
I scarcely think he would have haulted

But with old Lucifer revolted.
 Ruler of tophet don't repine,
 For Hugo surely will be thine.
 For such a hell-pet sure was made
 The black, tartarean crew to aid.
 Satan rejoice to hear Hugh's kneel!
 Prepare the hottest room in hell,
 And chain this Judas near his brother,
 If one prov'd traitor so did t'other.
 I grieve to leave in this condition,
 A worthless lying politician.

B. J. Blacksmith, Stony-ridge.

- (a) Rabble only in the opinion of Mr. Brackenridge.
- (b) That the North American Bank was attended with no bad consequences.
- (c) Mr. Smith of Juniata, has inserted at the conclusion of the Hudebrastic Poem, printed in the Carlisle Gazette, an epitome of Mr. Hugh Brackenridge's character.

337. Carlisle Gazette, 16 January 1788

Extract of a letter from a gentleman in Philadelphia to his friend in Carlisle, dated the 5th Jan. 1788.

"It is NOW certain from the most undoubted authority, that TEN states will adopt the new government before the first May, and TWELVE probably before the first July."

338. Young Split Lift

Carlisle Gazette, 16 January 1788

I am confident the 46 members of the late convention, who gave their assent for the ratification of the proposed constitution, were the best experienced, the best trained, the best calculated, and the best adapted riders that have been since the days of Teague O'Regan and his old grey horse. I am confident the federal convention were the sportsmen, and the officers of state who coincided were the jockey club. I am confident that the 23 dissenting members were grooms, and consequently knew little of the art of riding. I am confident the rejoicers at Carlisle are but half bred jockies, therefore, ought immediately to be sent to the riding house, in order to be perfected. And let me inform these daring 30 signers of the address to the minority, that it is beyond all manner of doubt, they must undergo the incision knife. I

am confident the celebrated Captain and his confederates, who countenanced the burning of the effigies, are only common English scholars, and may read the bible or a common prayer-book well enough; but nothing short of classical education would enable them to read, much less understand this most learned constitution. And I am confident, should the several states retain their sovereignties and independencies, we shall have the right of Philistines & wear our tails at full length. Thus, Messieurs Printers, you may choose your own creed, whether Jewish or Gentile.

339. A Republican Federalist

Philadelphia Freeman's Journal, 16 January 1788

Secrets out of the great Conclave.

Mr. Bailey. The examination of the hon. Mr. Martin, one of the deputies of the federal convention for Maryland, by the legislature thereof, for the purpose of getting some insight into the dark proceedings of that body, has caused much speculation; I have taken the trouble to make some extracts. Mr. Martin, addressing the speaker, says, "The greatest number of the states came with power to revise and amend such articles of the confederation which they should deem absolutely necessary—some of the states, only with power merely to regulate commerce. Before I arrived (and took my seat) a number of rules had been adopted to regulate the proceedings of the convention, by one of which, seven states might proceed to business, and consequently four states, the majority of that number, might eventually have agreed upon a system which was to affect the whole union. By another, the doors were to be shut, and the whole proceedings were to be kept secret; and so far did this rule extend that we were prevented from corresponding with gentlemen in the different states upon the subjects under our discussion—a circumstance, sir, which I confess, I greatly regretted—I had no idea that all the wisdom, integrity, and virtue of this state, or of the others, were centered in the convention—I wished to have corresponded freely and confidentially with eminent political characters in my own, and other states, not implicitly to be dictated to by them, but to give their sentiments due weight and consideration. So extremely solicitous were they that their proceedings should not transpire,^(a) that the members were prohibited even from taking copies of resolutions, on which the convention were deliberating, or extracts of any kind from the Journals without formally moving for, and obtaining permission, by a vote of the convention for that purpose."

In a subsequent part of his speech he goes on after relating a plan that had been agitated before that body much worse for most of the

states, than the one proposed, and says, "This system of slavery which bound hand and foot ten states in the union, and placed them at the mercy of the other three, and under the most abject and servile subjection to them, was approved by a majority of the convention, and reported by the committee.

"On this occasion, the house will recollect, that the convention was resolved into a committee of the whole—of this committee Mr. Gorham was chairman—the hon. Mr. Washington was then on the floor, in the same situation with any other member of the convention at large, to oppose any system he thought injurious, or to propose any alterations or amendments he thought beneficial; to these propositions so reported by the committee, no opposition was given by that illustrious personage, or by the president of the state of Pennsylvania. They both appeared cordially to approve them, and to give them their hearty countenance: yet this system, I am confident, Mr. Speaker, there is not a member in this house would advocate, or who would hesitate one moment in saying it ought to be rejected. I mention this circumstance in compliance with the duty I owe this honorable body, not with a view to lessen those exalted characters but to show how far the greatest and best of men may be led to adopt very improper measures, through error in judgment, state influence, *or by other causes*, and to shew that it is our duty not to suffer our eyes to be so far *dazzled* by the splendor of *names*, as to run blindfolded into what may be *our destruction*.

"Mr. Speaker, I revere those illustrious personages as much as any man here. No man has a higher sense of the important services they have rendered this country. No member of the convention went there more disposed to pay a deference to their opinions, but I should little have deserved the trust this State reposed in me, if I could have sacrificed its dearest interests to my complaisance for their sentiments."

These propositions having been agreed to by a majority. The members in the minority who objected to them, were principally of the Connecticut, New-York, Jersey, Delaware, and Maryland delegates, these introduced another set of propositions on principles of equality, liberality, and freedom; but the New Hampshire and members of other states being then not present, the majority rejected them immediately. He goes on: "I doubt not, sir, to those who consider them with attention, so sudden a rejection will appear surprising, but it may be proper to inform you, that on our meeting in convention, it was soon found that there was among us three parties of very different sentiments and views.

"One party, whose object and wish it was to abolish and annihilate all state governments, and to bring forward one general government

over this extensive continent, of a monarchical nature,^(b) under certain restrictions and limitations:—Those who openly avowed this sentiment, were, it is true, but few, but yet it is equally true, sir, that there was a considerable number who did not openly avow it, and who were, by myself, and many others of the convention, considered as being in reality favorers of that sentiment, and acting upon those principles, covertly endeavouring to carry into effect what they well knew openly and avowedly could not be accomplished.

“The second party were not for abolishing the state governments, nor for introducing a monarchical government under any form, but they wished to give their own states undue influence in the government over the other states.—A third party was what I considered truly federal and republican. This party was nearly equal in number with the other two, and were composed of the delegates from Connecticut, New-York, New-Jersey, Delaware, and in part from Maryland; also of some other individuals from other representations. This party, sir, were for proceeding upon terms of federal equality; they were for taking our present federal system as the basis of their proceedings, and as far as experience had shewn us that there were defects, to remedy those defects, as far as experience had shewn that other powers were necessary to the federal government, to give those powers.—They considered this the object for which they were sent by their states, and what their states expected from them—they urged that if after doing this, experience should shew, that there still were defects in the system (as no doubt there would be) the same good sense that induced this convention to be called, would cause the states when they found it necessary to call another.—That by proceeding in this train, we should have a prospect at length of obtaining as perfect a system of federal government, as the nature of things would admit. On the other hand, if we, contrary to the purpose for which we were entrusted, considering ourselves as master builders, too proud to amend our original government, should demolish it entirely, and erect a new system of our own, a short time might shew the new system as defective as the old, perhaps more so—Should a convention be found necessary again, if the members thereof acting upon the same principles, instead of amending and correcting its defects, should demolish that entirely, and bring forward a third system, that also might be found no better than either of the former, and thus we might always be young in government, and always suffering the inconveniencies of an incorrect, imperfect system.

“But, sir, the favorers of monarchy, and those who wished the total abolition of state governments, well knowing that a government founded

on truly federal principles, the basis of which were the thirteen state governments, preserved in full force and energy, would be destructive of their views; and knowing they were too weak in number, openly to bring forward their system, conscious also that the people of America would reject it if proposed to them, joined their interest with that party who wished a system giving particular states the power and influence over the others, procuring in return mutual sacrifices from them, in giving the government great and undefined powers as to legislative and executive, well knowing, that by departing from a federal system, they paved the way for their favorite object, the destruction of the state governments, and the introduction of *monarchy*.—And hence, Mr. Speaker, I apprehend in a great measure, arose the objections of those honorable members, Mr. Mason, and Mr. Gerry.—When they viewed it charged with such powers as would destroy all state governments, their own as well as the rest—when they saw a president so constituted as to differ from a monarch, scarcely but in name, and having it in his power to become such in reality when he pleased.”

Thus we find, Mr. Bailey, that many of this high flying body (which principally consisted of lawyers) were openly for giving us a king at once, others were inclined that way, but did not think proper to avow it openly. It was very well that these lawyers used the precaution to shut their doors and mouths, as certainly neither the walls of the state-house, the invalids who they employed to drive away the people from the state-house, nor the wings of the good men among them could have protected them from the rage of an injured people.

The eyes of the people in the different states where discussion has been allowed, are generally opened, and are determined to defend their liberties. So that the next federal convention will be composed of characters very different from the last (particularly no lawyers) and the members no doubt be tyed down to certain bounds and rules, and if any shall again turn out rogues, conspiring against the liberties of the people, their heads may feel the stroke of the sharp ax, and thus suffer as many a dignified rascal in England has for like offences.

Your's, &c.

A REPUBLICAN FEDERALIST.

BUCKS COUNTY, Jan. 14, 1788.

(a) *When the convention was adjourning for 8 or 10 days, to leave the propositions agreed upon by the majority to a committee, it was moved in that body, that each of the members should be allowed a correct copy, for consideration and deliberation—but the motion lost, the majority refused even their own members a copy.*

(b) *It is to be hoped we shall soon have a list of these monarchy men: a motion was made by them in Convention to burn their journals, but it was luckily rejected by a small majority.*

340. Philadelphia Freeman's Journal, 16 January 1788¹

The despots and their sycophants, who think, that if six of the remaining states could be precipitated into the adoption of the new constitution, the opposition would then cease, and the government might immediately be organized and put in operation peaceably, seem to argue like the British ministry, when they passed the Boston-port law. To pass a Bill for shutting up the port of Boston was one thing, but to carry it into effect was another. The enemies of the proposed government are growing more numerous and more determined every day; they are men of spirit and resolution, friends to the rights and privileges of human nature; and to reconcile them to such a tyrannical scheme of government would be as vain as the attempts of the British commissioners in 1778 to flatter the Americans to renounce their independence and return once more to the yoke of Britain. Every freeman of America who could be so base as to submit to this despotic government is a *felo-de-se*, or even worse if possible.

1. Reprinted: Philadelphia *Independent Gazetteer*, 16 January.

341. Philadelphia Freeman's Journal, 16 January 1788

A correspondent observes, that if the men who call themselves Federalists, have any pretensions to that epithet, or any real regard for their country, they will immediately drop all proceedings in favour of the proposed constitution, and use their endeavours to have a new Federal Convention called immediately, either to amend the old articles of confederation, or to frame a more popular and free constitution than the present one. This is the only way they have left to shew their patriotism, if they have any; for, should they persist in attempting to force it on the people, the peace of the country must inevitably be destroyed; for which let these men answer the consequences. As for the opposition ceasing, should nine states come into the measure, it is a mere finesse: To suppose that freemen should tamely give up their liberties, is a thing chimerical altogether. The very supposition is a most egregious insult to the understanding of a freeman. So that the only rational and safe path to be pursued, by the *well born*, is to tack about, and join the real friends of liberty, otherwise their persons may fall a forfeiture to their own domineering insolence; and become the expiation of their conspiracy against the liberties of their country.

342. Philadelphia Freeman's Journal, 16 January 1788

A correspondent observes, that notwithstanding all the pompous declamations of the unanimity and cordiality of the members of the Federal Convention in the proposed Constitution, it appears by the examination of the honourable Mr. Martin, one of the deputies from Maryland, before the legislature of that State, that they were repeatedly within a hair's breadth of separating, and that gentleman says, nothing but the thoughts of going home without doing any thing; the threats of the monarchy men in that body, that unless this was agreed to, they should never have another Convention; their compromising after a long struggle to allow the smallest States an equal voice in the senate with the large ones;—and that because the minority considered it much better than the system before attempted to be forced on them;—could, says that gentleman, have prevailed upon the members so generally to lend their names to the system, and to declare they would not oppose it if they found it met with the ideas of their several states. Our correspondent adds, how happy would it have been for us, if the true federal plan of government, which was agreed upon by nearly half of the Convention, had been proposed instead of the one before us.

343. Philadelphia Independent Gazetteer, 16 January 1788

A country correspondent informs, that a meeting of the anti-federalists of Montgomery county, was held at the Widow Thomsons, on Friday last. We have not yet learnt the deliberations of this respectable body. It consisted of five members only, notwithstanding it is said great exertions were made to procure a numerous meeting.

344. Pennsylvania Herald, 16 January 1788¹

A *correspondent* remarks, that the conduct of the Anti-federalists in the county of Cumberland, pushed on by their state jugglers, must convince every dispassionate man that they are enemies to peace and good order; that they wish to subvert one of the first principles in society, and are unwilling to be bound by any laws which are not framed by a majority of their own party; that rather than yield the sceptre of Pennsylvania, and risque their sway as a party, they would open the avenues to federal anarchy and confusion, and endanger our existence as a nation.—The latest accounts from Carlisle inform us that the magistrates awed by threats, have refused to act against the RIOTERS, and that thus far the course of justice is stopped.—Let us for a moment imagine the consequences—all the passions of party will be brought

into action,—hatred and revenge will operate in full force—the enthusiasm and bigotry of civil discord may possibly take place of decent investigation, to the destruction of persons and property—perhaps to the confusion of the state. If every humane mind revolts at this idea—how must incendiaries feel who have blown the flame.—A necessary result from this confusion will be an increased inefficiency in our executive, and a consequent stoppage *in the collection of our revenues*. As there are few ills, public or private, which are not intermingled with degrees of good, this will carry with it a *consolation*—the annihilation of paper money, and of an oppressive iniquitous *funding system*, both in their nature local, as well as injurious; and consequently opposed to a federal government. The United States are parties in this dispute, its decision may outreach the boundaries of Pennsylvania, and affect the whole EMPIRE!

1. Reprinted: *Pennsylvania Mercury*, 17 January.

345. One of the Whigs of 1776

Philadelphia Independent Gazetteer, 18 January 1788

MR. OSWALD, A writer in your paper under the signature of *Centinel*, frequently makes use of the word *conspirators*; pray who is this man? Or who does he mean? If he means the people of the United States, who differ in sentiment with him, he ought to use better language; if he means the Convention, the President of which was our illustrious WASHINGTON, I will leave this large space _____ to insert the name by which this villainous enemy to America ought to be designated.

346. John Montgomery to William Irvine

Carlisle, Pa., 19 January 1788 (excerpt)¹

. . . inclosed you have last wensdays newspaper thire is nothing but Stuff in it when our Bickering will be over I Know not for they are Voilent on Both Sids I long to hear what the Eastern Stats will do if they and new York will adopt the Constitution *all will be well* we are in a Very—Disagreeable unhapey Situation in this place nothing Ever happened So bad amongst us neaghbours pass Each other without Speaking. . . .

1. RC, Irvine Papers, Historical Society of Pennsylvania.

347. An Honest American**Philadelphia Independent Gazetteer, 19 January 1788**

To CONCILIATOR.

SIR, the great pains you have taken to remove my doubts respecting the propriety of adopting the proposed plan of federal government, with all its acknowledged defects, demand my grateful thanks. All your arguments, it is true, I have heard an hundred times before; particularly that, first invented by Mr. Wilson, and on which you lay so much stress,—the curious distinction between the constitution of a single state, and that of the United States, viz. that in the former case all the rights and powers not expressly reserved by the people, are given to their rulers: but in the latter, all that are not expressly given are reserved.

This is certainly a new idea. It does not appear to have been thought of by the framers of any of the state constitutions; for in all these there is not only an express delegation of powers, but an express reservation of rights, in one form or other—It does not appear to have been thought of in framing the articles of the existing confederation; for in these this pretended reservation of powers, by implication, is not relied on—it is clearly and fully expressed. “Article 2d. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled.”

I have, sir, considered this subject with all the attention and impartiality that I am capable of, and for my life I cannot see any real foundation for the above distinction. A state constitution is a compact between the people of that state and those among them to whom they commit the reins of government, delegating to them certain powers, to be exercised for the welfare of the community: But as these powers must necessarily be expressed in general terms, to prevent as much as possible any abuse of these general powers, it has almost universally been thought necessary to reserve certain rights, with which the rulers are expressly prohibited from meddling—The constitution of the United States, now under consideration, is also a compact between the *people* of these states and those among themselves to whom they shall commit the reins of government, delegating to them certain powers, to be exercised for the welfare of the whole community, expressed in very general terms indeed, and most certainly liable to very gross abuses, even without violating any one article of the constitution. Now, Sir, I would be glad to know what good reason can be given why an *express* reservation of rights should not be thought as necessary in this case as in

the former. It will be in vain to repeat, that the states individually being in possession of certain sovereign rights, in a confederacy only give up such of these as they think necessary for the general welfare, and that therefore all the rest are reserved, and sufficiently secured by implication. Are not the individuals composing a state before any organized government is formed, in complete possession of all their natural rights? And at liberty to delegate and retain such of them as they shall think proper? And would it not follow as naturally in this case as in the former, that all the rights not expressly given up were retained, and sufficiently secured by implication too? But this you will not say, nay you confess that "in every separate government the powers (of the governors) extends to all cases whatsoever that are not excepted, and the rights of the governed are rights of reservation." The truth, however, is, that separate states, about to form a confederacy, and the individuals of a state about to form an organized government, are precisely in the same circumstances, and the same precautions to guard against the abuse of delegated power, are as necessary in the one case as in the other. This conclusion would follow even if the proposed government were to be considered only as a confederation of separate sovereign states; with still greater force, then, will it apply, when we consider it, as it confessedly is, a consolidation of government, which if adopted and carried into execution in its present form, will totally deprive the particular states of every possible right of sovereignty; since it is declared in the 6th article, that "this constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding."

I know you will say, because it has been said so often already by the advocates for this plan of government, that the complete responsibility to the people, of the several component parts of this government, will be a sufficient security against any undue stretch of power. Let us examine this point a little. How are the people to know what part their representatives shall have taken in any particular measure that Congress may adopt? We are informed of this in the 5th and 9th sections of the 1st article—"Each house shall keep a journal of its proceedings, and *from time to time* publish the same, excepting such parts as may in their judgement require secrecy—A regular statement and account of the receipts and expenditures of all public money shall be published *from time to time*." That is every ten years, or every hundred years, just as Congress shall think proper. And thus may the proceedings of this

body, and that constitutionally too, be as inscrutable by the people as the proceedings of the Spanish inquisition, or, to use a still stronger comparison, as those of the late general convention who hatched this boasted constitution. The president of the United States, it has been said, will be particularly responsible for the conduct of all the officers of government, as he will have the exclusive nomination of them: But observe the 2d section of article 2d—"Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, (mark what follows) in the courts of law, or in the heads of departments;" and pray where is the responsibility in courts of law, or heads of departments?

But still you exhort to confidence in our rulers as the grand preservative of liberty. "If there exists no confidence among us, we surely can never be free, since the first act of a free government implies a confidence in our representatives; a want of it, is the grand principle of fear; and fear, says Montesquieu, is the main spring of despotism." Here, sir, you are either very ignorant, or you attempt to deceive me. The fear which Montesquieu mentions as the main spring of despotism, is a fear, or dread, of falling under the displeasure of the despot. Read his own words in chap. 9. b. 3. of his spirit of laws—In a despotic government, "persons capable of setting a value on themselves would be likely to create revolutions. Fear must therefore depress their spirits, and extinguish even the least sense of ambition. When a despotic prince ceases one single moment to lift up his arm, when he cannot instantly demolish those whom he has entrusted with the first posts and employments, all is over: For, as *fear*, the spring of this government, no longer subsists, the people are left without a protector." This is certainly a very different principle from that fear, or jealousy, or watchfulness over those we have entrusted with power; which, so far from being the main spring of despotism, is indispensably necessary for the preservation of liberty.

However, in your great goodness, you consent to the gratification of the people's *prejudices* in favor of a bill of rights; but insist that we should leave this matter to our new rulers themselves. Yes, yes, let them once be fully invested with the extensive powers which this constitution gives them, and there is no doubt that they will soon be satiated, and of their own accord propose an abridgement; Do you really think this probable, sir? How many examples can you adduce from history to justify this supposition? But it seems, if we should even call a second general convention, there is no probability that they could amend the constitution in question. This is truly strange. When the convention met at Philadelphia, they could have had little or no idea of the business they afterwards undertook. They could not possibly have had any adequate

instructions on the subject from their constituents. They were appointed for other purposes. And even after they had, of their own free will and good pleasure, engaged in the business of framing a new form of government, all the avenues of information between them and the people were effectually stopt. In these circumstances, is it likely that they should, in the very first essay, form a constitution incapable of amendment, and in which the people, whose opinions had never been consulted, should most generally concur?

In acts of infinitely less importance, even a law for laying out a new road, much more deliberation is thought to be necessary. In Pennsylvania, the bill, after going through the common forms, in open assembly, must before it can pass into a law, be published for consideration, and lie open for alterations and amendments, till the next session of the house; and in several of the other states still greater caution, and more checks and guards are used to prevent precipitancy in the enacting of laws; which, however, at the worst, may be amended or repealed at the next session of the legislature. It cannot certainly, then, be thought superfluous to use equal deliberation and care in the all-important business of constituting a frame of general government, on which the happiness or misery of millions, for ages, will depend; and which, it is more than probable, if once established, will never afterwards be altered for the better.

348. One of the Whigs of 1788

Philadelphia Independent Gazetteer, 19 January 1788

In Reply to *One of the Whigs of 1776*.

The men alluded to, by the patriotic writer, Centinel, whom he designates by the appellation of *Conspirators*, are the junto who composed the majority of the *secret conclave*, and their abettors, who have formed a *conspiracy*, according to the true intent and meaning of the word, against the rights and privileges of the freemen of America. And let me tell this gentleman, that although he might have been an honest whig during the whole period of the war, yet if he has actually joined in this plot, concerted by the *well-born* with a view to enslave the rest of their fellow-citizens, all his former whigism will go for nothing, or rather turn to his shame. For, "When the righteous turneth away from his righteousness and committeth iniquity, and doeth according to all the abominations that the wicked man doeth, shall he live? all his righteousness that he hath done shall not be mentioned; in his trespass, that he hath trespassed, and in his sin that he hath sinned, in them shall he die."

349. Verus Conciliator**Philadelphia Independent Gazetteer, 19 January 1788**

Conciliator, in your paper of this day, says, he shudders at the thoughts of calling another federal convention. Why so? Because anarchy or something worse might be the consequence. I would wish to inform that gentleman, if he desires that his conduct should quadruple with his assumed signature; that the only probable way of preventing these evils, he dreads, is to call another federal convention immediately, either to form a new constitution on the principles of the revolution, or to amend the proposed one in such a manner as to make it acceptable. If that writer really intends to reconcile the parties, he will therefore recommend it to the friends of the proposed constitution to use their influence to have another convention; because the opposition will in that case subside; but obstinacy, in pushing on the present one, will undoubtedly involve this devoted country in ruin, and in all the horrors of a civil war. Which Heaven avert!

January 15, 1788.

350. One of the Whigs of 1776**Philadelphia Independent Gazetteer, 21 January 1788**

Mr. OSWALD, I have often heard Ministers of the gospel declare, when preaching, if they could make but one convert out of the whole congregation, they should think it a great happiness: Being bred a mechanic and not having had a liberal education, I cannot comprehend what the gentleman under the signature of *One of the Whigs of 1788*, means by the *secret conclave*, and their *abettors*, the *well born*, &c. Now, sir, as I know myself to be a great sinner against the Supreme Being, I will give up that point, and pray for mercy—but against my country, that I deny; for, from the commencement of the war to this day, I have never incurred one single militia fine, but always gave my personal service when called on, and frequently as a volunteer; and I declare that I never had any other motive but MY COUNTRY'S GOOD. I likewise declare, I never received any other reward but the pay, and that in continental money. The same spirit that actuated me then, does now—MY COUNTRY'S GOOD.—If the real author of the Centinel, with my good friend, One of the Whigs of 1788, will call on you, with whom I have left my name, and favor me with an interview, they may, perhaps, make a convert of

One of the Whigs of 1776.

351. *Philadelphia Independent Gazetteer*, 21 January 1788

PARAGRAPHS FROM CORRESPONDENTS.

The violence in the back counties of this state, says a correspondent, seems only to be a reverberation of the blessed tumults which were so happily commenced in this city, on the auspicious dawns of the new federal constitution. People here seem to be amazed that any noise should be made by the sons of Paxton and Tuscarora; and yet if there were nothing but decency and good manners to stimulate these children of the mountains, it ought to have been expected that they would imitate their betters in the mode of expressing their opinion on the subject of the supposed constitution.

The sagacious *Sanco Panca*, of immortal memory, would have given a string of proverbs on this event—For instance he would have told us:

That like begets like.

That *small beer* undergoes the same kind of *fermentation* with imperial tokay.

That violence and confusion are more apt to pull down than build up.

That where there is no law there is no obedience.

That great men should be careful what examples they set.

That, when men go to loggerheads, the scull of a *peasant* is often found as hard as that of a *powdered beau*.

That many a fine plot has been turned upon its own authors.

That many a *braggard* has undertaken to kick the world before him; but has met with his match before he has got half through.

That many *shining characters* have been found *tinsel* at last; and all is not gold that glistens.

That men who swallow without examining, sometimes get their throats burnt.

That men who undertake to rule others, should first learn to govern themselves.

That the first blow is that which should be the first punished and the last pardoned.

That you should get a beast in your power before you attempt to tame him with blows.

That many a man has reckoned without his host, and that the knowing ones are often taken in.

That a man had better kill the bear before he sells the skin.

That a man had better not undertake to act for others before he is employed—And what is got by fraud seldom lasts long.

352. Candidus**Philadelphia Independent Gazetteer, 22 January 1788¹**

Friends, Brethren, Countrymen and Fellow Madmen,

I beg pardon of any of my readers who may be in their senses; I only mean to address a few of my friends in the same predicament with myself; and to come to the point. I am one of those who have warmly supported the present constitution of Pennsylvania, and I still think it was right so to do; and this will be owned, to a certain extent, by every honest man on each side of the question; but my friends, I take it for granted, there is none of us so mad, but we know the following things: *First* we know, that we are brought to a shocking crisis. I do not pretend to inquire into the cause of this. But we know *secondly*, that we have taken the most rational way that human wisdom could dictate, in collecting a number of able men, to do what? to report a partial cure for this or that evil—no, but to make the fullest investigation, and report the most radical cure, or to use a well known phrase, “diligent search and true deliverance make.” They have done it as it seemed good to them, and though I differ with some of that honorable body, touching the distinction of republicans and constitutionalists, yet I have candour enough to declare them as noble a band of patriots as ever was convened on such business. In the *third* place we know, that a great majority of the people like it and long for it, as far as they have examined it; indeed in the other two states not a man was found to oppose it—And we know further, that we profess to believe that the voice of the people is the voice of God—and now my friends what have we been doing? have not a number of us been striving to smother it in its very birth, and I am sorry to add by means not the most honorable? But now, let us like wise men, consider what we have to be afraid of? and here I do not intend to enter into all the objections made against it, this has been done by vastly abler hands. Were we to follow the objections through *detached* parts, Demosthenes and Cicero themselves could not answer them. The plan that has been pursued by its enemies, I own fires my indignation; and my friends, if you call your attention to it, you will find it one of the falsest mediums, through which you can view it, or any thing of the kind; indeed it is the very way the devil took with our Saviour at the temple, to make use of one part of the sacred word to destroy another; which, by the by, affords us a very useful hint of the impropriety and madness of dividing particularly upon the constitution. But I mean only to take notice of one objection, which in my opinion takes in all the rest, that is, that it destroys our state constitution: Here my friends I remark it is too late in the day to be carried

away with words and empty sounds. I would ask all cool men of sense and reflection, what was our case when we lived under another government, compared to what it is now? for it is only by comparing things, that we know the difference between good and bad, better and worse; and here I do not inquire minutely into this difference; it is sufficient to my purpose, that the difference is very great, and much against us; nor do I at all like to point at particular characters; but I cannot do less than observe, that all, or nearly all our opposition comes from interested dependants on government, and comes from them with a bad grace too.

One remark I would make on the proposed plan, which is, that while it seems to have all the energy and force of monarchy, it is accommodated to all the notions of republican liberty: And the nigher any government comes to that, the more perfect it is: And if it should not be found to come so far this way as it might, it is open at any time for amendment: And I think it will be as practicable at another day as at this day to amend it; for I think all good men will join with me in hoping and praying, that there may never be a more contentious, devisive and wicked set on this spot of earth, than our Noble Selves.

But as this is the first, or second time, I ever wrote for the press; my fellow citizens should not have heard from me at this time, but that I see, we are called on by a very few, and that by a new signature—every day the sun rises to prepare for *war*; I therefore rejoice in this opportunity of declaring candidly, that although I am more connected with the party in opposition, than many others, I hope that *GOD* will not leave us as yet, to make such a shameful and diabolical exit. I have just to remark to every true and honest hearted Pennsylvanian, that if ever the time was, or ever will be, it is now for every one of the above description to unite as one man, and that the above remarks are made by one, who has no pretensions to a place in government, and who wishes to live by the fruit of his industry independently, and to leave his children with the prospects of a solid substantial government, and lasting peace. In the mean time, as I have studiously avoided giving any just cause of offence to any individual, I hope none will be offended at my throwing in my mite, for the common good of my country, in my own imperfect, plain, candid manner; and would conclude by observing, that any one, who, at this time, would blow up the coal of dissention and party spirit, whatever his motives may be,—he is an enemy to his bleeding dying country. But I just now heard of the outrages committed at Carlise, though I understand the news has been near eight days in town before I heard it; for I deal very little in politics,

and strive to keep clear of all party disputes, nor do I make any comment on this occurrence, save that it strikes at the root of all order and government. But my friends, I cannot finish without notifying, that all the objections held up to us, are built on mere possibilities, now it will be enough to shew the falsity of those, to observe that if this principle be adhered to, there never could be any government on this earth, and this arises from the imperfection of human nature itself; but this absurdity will appear in a stronger light, when we turn our eyes to England; the king has a power of refusing the royal assent to every bill that comes before him, yet a late English writer declares, he never has refused one since the revolution, nor is there any reason to believe he ever will; yet if the English nation had been all *CENTINELS* at the revolution, they would rather have had the pleasure of butchering one another, than have given their king any such power—but as our Centinel delights much in sanctimonious expressions and texts of scripture, I will give him one, and the sooner he joins me in it from the bottom of his heart, the better, it is this, “The people that delight in *war*, disperse O GOD and KING!”

SO PRAYS CANDIDUS.

1. Reprinted: *Pennsylvania Mercury*, 26 January.

353. Andrew Allen to Tench Coxe
London, 23 January 1788 (excerpt)¹

... I see by the Papers that the Convention in Pennsylv. have adopted the federal Constitution, but if what we hear be true of the Opposition to it, it still seems doubtful whether it will generally take Place.

1. RC, Coxe Papers, Series II, Correspondence and General Papers, Historical Society of Pennsylvania.

354. Carlisle Gazette, 23 January 1788

A creed, supported by solid reasons.

I believe that many of the people in the country are already disgusted with the pieces published in the Carlisle Gazette, concerning the late riot, &c.—Because they are fully persuaded that they are fraught with the grossest falsehoods.

I believe they would be better pleased, if the printers would decline to insert such pieces and give them something more valuable: Because a riot in town cannot be of any great importance to the people in the country, provided they study their own interest and safety.

I believe the country people in general have more good sense than to engage in any plot to stop the regular course of law and justice, to pull down the county jail and reduce the buildings in the borough of Carlisle to ashes: Because they certainly have a higher respect for their lives and characters than to lose either in such a rash and wicked attempt. They certainly set a higher price on their valuable farms than to expose them to the ravages of an army, called forth to put the laws in execution, which must be the consequence if there is any energy or power in government.

I believe that many people are misled by the false and base insinuations of wicked and crafty demagogues, who either are supported from the public coffer, or who are under the influence of those that are: Because they appear blind to their own interest and the public welfare.

I believe they will not discover their error, shake off the fatal delusion and become undeceived, until they think and reflect seriously with a desire to be rightly informed: Because a person however quick sighted, cannot see while he keeps his eyes close shut, nor is any one more ignorant than he who wishes to be so.

I believe if we would put in execution the plan projected by his royal highness the elector of Hanover, for making waxen images to fill the places of our mute legislators, we would not only save a vast expence, but have as useful laws as we have at present: Because if they could be formed in such a [manner that?] they would say [yea?] and nay (which is all many of our sacred legislators say), by pulling different wires; it is evident they would be [al]together as useful.

I believe notwithstanding this plan will not meet the approbation of many who wish to fill those honourable places: Because then they will not be supported from the public treasury.

I believe a minority, when they publish an address or their reasons of assent or dissent, to any act or proposition, before the publication of the minutes of that house of which they are members, act contrary to the rules of modesty and common decency: Because on the minutes is the most proper place for them to appear. It also discovers a bad cause and is the mark of cowardice and villainy, to publish them in such a manner as to prejudice the people, before they have an opportunity of seeing and knowing the reasons and arguments on both sides.

I believe I am a friend to the new constitution: Because I am of opinion, that it will promote the interest, liberty and safety of individuals; the peace, happiness and order of society; and retrieve the honour, credit and fame of these rising states. Amen.

355. Carlisle Gazette, 23 January 1788

Extract of a letter from Lancaster, dated December 21, to a gentleman near Carlisle.

“I am glad to hear that the ratification of the new government give so much pleasure at Carlisle. What can possess your western people to place so much confidence in Whitehill, Smilie and Findley; they are the mere parrots of George Bryan—nor can their religious characters entitle them to more respect; they all opposed opening the convention with prayers, and while they were in Philadelphia I was told, made it a practice to dine out in large companies, instead of going to meeting Sabbath days—A country cannot long flourish under such rulers and law makers.”

356. Carlisle Gazette, 23 January 1788

A lover of poetry considers himself under singular obligations to the author of the poem against Hugh H. Brackenridge—every line of which does jingle,—just like the shaving of a shingle—He begs leave to inform him that he has brought to great perfection that species of poetry called Inane, of the many attempts that have been heretofore made, two only were attended with any kind of success, and their poems did not exceed four lines—One of them was in these words—

As with my hat upon my head
I walk along the strand
I then did meet another man
With his hat in his hand.

The other was addressed by the writer to his mistress

Oh! why conceal your charms my charming maid,
With gold and gems and rich brocade
Since gold and gems and rich brocade
Conceal your charms my charming maid.

The New-England Primmer affords many instances of this kind [of] poetry and must have been of considerable use to the author who occupied the last poet’s corner—

As—Fan—Ran—Man—Plan—Meat—Goat—Rote—Fight—
Sight—Wight—Right—Men—Pen—Wrin—Scourge—Surge—
Purge.

357. Carlisle Gazette, 23 January 1788

** The Editors beg leave to inform those of their literary correspondents who have furnished them with accounts relative to the controversy between some of the inhabitants of this borough, part of which have been so personal and full of invective, that necessity and decency will oblige them to discontinue publishing any more upon that subject, through the channel of this Gazette.

358. An Antifederalist

Philadelphia Freeman's Journal, 23 January 1788

Mr. BAILEY, The present dissensions among the Americans bid fair for annihilating their States. An immunity from taxes was their darling object, and they entertained the preposterous idea, that this immunity was to be obtained by independency.

They forgot that every regular government must be supported, and consequently the subjects of it be liable to taxation. In the present state of the world, every independent nation must be in a perpetual posture of defence; if it has a large extent of continent, it must keep in pay a numerous army; if it has an extensive coast, and is desirous of commerce, it must maintain a proportionable navy; if the government has contracted debts, the capital, or at least the interest, must be punctually discharged; and officers of the State must have salaries; all of this must be paid out of the pockets of the people. We Americans ought to have been sensible of Rosseau's maxim, *Que tout government est un animal devorent*, and have counted the cost before they ventured to erect so stupendous a fabric as Dr. Franklin had projected.

That *Prometheus*, indeed, brought down fire, from heaven; and heaven in retaliation has sent them a Pandora in the angel shape of independence, but furnished with a box replete with every mischief, and its contents she has so profusely scattered among them, that they now regard with horror what was so lately their wishes to obtain, and are vainly attempting to escape from the demon which will haunt them wherever they go.

Arch street, January 21.

359. A Baptist

Philadelphia Freeman's Journal, 23 January 1788

Is any man fond of his liberty, as all men naturally are, and of his own opinions, (for this too is natural) and of examining all opinions; which every man has a right to do? Would he worship God after his

own way, be exempt from vexatious suits and prosecutions, from clerical curses followed by civil punishments, with prisons, and (as they say) with damnation? Would he preserve his conscience, his person, his time, and his property, and all that is dear to him, safe and entire? He is, in consequence of all this, obliged forever to oppose all power in the clergy, as it has been found utterly repugnant to whatever is dear to *Men* and *Societies*. I know not that ever they possessed power, without using it perniciously; I know not that ever they could persecute, and did not persecute: Such of them as had most argued and inveighed against persecution, when they were under it, exercised it afterwards without shame or remorse, whenever they got the rod into their own hands.

What alarms me more than any thing in the proposed Constitution, is, that we have no security for our religious tenets; our future rulers may, if they please, order the Mahometan religion, or any other, to be universal on this continent.

From several publications in many of the States, and also from a conversation between two great men; (which was overheard) it appears to have been an old and deep-laid scheme to make the Episcopal Church the only established and lawful one in the United States; and oblige us to maintain it.—To be sure their bishops, &c. look very much like it. But I hope before this Constitution is established, we will have it revised and secured.

360. Philadelphia Freeman's Journal, 23 January 1788

Extract of a letter from Lancaster County, dated the 19th instant.

"I received yours of the 15th inst. inclosing sundry valuable publications. Your information about the sentiments of the citizens concerning the proposed Constitution, pleased me much; but, at the same time, I must take the liberty to tell you, that I think it of but small importance how you citizens now think on the subject—You are but a small proportion of the State; and though you formerly governed us country people, let me tell you, that you have lost all your weight and importance by your late violence. We are told by a celebrated author, that the manners and sentiments of a nation are not to be judged of by those of the cities and towns; because if the city of Philadelphia or our town of Lancaster was a true picture of Pennsylvania, we would needs have to fear the correction of heaven for the monstrous wickedness of our land.

"From every information I have been able to gather from most of the counties, (indeed my business obliged me to wander backwards and

forwards this ten days past a good deal through the neighbouring counties) I find but very few advocates for this grand conspiracy against our liberties. Your pleasant manner of relating the threats of those gentry to compel us to wear their yoke, is very just: for I really believe all the trained bands, tiffeneys, generals and corporals which that junto could turn out, would not be a match for a single county; the patriotic county of Cumberland would be alone sufficient to send them all to paradise."

361. Deborah Woodcock

Philadelphia Independent Gazetteer, 23 January 1788

MR. OSWALD, I belong to that profession whose members are vulgarly called midwives, but by people of better breeding, female surgeons, who are respected in every part of the world. My feelings have been exceedingly hurt by a ridiculous piece handed about from paper to paper, called the *New Roof*; the author of which I am told is a little snarling wretch, whose business it has been for some time past to abuse the most respectable of his own sex (I was going to say, but upon reflection hardly think he ought to be called a man) and now is beginning to bark at us. Pray Mr. Printer, what does Thingum Bob mean by chussing such a contemptible worn out wretch as the one he chuses to call Margery, with us a thing in his best days, made up of anecdotes from *Brussels Gazette*, and such like paltry stuff: And it was determined the other night, at a very respectable meeting of female surgeons, antiquated maidens and widows, that neither Margery nor Mr. *New Roof* thrown into the bargain, would make in point of respectability, one old woman; and I am credibly informed that our meeting held about a week since, has so alarmed this pigmy author, that he has never appeared in the street since.

Yours, &c.

Deborah Woodcock.

Maidens Hall, Jan. 18, 1788.

362. An Old Woman

Philadelphia Independent Gazetteer, 23 January 1788

To the Author of the *New Roof*.

SIR, I have seen with pleasure your publication in favor of the new constitution, alluded to under the image of a *New Roof*, and think with you that the building is not only well accommodated to our present exigencies, but in all probability the only one under which the United States can be sheltered from impending ruin. But why are you so unfriendly to our sex as to endeavour to fix upon us the stigma of being

antifederal? On the contrary, the disposition of our sex towards federal measures is, I am persuaded, almost universal. With the *old woman* who (you say) is *fond* of *tattle*, viz. *Margery the midwife* we deny even an acquaintance, nay more, I am authorised on behalf of my female acquaintances to declare, that we think ourselves highly insulted by your endeavouring to make the world believe that a creature whose character is too contemptible to be considered as *a man*, must of course be regarded as *a woman*. Take back therefore your pretended *Margery*. The *little being* it seems can afford no pleasure to your sex; and would I imagine be still less capable of affording any to ours.

363. Punctilio

Philadelphia Independent Gazetteer, 23 January 1788

Mr. OSWALD, The amor patriæ that glows in almost every page of your paper, has not yet warmed the breast of a single friend to trade, otherwise we should have *merited complaints* against the present regulations in our general post-office. The apparent *neglect* that has occurred in the conveyance of letters, since the commencement of the present year, would have created alarms in any other mercantile country—three instances can be adduced—the letters from New-York which ought to have been delivered here on Tuesday last at one o'clock P.M. did not arrive 'til late next evening, and the second following mail that became due at the same hour on Saturday, did not arrive.

The letters from this city and perhaps from every other town to the southward of US, that were intended for the January British Packet, we are informed "*are tied up in a leather bag, and sealed with the seal of office, and put on board a merchant ship for London,*" which vessel is now firmly locked up with ice in the North-river. If damages can be ascertained from such a detention, I am confident *they* will fall heavy on some folks' shoulders.—I am far from imputing neglect to the gentlemen who transact the business of the post office in this city, I am rather induced to believe it is well regulated—nor would I wish to be understood as alluding to any particular officer in the employ—such masked assassinations I abhor more than the stillettoed Neapolitan. I believe the fault lays with a higher power—and my sincerest wish is that it may speedily be removed. The present price of postage must in my opinion raise an adequate revenue to establish a more safe and speedy mode of conveyance for letters—Such charges can quickly change a Rosinante into a Pegassus.

Your's,
PUNCTILIO.

Monday Morning.

364. A Watchman**Philadelphia Independent Gazetteer, 23 January 1788**

Mr. OSWALD, In your paper of last Tuesday, I meant to guard the people of this country against the evil intentions of a doubled fee-ed lawyer, under the signature of *a Watchman*—at this signature he seems much offended, as though it was the peculiar one of some former writer—suppose the signature had been Lamp-lighter, I hope that could have given no offence. Mr. Oswald, signatures are free to all men—the facts above then are what is the most objectionable to the wicked—I know this character well, in public and private life, and when he talks of character, it reminds me of an *impure* talking of virtue—He may “carry a war out of the country,” but in our struggle for liberty he was not only in favor of the enemy, but a spy against the most virtuous army and people who were struggling for liberty, and he was often known to be in the camp of the enemy at Germantown—Now this wretch by the influence of two or three bullies, has become a law-maker, and at this moment is contriving to get laws passed in his legislative capacity for those who have fee-ed him as a lawyer—I will again repeat, that if a lawyer in the house of assembly can get laws passed in favor of a client, the liberties of Pennsylvania are at an end—Citizens look to your safety, and mark this man W. L!

Philadelphia, January 19, 1788.

365. Pennsylvania Gazette, 23 January 1788

The gentlemen of the late foederal Convention, says a correspondent, who dissented from the Majority, ought to have acted a little more in concert, both for their own reputation’s sake and for the good of their country, if they really thought, at the time, of the reasons of dissent which they have given to the people of America. The truth, he supposes, is, that their several sentiments were so discordant, that they could not unite in any number of amendments. They appear to be so *dissentient* a set of *dissenters*, that they must continue to *dissent* from each other, as long as any *dissention* remains among the *dissenting* sons of men.

366. A Copy of a Letter from Centinel**Pennsylvania Gazette, 23 January 1788¹**

Copy of a Letter from the Author of the CENTINEL to
his Friend in ——— County.

Philadelphia, January 19, 1788.

Dear Sir, I received your letter by Mr. ———, and am sorry to find that your exertions in the county of ——— have been attended with

so little success. I expected, long before this, to have heard of a commotion begun. It is, indeed, high time that something vigorous should be attempted, otherwise the spirit of our cause will languish in our hands, and when once that spirit is flown, it will not be in our power to recall it. You know it was always our opinion, that the great gun should be charged here and fired in one of the western counties. I am sure I have not been remiss in my part of the business. Have I not already charged it with eleven cartridges well ramm'd down; and when I am every moment expecting the explosion, you only urge me to double my diligence, and ram away. In short, I am almost weary of this fruitless toil. I don't find that my publications have had the desired effect here; I hope they have been more successful in the counties—if so, you should have informed me, for I want encouragement more than a spur. Whilst I am issuing number after number of my Centinel, all written with a freedom and spirit sufficient, one would think, to rouse the people—I say, while I am doing this, the states, one after another, either unanimously or by large majorities, are ratifying the new constitution. You have heard, or will hear, that Connecticut has adopted it by a majority of 127 to 40 in their Convention. Besides this, I have the mortification to see my Centinels printed, and re-printed, but never replied to. Attempts to answer would afford fresh sources of argument. Can any thing be more provoking or discourageing? I have rung the changes upon—the liberty of the press—trial by jury—despotism and tyranny—and am reduced to the necessity of repeating in different words the same railings against the constitution, and the same abuse against the framers of it.—The novelty of this boldness is over, and my pieces are scarcely read. I am astonished, that such extraordinary exertions have had so little effect with the people. I have, directly and without reserve, called the members of the late General Convention, with G——e W———n at their head, villains, traytors, fools, and conspirators, collectively and individually, and yet the mob does not rise. I have often told you, that it is of no great importance on which side an insurrection takes place: All that is necessary is, to have a commotion begun: A faction can always turn public confusion to its own account. I was in great hopes that the attack upon Major Boyd's house would have produced something; it was indeed serviceable to our party; but the flame was too weak to spread—the law interfered, and extinguished it entirely. A mob is not worth a farthing, unless, by its great numbers or the weight of its leaders, it can stoutly look law in the face, and bid defiance to its operations.

You tell me, that you have enlisted about 60 insurgents—but what can they do?—600 in each of the counties would have been more to

the purpose. Either you must have been very negligent, or your influence in the county is not as great as you gave us reason to believe. You say you have constantly attended at taverns, vendues, funerals, and other public meetings—liberally treated those whom you thought it would be of use to gain—dispersed my Centinels—and watched the most favorable opportunities for inflaming the minds of the people. This is all very well—but if the effect has been no more than the association of 60 insurgents, it is certainly very poor doings. If our friends have done no better in the other counties, and I have not yet heard that they have done any thing, our party had better tack about, and cry up the new constitution, that some of us may stand a chance at least for a share in the loaves and fishes. For if, notwithstanding our opposition, this new constitution should be established, we shall always be looked upon as disaffected to the government, and unfit to be trusted with offices under it.

Our champions in the other states begin to fall off. You have seen, I suppose, Gov. R———'s letter—and I am told that R. H. L—— and M—— have dropped all opposition. Unless some extraordinary exertions are made, and speedily too, our whole scheme must fall to the ground. Only imagine what a ridiculous figure I make here. I am every week publishing things, which in any other country would bring the author to the gallows, as a seditious disturber of the public peace—and nothing comes of it. My performances, as I said before, do not even provoke a reply. Can any thing be more mortifying?—In the mean time the new constitution is taking root in the other states. And it must be confessed, that in every instance where the people have been legally brought together, either in Conventions, or as Assemblymen, Grand Juries, or otherwise, they have uniformly declared themselves in favour of it. These are great obstacles to our views. We have affected the popular side of the question, and the voice of the people is decidedly against us. Patriotism, not supported by the body of citizens, is always denominated—Faction.

To conclude. Unless we can do something, speedily, towards raising a respectable commotion in the state, it is my opinion that we ought to prepare for joining the general current in favour of this new system of government. And this may be plausibly effected by declaring, that we never had any thing in view but the good of our country—that the new constitution appeared in our judgments to contain many things objectionable, and some even dangerous to the liberties of the people—but, as the general opinion seems to be otherwise, we resign our own prejudices to the will of the Majority, as every good citizen ought to do;—and since we find the new system of foederal government is

indeed likely to be established, we shall not be behind any in zealous exertions for its support.

Think of these things—and let me hear from you as soon as possible. In the mean time I am, dear Sir, Your's, &c.

CENTINEL.

1. Reprinted: *Pennsylvania Packet*, 25 January, and *Carlisle Gazette*, 6 February.

367. Conciliator

Philadelphia Independent Gazetteer, 24 January 1788

To an honest American.

SIR, Although I may not have heard your arguments “an hundred times,” yet I have certainly heard them very often, and indeed, so much has been written on the subject, that it is difficult to write any thing new.

The fourth fundamental principle, which declares that all powers are retained which are not delegated, has precisely the same meaning with the article you quote from the former confederation; we are therefore on this head agreed, and a further disquisition of the distinctive principles of separate and collective governments becomes unnecessary; more especially as the quoted article, instead of opposing this distinction, is in fact an illustration of and a direct consequence from the very position which you endeavour to controvert—“Each state retains (*it of course retains*) all the power, &c. that is not by this confederation expressly delegated to the United States, &c.” If this had been understood at the time as a necessary reservation, which was *not* from the nature of the thing implied, it would have been stated thus:—Each state *shall* retain all the power, &c. that is not by this confederation expressly delegated to the United States, &c. *any thing herein contained to the contrary notwithstanding*. This point therefore is more a matter of curious investigation than a question between us, and for my part I am willing to risque the public opinion, as our arguments at present stand, without further comment on the very ingenious consequences you have drawn.

The strength of all your other reasoning turns on a single point, which appears to me a mistake. You speak as if the proposed federal body was an *encroaching sovereign*, and not a *representation of the people*.—I apprehend, on the contrary, that the manner in which Congress is to be formed, the successive changes that must take place among its members, and the power left to amend the constitution whenever “the spirit of America” shall require it, make this government not an *incontrollable potentate* issuing his capricious edicts; but the collective and

steady *voice of the people* enforcing individual obedience to virtuous and salutary precepts. While we are so opposite in this essential part of our political creed, it will be wasting your time as well as mine to continue an ineffectual correspondence. All honest Americans will judge for themselves, and I have no reason to apprehend that the opinion of the majority will be against me.

The objections you make against the words "*from time to time*," are below the dignity of your criticism; these words are no more than the common phraseology of all public acts, and naturally imply *usual times*, but if they are not generally understood, let them and every other ambiguity be explained; no true friend to the constitution desires that the words of it should have any concealed meaning. Why need we multiply imaginary evils, when the possibility, even of real ones may be so easily prevented?

You seem to revolt at my application of M. de Montesquieu's sentiment, and are pleased to tell me that I am "either very ignorant, or attempt to deceive you." If this was a necessary alternative, the conclusion would be unfavorable to the degree of knowledge I possess, for it is certainly true that I had no intention to deceive you; but on further consideration, you may perhaps find the application to be just. "The fear," you say, "which de Montesquieu mentions as the main spring to despotism, is a fear or dread of falling under the displeasure of the despot."—If you can prove that this does not imply a "want of confidence" in such government, you must be indeed a very powerful reasoner. To be careful in choosing virtuous patriots for our rulers, is no doubt, "indispensably necessary for the preservation of liberty," but to be perpetually *fearful* and *suspicious* after we have chosen them, is meanness in the extreme, I have read somewhere, (and I believe the thought belongs to Lord Bacon) that suspicion is to other sentiments of the mind, what a bat is to other birds. It comes only in the dark, and cannot be too soon chased away, for it troubles the soul, alienates friends, and interrupts business; it is the enemy of constancy, and of good humour, *it makes princes tyrants*, husbands jealous, and even wise men unsteady. While the people continue incorrupt there can be no danger of corruption any where else, and if ever the people become corrupted, they will neither *deserve*, nor be able to bear *freedom*. It is related of a member of the British parliament, that after bribing all his electors, and paying the price of every vote, he received from them a set of instructions for the regulation of his conduct. He immediately returned the paper with this laconic note, "I have bought and paid for you, and by G—d I will sell you."—Where, sir, do you think was the greatest degree of corruption? in the one *briber*? or in the many *bribed*?

I do not say that you are very ignorant, or you attempt "to deceive me," but I do say that your quotation from the Spirit of Laws, is two ends of a passage joined together, and that the middle is left out. This may perhaps be your translators fault, for I confess myself only acquainted with that celebrated author in the original. For your information I will translate the omitted part as literally as the idiom of the language will permit. "A moderate government can, as much as it pleases, and without danger, slacken its springs. It preserves itself by its laws, and even by its strength." It really appears to me no unfair conclusion from this omitted part of the passage, that confidence is *the strength of a moderate government*, that it is the source from which it springs, and that a despotic government is the direct consequence of a want of it. In one word, what motive can rulers have to be just, if nothing is trusted to their virtue?—You ask me to shew an example from history where rulers ever abridged their own power from a sense of virtue. Whatever examples might be found, none would apply except those, from the history of a country containing a million of square miles, inhabited by a people whose religious sentiments are universally liberal, and who are generally enlightened on all subjects of government and political oeconomy; and I know enough of history, sir, to know, that from the origin of the human race, to the present hour, there never was but one such country in the world. In this sole country, your own recollection will show you, as great a general as there is on earth, who by common consent had become a dictator, who had a brave and tried army of veterans ready to die at his nod, and who with almost absolute power within his grasp, settled, *voluntarily settled* into a *farmer on the banks of the Potowmac*:—No Emperor of China ever guided a plough with half the glory that FARMER WASHINGTON now tills his fields.

As to the idea of a new convention; I might have given authority instead of conjecture against the possibility of another harmonious one, if I had before read Mr. Martin's account of the proceedings in the last. He has disclosed the fatal secret, and informed us, that if the lucky thought of a committee of compromise had not preserved order, they must have separated in confusion.

In this committee of compromise, a fortunate conciliation of sentiment resulted from a reciprocal conviction, that *neither would give way*, on the very question which I stated in my last as the rock on which our union would be wrecked if we were again set afloat,—"*The proportion of representation of the states in Congress.*" Now, sir, the most artful logic in the world cannot show another line of compromise than the one adopted, and it would be nothing short of madness to hazard the salvation of

our country on a bare chance of its repetition.—Where is the man, who after having drawn a prize, would put his ticket into the wheel again?—If such a man could be found, would you suppose him to be in his senses?

368. A Real Patriot

Pennsylvania Mercury, 24 January 1788¹

MR. HUMPHREYS, Our two celebrated *sowers of sedition*, CENTINEL, and PHILADELPHIENSIS, the one in Mr. Oswald's, the other in Mr. Bailey's paper of this day, exhibit a striking proof of what falsehoods disappointed ambition is capable of using to impose upon the public. The real patriot, Sir, is the watchful guardian of the people's liberties—The designing incendiary, well aware of the reception his base undertakings would meet with from an injured and insulted people, is obliged to assume the appearance of the real patriot, and falsely pretend himself a friend to his country; but his infamous designs will still appear through his hypocritical masque; for truth being unfit for his purpose, he will be obliged to have recourse to falsehood; and this is the best criterion for distinguishing between the mock and the real patriot—the disguised enemy, and the open friend of liberty.

What, Sir, has been the conduct of the two incendiaries above-mentioned? The one, in a series of 12, the other in a series of 8 performances, which for the sophistry of their reasoning, and falsity of their assertions, are unparalleled in ancient or modern times, has disgraced the enlightened capital of Pennsylvania.

These *hireling* writers, and hackneyed drudges of *tottering* power, jealous of the rising greatness of America, and convinced of the unstable ground on which they stand, have dared, *Sempronius-like*, to bellow out for that country, the happiness of which they fear will be their downfall.—They have told the public, that the proprietor of the Pennsylvania Herald has dismissed his editor; and that some of the subscribers to that paper have withdrawn their subscriptions—for, what more is expressed by all the high-sounding inflammatory bombast they have bellowed forth? What inference do they attempt to draw from these positions? That the *conspirators*, as they are pleased to term the *federal* citizens of Pennsylvania, are endeavouring to destroy the liberty of the press—for shame! ye illustrious citizens, who have braved every danger in establishing the freedom of your country, are you thus to be traduced, and slandered, with impunity! If the proprietor of a paper dismisses his editor, must your patriotism be called in question, by the villainous enemies of America! If some of you wish no longer to contribute to the support of a newspaper (which, instead of debates in the

convention of Pennsylvania, has contained the *most glaring falsehoods*, and the *grossest misrepresentations*, which its Editor was capable of inventing) must you in consequence of this be branded with infamy as enemies to the freedom of the press! If you must, I confess, printers of newspapers have an exclusive privilege, enjoyed by no other set of men upon earth, of making the public pay them for what they neither wish to purchase nor to read.

1. Reprinted: Philadelphia *Independent Gazetteer*, 28 January.

369. One of the Whigs of 1788

Philadelphia *Independent Gazetteer*, 25 January 1788

In Reply to one of the Whigs of 1776.

SIR, Your first piece contained a few interrogatives, such as, "Who is Centinel? Who are the men he calls conspirators?" The answer of the first question did not concern the public, and therefore I took no notice of it; for, it is obvious that it is not with his name we have any thing to do, but with his writings. If Centinel has used fallacious arguments, or applied false epithets, his pieces will be the easier answered; and it is a duty incumbent on every citizen, capable of doing it, to set the public right, if that writer is endeavoring to mislead. The second question I answered, I suppose to your satisfaction, for you take no farther notice of it, but commences interrogating again upon new ground, or at least, you say, you cannot comprehend what I mean by the *secret conclave* and their *abettors*, the *well born*, &c. Now, sir, these appellations or phrases are so common and so well understood by all parties, that their signification does not require to be defined over again. were not the *monarchy men* in the federal convention *conspirators* to all intents and purposes? These men attempted to change our *free republican government* into a *monarchy*; and the proposed constitution has every feature of monarchy, and if it be established, must eventually end in an absolute one.

Your declaration, 'that you know yourself to be a great sinner,' is foreign to the subject; we all know, or we ought to know, that, "if we say we have no sin, we deceive ourselves and the truth is not in us," &c. But I am not your *confessor*. You say, that, "you never had any other motive but your country's good," Here you come to the point; and I wish every friend to the new constitution could make the same declaration with a clear conscience. Now as I have no reason as yet to doubt your sincerity, please, sir, to divest yourself of prejudice, or rather do not put it on; and then read the proposed plan of government, and read the pieces which have been written for and against; and, I think

if you exercise your judgment, you will entertain a more favorable opinion of Centinel. Mr. Martin's examination has cast some light on the proceedings of the federal convention, and shews that the phrase *secret conclave* has not been improperly applied.

The probability of your becoming a *convert*, through the means of an interview with the author of the Centinel or with me, does not prove the expediency of the measure; besides, sir, I wish you never to be influenced by any motive different from *your country's good*; so that you are already in the very temper of mind, in which I could wish you and all the citizens of America to be; there is therefore no conversion necessary; except such as regard spirituals; and this lies in other hands than mine. The thing in debate is not of a secret or private nature, but a public matter that concerns the whole continent of America; the happiness or misery of millions are involved in its consequences; therefore a private interview of individuals must be nugatory in an affair of such magnitude.

370. Jack Tar

Philadelphia Independent Gazetteer, 26 January 1788¹

MR. PRINTER, AS I understand the Chief Justice is about issuing a warrant to bring down the western counties, I intend to offer my services to assist in serving the warrant, as those impudent fellows deserve all to be put to the wheel-barrow for libelling his excellency, like a Paddy—Upon my shoul I would go any lengths to serve his highness and his brother in trouble, *Jamie* the architect, for it was Jamie that shot my grandfather at the battle of Fort Wilson, by which I got a good estate; but harke, brother sailor, I wont venture across the Susquehanna, to quell the working of the small beer, till I hear the order for disarming the militia is compleatly executed in the lower counties; as they may come on our rear, I think it would save the state much ferriage if these country boobies were brought down while the river is bridged over with ice.

1. Reprinted: York *Pennsylvania Chronicle*, 6 February.

371. John Wilkes I

Philadelphia Independent Gazetteer, 26 January 1788

Potior visa est, periculosa libertas quieto servitio.

Sall.

Much has been said by the advocates of the proposed constitution in favor of a despotic government, even in our convention, and by

members of that body, too, whom the people have entrusted with high and confidential offices, and whom one would have supposed were better acquainted with the nature and tendency of an arbitrary or despotic government, than to venture openly to express such sentiments among a free people. And these men of such dangerous principles, have told us, too, that a good administration, (that is good rulers) will compensate for all the defects, (however great) in the new constitution—But is it probable that the freemen of America will be content to live under a will and pleasure government?—Will they be satisfied to rest their every concern on such a foundation?—Will they trust their lives, liberties, and property to the whim and caprice of any man or men whatever?—Will they think themselves secure in holding all the inestimable privileges of freemen, subject to the controul of a military government? No! I think not; the very idea is sufficient to chill the blood of an honest man, of any who has one grain of patriotism—And that man who says otherwise, does not deserve the appellation of freeman, he is a slave, he wishes to be subjected to *men* not to *laws*.

Was such sentiments uttered in any public body in England, as were disclosed in our convention; was such publications which are wrote here, (so replete with treason against the liberties of the people) to appear in that country, the whole nation would be in an uproar, and nothing but the death or banishment of the aggressors, and the burning of such publication by the common hangman, would pacify the people: for the truth of this let any read the history of that nation even down to the present day.—And why are the people of England, who enjoy so great a share in their government, who have so many faithful guardians of their rights, in a numerous^(a) representation to parliament, so watchful of their privileges? Any Englishman can answer this!—It is, because they have seen the people of all the nations round them, who ever enjoyed such invaluable privileges of freemen, are become slaves, have lost these privileges, through the conspiracies of the well born, and their own inattention.

If the people of England are so jealous of their liberties, of those rights which GOD has trusted them with; and to guard and protect which, they consider as a religious as well as moral duty; will not the Americans, almost the only nation (except them) who continue as yet to enjoy the blessings of such privileges, stand forth in their defence?—Will they sit down and suffer the yoke to be clapped on their necks?—Will they allow the establishment of a government which is only calculated for the meridian of Turkey, the only *seeming* popular part of which is so small, (only 65 for this extensive continent) and so uncertain, so independent of the people, and so very dependent on the will

of the well born and powerful branches of the government, that it will be no security to those privileges of freemen, which ought to have been established in a bill of rights, affixed to the constitution.

One may venture to affirm, that all *honest and disinterested* Americans, of what party soever, if they understood one another, are of the same opinion in points of government, and that the great body of the people who had been imposed upon by terms, which they did not comprehend, are all *real federalists*, are all desirous of living under a free federal government, established on solid republican principles.

And were the case truly and fairly laid before those mistaken persons, who *from honest motives*, are still friends to the proposed constitution, (and who are falsely called federalists) they would know that when they make a profession of friendship towards it, they renounce their legal claim to liberty and property, and unwarily submit to what they really abhor—a despotic government.

For it has been fully proved by the minority of our convention, and by many able writers, that the proposed system will be one consolidated government, erected on the ruins of the thirteen separate governments of the people; and has not this been allowed; particularly by writers in many of the states, when advocating the system. And then has it not also been established that one consolidated government in such an extensive country, could not subsist consistant with the liberty and happiness of the people—the most celebrated writers both in Europe and America are agreed in this point, even Mr. Wilson avows it;—let us see what he says in his speech to the convention, “Is it probable that the dissolution of the state governments, and the establishment of one *consolidated empire* would be eligible in its nature, and satisfactory to the people in its administration? I think not, as I have given reasons to shew that so extensive a territory could not be governed, connected, and preserved, but by the *supremacy of despotic power*.”

It is our almost peculiar happiness to live under the benign influence of a government, which excludes all idea of an arbitrary, tyrannic, or despotic nature, and it becomes us to consider well, before we give up such a blessing, to consider what we have to expect under a despotic government, to enquire how such governments are executed in other countries, and the situation of those people, who are so unfortunate as live under them, this I shall reserve for another number.

Germantown, January 19, 1788.

(a) *The British House of Commons (in that small territory) consists of near 600 members; without whose consent no law is passed, no taxes laid; and no treaties valid till ratified by them.*

372. "M."**Philadelphia Independent Gazetteer, 26 January 1788¹**

Mr. OSWALD, Every charge which the Centinel has brought against the O——c——rs of the P——st O——ce, is *false*, and shall be proved such, if he will dare to publish them with his *real name* subscribed; in which case he shall have the real name of his antagonist: If he refuses this, he must be considered as making *wanton* attacks upon the characters of men who act under the sanction of an oath. The public will be at no loss for the motives of his conduct, and the "O——c——rs of the P——st O——ce" will treat with deserved contempt the unmanly and cowardly assaults of such an unprincipled assassin.

1. Reprinted: Philadelphia *Freeman's Journal*, 30 January.

373. Observator**Philadelphia Independent Gazetteer, 26 January 1788**

"By their works you will know them."

The public must acknowledge the obligation they are under to the grand writing committee (appointed Friday fortnight) for sundry most excellent, and very elegant and sound argumentative performances, published in the different newspapers; they have taken up all the objections which have been made by the anti-federalists, and have fairly and clearly proved them all to be without foundation; the essays signed Conciliator, Watchman, Candidus, Whig of 1776, Old Woman and Deb. Woodcock, prove, that all the clamor which has been raised about the loss of jury tryal, liberty of conscience and the press, dangers of a standing army, &c. &c. has proceeded entirely from interested and factious men: as for Centinel he must be a deceiver—as Candidus says all that has been said against the constitution is mere possibilities, and very justly says the objections would apply to any other constitution. Mr. Conciliator, he has never been equalled by any political writer since the days of *Junius*, to be sure what he says ought to quiet all grumbling in the people, for if our rulers will but establish all our privileges (which have been said are in danger) by a law, and do not repeal that law afterwards, it will be all that can be wanted.

January 23, 1788.

374. The Patron of Genius**Philadelphia Independent Gazetteer, 26 January 1788**

To Mrs. DEBORAH WOODCOCK.

MADAM, If I may judge of your power's of *conception*, by the *production*, which you have introduced to the world on Wednesday last, I would

advise you, as a friend, not again to deviate from the paths of that profession in which (no doubt) you have very properly been placed; but still to be content with assisting *others*, in their productions, without attempting to produce, *yourself*—I have not the least doubt of your skill in ushering into the world what has previously been prepared by *others*, but, for reason's sake, don't be so blind as to infer from hence, that *you* was formed for *bringing forth*.

But Mrs. Deborah, you have fallen into an error, but too common among mankind. It is that of mistaking the genius which nature has allowed them, and by neglecting to cultivate their proper talent, and attempting to be what they never were intended for, they at last come to be nothing at all—the mistaken notions which men entertain of their abilities and faculties is finely ridiculed by Swift, in a piece written by him, entitled “The Beasts, Confession to the Priest;” which I would recommend to your perusal, and for your present entertainment and (I hope) instruction, I shall quote a short abstract from it.—

The ass, approaching, next, confess'd,
That in his heart he lov'd a jest:
A wag he was he needs must own,
And could not let a dunce alone;
Sometimes his friend he would not spare,
And might perhaps be too severe;
But yet the worst that could be said,
He was a *wit* both born and bred:
And if it be a sin or shame,
Nature alone must bear the blame.

No doubt you will laugh at the absurdity of the ass's pretensions—profit then by his example, or perhaps you in like manner will be laughed at.

However if notwithstanding this disinterested caution, you should still be determined, to persevere in your plan of becoming famous in print; I would recommend to you, to procure, Webster's, Buchanan's, or any other good English grammar, and deligently to study it, until you acquire knowledge sufficient at least to *spell* correctly—while this is going forward it will be necessary for you, frequently to exercise yourself in writing short pieces, which, when finished, you may compare with the rules laid down in your grammar, erasing and correcting those parts which are improper—When you have practised this so long that you can without hesitation, write a sentence tolerably grammatical; you must carefully peruse a few papers in the Spectator, or the works of any other correct and elegant English author, whereby, after some time

and patience, perhaps you may acquire a habit of expressing yourself at least decently—Having advanced thus far, you may venture to read (for no doubt you are an orator) some of your productions to one or two particular friends, and receive their observations upon them with temper—You may then try to write in the “Evening Chronicle,” and if you are successful, proceed on as fast as you can to the temple of fame.

375. Plain Truth

Philadelphia Independent Gazetteer, 26 January 1788

MR. OSWALD, Your paper is so full of pieces against the proposed constitution for the United States, that I know not whether I shall be able to get a word in edge-ways among them. I shall be but short, Mr. Printer, and, indeed, the arguments of the minority and their friends out of doors, might also have been comprised in a small compass. We are afraid of tyranny, say they; but, the fact is, they are only afraid that they themselves will not, as heretofore, be allowed to exercise that tyranny. We want a bill of rights, say they; but that is only a sham; for, they themselves have often broke through both bill of rights, constitution, and law of the state, and that, sometimes, to serve a very paltry party and purpose. The great men, the well born, will do as they please, say they; but the mischief is, that the would-be great men of our party will then become cyphers; our great leader, Judge B—y—n, will lose his influence; though, indeed, that will be no loss to the public; for he has been very often opposed to the public good; he opposed the five per cent. duty, proposed to be given to Congress; the not giving of which has been the source of all our misfortunes; and he can prostitute his magisterial authority to serve as paltry a party and purpose as we can. Bribery and corruption will take place, say they; but the fear is, that we will no longer share the loaves and fishes; not even a few oysters and a little ale; after sporting with both civil and religious liberty, in order to serve our friends. Men in power are naturally tyrants, say they; and they might have added, as has been fully exemplified in our conduct; for, whenever we had the power, we stuck at nothing to gain our purposes.

376. Anarchy

Pennsylvania Mercury, 26 January 1788

MR. HUMPHREYS, The friends of the new federal constitution are certainly conspirators against the liberties of America: because,

1st. They insist that the people are the fountain of all power, and need no declaration of their own to confirm their rights.

2d. They wish to confederate—No—confederate will not do—*consolidate* is better—Well, then, they wish to consolidate the disjointed powers of the different states, and to form one great controuling power.—That this will soon produce slavery is very evident; for it will prevent state quarrels, domestic insurrections, and foreign invasions, without which, our liberties must fall—Indeed every wise politician will join with me in fomenting rebellions at home, and wars from abroad; for wars and bloodshed are the great sources of national liberty, glory, and happiness.

Is there any American so blind as not to perceive this? If there be, let him, for a moment, turn his eyes to the once great and flourishing republic of Rome. How did she rise superior to all the nations of the world? Why, by being constantly engaged in war, either domestic, or foreign—I would here remark, that the worst words ever spoken in the Roman senate were—*Delenda est Carthago*; for, by the destruction of her rival, she ushered in her own: whereas, had Carthage been suffered to remain, as a check upon her growing greatness—wars, glorious wars, would have been kept up between them, to the great advantage and happiness of both. Ah! but, say some, our situation is not similar to that of ancient Rome, we can never be exalted by wars and insurrections.—Such nonsense as this is not worthy of a comment; for every man knows its absurdity.

3d. The VILLAINS, who framed the new constitution, are^(a) *tories, knaves, rascals, conspirators, jesuits, lawyers, dastardly ruffians, enemies to intestine broils, to negro slavery, and to paper money*. I find, by Mr. Martin's information to his constituents, that they were often upon the point of acting for once like men, by adjourning *sine die*, without doing any thing. What, then, except a *deep plot*, an *infernal scheme*, a most *villainous conspiracy*, could make them afterwards so unanimous.—Oh, ye men of America! behold the conspirators, how numerous they are in every state!—*Not one* honest man was found in the two conventions of Delaware and Jersey.—In the conventions of Pennsylvania and Connecticut, *two thirds* of the members were villainous enough to give their sanction to this ruinous system. Nor do I expect to find more honesty in any of the state conventions—what a melancholy picture, Oh, my friends! Must I, and my adherents, be for ever banished these states! No, there is still an asylum left for us, in the worthy state of Rhode-Island—thither, then, my trusty followers, let us repair.

(a) See the pieces signed—CENTINEL, PHILADELPHIENSIS, &c.

377. Philadelphia Independent Gazetteer, 29 January 1788

A *free* people (observes a correspondent) who have luckily escaped from servitude and *slavery*, are generally in the greatest danger of losing their privileges, unless they exercise and apply a suitable *care* and *vigilance*, in the preservation of them. Such is the common reverence and gratitude for our deliverers, under the idea of past services, of glorious defeats, conquests and capitulations, of peace brightening in the political sky, that every fear is at once dispelled, and there is no limits or boundaries to the extensive hopes and confidences which are unhappily reposed in our benefactors. Thus the people are sometimes fatally decoyed in the unsuspecting hours of peace and tranquility, and led blindfold to events totally ruinous and disgraceful, not only to freemen and individuals, but the country at large. The madman hugs his chains, insensible of his miseries: and a fancied confidence in deceptive patrons is very similar. Indeed the views of *rulers* seldom correspond or coincide with the *views* of the *ruled*. The ruled therefore cannot be too much guarded in parting with their sacred birthrights and privileges, however plausible the occasion, which, when once gone, cannot be easily regained.

“*Agathocles* (says the celebrated Gordon) saved the *Syracusans*, and afterwards destroyed them: *Pisistratus*, pretending to be wounded for protecting the people, prevailed upon them to allow him a guard for the defence of his person, and by the help of that guard, usurped the sovereignty. *Caesar* and *Marcus* delivered the Commons of Rome from the tyranny of the Nobles, and made themselves masters of both Commons and Nobles: *Sylla* delivered the senate from the insolence of the people, and did them more mischief than the rabble could have done in a thousand years: *Gustavus Ericson* delivered the *Swedes* from the oppression of the *Danes*, and made large steps towards enslaving of them himself: the *Antwerpians* called in the Duke of *Alencon* to defend them against the *Spaniards*; but he was no sooner got, as he thought, in full possession of their town, but he fell upon them himself with the forces which he brought for their defence; but the townsmen happened to be too many for him, and drove these their new protectors home again, which disappointment and just disgrace, broke that good Duke’s heart. *Oliver Cromwell* headed an army which pretended to fight for liberty, and by that army became a bloody tyrant: As I once saw a hawk very generously rescue a turtle dove from the persecution of two crows, and then eat him up himself.”

And yet (concludes our correspondent) a more unshaken principle was never established, than the act or voice of a majority fairly obtained in all public bodies, is final and decisive. This principle is dictated by nature, confirmed by reason, and conformable to the grants of every social union; and what have the minority to do in such cases but submit—it is a duty suggested by harmony itself—or abandon the community? To apply, however, this rule in its present rigor and strictness, the voice of such majority of *representatives* should be the *prevailing* voice of the *people* themselves—otherwise, in the expressive language of Mr. Ellsworth, these measures “would make a *Tophet* of the universe.”

378. *Pennsylvania Mercury*, 29 January 1788

COPY of a letter to CENTINEL
from one of his Emissaries in the Country.
Tuscarora Valley, 25th January, 1788.

Sir, Yours of the 29th ult. and of the 10th and 19th inst. came to hand, and would have been answered sooner, but I was in the remote parts of this and of the adjacent counties, using every effort to support the drooping spirits of our confederates, and to strengthen our sinking interest. Alas! alas! how will you be afflicted, when I tell you, that all my endeavours have been to little, very little, purpose; and that we lose ground, faster and faster, every day. I have not been able to effect any thing, worth notice, since the affair at Carlisle; matters then wore a tolerable aspect, but we can blindfold the people no longer. Unfortunately, some of the newspapers, that are not in our interest, have made their way among the people—you cannot conceive how these have poisoned their minds—One *infernal piece*, called THE NEW ROOF, has injured us very much, in these parts.

You engaged to furnish us with the debates, in convention, fashioned to our own minds; this was done for a while, but why has it been dropped?—The publication of a speech, said to have been spoken by me, has established my fame, in this part of the country, as an orator; and I am regarded as a second Demosthenes—I wish you could have the publication of these debates continued.

You engaged to purchase 2000 stand of arms, and a quantity of ammunition, for the use of the men raised by me; twenty times have I sent to Harrisburgh, to know if they had arrived; why has this essential point been neglected?

You also engaged to send us a sufficient number of inflammatory pieces, from time to time; how has this been done? Certainly, a few

pieces signed *Centinel*, and a few others under the signature of *Philadelphiensis*, are not enough to inflame the minds of the people sufficiently—What! say they, are there only two writers in Philadelphia, against the new constitution! I would advise you to write, night and day, for some time; and to take a new signature to each performance—I will then be able to persuade the people, that we have many friends in the city.

Why is the arrival of the troops, and ships of war, from Nova-Scotia, so tedious? I long to hear of their arrival—I hope to find among them many of our old friends, who have been unjustly banished from these states. Their arrival will also give fresh spirits to our friends, and will induce many more to join us, from the neighbouring states—Please to inform me, in your next, what number of British troops, and of their Indian allies, Lord Dorchester has agreed to send into our back country, to co-operate with the others upon their arrival?—I think you and our other two friends in Philadelphia, have not been so active, in this business, as you ought; your interest and theirs is much more at stake than mine; I am therefore at a loss to account for your lukewarmness.

Why have not you hired some British sailors, as in the case of attacking Major Boyd's house, to raise a riot, which might be handed about as the act of the federalists. Had they gone as far, when they were at Boyd's, as to kill some of the back country members, it would have been of infinite service to us, and would have roused the people to arms better than any other scheme we can use.

You seem rather faint-hearted, at the close of your last letter, and talk of giving way to the majority—A majority indeed! Is this a time to talk of a majority! I thought you had been a man of real spirit—why then do you give me reason to doubt it? Oh my friend! let me conjure you, by every tie of manhood, to persevere, boldly to persevere, and all may yet be well—At any rate, this is no time for reflection—we have got too far with the plot—and to relinquish the undertaking, were absolute ruin—If we must fall, let us fall like men—this is my firm intention. I hope, and trust, you will resume your wonted courage, and strain every nerve to second my endeavours.

Your's &c.

379. A Pennsylvanian

Pennsylvania Mercury, 29 January 1788¹

Mr. HUMPHREYS, I am a mechanic. I have followed business in this city some years. I have been attentive to my duty, and always willing to

oblige my employers; I have therefore been able to support my family, and live independently.

If the editor and proprietor of a certain paper had done as I have, they might now be able to tell the same story.

Some of you printers act like madmen. You first abuse your best supporters, and then complain because your subscribers will not pay for bedaubing them and their friends with every species of scurrility and lies.

I shall not be much surprised if *two* other papers in this city, and G——f's in New-York, meet with the fate of the P——a H——d.

There can not be a greater proof that the body of the people are federal, than this, that the anti-federal editors and printers fail of support.

I congratulate the friends of the New Constitution on this fresh proof of their immense superiority, and the goodness of their cause. The very men, Centinel and Philadelphiensis, who have insisted that the people, in general, were opposed to the New Government, now publish to the world that the anti-federal papers, in Philadelphia, cannot defray the expence. This is the first *truth* we have had from them, and I cordially thank them for it.

1. Reprinted in the Philadelphia *Freeman's Journal*, 30 January, with the following editorial statement: "The printer of one of those 'papers in this city' has no disagreeable apprehensions for the fate of his paper, at present. But, should the proposed constitution be ratified, he would have no great objection to join our author, in saying, 'he would not be much surprised, if all the three papers alluded to, should meet the fate' this mechanic's liberal heart so benevolently desires!"

380. Walter Stewart to William Irvine Philadelphia, 30 January 1788¹

I should have written to you much Sooner but have been Confin'd to the House ever since I Return'd from New York with a Violent Feverish Cold; this has prevented my having such Conversations with Mr. Fitzsimmons & others as I Could have Wish'd; And prevents this Letters being very particular or full. I am much Oblig'd by Your favor of the 25th with the Inclosures, I begin to feel very Anxious for the fate of the New Constitution in Masachusets, as I Really think a Respectable Body of Men both in Regard to Ability's And Consequence in the State, have lately step'd forward Avow'd Opposers of it; should it be thrown out there, Rest Assur'd it Cannot take Effect. Every thing Appears quiet in this place, & I believe throughout the State—The Papers handed Mr. McKean will be laid bye, as He Could not be so very Ridiculous as

to blow up a Coal which Now seems expiring; by Investigating them, or Calling to Account any of the People Concern'd in the Affair at Carlisle. It is now over, and the less that is said publickly on the Subject the better. As soon as the Assembly meet, I shall get Mr. McClenachan to ask a Party of his friends to dine with Him, when I will have it in my power to Converse on the Subject of the New Road from the Susquehana to the Western Country, And I Really think it will not prove a difficult matter, if a few of us Interests ourselves Respecting it, to gain a Majority in its favor.

Although many are of Opinion that our Paper will Rise in Value Yet I do not see the least Appearance of it at present, it is for good at the discount of 3d & 4d in a shilling.

My best Comps. Attend Mrs. Elsworth & the good People with You

1. RC, Irvine Papers, Historical Society of Pennsylvania.

381. Franklin County Petition

Carlisle Gazette, 30 January 1788¹

Messieurs KLINE & REYNOLDS.

You will oblige a number of your customers by inserting the following address in your useful paper, and through it they ask the opportunity of soliciting the concurrence of their fellow citizens.

To the Honourable the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met.

The PETITION of the Subscribers Freemen of the County of Franklin.

Most Respectfully Sheweth.

THAT your petitioners are desirous that order and good government should prevail, and that the constitution of this state should not be subverted nor altered in any other way than is therein provided.

That as the members of your honourable house are all sworn or affirmed to do no act or thing prejudicial or injurious to the constitution or government as established by the convention, by whom the same was framed, they look up to you as the guardians of the rights and liberties therein secured to your petitioners, and pray that they may be protected therein.

That your petitioners are much alarmed at an instrument called a constitution for the United States of America, framed by a convention that had been appointed by several of the states, solely for the purpose of revising the articles of confederation, and to report such alterations and provisions therein, as should when agreed to in congress, and confirmed by the several states, render the federal constitution adequate to the exigencies of government and the preservation of the union, in

as much as the liberties, lives and property of your petitioners are not secured thereby.

That the powers therein proposed to be granted to the government of the united states are too great, and that the proposed distribution of these powers are dangerous and inimical to liberty and equality amongst the people.

That they esteem frequent elections and rotation in offices as the great bulwark of freedom.

That they conceive standing armies in time of peace are dangerous to liberty, and that a well organized militia will be the proper security for our defence.

That the rights of conscience should be secured to all men, that none should be molested for his religion, and that none should be compelled contrary to his principles or inclination to hear or support the clergy of any one established religion.

That the liberty of the PRESS should not be insecure or in danger.

That the right of trial by jury should be secured in civil as well as in criminal cases.

That the government as proposed would be burthensome, expensive and oppressive, and that your petitioners are averse from paying taxes to support a numerous train of offices erected thereby, which would be not only unnecessary but dangerous to our liberties.

That your petitioners observe this proposed constitution hath not been approved of by the congress of the united states, as directed by the articles of their confederation.

That your petitioners conceive the majority of the deputies of the general convention, who have been appointed by this state, have assumed to exercise powers with which they were not delegated, that their conduct is reprehensible, and that they should be brought to account for the same, as the precedent is highly dangerous and subversive of all government.

And your petitioners desire that the said proposed plan of government may not be confirmed by the legislature of this state, nor adopted in the said united states, and that the delegates of congress from this state be instructed for that purpose.

And your petitioners as in duty bound shall ever pray.

1. Reprinted: Philadelphia *Independent Gazetteer*, 19 February.

382. Alexander Patterson

Philadelphia Freeman's Journal, 30 January 1788¹

To the Printer of the FREEMAN'S JOURNAL.

SIR, It was not until to day that, on an excursion from my dwelling, north of the Kittatinny, the Freeman's Journal of the 9th inst. was put

into my hands. I observe that a writer, under the signature of *Centinel*, has, in that paper, affected to speak with mingled menaces and contempt of a meeting held at Easton on the 20th of December last, to express an approbation of the conduct of the delegates from this county to the late State convention. As *authorship is not my profession*, I have no disposition to engage in a controversy with the *Centinel*, or to reply to the pitiful reflections which he has cast upon the gentlemen who composed that meeting; yet lest shameless assertions may pass for truth unless they are detected, it may be proper to inform those who have read the publication alluded to, that this meeting was held in Easton on the Thursday of the court week, when there was a large assemblage of people from all parts of the county; that it consisted of a very respectable grand jury, and a large number of men of the first consideration, who have long enjoyed the confidence of their fellow citizens, who have served their country with reputation in the cabinet and in the field, and who cannot be intimidated by unmeaning threats of mobs and mobbing.—My purpose though, is not to defend the characters of these gentlemen who are far beyond the reach of the *Centinel's* malignity; but to notice the liberty which he has taken with my name. The pitiful echo of a faction—He has adopted the cry of his accomplices, and tells the old story of my behaviour at Wyoming.—What possible connection my public conduct there can have with the merits of the new constitution, I am utterly at a loss to conceive; nor, was it ever so pertinent, should I condescend to enter into an explanation or justification of it, to gratify Mr. *Centinel* or his friends—It is sufficient for me, that all the persecution, with which a miserable cabal have unremittedly pursued me on account of that conduct, has never tempted me to disavow it, or to be ashamed of it.—It will, on the contrary, be a consolation to me, under all the embarrassments which the violated faith of the state has brought upon myself and the worthy yeomanry who are associated with me in suffering, to reflect, that no exertions of mine were wanting to support the dignity of my country and the rights of its citizens in that district.

I would wish to treat this attack as unprovoked insolence should ever be treated; but the *Centinel* has sheltered himself from the chastisement he deserves, under an anonymous signature—It is the warfare of a villain and a coward, who, like an assassin, strikes in the dark, and makes charges which he dare not avow. Who is this *Centinel*, who thus sports with the good name of an honest man, that has served his country where this lurking slanderer durst not appear? It requires no discernment to conclude that he is a *scoundrel*—and if the epithet seems harsh to him, he need not seek long for his satisfaction.

One hint to yourself, Mr. Bailey, and I am done.—The liberty of the press is precious; take care, then, that you do not endanger it, by suffering it to degenerate into licentiousness. When measures are objects of animadversion, an anonymous signature is innocent; but when a man is accused, natural justice entitles him to a knowledge of his accuser—Remember, therefore, that a printer who gives admission to such publications, makes himself accountable for them:—he may be below a personal resentment, but insignificance will prove no protection against the notice of the law.

Northampton County, *Jan.* 22, 1788.

P. S. As the great distance of my residence from the city, and the difficulty of communication, affords me but few opportunities of reading, much less of writing for Newspapers, it cannot be expected that I will undertake a war of that kind with the Centinel.—If he has spirit enough to come to any other kind of explanation, I will endeavour to make it as convenient to him as possible.

1. Reprinted: Philadelphia *Independent Gazetteer*, 31 January.

383. A Real Baptist

Philadelphia Freeman's Journal, 30 January 1788¹

MR. BAILEY, In your paper of Wednesday last, there appeared a short piece with the signature of "A Baptist." The person, whoever he is, after many curious interrogations and answers annexed, closes his performance by announcing *his* being terribly alarmed concerning *Religious Liberty*, provided the New Constitution is adopted, which will, according to *him*, be immediately succeeded by an establishment of *Episcopacy* throughout the United States, and the consequent dominion of *bishops*, &c. It is *much* doubted, whether the writer of the said piece is a *Baptist*; provided he is not, his assumption of the signature argues the baseness of his mind, as he thereby imposes on a respectable denomination of Christians, and aims at creating jealousies against them, in the breasts of a very reputable part of the community; granting he is a *Baptist*, he discovers nearly the same degree of *baseness*, as *he* must know, at least *he* ought to know, that the *Baptists* as a *society*, from east to west and from north to south, are FEDERAL. There are, it is confessed, individuals among them, who think *differently* from their brethren in general on the important subject of the proposed government: Let them *so* think! Is this a sufficient reason why *they* or the *writer* alluded to, should artfully attempt to make the public believe, that the whole body are antifederal? The public know better, witness an Extract from the Philadelphian Association Letter, which was published in almost all the

Newspapers sometime ago, and the late election of several clergymen of the same persuasion, as members of *Convention* in and for the State of Massachusetts! Even *now*, which may be relied on as matter of fact, the antifederal *great men* of Virginia leave “no stone unturn’d” to curry favor with the *Baptists* in that commonwealth, in order that they may use their influence in opposition to a *federal* representation in the ensuing Convention: WHY SO? Because the Baptists in Virginia are very numerous and of course much depends on which side they take. That they *will* side and *do* fully agree with their brethren of the Northern States, we are pretty well convinced of!—For what reason does this *fictitious* Baptist bring in the “Episcopal church?” Surely the members of that respectable body will not think more lightly of the Baptists in general on account of the ill-founded suggestions of an anonymous scribbler! The Baptists labor under no apprehension whatever of the *Episcopalians* or any other society becoming the established religion of the land; as to *their* bishops, the Baptists readily acknowledge that the *Episcopalians* have an undoubted *right* equally with other denominations to procure in their own way, and agreeably to their own wishes, whatever *officers* they deem necessary towards the complete organization of their *own* church! This reflection on the Episcopal church, so replete with malevolence, amounts almost to a *full* proof that the writer alluded to, is not what he stiles *himself*: if *he* is, let him reveal his name, *his* example shall be followed by the *person* who hath *hastily* penned these animadversions; if *he* is not, such a disclosure cannot be expected, *he* must therefore be left to the *stings* of his own conscience for the *fraudulent* assumption of such a signature.

The same card which has been played off against the *Quakers* in representing them as *antifederal*, is now attempted against the *Baptists*, the event will *probably* be the same: The artifice and *low* cunning of such violent partisans will not add to their strength a *single* convert from either of *those* societies, which having in years past suffered together, *now* rejoice in the comfortable prospect of a full and permanent enjoyment of *religious* freedom and all the RIGHTS of CONSCIENCE.

1. Also printed in the *Pennsylvania Gazette* on 30 January.

384. A foe to scribbling dunces and pseudo-patriots Philadelphia Freeman’s Journal, 30 January 1788¹

Mr. BAILEY, When a person attempts to write in favour of a cause, he ought to ask himself, Am I qualified to the job? For it is a well established maxim, that a weak and worthless advocate generally does more hurt than good to the cause. If the duncified writer who signs himself

A *real patriot*, in Humphreys's paper of last Thursday and Mr. Oswald's of to-day, had attended to this maxim, I imagine he would not have troubled the public with that production. If he really be a friend to the New Constitution, let him act like one, and move in his own proper sphere; for, as a writer, he will evidently injure it. One who cannot compose a few lines without half a score of grammatical blunders, must make a pitiful figure in advocating so important a subject. But there are several ways in which he might be serviceable to the monarchical and aristocratical junto. Thus, if he be one of the *well born*, and *wealthy* into the bargain, let him subscribe liberally at the next meeting, for bribing printers, &c. &c. if he be a poor sturdy *fellow*, he may serve for a *bully*, or lead a midnight mob when the next election happens; if he be a *doctor* or a *lawyer*, let him practice gratis amongst his party. Here is an ample field for this *real patriot* to exercise his abilities in support of the new government. But let him never attempt writing again; for his mentioning the Centinel and Philadelphensis, is the most effectual method he could take to have them read, in order to examine whether his imputations are true or false: and conscious I am, whoever reads the pieces of those patriotic writers without prejudice, will find them to be the sentiments of the real friends of liberty. These writers have certainly given the new government a deadly wound; and this *real patriot*, thro' his weak palliatives, has added his *mite* to the same account. If these men be hireling writers, I honour the party who employ them, as their good sense appears in their choice. The arguments and illustrations they have used in their writings, have cast such light on the subject, that I trust the salvation of our country will be the consequence.

If it were of any use to the public, I am persuaded a solemn declaration could be made, that neither of these writers is a tool *in or of* power, and that *they are real patriots*, whatever *liars* and *dunces* may say to the contrary. Probably this *mock real patriot* is one of the hirelings of the monarchy-men, receiving his *little stipend* out of the 2000 l. purse, said to be subscribed for the *patriotic* purpose of paying under-strappers, bribing post-masters, printers, &c. &c.

It is a common saying "that whore always calls out whore first." If fame speaks true, the doctor and his jackall, the *misses schoolmaster*, will soon appear upon the stage; when an exhibition of some of their deceitful monkey-tricks may afford some pastime to the public—this applies to the *real patriot*.

Jan. 28.

1. Reprinted: Philadelphia *Independent Gazetteer*, 31 January.

385. Philadelphia Freeman's Journal, 30 January 1788

A correspondent, on reading a paragraph in Humphreys's paper of Thursday last, wherein the phrase *mother-country* is introduced, exclaimed, "I hope the high flying monarchy-men are not already off their scheme of an *American King*, as *mother-country* looks something like saying *Father George*."

386. Philadelphia Freeman's Journal, 30 January 1788¹

A report prevails, says a correspondent, that several letters have been lately sent to Europe, by the monarchy-men, inviting officers over who are fond of a kingly government; this measure is said to have originated on the supposition that American officers, who have for some time past lived under a free republican government, ought not to be trusted too far; such men might turn tail and join the country; but Count —— and Baron —— &c. may be depended on, when fighting for a King, who can add title to title and reward to reward.

1. Reprinted: Philadelphia *Independent Gazetteer*, 31 January.

387. Cicero**Philadelphia Independent Gazetteer, 30 January 1788**

Mr. OSWALD, It appears from Mr. Martin's detail of the transactions of the federal convention, that an enquiry was made, "what *powers were meant to be vested in Congress by the word duties?*" In answer to this enquiry, the *democratic* members of that body were informed, that "*it was meant to give the general government the power of laying STAMP DUTIES on paper, parchment and vellum.*" Those members then proposed "to have the *power inserted in express words, lest disputes might hereafter arise on the subject, and that the meaning might be understood by ALL who were TO BE AFFECTED by it,*" but to this it was objected: "*because it was said that the word stamp would probably sound odiously in the ears of many of the inhabitants, and be a cause of objection.*"—Thus, sir, is the great principle of the proposed constitution disclosed, and the affected brevity of its phraseology proved to be a *fraud upon the people*. I confess that I have hitherto condemned the approbrious epithets which have been applied to the framers and the supporters of this system; for candour tempted me to believe, that on the important question of national prosperity, every difference of opinion arose, in respect to the *means*, and not to the *end*.—I was averse, therefore, to brand with the odious appellation of *conclave*, an assemblage of men who had before borne testimony of their attachment, to the freedom and independence of their country; nor could

the detestable designation of *conspirators* receive my approbation, while its objects were masked with the possibility of an honorable motive— But when I behold an attempt to *impose* upon the people, to *pervert* their honest confidence, and, *under a general expression*, to introduce a *particular evil*, (an artifice as ancient as tyranny itself) I can no longer deny to truth and justice, the most decided reprobation of *so foul a breach of trust*—the panic faith, and Italian conclave, have long been proverbial for deeds of perfidy and chicane—it is a melancholy anticipation to an American citizen, that the adage of posterity may perhaps be formed from the federal convention.

The virulent dissensions which agitated that body, the concessions which were reciprocally made by the larger and the smaller states, and the errors that contaminate the projected plan of government, make, indeed, a memorable display of the prevalence of passion, and the imbecility of reason; but they convey no imputation of moral turpitude, or political finesse—Hence, Sir, in those respects, though a *Washington*, or a *Franklin*, may have erred, the lustre of their characters should suffer no diminution; for THEIR VIRTUES and not THEIR WISDOM (however pre-eminent) acquired and deserved the love and admiration of their country. But they will do well, at this time, to consider, how far it is consistent with their reputations, to labour under the stigma of participating in the daring deception, which Mr. Martin has exposed to the indignation and detestation of the world.

In the late discussion of the proposed constitution, we now discover all the art, and all the iniquity of its advocates.—MR. W———N (that soaring CATALINE of the plot, whose machinations it will be the object of my future essays to detect) was possessed of all the information, but none of the candour which will immortalize the Delegate from Maryland.—From him, not a syllable proceeded, but with an intention to sanctify this heterogeneous offspring of petulance and compromise, *which he was expressly appointed to elucidate and explain*—His sole employment, however, was to parry the objections which the minority proposed, and, when abandoned by argument, he uniformly had recourse to the character of that *illustrious* Convention, which, he was aware, had been convulsed with faction, and disgraced with duplicity. Did he fairly point out the defects which the ingenuity of the opposition could not penetrate? No. Did he amplify the text, and develope the veil of mystery, that hangs upon each sentence of the plan? No. What then is the inference? Mr. Martin has fortunately instructed us. *Every power* delegated to the Congress must be considered as depicting the *genus* only, the *species* being left to the plastic hand of future rulers to disclose, and

every word must be considered as containing a *latent seed* to generate the noxious weeds of tyranny and oppression.

This constitution, which was fabricated by men acting in passion, and upon interested motives, (as Mr. Martin informs us) has, at different times, been called *the best form of government the world ever knew, the instrument of our political salvation, and the work of GOD*. Two of these positions are, indeed, subjects proper for investigation; but the third indicates an enthusiasm bordering upon madness, in which the silly zealot has mistaken blasphemy for praise. I shall not, however, pursue a tract which has already been beaten with all the powers of industry and eloquence: the piece has been elaborately discussed; let us turn for a moment to the actors. In doing this, I shall, for the future, employ the freedom of your press, in addressing a series of letters to *Cataline* from CICERO.

388. Pennsylvania Gazette, 30 January 1788

Oligarchy, says a Correspondent, or the domination of the Few over the Many, is evidently the desire of the Opposition in Pennsylvania. This is a sad degeneracy from a free and equal government. The same principle, pursued a little further, would lead us again under a Monarchy.

389. Pennsylvania Gazette, 30 January 1788

When Mr. Findley (the most strenuous opponent of the Constitution in the State Convention) proposed in the General Assembly, that two thirds of the Convention should be necessary to make a quorum, could any man have supposed, that he would have protested against an adoption by two entire thirds of the whole number of that Convention?—What can such conduct mean?—and when can it be expected that such objectors will be satisfied?—Never, it is to be feared, till the yoke of the Few is fixed on the necks of the Many.

390. Pennsylvania Herald, 30 January 1788

The Printer of the Pennsylvania Herald, respectfully informs his friends, that the present number will terminate his publication of that paper. The amount of the subscriptions has, for some time, been very inadequate to the expences of it; and the irregularity of payments, particularly in the country, has occasioned considerable difficulty and loss. These reasons having determined him to discontinue a laborious and unprofitable pursuit, he humbly takes his leave of the public,

presenting his sincere acknowledgments to those gentlemen who have uniformly supported him with a liberal punctuality, and unbiassed patronage—and soliciting from these subscribers who are in arrears, the immediate discharge of their respective balances.

He thinks it incumbent upon him to observe, on this occasion, that the reports circulated respecting a combination to injure and suppress the Herald, for its impartial insertion of political pieces, are, he believes, and hopes, without any just foundation. During the last six months, indeed, near a hundred subscribers have withdrawn their names; but he never asked, nor did any of those persons assign a reason for their desertion of the paper. If the motives were such as have been represented by the different writers who have taken notice of the subject, he is sorry that the studied impartiality of his publications should have been so obnoxious to a party, and laments that any citizen should be found so ignorant of the real nature of the freedom of the Press.

If the utility of the PRICES CURRENT, which has been universally acknowledged, should dispose the mercantile gentlemen of this city, to encourage its continuance, the Printer will cheerfully undertake, at the instance of a hundred subscribers, to furnish one Price Current in each week, for the annual sum of Fifteen Shillings. Having declined the publication of the Herald, he will be enabled to pay the greater attention to the accuracy of this article, and to every other department of the PRINTING BUSINESS, in which he offers his services to the public.

As Mr. William Spotswood has determined to discontinue printing the Pennsylvania Herald, Mathew Carey, the original proprietor and conductor of it, respectfully informs the subscriber, and the public in general, that he will resume the publication thereof, as soon as he shall have made the necessary arrangements, which will be in the course of a few days. It shall be published three times a week, at *1l. 2s. 6d.* per annum. He hopes its present patrons will not withdraw their support, until they examine how far it may be worthy of their future favour.

391. Pennsylvania Packet, 30 January 1788¹

*On Monday next, February 4th, 1788, will be Published,
on an entire new American Type and good Paper,*

(Price 11s3 in boards)

*The FIRST VOLUME of the
Debates of the Convention
Of the STATE of PENNSYLVANIA.*

On the CONSTITUTION proposed for the
GOVERNMENT of the UNITED STATES.

Taken accurately in Short hand by THOMAS LLOYD.

Containing—The Speeches of Thomas M’Kean and James Wilson, esqs. In which they have *unfolded* the principles of *Free Governments*; *demonstrated* the superior advantages of *this Constitution*, and *answered every Objection* hitherto suggested.

Philadelphia, SOLD by *T. Seddon*, in Market street, and the principal Booksellers in Pennsylvania—At *New-York*, by Messrs. *Berry & Rogers*, Messrs. *S. & J. Louden*, Mr. *Hodge*—At *Baltimore*, by Mr. *Clarke*—At *Richmond*, by Mr. *A. Davis*, and by the principal Booksellers in the United States.

*Subscribers to the Debates of the General Assembly will be furnished with one Copy each, on application to the Editor, for 3s9, He is happy to embrace this Opportunity of returning the Patrons of that undertaking his most grateful acknowledgements.

January 29

1. This advertisement was reprinted in the *Packet* on 5, 7, and 16 February; and in the *Pennsylvania Journal* on 2 and 9 February.

392. Massachusetts Centinel, 30 January 1788

Extract of a letter from a gentleman of eminence, in the city of Philadelphia, to a gentleman in this town, dated Jan 14, 1788.

“You will, no doubt, see by the papers, that our anti-federalists—from the despair which their weakness has thrown them into, like an expiring taper, are making another struggle in order to disaffect the people of the United States against the new Constitution. Under the mock appearance of extracts from a Carlisle paper, Judge B. has given the publick a long account of the *distraction* which prevails in that place: But on the authority of a Rev. Clergyman from that country, I assure you, that it was a mere *fracas*, similar to which have happened there, ever since the Constitution of this State was adopted—between the Republicans and Constitutionals—I do not know what to compare them to better than your Pope-mobs before the revolution.”

393. “G. R.”

Philadelphia Independent Gazetteer, 31 January 1788

Mr. OSWALD, Wednesday, January 23, I had the pleasure of reading in your *impartial Chronicle*, the 12th No. of *Centinel* (for I own I am pleased with the productions of that *daring* writer) from which I learned, that

the “*faithful representation*” of the debates in convention is suppressed, and cannot be given in course by the editor of the Pennsylvania Herald as was expected: but, as I am fond of these kinds of productions, and the next paragraph informed me, that “the whole of the debates were taken down in short hand by another person, and *published*, I determined to procure the work notwithstanding the insinuation of its being a “*spurious production*,” hoping to be able to gain some information out of it. I have inquired after it every day since, but could learn nothing of it until this morning, when I observed an advertisement in the Pennsylvania Packet, promising the 1st volume of a work of this kind on Monday next.

Is it possible, thinks I, that our friend the *Centinel*, would have been so censorious in his criticism on a work that has not yet been seen? I expected that his 12th No. would have been rectified by an errata; expecting this, I was surprised to find in his 13th No. published in your paper to day these words, “The arguments of a *Findley*, a *Whitehill*, and a *Smilie*, that *bright CONSTELLATION of patriots!!!* are suppressed^(a) and a *spurious publication* substituted.”

Do, Mr. Oswald, speak to the gentleman who writes under that signature next Friday or Tuesday (I name those days to avoid giving you trouble, because I apprehend he is at your office on them, as I observe the *Centinels* are published on market days, perhaps in order that they may have a better chance of being disseminated through the country) do speak to him sir, and desire him to be more cautious lest he injures the cause of *that liberty* in which he *volunteers*, for if he can *thus censure a work before it is written*^(b), the public will be apt to infer that there is a possibility he *censured the constitution* before he *read it*, and *traduced its framers* without *any knowledge* of either their *persons* or *characters*.

January 30, 1788.

(a) *I suspect the Printer omitted the notes of admiration.*

(b) *I called on the gentleman who publishes these debates to endeavor to get a volume if possible—but he told me that he had not yet finished writing out the speeches.*

394. Philo Centinel

Philadelphia Independent Gazetteer, 31 January 1788¹

MR. OSWALD, A Person under the signature of M. has stood forth, asserting that the charge brought by Centinel against the Postmaster-General or some of his Officers, was false. This writer must have a strange opinion of the citizens of Philadelphia, if he thinks his bare denial of the charge will satisfy them. Is it not well known, that for

some weeks past, almost all the newspapers were stopped or destroyed, either by the post-rider, or by the officers of the post office? Certainly. I appeal to every printer in this city for the truth of this assertion. Nay, I would ask M. if he were not certain that his vindication was nothing but an unsupported assertion, and contradicted by the fact. I do not wish to criminate but I really declare that, I am afraid, M. is better acquainted with this secret affair than he ought to be. I wish the influence or b—y of the *well born of New-York* have not had their *proper* effect on this *understrapper*.

It is with pleasure I hear, that this scheme of stopping the *free* circulation of the newspapers never originated in Philadelphia; but on the contrary, the Deputy P. Master and the other Officers in the office of this city, were uniformly opposed to such an infernal violation of the liberties of the people; and last week they forwarded the newspapers as usual: so that I hope the plot is discovered and frustrated.

1. Reprinted: Philadelphia *Freeman's Journal*, 6 February.

395. Philadelphia Independent Gazetteer, 31 January 1788

TO LUTHER MARTIN, ESQUIRE.

“In justice to your friends, let your future labours be confined to the care of *your own* reputation.”

Junius to Sir W. D.

SIR, It is difficult to determine whether your *defence*, (as it is called) of Mr. Gerry, should excite in the minds of those who esteem that gentleman—most contempt or resentment. That silly mode of apologizing in public, and thereby keeping up the ball of contention, on unimportant personal questions, is truly pitiable; while, to torture a character under the mask of friendship, is a refinement upon Jesuitism.—I know Mr. Gerry, Sir, I know him personally, and I know him to be a sensible, modest, polite, and discreet man:—And, Sir, whatever weight you may think belongs to your reputation for veracity, I will not without better authority, believe him capable of such indecent language as in your great *friendship* you impute to him.

You have, Sir, grossly traduced my friend, by telling us that he called the federal convention *a set of jockies*, that they wished to get *a halter* round the necks of the people, that the proposed constitution was like Pope's picture of *vice*, and that he should consider himself a *traitor* if he did not then and always oppose it.

Now, Sir, read Mr. Gerry's sentiments in his own words, and if you think your feelings wounded on the score of veracity, remember the alternative before you wince. *Either you or Mr. Gerry have attempted to*

impose false sentiments on your country. He says, "As the welfare of the union requires a better constitution than the confederation, *I shall think it my duty* as a citizen of Massachusetts to support that which shall be finally adopted."

This, Sir, is Mr. Gerry's language, the language of an honest man, who, though he cannot applaud the constitution, as it stands, will not (like Mr. Martin) presume to oppose his own sentiments against the voice of the people, nor (as you assert) indecently call every man a *designing jockey* who may disagree with him in opinion.—If *friendship* were to be disgraced into such a quality of the heart as you appear to possess, it were to be hoped for the sake of Mr. Gerry's reputation that he had *but one friend in the world.*

396. Census

Pennsylvania Mercury, 31 January 1788

Mr. HUMPHREYS, In the Freeman's Journal of this day I observe a piece signed "*A Foe to scribbling Dunces and Pseudo-Patriots*" (long enough to be sure!) attempting to answer a piece in your paper of last Thursday, signed "*A Real Patriot.*"—I now call upon the author of that piece to declare to the public, if both the writers of Centinel and Philadelphien-sis are not hirelings, who do dirty work for their masters; for it is very well known that the *scribbler* of Centinel is *un pauvre* super-annuated judge—the "*duncified*" author of Philadelphien-sis, Philo-Centinel, &c. is known to be a certain *almanac maker* in the University, who dare not write in any other manner than directed by his master, for fear of losing his place. If this person would take more pains in teaching the boys put under his care than he does, and not scribble so largely, it would be much better for his credit.

Such, Mr. Printer, are the boasted friends of liberty; men, who, in the time of danger, skulked behind the shelter of office—or who have arrived in this country since the peace—perhaps (if the poor fellow had abilities) agent from the British to sow discord in these United States—his fine abilities in abuse and lying may be seen in all his publications, If he is an honest man let him prove how £2000 is employed in bribing printers, post-masters, &c.—These gentlemen are much obliged to him for his good opinion of them—but, unless he proves it, he must be acknowledged, even by *his friends*, to be an unprincipled *liar.*

Your's, &c.
CENSUS.

Jan. 30.

**397. The Federalists of Pennsylvania
Philadelphia Independent Gazetteer, 1 February 1788**

To our Fellow-Citizens throughout the Union.

We observe the writer of the Centinel appears to consider the feelings, which we shew at the appellation of CONSPIRATORS, as symptoms of guilt and apprehension. From our knowledge of the man and his writings we are satisfied, that he should entertain any opinions of us provided they are not favorable, for we should really suspect ourselves of some capital errors, if he thought as we do. There is a feeling that often possesses the bosome of an upright man when he is unjustly and wantonly accused, to which we presume the Centinel is so much a stranger that he must ever mistake the appearance of it. Tis *honest indignation* that we mean. With respect to his violent charges of conspiracy and atrocious crimes, we are well pleased that he should continue to deal them out, and that unsparingly. We know it has hurt his cause. It cannot injure us. Our fellow citizens of America are too well acquainted with men and things to be led away by these high sounding peals. You will duly consider circumstances, and will determine what must be *his* views, who thus addresses you. We would ask the Centinel how it happens, that after all the proofs of CONSPIRACY, DANGER TO LIBERTY, &c. which he says he has given no member of the majorities of the federal or state conventions, no member of the convention of Jersey, or Delaware, has been roused from his mistake. Are they all yet deceived, or is there not *one* firm and virtuous man to save those states. He talks of our having shackled the presses in Philadelphia, when at the same time he absurdly tells the world our numbers are very small. He speaks much of the liberty of the press, and yet attempts to interfere with the liberty of *speaking* and *voting* in lawful public assemblies. Indeed these inconsistencies are too striking to deceive the enlightened citizens of America. Too well you know *the fell spirit of party* that has raged for years in this state. You must necessarily ascribe such wild unfounded assertions to that *baneful cause*, and truly will you do so. Far be it from us to assert that the constitutional party is all antifederal. No, many, very many indeed, nobly despising former distinctions, have embraced federalism and their late enemies, and now form *a virtuous and powerful support* to our cause. Blessed be GOD that in this time such *illustrious* proofs of *magnanimity* have been exhibited, and would that it could extend to the whole, that we might all join in the bands of *confidence and friendship*. But if it cannot be so, let those who oppose the federal constitution, proceed in their own way. Let them attempt to strip us of even *the humblest* virtues, and to brand us with the most execrable charges. We

shall feel ourselves raised above their impotent censures by the purest intentions, and a cause and associates of which we need not be ashamed. We cheerfully submit our conduct to the legislature now about to meet, who can impeach such of us, as holding public offices, are liable to impeachment. We as cheerfully subject ourselves to the ordinary courts of law, where virtuous and independent grand juries in every county of the state will sit on oath with open and innumerable acts of ours on which to found indictments. We call upon those boasting friends of their country—THE CENTINELS AND PHILADELPHIENSIS, to come forward and do that country justice in her lawful courts.

398. The Almanac-Maker

Pennsylvania Mercury, 2 February 1788

MR. HUMPHREYS,

SIR, You will shew your impartiality by letting the following have a place in you[r] next paper, and oblige your's, &c.

To CENSUS.

SIR, Although you have mistaken the Almanac-maker for the author of *Philo-Centinel*, a *Foe to scribbling Dunces*, &c. which Mr. —— politely acknowledges; yet you may rest assured, that he is not a friend to the new constitution, so far as respects the *President-general* having so much power: That he conceives the number of representatives ought to be increased at least to 400, and that of the senators to 200, and elected annually: And that a *declaration of rights* ought to form a part of the constitution, before the liberties of the people can be properly secured. And thus, Sir, notwithstanding you have missed the mark, in one sense, and asserted falshood, yet you are right in another: So that you may safely add to the number of enemies to the proposed plan of government, THE ALMANAC-MAKER.

P. S. The scurrilous part of Census, he treats with contempt.

Jan. 31st.

399. Peep, Junior

Philadelphia Independent Gazetteer, 5 February 1788

MR. OSWALD, In your paper of this day, a correspondent of yours signed G. R. affects to talk as if *Centinel* had judged prematurely of the debates of the Convention, published by Thomas Lloyd. I don't suppose *Centinel* will take notice of this your correspondent, but I would inform Mr. G. R. that to my knowledge this opinion of his, is entirely wrong, as I know that *Centinel* has the *best intelligence*, that he has the

whole history of the writing, manufacturing, fabricating, dressing, transcribing, printing, moulding, coining and casting anew, and reprinting of this spurious work—all which, I am told, *Centinel* means, in due season, to lay before the public; together with the names of the characters employed in this business.

It is my opinion though, that most in this city who have had any acquaintance with Mr. Short-hand's debates of the assembly, will require no proof, to what has been advanced concerning his debates of the Convention. Mr. Lloyd's character in this respect is too well established to need any farther illustration.

None I believe, of any party, consider this man in any other light, than as a necessary party implement. As to abilities *he can write short-hand*, and can make shift in *his own language*, to take down *the ideas of others*; which are afterwards altered, dressed or undressed by, and at the pleasure of his benefactors.

January 31st, 1788.

400. Pennsylvania Mercury, 5 February 1788

One of the antifederal committee of false representation, in Bailey's paper last Wednesday, says, that "the phrase *mother country* was introduced" in a paragraph, in this paper, the Thursday preceding. Hence he would insinuate, that the friends to the new constitution had attachments in favor of the British king. Truly, says a correspondent, I have read the Mercury of that day from the beginning to the end, advertisements included, and have not been able to find the words *mother country* in any part of it. I will not, continues our correspondent, admit that the expression is improper; it has been used by the most patriotic writers, even since the peace of 1783. But as it is not to be found in the paper alluded to, I thought it necessary thus to notice it, to show that *truth* and *antifederalism* are not in alliance.

401. A Real Patriot II

Pennsylvania Mercury, 5 February 1788

Mr. HUMPHREYS, The people of America have, by woful experience, found both extremes in government to be equally inconsistent with the genuine spirit of liberty. They have groaned under the despotic sway of Britain.—They have found their existence, as a nation, upon the very brink of annihilation; owing to the weakness of the present confederacy, which has thrown open the floodgates of licentiousness, and of all its concomitant evils. To a people who have thus experienced the misfortunes which flow from despotism on the one hand, and from

licentiousness on the other; the new federal constitution is proposed, as a happy mean between these accursed extremes, which may, justly, be called the *Scylla* and *Charybdis* of government.

The illustrious patriots who framed this constitution, however candid they may be as individuals, assembled with all the narrow prejudices, and local interests, of their different states; nor were they unanimous in any thing, except, that the necessity of a firm federal government, and the impossibility of patching up the articles of confederation, were allowed by all of them.—

Mr. Martin, of whom I shall take particular notice, upon a future occasion, in his very unfair and partial narrative of their proceedings, informs us, that various forms of government were proposed, and that the diversity of sentiments, which prevailed among them, was very great—certain it is, that, in publishing this piece of intelligence, Mr. Martin has, *unintentionally*, befriended the federal cause; and to those who would risk the salvation of our country, in calling another convention, previous to the ratification of the proposed plan, he, here, furnishes an useful lesson.

The people of America delegated to that important trust, men whose patriotism, integrity, and wisdom, had undergone the strictest scrutiny; men whose characters (Mr. Martin's excepted) are truly respectable; and the result has justified their choice. Had they appointed men of a different stamp, who would have been either weak, or wicked, enough, to persevere in their selfish opinions, the convention must have been dissolved, without effecting the object of their mission; and, it is more than probable, that the United States would now exhibit a scene of carnage and bloodshed, never before equalled in any part of the world; and, that the dastardly souls of *Centinel*, and his *moonstruck* colleague, *Philadelphiensis*, would be completely gratified, without giving them the trouble to scribble so many base untruths as they have done, to bring about an event which, *to them*, appears so desirable.

The melancholy consequences of a disunion of the states, appeared, in their true light, to the members of the late convention; and, upon this principle alone, can we account for the spirit of accommodation and unanimity, which, finally, triumphed over their narrow prejudices and local attachments, and gave birth to the proposed plan of government.

This constitution, Sir, is not supposed, by any person, to be a perfect and faultless form of government; not even the framers of it have arrogance enough to think so; but, in the words of the immortal WASHINGTON, it is, "*the best that can be obtained at this time*"—It is a firm and permanent basis, upon which the voice of the people will, from time

to time, establish that form of government, which shall be most congenial to their wishes. That important part of the constitution, which provides for its future amendment, if it were properly considered, would, in my opinion, silence many of its enemies—this has been fully and ably handled by *Conciliator* in the Independent Gazetteer.

I have read, with indignation, the scurrilous epithets bestowed upon a worthy gentleman in this city, by our modern *Sempronius*, in his 13th number. Whether the gentleman alluded to, be the author of *Conciliator* or not, is foreign to my purpose to enquire; but, certainly, his remarks are well worth the perusal of every honest American. *Centinel* affects to misunderstand *Conciliator*'s meaning, and pretends, that we cannot rely upon any amendments which may be made in the constitution after its adoption; for that they may, like common legislative acts, be again repealed. Does *Centinel* think any man in America so completely ignorant, as to be duped by such *gross untruths* and *glaring absurdities*, as he has used, from time to time, in discussing this subject? If he does, I am apt to think, that he will find himself much mistaken—Americans are, in general, much more enlightened than he seems to be aware of; and will never mistake scurrility and defamation for argument, nor false assertions for facts—nay more, they do not often mistake *tories* for *whigs*.

402. Carlisle Gazette, 6 February 1788

Extract of a letter from a gentleman in the mercantile line in Philadelphia, to his correspondent in Carlisle, dated January 29th, 1788.

“From the circumstances which appeared in your Gazette of the 1st of this inst. I was extremely anxious to learn the issue of it—and consequently procured your papers to the 23d—I find on perusing of them, that they are replete with nonsense, scandal, and abuse—and altho' I am distant from your sphere of politics, I should readily conclude that much falshood is contained in them—how comes it, that you, who are so remote from the seats of trade and as it were confined within yourselves, should create so much contention and variance, so as to preclude that unanimity and order, which ought to subsist among people, thus circumscribed—situated as you are, your subsistence, nay existence must depend on each other, the merchant and mechanic on the farmers, and vice versa, and considering the precarious and doubtful situation of all, or either, concord ought to be now preferable among you than discord—The people of your county appear to me to incline rather to obstinacy than to candour, truth or reason. They must either be blindly led, or infatuated by something I know not what.

“It is insinuated in your Gazette of the 23d. instant, that we have not been visited by our correspondent at Carlisle, for these nine months, nay two years past, now although it is opposite to my interest, I should think it rather a commendation than a reflection; for, who in his senses would risk much property in the precarious profession of a public or private merchant at this crisis. I would rather advise those with whom I have transactions with to retire from business, and wait for the establishment of a government which has every probable feature of energy and force, and would cheerfully acquiesce to remit interest on all my debts, until it may be established.—It is presumed here that it must be known among you, from whence the insinuation above alluded to, had its origin. In the first place it would be adviseable for the country to beware of swallowing it too greedily, and 2dly. prudent for us to be aware of those, who could be capable of breathing it.

“It is certain that those gentlemen who are possessed of real property are cautious, but those who have none, are using every artifice to obtain credit from us.

“What will your contention avail; will they influence the other states to adopt or reject the new government? Certainly they will not. Are you not shamefully exposing yourselves, being as I am informed generally of one denomination, and worship in the same church.

“In conversation lately with an officer of the late army (which by the bye have given us this opportunity of contending about a government,) he made the following judicious observation, he conceived that we are in the same situation as to the establishment of this government, as the army were in the first stage of the late war—every leader had a different mode of enforcing discipline and establishing order, untill a respectable character arrived, and was commissioned to systemise the army—then all was order.—Witness, says he, the capture which gave independence to America—from thence he declared that as the constitution appeared to be the most perfect, and production of system, method and energy—he would favour it with as much willingness as he had served in the army.

“I must confess sir, that I receive in a greater degree than is to be imagined, the conduct even at this time of the class of men, who sacrificed so much for us—Where do you find any among them that have entered into the government lists, either of contention, or opposition, not one; and is it not remarkable that notwithstanding a few years only have elapsed, since they possessed that military ardour and temper peculiar to their profession, they are now distinguishable for their moderation, and disinterestedness, and yet decided favourers of a system,

which they are convinced will give strength and consequence to a nation, reared as it were by their bravery and perseverance—ought not therefore those presumptuous patriots, and deluded and pretended guardians of liberty, blush at this incontestable and well grounded fact.”

403. Carlisle Gazette, 6 February 1788

Messieurs KLINE & REYNOLDS.

Please to insert the inclosed in your Gazette, and oblige yours, &c.
From a Society in Philadelphia, to a Society in East-pennsbro' Cumberland County.

Philadelphia, 11th January, 1788.

Gentlemen, By reading the Carlisle paper we were happy to find that the “patriotic fire was again rekindled” in Cumberland county: & our spirited address to the minority of the late state convention, meets the approbation of all the democratical people in this county; and we are in hopes you will keep up the spirit of meeting in societies to consult for your public good, and to devise on ways and means to prevent such a tyrannical government from being saddled on us as has been proposed by the national convention. We have formed a society in this city for “the express purpose” of giving all the opposition in our power—we wish also to correspond with all our friends in the different counties of this state, and likewise in other states. The opposers of it are gaining strength every day both here and in other states; we are very happy to hear that Mr. Samuel Adams of Boston is against it, and he is chosen into their state convention; he is a very popular man and hope will have great weight in that body, &c. after wishing the society success in its proceedings—With every sentiment of esteem, we subscribe ourselves the —— society of Philadelphia.

404. A Baptist

Philadelphia Freeman's Journal, 6 February 1788

In the Freeman's Journal of the 23d ult. I warned my fellow citizens of the scheme that was on foot to establish episcopacy throughout the United States; and as in England, to enforce the payment of *tythes*, or tenth part of our incomes towards its support; and I stated the evil consequences that would follow such an establishment, to all other societies; and that the proposed constitution was so formed as to allow and favor such a scheme—That we had not even the shadow of a security for the free exercise of our religious tenets. In answer to this a writer under the *feigned* signature of a *Real Baptist* comes forward in the

Freeman's Journal of last Wednesday, and after a little parade, declares there is no intention of any such thing, and supposes, his say so, will quiet the people's minds—he does not pretend to argue, but, like all the other advocates of the proposed constitution, carefully avoids it; he depends upon assertion, and says among other things, that the majority of the Baptists are in favor of the proposed constitution: in support of which he adduces a declaration of some of the Baptists at New York—but this is no evidence, as this declaration in favor of it was made immediately on the rising of the general convention, when not only the Baptists, but every body else was carried away with the magic of names; I am not ashamed to say, that I was as warm a friend to it as any, till I had time and assistance to understand it. But I am sure, at this day nine tenths of the people of Pennsylvania are opposed to it. I wonder if this flimsey *fictitious* Baptist will venture his name to his next publication, if he does, he shall have an answer with my name to it.

405. Philadelphia Freeman's Journal, 6 February 1788

To the PUBLIC.

A piece signed Alexander Patterson, in our last, closes with an ill-natured threatening "*hint*," addressed to the Printer of this paper [Francis Bailey], to which he would have replied in the same paper, had it not been for a determination which has long and invariably actuated him, *viz.* That a printer should never avail himself of his situation, as such. For this reason he deferred the following until now.

Whatever fault Mr. Patterson might discover in the *Centinel* alluded to, in regard to the censures presented to his notice, the Printer conceives himself no way responsible on any principle of the press or propriety.

As the avowed object of the Printer has ever been, uniform inflexible *impartiality*, without reference to cabals, parties or factions, or their tools, he has made a point to publish pieces put into his hands, on both sides, for the information of the public. He cares not for his enemies; and therefore treats with supreme contempt the unworthy and unprovoked reflections suggested by Mr. Patterson, his *scribe*, or his admirers.

He is not disposed to descend to the personal abuse of Mr. Patterson—nor has he any disposition to court his friendship or dread his vengeance.

406. Philadelphia Independent Gazetteer, 6 February 1788

☞ The Printer of this paper is under the necessity of acquainting his friends and the public, that, during his journey to Baltimore, a certain

Captain *Alexander Patterson*, printed a piece in his paper, containing, or supposed to contain, invectives on him and his deportment as a Printer.

Whatever fault Mr. Patterson might discover in the *Centinel* alluded to, in regard to the censures presented to his notice, the Printer conceives himself no way responsible on any principle of the press or propriety.

As the avowed object of the Printer has ever been uniform, inflexible *impartiality*, without reference to cabals, parties, factions, or their tools, he has made a point to publish pieces put into his hands, on both sides, for the information of the public. He cares not for his enemies; and therefore treats with the most sovereign contempt the unworthy and unprovoked reflections suggested by Mr. Patterson, his *scribe*, or his admirers.

Were he disposed to descend to personal abuse, with truth and justice, he could describe Mr. *Patterson's* public conduct in the blackest colours. But scorning satisfaction in this way, Mr. Patterson may in turn take *the hint*, and whether he is here or in the *remoter* counties, he knows the Printer of the *Gazetteer*. Satisfaction is the desire of every man who conceives himself injured, and if *Captain Alexander Patterson* be either a *soldier* or a *gentleman*, the Printer of the independent *Gazetteer*, will, no doubt, hear from him again—but not through the channel of a newspaper. “*A wink is as good as a nod to a blind horse.*”

407. A Traveller

York Pennsylvania Chronicle, 6 February 1788

An Account of the Philadelphia LYING SOCIETY.

During a short visit I lately paid to Philadelphia, I was frequently invited to join several of the societies lately instituted in the city, but constantly declined that honor. The name of the *lying society* at last struck my attention, and curiosity led me to propose myself as a member of it. Previous to my admission, I requested the liberty of being present at the proceeding of one of their meetings. It was held in a small room in Arch-street, papered with *centinels*, *old whigs*—and the *protest of the minority of the convention* of Pennsylvania such as an animal with nineteen heads to denote the executive council—a balloon to denote the single legislature—and a well dressed man sipping whisky toddy out of a small bowl with a weelbarrow man, to denote the election of majestates by the people, at seven o'clock the president (an old man with a red cloke) took the chair, and the secretary read in *broken* English the proceedings of the last evening—After this a member rose and read a list of paragraphs which after some debate were transcribed, and orderd to be published,

The following is an exact copy of them.

We hear that the Hon. John Jay Esq. has openly declared the new constitution a *gilded trap*, and that is daily becoming more and more unpopular in the city of New York,

Accounts from North-Carolina leave us no reason to doubt of the rejection of the new government by a very great majority of that state.

We hear that 26 of the members of the convention of Pennsylvania, who signed the ratification of the federal constitution, are now using their influence to bring about a second convention; and that five others of the majority have lately hanged themselves.

It is said General Washington has lately become melancholy. The cause of it owing to his deep distress for having signed the new constitution.

We hear that George Mason was carried home in triumph from Alexandria, upon the shoulders of six respectable citizens, upon his return from attending the convention in Philadelphia, and that he is now preferred as a first toast to General Washington at all the fashionable tables in Virginia.

As soon as these paragraphs were read, a member rose and read the following list of words and epithets, from which the authors of publications against the new constitution were desired to select such as suited their purpose. The list was as follows *Conspirators—Conclave—Well-born—Erms—Revenge—Blood—Despots—Domination—Death—and Damnation.*—The sound of the last of these words affected and disgusted me so much, that I took up my hat and left the room before the adjournment of the meeting.

I shall only add that the society at present consists of but eleven members, viz, a Judge—a Parson—a Lawyer—two cashiered Militia Officers—two public defaulters—and three pardoned wheel-barrow men.

408. A Pennsylvanian I

Pennsylvania Gazette, 6 February 1788

TO THE PEOPLE OF THE UNITED STATES.

Friends and Countrymen, The dissent of the Minority of the Pennsylvania Convention may be considered, without impropriety, as an address to your feelings and understandings, as well as to those of their immediate constituents. I trust, therefore, you will think me excusable in claiming your attention to an explanation of our affairs in this state, and to a few strictures on that publication, which, from my respect to you, and to those gentlemen, as well as from my concern for the all important question before us, I shall render as decent and rational as may be in my power.

There are few topics of any magnitude, which do not require some previous explanations to render them more perfectly and easily understood. Tho' the discussions of the foederal constitution which have already taken place obviate the necessity of preparatory observations on that subject, yet a fair and decent explanation of some other matters will probably have its use. It is my intention to develope, as far as I am able, *the principles and grounds of the opposition in Pennsylvania*, not with a view to offend, but in order that you may judge, how far it arises from reasonable objections to the proposed constitution, and how far it is created by other causes. If I am obliged to touch on any tender parts of our state system, it shall be my study to do it with a delicate hand and becoming temper, though, from my duty to you, I will endeavour to perform the task with firmness and fidelity.

It will be necessary to inform you that the nineteen members of our last General Assembly, who dissented from the vote for calling a Convention, and who finally seceded from the House, were *all* of what is here called *the Constitutional Party*, or supporters of the present constitution of this state, some principles and articles of which I shall hereafter take occasion to explain. The sixteen gentlemen, who signed the seceding address, were a part of those nineteen, and of course *all* in the same political interest in our state affairs. The twenty-three members, who composed the Minority of the State Convention, were all likewise of the same party, and some of them were among the nineteen seceders. In neither case was there *a single person* of any *other* political connexion. I must observe however, and with particular satisfaction I do so, that the Majority both in the last and present Assembly, and in the State Convention, as also our Deputation to the Foederal Convention, contained some decided friends of our state constitution. I rejoice in this opportunity of paying a just tribute to the virtue and patriotism of those gentlemen, who, impelled by their sense of duty, have calmly separated from their late friends, and magnanimously supported their former opponents in a measure which they conceived essential to the public happiness. I must add farther, that instances of this disinterested conduct have been very frequent among those members of that party, who have never aimed at the powers, honors or profits of office. Great numbers of valuable men, of this description, have exhibited similar proofs of their despising the distinctions of party, when put in competition with so important a matter as the proposed Constitution.

Further proofs of the influence of our state politics will be found in the address of the minority of the Convention. Those gentlemen suggest the probability of its originally being intended as a plan for altering the constitution of the state, which you well know was not the case; and

they afterwards declare that six of our Deputies (the whole number being eight) *were uniform and decided opponents to the Constitution of this commonwealth.*"

You well know, my countrymen, the unhappy and baneful party contentions which have distracted Pennsylvania. From your own observations and the history of mankind you have been taught, how frequently *the mad'ning jealousy of partizans* has blinded the eyes of the best intentioned men, and marr'd the most salutary plans. In this state, and on this great occasion, we are called to witness the effects of this unhappy spirit. You are not, however, to credit this on my bare assertion. Many of you already know it, and I have adduced the proof of facts to shew you, that tho' all the members of the party did not join the opposition, either in the Legislature or the Convention, yet that the minority of both bodies are *all* constitutionalists, unmixed with any other of the various descriptions of people which compose the state.

Let me entreat then, *by the love you bear our common country*, that you receive with caution the measures and addresses of an opposition, in which deep rooted personal enmities, considerations surely foreign to the subject, bear so large a share. In my next paper I shall endeavour candidly to lay before you some of the qualities of that state constitution, to which the minority of our Convention are confessedly attached, in order that you may judge for yourselves how far you are likely to concur with them in any plan of federal government. My object is *neither to offend or censure the opposition in Pennsylvania*, but to enable you to determine whether another Convention, or any thing less than a total alteration of your most established opinions on government, could unite you in sentiment with them.

409. One of the People

Philadelphia Independent Gazetteer, 7 February 1788

Mr. OSWALD, As you may perhaps have heard of an affray which happened in this town [Carlisle], I send you the particulars:—On Wednesday the 26th of December last, a number of persons here, much in love with the new constitution, formed a plan of rejoicing on account of its adoption by this state; they kept their purpose a profound secret from the rest of the inhabitants (who they knew were of a different opinion) until near night, at which time a cannon was brought from the public magazine, placed in the centre of the square, a drum beat and the bell rung; this collected a vast concourse of people, and a report having been propagated that whoever did not illuminate their windows would have them broke in pieces. This alarmed the people

very much, who asked the rejoicers what they intended, and why they placed a cannon there at that time; they answered, it was to express their approbation of the adoption of the federal constitution; they were then asked why they attempted to do so without calling a town meeting, to take the sense of the people on the subject. They replied that such as did not like it might let it alone—that they were determined, in spite of all opposition, to fire that cannon, and swearing most tremendously, if they would not clear the way, they would fire it through their bodies. A smart altercation now took place between both parties, when a number of barrels which had been piled for the bonfire, was thrown down; this provoked some of the most violent of the rejoicers to lay about them most unmercifully with such weapons as they were provided with, but the people defended themselves so well, and aimed their blows so successfully, that it soon converted the intended joy into mourning—the most forward of the rejoicing party was either carried off, or run with the greatest precipitation, not caring longer to face the hardy cuffs of their enraged opponents, who they knew would pay no respect to their rank, nor make any allowance for their delicate constitutions; I assure you it was laughable to see Lawyers, Doctors, Colonels, Captains, &c. &c. leave the scene of their rejoicing in such haste, and run some one way and some another, so that in about three minutes from the first commence of the battle, there was not one of the rejoicing party to be seen on the ground, except a few who skulked in the dark, in order to collect what they could hear, with a view of appearing as evidences on a future day.

When the fray was over, the rejoicing took a new turn, the fragments of the broken barrels were collected, piled and set fire to; the new constitution was then produced and committed to the flames, by the hands of the executor of the law, amidst the loudest acclamations, then followed three cheers in honor of the dissenting minority of 23 in the state convention. Immediately after this (the people having mostly dispersed) some fellows whom the rejoicers had employed to assist them in working the cannon (but who deserted their cause when they saw them defeated) went so far as to burn the carriage and every part of the cannon-mounting that would burn, contrary to the express prohibition of such of the people as were then present, but now too few to prevent the rabble, at the head of whom was one Ryan [John Rinn], a late wheelbarrow convict, whom the rejoicers had employed to work the cannon for them, he swore (when desired to desist and not destroy the carriage) that first he would burn one side of the cannon, and then turn it like a po-ta-tee for he was captain now.

Next day at noon the rejoicers collected a number of men with fire arms and ammunition, in order (as they expressed it) to rejoice at the risque of their lives, they fired a few rounds, but on hearing the people's drum beat to arms, they dispersed, appointing to meet at two o'clock, to finish their rejoicings, this however they prudently declined; now in their turn the people met, and having dressed up the effigies of two of the most noted partizans and promoters of the new constitution, after carrying them in procession through the principal streets of the town, to the funeral pile which was burning in the square for their reception, committed them to the flames with an indignation suitable to the opinion they entertained of men who could endeavor to undermine the liberties of their country. From the first appearance of the effigies the dead bell tolled until they were totally consumed to ashes, this ended the exercises of the day; however the lawyers are like to make something by the matter, the rejoicers swear they will be avenged, they have summoned a long train of evidences, before a Justice whom they think favors their party, and are endeavouring to injure a number of respectable characters among the people; who in their turn have it amply in their power to retalliate but will only act agreeably to the laws of their country, the nod of the great, not being yet the supreme law of the land.

Carlisle, Jan. 1, 1788.

410. *Pennsylvania Mercury*, 7 February 1788¹

This Day is Published,
on an entire new American Type and good Paper,
(Price 11s 3d in boards)
The FIRST VOLUME of the
Debates of the Convention
Of the STATE of PENNSYLVANIA,
On the CONSTITUTION proposed for the GOVERNMENT
of the UNITED STATES.
Taken accurately in Short hand by THOMAS LLOYD,
Containing—

The Speeches of Thomas M'Kean and James Wilson, Esqrs.

In which they have *unfolded* the principles of *Free Governments*, *demonstrated* the superior advantages of *this Constitution*, and *answered every Objection* hitherto suggested.

Philadelphia, SOLD by T. SEDDON, in Market-street, and the principal booksellers in Pennsylvania—At New-York, by Messrs. BERRY and ROGERS, Messrs. S. and J. LOUDON, Mr. HODGE—At Baltimore, by

Mr. CLARKE—At Richmond, by Mr. A. DAVIS, and by the principal booksellers in the United States.

*Subscribers to the Debates of the General Assembly will be furnished with one copy each, on application to the Editor, for 3s. 9d. He is happy to embrace this opportunity of returning the patrons of that undertaking his most grateful acknowledgments.

February 6, 1788.

1. Reprinted in the *Mercury* on 12 February. Variants of this advertisement were also published in the *Pennsylvania Gazette* and *Lancaster Zeitung* on 20 February.

411. Another honest American

Philadelphia Independent Gazetteer, 8 February 1788

Mr. OSWALD, You will recollect that a writer in your paper, some short time ago, under the signature of *Conciliator*, undertook the cause of the new constitution; and that he was replied to by *An honest American*, who, among other objections to this frame of government, complained that it did not sufficiently secure to the people the essential right of due information, with respect to the proceedings of their delegates in Congress; since the only security they had for this was contained in that vague and indeterminate expression in the 1st article, viz. "Each house shall keep a journal of its proceedings, and *from time to time* publish the same, excepting such parts as may in their judgment require secrecy." This objection of the *Honest American*, *Conciliator* treated with seeming contempt; "it is," says he, "below the dignity of your criticism; these words are no more than the common phraseology of all public acts." When I read this, being possessed with the notion that *Conciliator* must be a much greater man than his antagonist (for he tells us, in another place, that he had read the celebrated de Montesquieu's *Spirit of Laws* in the original French, and insinuates that the other could only read it in an English translation) I was satisfied that the matter must be as he had represented it. I did not perfectly like, it is true, that our right to this necessary information should rest on so vague an expression—*from time to time*—but if this was the common phraseology of all public acts, on such occasions, I had no more to say.

I had not, at that time, in my possession, but have since procured, a copy of the different state-constitutions, and articles of confederation; and have carefully perused these, with a particular view to the above point: but far from what I had reason to expect, from *Conciliator's* assertion, have found no such expression in any one of them relating to that matter.

In the constitution of New-Hampshire it is thus expressed: "The journals of the proceedings of both houses of the General Court, shall

be printed and published, *immediately* after every adjournment, or prorogation.”—In that of Pennsylvania, thus: “The votes and proceedings of the General Assembly shall be printed *weekly* during their sitting.”—In the constitution of South-Carolina it is declared, that “the journals of the proceedings of both houses of the General Assembly shall be printed and made public, *immediately* after their adjournment.” And in the articles of confederation it is declared, that Congress “shall publish the journals of their proceedings *monthly*, except such parts thereof, relating to treaties, alliances or military operations, as in their judgment require secrecy.” And yet, sir, with all these examples before their eyes, the late General Convention have artfully evaded giving any explicit declaration on this interesting point.

The people may, for any thing in the constitution to the contrary, be kept in the most profound ignorance with respect to the conduct of their representatives in Congress. Of what advantage then will their biennial elections be? How shall they know whether it may be proper to continue, or change their former representatives? I confess to you, sir, that when I compare this clause in the constitution with the general complexion of the whole, and with the spirit and conduct of its advocates, it appears to me in a very serious point of view. I hope therefore, that your correspondent will condescend to reconsider this matter. It is his duty, as a Conciliator, to take some pains to remove even groundless apprehensions, especially when they proceed from what he himself must acknowledge to be a noble principle, at least it was thought such ten years ago—an ardent love of liberty, and detestation of slavery!

412. “G. R.”

Philadelphia Independent Gazetteer, 8 February 1788

MR. OSWALD, I see a piece signed Peep, junior, in your paper of this day, published at the foot of the Centinel—Pray did Centinel employ this common liar^(a) to tell the world what Centinel could have best assured us of himself. If Centinel possesses the intelligence ascribed to him, he will no doubt give it to us in due season; but any thing offered by such a miscreant as Peep, junior, ought to be suspected—

“Whip me such knaves.”

Philadelphia, January 5, 1788.

(a) *This my fellow citizens is the wretch who told you, (in the Gazetteer, No. 651) that a meeting at W. Epple’s agreed to raise 2000 l. and subscribed 131 l. on the spot.*

413. John Craighead to John Nicholson
Rocky Spring, Pa., 9 February 1788¹

Gratefully acknowledge your many favours. Particularly tha[n]k you for the copy of the View of the proposed constitution, which you sent me inclosed soon after it was printed. And your friendly letter by Majr. M'Calmont. & feel myself much obliged by the care you took to transact the business I troubled you with relative to my Nephew's land.

Cannot see how my being in favour of, or opposed to, the proposed constitution should affect my character, unless as a Patriot, for I am no politician. But being persuaded of your sincere friendship, shall give you all ye satisfaction in my power.—You have been wrong informed, Sir, when told that I was a great advocate for the proposed continental government. This I could not be unless in the *first particular*, because I understand so little about civil governmt. Have never been strenuous on either side. But in the present case have been more undecided, than in any other, that I was called to judge in, since the revolution.

Must acknowledge that after having read all that I could see, both for & against the proposed plan, I know not what would be best to be done in the present crisis. I dread the rejection of it, lest another convention would propose something worse (which perhaps you think impossible) or rather, lest they should agree upon nothing at all, after the minds of many have been so much heated & agitated. & am not without my fears of it's adoption without amendments. Think the greatest difficulty arises from the conduct of the federal convention, after the constitution was framed. Had they adjourned, to meet at some proper period of time, apprehend they would have met most of the material objections, & brought the now contending parties to an amicable agreement—

You may, Sir, without hesitation contradict the report of my exhorting the people, from the pulpit, to accept the federal government. Never spoke of it in the pulpit but once, & that purely with a view to excite the people to attend the *then* ensuing election, to vote for men of approved abilities & integrity to represent them, at such a critical period. Then I had only once slightly glanced the proposed plan, by piecemeal & apprehended by the information given me, (for had not got the public Newspapers of the preceding week) that the assembly had been unanimous & regular in their procedure & happened to let slip that their conduct was laudable in doing wt. they did, designing thereby to lead the people to acquiesce in what I apprehended to be regularly done; for I am not ready to find fault with the conduct of the assembly, without apparent cause, & had not then discovered [all?] the imper-

fections in this plan which I have since seen, much less all th[ose?] alledged by some to attend it.—Sincerely des[ire?] to see it amended. if adopted, But whether it be safe [to?] attempt it now in our disunited, mouldering state or immediately or as soon as possible after adoption of the general plan, in the mode pointed out by the convention, I leave to politicians to determine.

That the supreme ruler of the Universe may direct the States in general to adopt such measures as shall tend to hand down liberty civil & religious to the latest posterity, & that you & yours may partake of her blessings is the sincere desire of, Sir, Your sincere friend & huml. Servt

NB. Complimts to Mrs. Nicholson

1. RC, Nicholson Papers, Pennsylvania Historical and Museum Commission. Endorsed: "Favor[ed by?] Majr Jas. M'Calmont."

414. Alexander Fowler to John Nicholson Pittsburgh, 9 February 1788¹

I was favoured wt. yours inclosing an excellent Pamplet, for which I thank you. I have made it as publick as possible; indeed it contains many truths that ought to be written in Letters of Gold.

On the receipt of my Int. for the 1st: April which I think is about £42—you will please pay it to Mr. John Irwin, the bearer of this one of our representatives, a very honest Man, who I am convinced will neither be dazzled or betrayed by *the lustre of a Chandelier* or the *sparkling fascinating appearance of a Decanter of Madiera*. He is impowered by me to Patent Two Tracts of valuable Land, and I therefore hope you will put the Money into his hands as soon as you possibly can receive it;

The Majority of the People in this Country except in this depraved place Pittsburgh are perfectly opposed to our new consolidated Govt.—I find that dr. Rush entertained the late convention with the virtue and Patriotism of this Plan. *Hugo* and some other Petty fogger with a few discharged officers *Military*, who in all Countrys I find never fails to embrace dispotick principles, were the conductors of this business—They put *Gibson* into the Chair, and *Brackenridge* wrote the Resolve of the people of this Town and vicinity, which undoubtedly contains *some hundreds* of freeholders, and I don't apprehend there were above a *dozen* or *fifteen* at the meeting. The D. ou[gh]t to have *blushed* when he read that resolution—for wretched must the Men be indeed who can be led or even advised by so Arrant a tool as a B[rackenrid]ge—The

bigbellied Majority seem to have gained their point. They will no doubt endeavour to make this a time of *Jubilee*, of *enthusiasm*, of *political debauch*, propitious to their own views and wishes. It is evident that they do not wish we should either reason or reflect. It has been the superior wisdom & policy of this party—perhaps in imitation of all other dispotick Majorities—to precipitate the honest unsuspecting yeomanry of Penna. into a surrender of their rights, as thoughtless prodigals are often tempted to sign and seal their own ruin over night, and then awake to all the anguish of repentance in the Morning. That this will be the case with the infatuated People of Penna. I well foresee. I would have wrote you a long Letter, but I have not a scrap of more Paper.

I should be glad to hear from you frequently. Keep my Certificates. I expect to have the Pleasure of seeing you the ensuing Summer.

1. RC, Nicholson Papers, Pennsylvania Historical and Museum Commission. Endorsed: "Favoured by J Irwin Esqr." "Recd Feby 21st 1788."

415. *Pennsylvania Herald*, 9 February 1788

Few political topics have ever given rise to such a number of prolix essays, as the new constitution. Though the public appear to have made up their minds on the subject, and to be satisfied that it is hardly possible to add any new arguments to those advanced on both sides, the writers hold out as vigorously as at the outset. Publius, of New York, on Tuesday last, ushered to the public his forty-ninth essay—the Centinel fourteen—and Philadelphiensis nine: and it is not easy to guess when any of them mean to quit the stage. Cato, Brutus, Cincinnatus, &c. &c. are almost equally indefatigable and industrious.

416. *Census*

Pennsylvania Mercury, 9 February 1788

Mr. Humphreys, The *Almanac-maker*, in your paper of Saturday last, has denied his being the author of Philo-Centinel, &c.—but I believe he scarcely can think that that abominable sin of lying is the foremost to degrade a man, who undertakes to teach children—and unless he declares that he is not the author of those pieces of sedition and calumny, the public will believe that he is the writer, notwithstanding the *polite acknowledgement* of Mr. ———. The inconsistency of some people is very curious. In almost all the numbers of Philadelphiensis he is complaining what an enormous expence it will be to keep so many

officers, &c.—On Saturday last he seems to have altered his mind, and thinks the senators and representatives should be eight or nine times the number.—As to a declaration of rights, as all authority coming from the people, it is needless—The *Almanac-maker* thinks the President-general should have as little power as the President of Congress has at present—if his steward wants a little money to buy a few *matches*, there must be a resolve of Congress, recommending it to the several states to raise money for the same.—His not touching on the £2000 *bribe-money*, must convince the public that his assertion is false.

417. Philadelphiensis No. X
Pennsylvania Mercury, 9 February 1788

THE CONSPIRACY! *ho! the CONSPIRACY!!! the infernal junto! the standing army! the military King! all is ruined! lost! undone! the hellish conspirators carry all before them.* “Oh ye friends of peace!” *to arms! to arms! and prevent the adoption of the damnable plan, which, like the wooden horse at Troy long ago, is pregnant with armed men—Oh! the monarchy! Oh! the aristocracy! Curse on the villains!*

418. Detector
Philadelphia Independent Gazetteer, 11 February 1788

Mr. OSWALD, The writer of a paragraph in Mr. Bailey’s paper of the 30th ult. took notice that the phrase, *mother country* was introduced into a fulsome paragraph in Mr. Humphreys’ paper; and through inattention having mistaken Thursday for Saturday, we find him challenged as a *liar*, & a confident assertion made that no such phrase as *mother country* was ever in that paper. Now for the sake of information, and to confound this *father of liars*, I shall transcribe the sentence alluded to, verbatim, from Humphreys’ paper of Saturday, January 26th. The paragraphist after mentioning the rapid progress of the manumission of slavery, and complimenting the Quakers with a little of his *blarney*, proceeds. “These people by their love of peace have suffered much during the unhappy dissensions of the *mother country* with America.” In the beginning of the paragraph the writer mentions the Rev. Mr. Ramsey, and towards the conclusion Doct. Lettsome of London, and puts the paragraph under the London head, whereby he discovers himself to be the celebrated Doctor *Puff*. So much for detecting one lie.

Another paragraph absolutely founded in fact, that appeared in your paper and in Bailey’s some time ago, mentioning that large orders were

lately sent to Europe for *powder* and *lead*, was also contradicted in almost all the papers of this city, and asserted to be a falsehood invented by the enemies of the new constitution. But sir the thing is still true, and luckily for us among the merchants who have sent the orders there are friends of liberty. For the consolation of the sons of freedom, I mention this circumstance, that they may know the despots have not altogether monopolized these *necessary articles*.

February 9, 1788.

419. An Old American

Philadelphia Independent Gazetteer, 11 February 1788¹

Mr. OSWALD, The admirers of the new constitution are continually blazing away on the *great names* which are said to be in favor of the system; but it is hoped that the good sense of the people of these states are not to be deceived by such flimsy arguments. If *great names* were to be the test of truth, it would frequently make sad work in religion, philosophy and politics—The Divine Oracles assert that great men are not always wise, and the history of the world demonstrates, there is no perfection in human beings. What so delusive and fascinating in its nature as power? Nothing more apt to prejudice and mislead our minds, and to render our conduct and temper inconsistent. Where *ambition* may be concerned, an *Archangel* is not to be trusted.

As these premises are true, I could wish there would be no more attempts to delude the people with the authority of names; for, if the favorers of the new leviathan persist in such a mode of reasoning, it will become necessary to investigate the characters of those who are thus held up as the greatest *patriarchs*, to the admiration of the public. It has been observed too that those paragraphists do not always adhere to truth, as may be seen in some of our late prints, where it is said, that “*the same characters which took the lead in each of the states, in the struggle for liberty, in the glorious years of 1775 and 1776, now take the lead in their exertions to establish the federal government.*”

Amongst the *great names*, *Few*, *Telfair* and *Baldwin*, are mentioned as leading characters, at this early period in Georgia. Now it is well known that Mr. Few was originally a bricklayer in North-Carolina, removed to Georgia, and but lately of any consideration in public life. As to Telfair, he with Doctor Zubly and many others, was taken up and put in confinement by order of the governor of that state, in the year 1776, being deemed as inimical to the American cause. Mr. Baldwin’s political existence is of much later date—On Sunday 24th December,

1780, I happened to be at Nassau Hall, Princeton, and heard Mr. Baldwin pray and read a sermon there, for want of a parson, the Reverend Mr. S—— being at Philadelphia. At that time he was unknown in the great world, and acted as college steward. There are some others among the *great names* that have been given us, who are not to be met with in the annals of 1775 and 1776, and who have no pretensions to be considered as *leaders* at this or any other period; neither did they endure any more “cold, hunger and nakedness” than ten thousands besides of their fellow citizens. It has long been an expensive folly of America to admire *great names*, and to make *great men*; hence it is that we have been sending commissioners, ambassadors, agents, &c. &c. to London, Paris, Madrid, Petersburg, Amsterdam, and even to the Grand Duke of Tuscany, *to borrow money, and to spend it*; and we want to repeat the same follies; though it is evident as the meridian glory of the sun, that nothing can save America, but the weaning ourselves from European attachments.

Philadelphia, February 8, 1788.

1. Reprinted: Philadelphia *Freeman's Journal*, 13 February.

420. Candour

Philadelphia Independent Gazetteer, 12 February 1788¹

MR. OSWALD, After reading in your paper of Saturday, the continuation of the Hon. Mr. Martin's information to the Legislature of Maryland of the proceedings of the General Convention, I was almost struck motionless: I have been a warm friend to the proposed constitution, and latterly a doubting friend; but, though I am very sorry to say it, I must now give it up; and I am certain, every unprejudiced, *uninterested* citizen must agree with me when I declare, that so far from relieving us from the distresses we labor under, it will plunge us into those which Americans have never yet experienced. For it is now fully established by the framers of this constitution, themselves, that it will be a DESPOTIC government! Read an extract from the information of Mr. Martin mentioned above: “Nay, so far were the friends of the system from pretending that they meant it, or considered it as a federal system, that on the question being proposed, ‘*That a union of the states merely federal ought to be the sole object of the exercise of the powers vested in the Convention,*’ it was negatived by a majority of the members; and it was resolved, that a NATIONAL GOVERNMENT *ought to be formed*; afterwards the word *national* was struck out by them, because they thought the word might

tend to *alarm*—And although now, they who advocated the system, pretend to call themselves *federalists*; in Convention the distinction was just the reverse—those who *opposed* the system were there considered and stiled the *federal party*, those who *advocated* it the *antifederal*.”

Have we not been grossly deceived and imposed upon; was it not delivered to us as a federal system, and have not its advocates and framers told us, that “*nothing but the supremacy of DESPOTIC POWER could govern, protect, and preserve these United States under one consolidated or NATIONAL GOVERNMENT,*” then will it not be by their own account, a despotic government?

I am not now surprised that so much exertion was made to prevent discussion. I am not surprised that a convention was to be called at ten days notice, in this state—My eyes are now opened—and I am determined hence forward to oppose what is confessedly a system of despotism, and endeavor to procure amendments, and have a bill of rights affixed to it.

February 9th, 1788.

1. Reprinted: Philadelphia *Freeman's Journal*, 13 February.

421. Conciliator

Philadelphia Independent Gazetteer, 12 February 1788

To all Honest Americans.

“Another” of your respectable body, my friends, has required me to appear again before you, and as you will probably admit his position, “that it is my duty as a Conciliator to take some pains to remove even groundless apprehensions,” I readily obey the summons.

This gentleman controverts my assertion, that “the words *from time to time* are no more than the common phraseology of all public acts,” and with candour observes, that supposing this assertion true, he had no more to say;—but “he has since procured a copy of the state constitutions and the articles of confederation, and has carefully perused these with a particular view to the above point.” He has by this means been able to produce three instances out of thirteen where the words “*from time to time*” are not expressed relative to the publishing of journals. In the first place he produces the constitution of New-Hampshire, which says, the journals of both houses shall be published *immediately* after every adjournment or prorogation. What is from adjournment to adjournment, but “*from time to time*?” But it is answered these words are not expressed, therefore this is not common legislative phraseology: If,

my friends, you will condescend to examine this quoted constitution, you will find the power of the courts of Justice to administer oaths, &c. is “*from time to time.*” The power of the legislature to make laws, &c. is ‘*from time to time.*’ You may (if you please) go on and examine the Massachusetts constitution, where this phraseology frequently occurs; you may also find it in the charter granted to Rhode Island by Charles the 2nd, in the Constitution of New-York, in the articles of confederation, and probably it occasionally occurs in every government upon earth: But the first instance is all that is necessary to establish the fact, for the phrase abounds in the very constitution instanced to disprove its existence. In the course of this examination you will also find, that in many of the constitutions nothing is said about the times of publishing journals, it being a circumstance naturally dependant on the convenience, custom, and necessity of the case.

By placing a forced ambiguity on usual legislative terms, and by descending to quibble on words, it would be easy to represent any constitution in the union as a system of tyranny. Suppose for a moment that there was a writer disposed to do so, (which upon my honor, I am not) he might begin to rail at that of Pennsylvania, and say that it was a vile aristocratic plot, that the majority of the Assembly was a corrupt set of conspirators, (majorities you know are always corrupt in the opinion of the opposition, whether they be composed of constitutionalists or republicans) that these conspirators might pervert the 13th section, and shut the doors of the house, by declaring, according to that section, that, “*the welfare of the state required it.*” In this way the secret conclave might establish their diabolical plan before the people could have knowledge of it; they might also pass money bills at pleasure without previous publication, for by the 15th section they have only to declare that it is on an “*occasion of sudden necessity,*” and their act would be perfectly legal. In one word, the same prevalence of party might compose a Council of Censors, to call a state convention, and, in the same way that a majority in the house is secured, a majority of this convention might be composed of the conspirators, the constitution might then be altered to their minds, the *well born* or *bad born* might rule, and liberty might become an empty name. Such a writer might with equal success attack the constitution of South-Carolina, and say that it is nothing more than a common legislative act made by the very body to which it gives existence—A monster *sui generis*, the production of its own embryo, and as it is “an acknowledged principle in all legislative bodies that whatever law is enacted at one session may be repealed at any succeeding one,” a corrupt majority of the *well born* or *bad born*, in that

assembly and council, might in one hour destroy every part and principle of the constitution. These instances are only produced because these two constitutions have been quoted as models of excellence in point of unequivocal safety; but much malice, and a little ingenuity, might in this way destroy the apparent security of almost every social compact.

This mode of reasoning will not surely meet with your approbation, yet it is full as justifiable as any that is used against the new federal constitution; nay, the very words will be found scattered through the numerous and elaborate essays on that side of the question.

The proposed plan is composed of such solid materials, that the more it is examined, the better it appears, and almost every instance of comparison adds new lustre to it. The writers against it are perpetually seeking examples from the old confederation to condemn it, and many constitutions have been quoted (none of which applied to a federal government) to shew the necessity of a bill of rights, but none of these writers have told you that there was NO BILL OF RIGHTS TO THE OLD CONFEDERATION. If this assertion should surprise you, it will be well to search for a federal bill of rights, and if you find one, I shall be surprised in turn: Indeed the 2d article, like the 4th fundamental principle formerly mentioned, renders such an instrument unnecessary, for it there appears that each state, in the natural course of things, retains all powers that it does not expressly give.—You may indeed find a BILL OF WRONGS attached to the confederation, which by consequence contains the single right of separating from Britain, but this has no affinity to the thing so much contended for. What shall we say to this, my friends? shall we say that the opposers to the new constitution are designing men, and endeavour to deceive us? that would be uncharitable. Shall we say that they are ignorant and weak men? that would be contemptuous: Neither of these descriptions I am sure belong to my correspondents. Let us then take the middle line, and suppose them to be good, but enthusiastic men, blinded by mistaken zeal, which cheats their minds into sentiments, that in cooler moments they would themselves condemn.

Do not therefore trust to the unsupported opinion of writers on either side, florid declamation has nothing to do with fact; examine for yourselves, and examine well; the new constitution will stand the test of criticism, under the guidance of truth; state the question fairly, place its perfections on one side, and its defects on the other, then look at the balance, and consider whether this pearl of great price ought to be thrown away.

422. Junius

Philadelphia Independent Gazetteer, 12 February 1788

We are told that in *Turkey*, when any man is the author of notorious falsehoods, it is usual to blacken the whole front of his house. One could almost wish that the habitations of such among us who deal in forgeries detrimental to the public, or public characters, were distinguished in the same manner; that their fellow citizens might be cautioned not to be too easy in giving credit to them. Were such a method put in practice, this city would be strangely *chequered*; some entire squares would be in *mourning*; and several streets darkened from one end to the other.

The falsehoods that have been invented and propagated since the birth of the heaven-born constitution, would require a huge folio volume to collect them together. At present the mint of calumny is employed against the honorable Mr. Martin; I have traced up some of the stories circulated against this gentleman, and have found them entirely without foundation.

Some have ventured even to circulate *reports* that his information to the Maryland legislature concerning the proceedings of the secret convention is not true: But is it possible that the men that say so, can have such a contemptible opinion of the understanding of the people as to believe such idle reports will be attended to. If Mr. Martin had falsely stated any of the important facts which he has related, we should long since have had it announced by his colleagues, who are devoted to this scheme of office making: But they have not *dared*, they cannot *publicly deny* a single item he has said!

423. Pennsylvania Herald, 12 February 1788

To the Public.

MR. MATTHEW CAREY having declined publishing the *Pennsylvania Herald*,—the Subscriber informs the public, and the present encouragers of that work,—That he will continue the *Herald* on the same days, in the same size, and at the same price, as it was by Mr. Carey.

He begs leave to assure the Public, that he will conduct the *Pennsylvania Herald* on the strictest principles of impartiality. Essays on Politics, Morality, Literature, &c. will be readily admitted. In a word, he will use his best endeavours to render this Paper agreeable to the public,—whose patronage and encouragement he respectfully solicits.

John M'Culloch

Third-street, the third door above
Market-street, Feb. 12, 1787 [i.e., 1788] }

424. The Almanac-Maker

Pennsylvania Mercury, 12 February 1788

Mr. HUMPHREYS.

SIR,

“Cum recte vivas, ne cures verba malorum.”

I know that sentiments against the proposed plan of government appearing in your paper, tend to injure it, for, probably, the greater part of your subscribers are in favour of that plan; and being blinded by prejudice, cannot brook opinions contrary to their own. And hence, Sir, very reluctantly I request you to let the following have a place in it. This sentiment comes from my heart, for from a similarity of our circumstances, and from the great precept *to do to others as you would they should do unto you*, I declare that I feel the most poignant pain in the request. We have both endearing connections; little ones, who look up to us for their whole support. There appears then a kind of cruelty in it. But, Sir, *honour, impartiality*, and that inestimable privilege, the *liberty of the press*, bear down every other consideration, and compel your acquiescence to my requisition.

In consequence of the Rebus, a coward might tell you, that your paper had degenerated into licentiousness, and that you were beneath his contempt. But, Sir, I do not think so; I glory in the privilege of the press, and honour you for your spirit in admitting it. Let our printers keep up that spirit of freedom in their papers, and liberty has nothing to fear in America.

From your's, &c.

To CENSUS.

SIR, You have volunteered it against an individual, on a supposition, that he was a friend of freedom and an enemy of the proposed constitution: you have even asserted that he is one of the writers against it: and besides mentioned some things rather hastily against his character. The language of a *coward* is to contradict an anonymous writer, and to challenge him; but, Sir, cowardice, to my knowledge, has never entered that membrane called the pericardium of my heart; and hence I do not contradict what you have asserted; yet I hope a little time may satisfactorily obviate your conjectures.

This was all I had to say as a private character, and as a citizen of America. As a freeman the remainder of my reply shall be confined to some strictures on the new constitution.

First, from the language of the constitution, allowing it to have any meaning, there is necessarily implied this proposition, that the Thirteen United States are to be consolidated into one *despotic monarchy*.

The president is to be elected as the executive of our laws. He is therefore to have a *standing army* at his will, to enable him to carry into effect his absolute power. The despots knew very well that without the assistance of a *standing army* such unlimited powers could never be placed in any body of men, and much less in one man; and hence that scheme of tyranny admits of a *standing army*. The first objection, then, reduces this plan on a level with the Turkish government. It must commence in despotism, and be administered by a *standing army* as long as it continues in existence.

The second objection is a very material one indeed, that neither argument nor sophistry can remove: namely, that this government can neither have *energy* nor *respectability*. In the commencement, it will want the confidence of the people: a very considerable part of our citizens are now opposed to it, and the opposition increases rapidly; hence all its powers must be exerted, in the first instance, to overcome this opposition: this proposition is self-evident, and ought to cause the friends of American independence to oppose it; for an attempt to establish it will, in all human probability, convulse the country as much as the late war has done, and reduce us once more to foreign tyranny.

(To be continued.)

February 9th, 1788.

425. A Bricklayer

Pennsylvania Mercury, 12 February 1788¹

MR. HUMPHREYS, As the times are bad, and I am out of work, I have more leisure than I used to have to read newspapers.

In reading the Independent Gazetteer of this day, I observe a scribbler, who calls himself an old American (but who, by the way, I believe to be *an Old Rogue*) attempts to derogate from the consequence of the worthy delegates from Georgia to the late Foederal Convention—I have no knowledge of these gentlemen except from character, but from *their works* I conclude they are honest patriots—He particularly affects to despise the Honorable Mr. Few, saying he was a BRICKLAYER. But tell this antifoederal tool (a secret which he does not seem to know) that virtue alone ennobles human nature, and that an honest mechanic who serves his country faithfully, is as well deserving of her favor as another.—Tell him also, that if we judge of Mr. Few's *mechanical* by his *political bricklaying*, we shall think him an excellent artist, for he has helped to build a noble mansion for the residence of American Liberty.

February 11th.

1. Reprinted: Philadelphia *Independent Gazetteer*, 15 February.

426. Benjamin Rush to Noah Webster
Philadelphia, 13 February 1788 (excerpt)¹

Before I received your letter, I rejoiced to hear that you had become the editor of an American Magazine. I wish always to see such publications wholly confined to the hands of men who possess *American hearts*. The literature of Philada. is under the direction chiefly of foreigners. Ancient citizens do homage to them, and submit to support them, even while they disapprove of their principles.

From the imprudent conduct of Mr. Dallas in misrepresenting the proceedings & Speeches in the Pennsylvania Convention, as well as from his deficiency of matter, the Columbian Magazine of which he is the Editor is on the decline. Mr. [Mathew] Carey complains of a want of punctuality in the Subscribers to his [American] Museum. Should these two works fail, a great door will open to you both of profit & usefulness in your proposed Undertaking. I object only to two things in it 1st. to the title of your magazine. I wish it could be called the *Monthly Asylum*. This will include pieces, new & old. We connect the ideas of *failure* with the very name of a magazine in America. Asylum is a Virgin title. 2ly. I object to your printing it in New York. Philada. is the primum mobile of the United States. From habit—from necessity—& from local circumstances, all the States view our city as the capital of the new World.—

I wish you would undertake it without any partners. You are equal *alone* to the task. But if you persist in the plan you have proposed, I must decline accepting of a Share in it. I write from the impulse of the moment—and then only when I am not interrupted by professional avocations. For these reasons I dare not make myself responsible for a single contribution in a year. But when, inclination & leisure favour me, your *Asylum* shall be the receptacle of all my lucubrations. I have now several essays in my drawer which shall be at your Service. Perhaps I may make your work the vehicle of some tracts on medicine. At any rate, you may begin if you chuse by republishing some old pieces, with additions & amendments.

I am gradually withdrawing myself from public duties, and public life—not because I am hurt by the slander of my enemies, or the ingratitude of my friends, but because my health will not bear as formerly more labors than the duties of my profession. My boys too begin now to require some of those evenings which I formerly gave to my country.—I consider the foederal Ship as nearly moored. Let the proper officers now repair her rigging, and stop her leaks. I am only a passenger. . . .

1. RC, Webster Collection, New York Public Library.

427. Union Society Address
Carlisle Gazette, 13 February 1788¹

An ADDRESS to the MINORITY of the late State Convention,—
 From UNION SOCIETY.

Gentlemen, After the most mature and deliberate consideration, we feel ourselves prompted by the most lively glow of gratitude, to tender you our unfeigned address of thanks for your able and spirited exertions in the late Convention, in behalf of liberty and your country, and with unwearied assiduity struggling through fatigue and opposition, in support of the unalienable rights of mankind, against the iron hand of despotism, which is the concomitant of slavery and oppression.— Though baffled and disappointed in your late glorious contest, in contending for the blessing of freedom—we congratulate you that the happy day is not far off, when your virtuous endeavours will illustriously shine in the annals of fame, and immortalize your names in the historic page. Believe it gentlemen, as a truth, that it will redound to your honour, whose lot it was to fall into an age that asserted common liberty and the rights of your country, that you were possessed of undaunted courage to give us some proofs of it in this critical moment, a blessing which we wish with all our souls may be perpetuated to posterity; for as to what concerns ourselves, one day's experience is abundantly sufficient for our comfort and instruction both young and old. Those that are in years will leave the world with less regret, when they shall better understand the advantages that attend liberty, and for those that are growing up, the very example will inflame them with a virtuous emulation of treading in the steps of their famous ancestors. Gentlemen, it is with great respect we offer this tribute of our acknowledgements due to your merits.

Signed by Order of the Society,
 JAMES STERRITT, Sec.

1. Reprinted: Philadelphia *Freeman's Journal* and Philadelphia *Independent Gazetteer*, 27 February; *New York Journal*, 3 March.

428. A Real Baptist
Philadelphia Freeman's Journal, 13 February 1788

MR. BAILEY, In your paper of last week, the person stiling himself "A Baptist" again appears; he *attempts* an answer to *my* late publication, how far it merits *that* title, is left with the *impartial* public to determine. What induces this writer to inveigh so much against the *Episcopal* Church, is

somewhat *strange*, let him continue to inveigh! The *worthy* characters who compose that *religious* society will not, it is presumed, harbor any unfavorable impressions of the *Baptists* from the ungenerous insinuations of ONE who assumes a signature, which, it is believed, no more belongs to him, than that of *Christian* did to *Mahomet*.

Whether *his* signature or *mine* is "*feigned*" or not, or which of the two is a "*flimsey fictitious Baptist*" will more fully be known on a disclosure of *our* names; herein though *he* begs the question; his "*wonder*" respecting the "venturing my name" must cease, on being informed, that *my* first proposal shall strictly be complied with; on this condition and no other shall the name of the "*Real Baptist*" be published; this will be viewed as just and fair by *every candid* reader; let him then, provided he wishes to know, *who I am?* indulge the public so far as to let them know, *who he is?*—The writer alluded to, saith, "*The Real Baptist does not pretend to argue, but like all the other advocates of the proposed constitution carefully avoids it, &c.*"—Argument, Mr. Bailey, about the constitution, either *pro* or *con*, was not my original design, the constitution speaks for *itself*, and as its advocates are the *first* and most *sensible* men on the continent, it surely can receive no additional advantage from the *feeble* exertions of *one* who professes himself to be no very great politician. The whole of my intention was to rescue the *Baptist* denomination from those apparently just conclusions which strangers to *their* society had a right to draw from this writer's disingenuous essay, namely, "That we are all antifederal and full of fears concerning the future aggrandizement of the Episcopal church"—This point being gained by my reply, I rest perfectly easy.

Whether *he* or the *Real Baptist* depends most on *bare assertion* will be easily seen by a careful review of our different pieces; he peremptorily declares, "Nine tenths of the people of Pennsylvania are opposed to the New Constitution"—To prove *this*, Mr. Bailey, nineteen twentieths of our citizens, are fully convinced, would be no easy task.—As this said writer intimates that *many* of the *Baptists* are *now* of a different opinion respecting the *new* government from what they entertained at *first*, and for this very solid reason, because *he* has *changed* his mind, it would be but candid to let the *Real Baptist* know who they are, for my own part, I am not acquainted with *one* such *changeling* belonging to the whole society either in this commonwealth or elsewhere.

"The Baptist" as he stiles himself, is at liberty to take notice of this piece, he may continue to write, assert, declare and publish whatever he pleases; I beg leave however, to assure *him* and you too, Mr. Printer, that unless he comes forth with *his real name*, he will not hear from me

again, nor you or the public be any longer *troubled* with any further performances of this kind, as I have neither *time* or *inclination* to engage in a paper controversy.

429. Algernon Sidney II

Philadelphia Independent Gazetteer, 13 February 1788¹

To the people of the United States of America.

*Non jam sunt mediocres Hominum Libidines;
non humanæ Audacia ac tolerandæ.*

Cicero: Catilinar.

In my former letter I commented upon some of the outlines of the new constitution. In this I shall examine some others, with some of the proceedings of the continental convention. I think we should bear high indignation at being told that the proposed constitution met with the unanimous consent of the convention. It was not only opposed by Governor Randolph, Mr. Mason and Mr. Gerry, but by various others. It did not meet with the unanimous consent of the states in convention; for among three delegates from New-York, two, Mr. Yates and Mr. Lansing, opposed it, while only the signature of Mr. Hamilton could be obtained. Mr. Martin also from Maryland, and other men of patriotic principles, looked upon the proposal of giving away the liberties of the people with astonishment. Mr. Yates and Mr. Lansing have published the reasons of their dissent to the world.

It has been justly contended, that the consolidation of so large an empire as the United States into one government, would be followed by the most pernicious consequences. Such a government could not be administered without it was despotic; and he, I think, who for such considerations would willingly chuse despotism instead of freedom, deserves the name of a madman. There is a security a resource against domestic commotions in thirteen confederated independent states. If a tumult should arise in one state which she cannot quell, she may gain effectual relief from her sister states. That thirteen states can be confederated together and yet independent, is no utopian visionary scheme, but has been put in practice in America; and the thirteen confederated cantons of Switzerland, which are separately independent, and have flourished in unparalleled prosperity, may be adduced in proof of the truth of the assertion. It is particularly to be remarked moreover, that some of the cantons of Switzerland are Protestant, and some Roman Catholic, a disadvantage that we are happily estranged from. Those who have assumed the name of federalists, seem to act upon the most anti-federal principles, and the fable of the old man and his sons with the

bundle or rods, which they quote in their favor, militates against them. They here unloose the bundle of sticks, by declaring that nine states are sufficient to establish a new confederation, and may suffer the sticks separately to be broken.

There is a fundamental principle in the new constitution at which every lover of liberty, every friend of human nature, should revolt. If we were to suffer such a principle to be established, we should be almost brought, to what is notoriously odious to every liberal mind, to taxation without representation. It is said, article 1, sect. 4, "The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislatures thereof; but the congress may at any time by law make or alter such regulations, except as to the places of chusing senators." If we are base enough to suffer a constitution with such a principle as this in it to be established, the world will call us slaves and cowards. Is it not obvious to common sense, that if congress can controul the time, the place, and manner of holding an election, they can procure almost whom they please to be elected?

I think with many others, that the construction of the senate is one of the most exceptionable parts of the new constitution. It seems improper that the senators should hold their seats for so large a period of time;—that their election is to be made by the legislatures, and not immediately by the people; that in this, as well as in other branches of the government, there is no exclusion from rotation; that the members are so few as 26; that they have the power of amending money bills which the constitution of Great Britain wisely prevented the house of lords from possessing, as it might be dangerous to the liberties of the people; and that they have the sole power of trying impeachments by which they may guard their own members or any of their agents from deserved punishment.

I think also with others, that it is dangerous to invest the congress with power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions." It is well said by Mr. Luther Martin, who is a man of great intelligence as well as patriotic virtue, who is

————— Clarum et memorabile Nomen
Gentibus, et multum nostræ quod proderat urbi;

It is well said by him in his information to the assembly of Maryland, that "the congress will have the power, if they please, to march the whole militia of Maryland to the remotest part of the United States, to keep them in service as long as they think proper, without being in any

respect dependent upon the government of Maryland for this unlimited exercise of power over its citizens—all of whom from the lowest to the greatest, may, during such service be subjected to military law, and tied up and whipped at the halbert like the meanest of slaves.” O indignation! where is thy sparkling eye? thy throbbing bosom? Can men, can Americans, can the defenders of liberty, who boasted that they had the resolution of heroes, bear to be thus insulted? It has been ignorantly contended by some, that the Quakers, the Menonists, and other sects of Christians who are conscientiously scrupulous of bearing arms, would not be in a worse situation under the new constitution, than under the present government. By the constitution of Pennsylvania a man may compromise his militia duty by a pecuniary fine, but under the proposed constitution, no fine will excuse a personal attendance—you must march or be whipped.

Much has been said upon the easy practicability of altering the new constitution without tumult or discord, if it should be found a pernicious or inconvenient system of government. This we shall perceive, however, after examination, to be a delusive idea held out for the purpose of enslaving us by fraud and ambition. It is said, art. 5, “The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification shall be proposed by the congress.” It is obvious to common sense, that an alteration in the government cannot be procured without the approbation and consent of congress. And he must be weak indeed who supposes that when they are entrusted with power, they will grow weary of it, and make a voluntary surrender of it. It seems to have been the design of the framers of the new constitution, that it never should be altered without the greatest difficulty; it is not to be supposed that a large army, when it is once established, and the numerous officers of an extensive government, will quietly chuse to leave their bread, that they may please a set of visionary enthusiasts, for such they will call the advocates of liberty.

It is said by the friends of the new constitution that if we do not adopt it, we shall be brought to a state of anarchy and confusion. The way to peace seems to be in continuing by the old government; the way to discord in attempting to force the new constitution upon the people.

The late tumultuous proceedings at Carlisle may be adduced to prove the truth of my assertions. The people of the United States must renounce their feelings and their principles before they can adopt such a government. The minority in the convention of the state of Pennsylvania, which consists of about a third, have declared in their celebrated dissent, that the articles of confederation cannot be altered without the consent of every one of the thirteen states;—that two members of the assembly of Pennsylvania were forcibly dragged to the State-House to make a quorum that a convention might be called, whereby the proceedings of such an assembly are by no means binding upon the people; and that the constitution of Pennsylvania will be still in force although nine states should ratify the new constitution. In these opinions they are supported not only by their numerous constituents, but by a large part of the whole body of the people, who are daily more and more becoming enraged at the conspiracy which was formed against them, and who, it is expected, will soon confederate under these sentiments. It is the part therefore of wisdom in some of the states to pause awhile before they proceed to the ratification of the new constitution. A civil war, with all its dreadful train of evils will probably be the consequence of such a proceeding. Whereas if they reject the new constitution they can at a more convenient opportunity determine upon some alteration in government which will be peaceably adopted by the people.

The advocates for the new government use in a great measure, the defenders of liberty in the manner that the tyrannical King of Israel treated the prophet of the Almighty. “Art thou he that troubleth Israel?” said Ahab to Elijah, when his own accursed proceedings had occasioned the mischief of which he complained.—The situation of public affairs at present is truly alarming. The new constitution which was at first received with so much eagerness, begins now to be execrated; for examination, which has the virtue that the poet supposes to be in the touch of Ithuriel’s spear, has made it start up in its own shape, a hypocrite, a traitor, an enemy, a monster, a devil. It is time that every freeman from Georgia to New Hampshire, should be fully determined in his own mind upon the government that is offered to us. It is a fatal mistake to think, that if we do not approve of the new constitution, when we have tried it, we can easily alter it.—It is an important truth, which should be indelibly impressed upon our minds, that it is very easy to change a free government into an arbitrary one, but that it is very difficult to convert freedom into tyranny. Our lives, our properties, our civil and religious liberties, our honor, and every thing that is dear to men, are now at stake.—At such a crisis I cannot forbear addressing

the Almighty in the same solemn and affecting language with which the nobleman, the hero, and the patriot, whose name I adopt, addressed him, when he was going to suffer for that good old cause, in which he had been engaged from his youth. "Bless thy people, and save them. Defend thy own cause, and defend those that defend it. Stir up such as are faint; direct those that are willing; confirm those that waver; and give wisdom and integrity to all."

1. Reprinted: Philadelphia *Freeman's Journal*, 2 April.

430. A Pennsylvanian II
Pennsylvania Gazette, 13 February 1788

TO THE PEOPLE OF THE UNITED STATES.

Friends and Countrymen, Men of cautious and moderate tempers may perhaps be unfavorably disposed towards a writer, who introduces into the discussions of the proposed constitution the affairs of his own state; but when they remember, that it is in order to explain *the springs of action* and general sentiments on government of its opponents in that place, and when they observe his papers are unsullied by any indecency, and that they are free, *at least, from the virulence* of party, they may deem them worthy of a perusal.

In my last number I promised to lay before you some parts of the constitution of Pennsylvania, which the opposition declare they approve and admire, in order that you might be enabled to judge for yourselves, how far you are likely to concur with them in any plan of foederal government.

The judicial power has been justly considered as the bulwark of our republics. Its perfect independency is deemed one of the most valuable modern improvements in the science of Government. The state of Rhode-Island has been arrested *in the career of ruin* by a pure and firm judiciary. Feeling, as I am sure you do, the force and truth of these facts, it remains only for me to inform you, that the judges of the supreme court of judicature, by the constitution of this commonwealth, can be commissioned "*for seven years only*," and that "they are *removable at any time for misbehaviour by the General Assembly*,"

Besides this court, which the frame of government terms supreme, there is established by law, under the powers of the constitution, "An high court of errors and appeals," of which the four *temporary and removable judges* of the other court form a part, and there are three others specially commissioned *for seven years also*, and removable for misbehaviour at any time *by the Assembly*. The President of the Supreme Executive Council is at the head of this court, though in the Executive

Board over which he presides he may have been the mover of the appeal depending. To these is added the judge of admiralty, who is also appointed for seven years only. Such are our two supreme courts of judicature in this state.

The supreme executive authority, constituted as we shall presently describe, hear and determine all impeachments: Thus are *the executive power and the highest criminal judiciary* in the state placed in the same hands.

The justices of the peace, who are to adjust those infinite little disputes and breaches of order that arise from the passions of the people, are chosen, not by the executive power, nor during good behaviour, but by the freeholders of the several wards and townships in the state, for seven years, and subject to removal by the Assembly. In Pennsylvania, from the practice of creating ground-rents, this class of judges, so important to the order and happiness of society, may be almost considered as holding their appointments by popular election. That I may not subject my meaning to misconception or perversion, I submit to the judgment of the candid, whether it would not be better for the Supreme Executive Council, whom the people elect, to appoint the justices of the peace.

No man, says our bill of rights, who acknowledges the being of a God, shall be deprived of his civil rights as a citizen on account of his religious sentiments; yet, if the people of a county were unanimously to choose a wise, virtuous, and legally qualified citizen to represent them in the legislature, the constitution excludes him from his seat, and restrains him from the performance of his public duty, unless he takes a religious test.

“All free governments, says our constitution, are necessarily founded on the authority of the people only;”—“and such *original principles* should be established, as will best promote *the general* happiness of the people of this state.” Yet our Supreme Executive Power is by this very constitution created by the votes of 24000 electors out of 69000! This requires fuller explanation. The frame of government entitles every *county* to send a member to the Supreme Executive Council, which at this time consists of nineteen members, there being so many counties in the state. By the last returns, taken I think in 1785, ten of these counties, having 24000 electors, send ten members of council, *a majority of the whole*; the remaining nine counties sending each a single member only, are a minority of council, though they have 45000 electors, and ten times the taxable property. Does this constitution then adhere, my countrymen, to those *original principles* that will best promote *the general* happiness of the people of this state? or does it violate *the justice* due to

each citizen, and the essential principle of *equality* in a republic? Unjust as this must appear to you, my fellow citizens of the union, there is yet a *greater deviation from the principles of liberty* existing in our frame of government. Being a novel arrangement, some pains will be necessary to explain it. The constitution of the state is of course our supreme law, but as it is liable, like other things, to errors and defects, it is provided that alterations may be made in it. The mode of doing it deviates further from liberty, and approaches nearer to tyranny, perhaps than any other regulation we know of in a government pretending to freedom. At the end of every seven years, a body, termed "*the Council of Censors*," is elected, to consider the conduct of our various officers, and the constitution itself. Two thirds of this body must pronounce any error or defect to exist in the constitution, before a convention can be called to amend it. Two Censors are chosen by *each county*, without the least regard to *the number of electors*, or any other consideration, but the division into counties. There are in the state nineteen counties, and the Censors from *seven* of the number, having by actual return no more than 13000 taxable inhabitants, can prevent any alteration in the constitution; *nay, can deprive the people of even the opportunity of considering it in convention*, though the Censors chosen by all the other taxable inhabitants of the state, being by the same returns *fifty-six thousand*, should *unanimously* desire it. Thus it appears, in contempt of *the sacred principle of equality*, the essence, the basis of a free government, *less than one fifth* of the people of Pennsylvania can at all times prescribe that supreme law of the land, the constitution of the Commonwealth. To term our government a *republic* is a political solecism. To persist in the preservation of this part of it, must subject its supporters to the unanswerable charge of exercising a *tyrannical oligarchy*. But I refrain from further observation. 'Tis my part only to state the facts, and leave all judgment on them to you, who are heated by no personal feelings, who are warped by no desires or expectations of the honors, powers or emoluments of the state.

The legislative powers of Pennsylvania are vested by the frame of government in a *single House of Representatives*. The Hon. George Mason, Esquire, of Virginia, affirmed in the late Foederal Convention, that the people of the United States were attached to *the division* of the legislative power, and I believe he affirmed it sincerely and truly, for I am satisfied there is a majority in favour of *two houses*, even in Pennsylvania. We know that eleven states have actually made the division in their respective constitutions, and that there never has been a complaint against it, or an attempt to effect a change, *except by the deluded followers of Daniel Shays*. We know, too, that the constitutions of all those states

to which the dissentient members of the foederal convention belong, have divided the powers of legislation into two or more branches. Governor Randolph, of Virginia, in his observations on the foederal government, bears his testimony against the investment of the legislative power in a single house. I did not intend to enter into the merits of our state constitution, but simply and clearly to delineate its principal features, resting, as I now do, upon your judgment, the probability of your concurring in any plan of foederal government with those who decidedly *approve its principles, and admire its operations*. Suffer me again to observe, that, whatever may be the feelings of my bosom, I mean neither to offend nor censure the opposition in Pennsylvania, but wish only to enable you more easily to determine for yourselves, whether another General Convention, or any thing less than a total alteration of your most established opinions on government, could unite you in sentiment with them.

Apologizing for this preparatory explanation of the domestic politics of Pennsylvania, and submitting its usefulness to your judgment, I shall proceed to examine such parts of the address of the minority of our Convention, as have either been hitherto unnoticed, or on which further observation may appear necessary.

They commence with a formal declaration, that "it was not until *after the termination* of the late glorious contest, which made the people of the united states an independent nation, that *any defect* was discovered in the present confederation." I refer you, my countrymen, to your own recollection, for *the extreme error* of this assertion. The lamentable deficiency of the foederal treasury, and the consequent desertion and revolt of the army, are universally known. Governor Randolph, of Virginia, on whose dissent, before his letter appeared, these gentlemen placed so much dependence, tells you, "that *severe experience* under the pressure of WAR" is one of several circumstances, "which have condemned the hope of grandeur and of *safety* under the auspices of the confederation." In the exigencies of *the war*, he continues, "the history of its effects is short;" but, *however short, this period* is distinguished by melancholy testimonials of its *inability* to maintain in harmony the social intercourse of the states, to defend Congress against encroachments on their rights, and to obtain by requisitions supplies to the foederal treasury, or recruits to the foederal armies.

The various duties necessarily required of the late *beloved* and illustrious commander in chief, placed him in a situation to form the best observations on the defects of the confederation. He tells us, in his circular letter of 1783, that the war could have been happily terminated at an earlier day, if the resources of the continent could have been

properly called forth; that the distresses and disappointments which often occurred, have, in too many instances, resulted more from *a want of energy in the continental government*, than from a deficiency of means in the particular states; that there was a *want of authority in the supreme power* of the union, and that *the defects of the federal government* were, at the termination of the war, "*notorious facts.*" The error of the assertion in the address is so fully contradicted by the knowledge of every man, that I really should have omitted to notice it, were it not to shew how cautiously you should receive *other assertions*, which are made in the course of that paper, and of which you do not possess the equal means of refutation. Whether you consider this deviation from fact as proceeding from *inattention* or from *want of information*, it must create a *reasonable distrust* of other matters, which they assert to be true. I acquit them, as a body, of an intention to deceive in this particular.

When we consider the late period, March 1781, at which the present confederation was compleated, and that it could not instantly take effect, we cannot omit to notice their next assertion, that it carried us successfully through the war. The British arms had been banished from Massachusetts and Pennsylvania, and once from South-Carolina; Dunmore had been expelled from Virginia; the capture of Burgoyne at Saratoga, the alliance with France and Holland, and the war of Britain with Spain, had all taken place; the armed neutrality, that curb of the British navy, had been formed before the articles of confederation were acceded to by the state of Maryland. Effects then are ascribed by the addressers to *a weak and inefficient federal constitution*, which were owing to *the prowess* of America, *the blunders* of her enemies, the numbers and *exertions* of her allies, and THE BLESSING OF HEAVEN UPON HER ARMS.

The minority of the convention assert in their address, that the legislatures of twelve states complied with the recommendation of Congress for calling a Convention so hastily, as not to consult their constituents. The report of the Convention, which met at Annapolis in September 1785 [i.e., 1786], on which the motion of Virginia and the recommendation of Congress were founded, was made in September, during the session of the Assembly of Pennsylvania, and was published throughout the Union before the end of October of that year. The citizens of the United States and all their representatives had ample time to consult and determine on a measure, of which the addressers say the necessity was admitted by all. Pennsylvania was among the first to appoint, and she did it by an act of her new legislature in the month of December following; and it is worthy of remark, that a number of the principal members of this minority concurred in the measure.

The doors of the Fœderal Convention, say they, were kept shut. When you consider the Convention in its true light, as *a mere Council of Advisement*, without power to legislate, sitting to devise a plan for the better formation of the foederal and state governments, and for the people themselves, and that they unanimously determined the plan ought to be openly published for the consideration of all, you will not deem the shutting of the doors an improper measure. It is the uniform rule of every body of the nature of a council, in the freest governments. Would it have been proper for the enemies of America to hear every weakness of our country feelingly lamented by a WASHINGTON, or blazoned by a Luther Martin. You are told by the Minority, that *a resolution* was proposed to the Assembly of Pennsylvania for calling a convention to be elected *in ten days*. This they say "*a minority opposed, but finding it could not be prevented, that they absented themselves from the house.*" This statement is really not true; for there was not one resolution only, but a set of five, proposed, which, by agreement, were to be taken up distinctly. The two first resolutions, including generally the call of a convention, and fixing the places, manner and officers to conduct the election, were debated and duly carried by 43 against 19. The House postponed the consideration of the 3d, 4th and 5th resolutions till the afternoon, by regularly adjourning. In the afternoon, when the 3d resolution (which did not name *a time only ten days distant for all the state*, but eleven days for a part of the state, and twenty-four days for the remainder) I say in the afternoon, when the 3d resolution would have become, for the first time, the subject of debate, the minority of 19 seceded. It appears therefore they have stated the time untruly, and that, though they say *the minority offered every argument in their power* to oppose resolutions fixing the election of the convention at ten days distance, they never spoke on the subject of the time, nor even attended the debate when they knew it would come on, but declined to execute their public duty, not chusing to acquiesce in the constitutional authority of the majority.

They give you to understand, that the question for calling a Convention was *depending* at the time of their secession, and that it was after the members were carried to the House, that the resolution for the call was completed. This was not the case; for the journals of the House will prove that the resolution for calling a Convention was duly carried in the presence of the whole legislature, six absentees excepted, the division being 43 to 19 in the morning of the 28th September. The minority first absented themselves (after regular adjournment to that hour) at four o'clock in the afternoon of the same day.

Without trespassing longer on your time, I shall close this paper, and with it the examination of the introduction to the address, trusting that you are now better able to judge of the value of the political principles of the addressers, and of the temper and views with which they have written.

431. Detector

Pennsylvania Mercury, 14 February 1788

TO THE PUBLIC.

My fellow citizens, The pieces signed *Centinel* I have read but little—None of the meetings of either party have I attended; nor do I intend to attach myself too much to either side of the dispute; tho' I cannot help making a few strictures on his 14th number, published this day in the *Independent Gazetteer*.

He begins with saying he is *happy*, but (if he is the man I think) there is generally not much appearance of it in his face: However, as his *chief happiness* seems to be derived from the misery of others, I cannot but lament, that, at present, there is too much reason to fear that, in this one instance, he has spoken truth. He next mentions the connection that has taken place between him and the Hon. Luther Martin, Esq. Here, by the bye, 'tis worthy of remark, that both these *great* and *honorable* men, I think, live by the sweat and toil of their fellow creatures. It is also proper to observe, that before Luther Martin's name is prefixed Honorable, and Esquire added to it; while, by him the immortal General Washington is represented as being at the head of a knot of conspirators, forming a dark conclave, and also as coining scandal and calumny against the Hon. Martin, who affects the character of an illustrious patriot—On this I make no comment. On this occasion neither words nor language can be so strongly expressive as just observing, that in this conflict, (if conflict it can be called to Mr. Martin and *Centinel*) are opposed not only General Washington, but also the most respectable band of Patriots that ever met in America.—We are then presented with two long extracts from Mr. Martin, I mean the *illustrious* Mr. Martin, in which he dwells much on the manner of taxation; from which, if any thing can be drawn, it is, that these two illustrious men have a more just and deep concern about it than all the Continental Convention, the members of which not only thought of us but of themselves likewise, as they were equally concerned in the payment: but this is far from being the case with these two gentlemen; for they, instead of paying taxes, are both supported by them.—He then puts the question "What are we to think of *Mr. Wilson*?" not the Hon. James Wilson—No—he is not a Martin—Let him be what he will, he must fall

before this Goliath of Gath. But what are *we* to think of the Centinel, when every one may see a republican form of government guaranteed to every state in the Union?

He then proceeds to state a charge supported by evidence, against the post-office; but this, in the manner he has done it, is quite as novel as the new arrangement he complains of; especially as it is done by one who ought to have some skill in that business: at any rate an old mason ought to be a good barrow-man; however, his insinuations on this head deserve no notice. It may here be observed, that his memory begins to fail; for, he appears to have forgotten that in a former number he roundly asserted that all the printers were free except one, and now he seems to find but one firm-spirited fellow among them. But I will dwell no longer on the virtues of this great patriot, except, to observe, that, for duplicity and revenge, his equal is not to be found in the whole union. In one number he endeavours to take in the Quakers, though his sentiments are well known to be unfriendly to that society—In another he attempts the Presbyterians—In short he stops at nothing to gain his point. Some of his cant phrases are wealthy, well-born, &c. Now, I think, however he may have been born, no one will hesitate to pronounce him ill-bred, who sees the manner in which he has ventured to treat some of the most respectable characters. Again, under a sanctified mask of religion, he degrades the holy writings by drawing in texts of scripture in a sacrilegious manner to support his reasonings.

That this writer is straining every nerve to breed discord, and raise a civil war, must be evident to all: a pretty sure proof [of] this, that *he* has nothing to lose.—One thing makes me as happy as Mr. Centinel can be, which is, that, though our city abounds with men of the first abilities, every one of them has treated him with silent contempt—By no one of them is he thought worthy of the least notice, but

DETECTOR.

February 5th, 1788.

P. S. After taking a view of Centinel in two or three different attitudes, I beg leave to remark, that there is not a stranger from any part of the world, but what is in favour of the new government, at least I never knew of one. Now this should have some weight with such honest men as have been drawn away with the Centinel, and his brother writers, and such men there are; nor is it any wonder, for their writings have been like the flood issued out of the Dragon's mouth, and may well be called Legion, for they are many, and although pretended to be wrote in numbers and systematically, not a single argument is new in any of them. The great object with them seems to be, who shall have the greatest sound, which again reminds me of the great Mr. Martin, who,

after giving the assembly a long lecture in his own way, instead of the information they had a right to expect, he begins to tell them what the Convention did, because they thought so and so. I suppose he knew their thoughts by knowing them all to be well born. Had he been among the enlightened Patriots who now sit in Boston, I think he would have shared a harder fate than Mr. Gerry did.

432. Benjamin Rush to Henry Muhlenberg
Philadelphia, 15 February 1788¹

I was much mortified in finding that a letter from you dated in June 1787, by some strange fatality, did not reach me 'till the 4th of this month. The Sentiments of friendship & benevolence contained in it, are of so *warm* nature, that even the *length* of time that intervned between its being written & received, had not *cooled* them.—I rejoice to hear of the harmony that subsists between you & Dr. Handel, and the zeal with which you are both actuated in promoting the great Objects of the institution.

I lament the languor that has infected our trustees in this city. I have tried in vain to bring About a meeting in Order to collect our Certificates, & draw an interest on them. The present turbulent Æra is unfavourable to all peaceable enterprizes. Nothing now fills the mind but Subjects that agitate the passions. Let us not despair. As soon as our new government is established, the public Spirit of our Country will be forced to feed upon Undertakings that have Science or humanity for their Objects.—

The Conduct of the minority of our Convention and of a majority of my old friends beyond the Susquehannah, determine me more than ever to look up to my German brethren (indulge the term) as the future reservoirs & vehicles to posterity, of a *great* part of the knowledge—Virtue—and religion of Pennsylvania.—I rejoice in the part a *great majority* of them have taken in the great Contest About the fœderal Constitution.—On them I rely chiefly to *out vote*—to *outwork*,—and to *out pray* the Antifœderalists in our state.

I hope you do not neglect to fill your Gazette with fœderal essays—Anecdotes—and intelligence. Hall & Sellers's paper is filled every week with them all. Newspapers form the principles, & direct the conduct of the greatest part of mankind in all countries.

There is no doubt *now* of the Adoption of the new goverment by *nine* States before the 1st of June, & by *twelve* before the 1st of August.—

The Constitution has been well received in England, & is much commended by the friends of America, especially by the great & good Dr: Price.—

Will not a letter of thanks from you, & Dr. Handel be expected to the trustees of the New Jersey College for the degrees in divinity lately conferred upon You?—It may be conveyed to them thro the Revd Dr Witherspoon the President of the College.

1. RC, Manuscripts Relating to the History of Franklin College, Franklin and Marshall College Archives, Franklin and Marshall College. Endorsed: "P[er] Dr. Slough."

433. An Honest American

Philadelphia Independent Gazetteer, 15 February 1788

To CONCILIATOR.

SIR, The condescending notice you have been pleased to take of a few observations of mine, published last week in the Independent Gazetteer, emboldens me to trouble you once more. The force of your arguments in defence of that clause in the constitution, respecting the publication of the journals of Congress, I believe I sufficiently comprehend. The cases, however, which you cite from the constitution of New-Hampshire, to strengthen your argument, are not *in point*; they do not relate to the publication of journals at all; besides, if it should even be granted that the phrase—from time to time—"means no more than accustomed times," still it must be acknowledged to be very ambiguous. Does it mean "immediately after every adjournment," which are the accustomed times of publishing journals in New-Hampshire and South-Carolina? Does it mean "weekly," as is the custom in Pennsylvania? Or "monthly," as in the present Congress? Or, to be ingenuous, does it not mean, just at such time as each house shall think proper? But I shall not further press you on this point; I have only to request, at present, that you would please to explain to me a few matters, upon which I really want information.

1. Is it true that Congress will have constitutional powers, under the proposed plan of government, to abolish altogether, in their federal courts, trial by jury, in civil cases? And if so, what will be the probable advantages of this measure?

2. In those cases in which the supreme federal court will have appellate jurisdiction, as, for instance, in controversies between citizens of different states, must not the appeal come from one of the inferior federal tribunals? Or may such actions originate in a state tribunal? The last has, I know, been confidently asserted by some of the ablest advocates for this new system; but I confess it has never appeared to me in that light.

I shall not, sir, presume further on your patience at this time; only, as I ask these questions for the sake of information, I hope you will

please, in your answers, to be as plain and explicit as possible. Above all things, avoid declamation and strokes of wit; for, I am determined to follow your advice, and not listen to any thing of this kind, on either side of the question. We have heard enough of the anarchy and confusion which must ensue if we reject this *heaven-born* constitution; that nothing else can save us from falling a prey to some insidious foreign power. The terms bad-born, and well-born too, are worn almost thread-bare; and I hope, *once* will be thought sufficient to have introduced a "*bill of wrongs*."

434. Gomes

Philadelphia Independent Gazetteer, 16 February 1788

MR. OSWALD, Having sometimes met in English newspapers with articles entitled "*Bankruptcies this week*," "*Casualties this week*," &c. &c. I once intended to publish in your Gazetteer, being a customer, a periodical list, in like manner, of all the falsehoods uttered in print by the Centinel, Philadelphiensis, and their associates, under the title of *Antifederal lies this week*, believing that if every lie was to be published by clipping, as in the case of other forgeries, that not an ear would be left amongst the whole party. From this undertaking, however, I was deterred on reflecting that in order to get at the said lies, the eye not being particularly solicited to them by *italics*, which would have saved an abundance of trouble, and which I therefore recommend to their future practice, I must at least have been under the necessity generally of going through a prodigious mass of heavy arguments and dull invective. A labour of most dreadful discouragement! Had the *Old American*, who certainly is *young* in the art of political lying but have been so prudent as to mix up his falsified facts in a great bundle of other villainous ingredients after the example of some of his brethren of long winded memory, they would probably have passed off unnoticed, but I have to thank him for making his *wappers* the single subject of the piece, and thus by expressing the whole, make it impossible for them to escape even the slightest glance.

His subject is three gentlemen of Georgia—Mr. Few he affirms to have been but of little account until late—but this gentleman was in Congress as long ago at least as the year 1781—Mr. Telfair (who by the bye was not in the federal convention) was it seems an enemy to his country in 1776—How is this reconcileable with the confidence reposed in him by his country so soon after, and in more trying and dangerous times? for we find Mr. Telfair's name to the first articles of confederation, in July 1778—but the boldest *wapper* of all is what relates to Mr. Baldwin—who says the writer, on Sunday the 24th December, in

the year of our Lord 1780, occasionally read public prayers at Princeton College, being then the Steward of the College—Now it is known to twenty lads here who have resided at that College that Baldwin the Steward had been a farmer in the neighbourhood, and that he since removed to New-York, where he at present keeps a boarding house.

But if it be the general purpose to charge the new system upon the *well born*, why endeavour to shew that Mr. Few was once a *bricklayer*, for which indeed we have only this Old American's blasted word. Indeed on this subject of inconsistency I am surprised considering how few are the antifederal writers, though the signatures be many, that they do not oftner lay their loggerheads together—this would at least save them from many contradictions, than which nothing can be more disreputable to party—for instance, with respect to the conspiracy carrying on against B—n and Co. while the Centinel asserts that its authors are the powerful and the wealthy, Philadelphiensis affirms them to be men of no consideration and of desperate fortunes.

435. *Pennsylvania Mercury*, 16 February 1788

Extract of a letter from a gentleman in London, to his friend in this city, dated Nov. 13, 1787.

"I am happy in having the pleasure to inform you, that present appearances encourage a belief, that War, at least between Great-Britain and France, is for this time suspended—and tho' the preparations for War are stopped for the *present moment, in England and France*, yet Russia, Austria, the Porte, Spain, &c. in Europe, are arming with the greatest avidity, and I am not without fears, that the month of May next will be ushered into our calender with the clangor of arms.

"I am concerned to read the proceedings of your House of Assembly on the 29th September, and the publications in the *Pennsylvania Gazette* of the 10th October—By these a person is led to believe, that a spirit of malevolence is very prevalent in your state, and that you have forgot the proverb, "*that a soft word turneth away wrath.*" Depend upon it, my worthy friend, that the character of our native country suffers much in the general opinion of Europe, by such warm and *very* acrimonious publications."

436. *Philadelphia Independent Gazetteer*, 19 February 1788

The following request was sent to us on Sunday evening last.

"Mr. Oswald, A number of your customers, relying on your declared impartiality, request you will publish Centinel No. XV. from Mr. Humphreys' last Saturday's paper."

(We decline complying with the above request, because it came in a very *questionable shape*. The *Independent Gazetteer* contained the *real Centinel* from No. 1 to 14, and as it was not handed to us through the regular channel, and in MS, we can have no doubt of its being *spurious*. Besides, we would inform the author, that the *Independent Gazetteer* is published *daily*, and the *Mercury* but *three* times a-week; as long therefore as the printer can find matter enough elsewhere, he will have no occasion *to copy* from Mr. *Humphreys's* paper. When the *prediction* of the *Janus-faced* junto not 100 miles from *St. Paul's church*, respecting the *Independent Gazetteer*, is about being fulfilled, the Printer may *then* perhaps believe that it was delivered to *Galen (who deals in prophecies)* on *Mount Sinai*; and, in order to *save his bacon*, become the *humble* copyist of Mr. *D. Humphreys*.)

437. Deliberator

Philadelphia Freeman's Journal, 20 February 1788

MR. BAILEY, A writer in the Pennsylvania Packet, under the signature of *A Freeman*, has lately entered the lists as another champion for the proposed constitution; particularly he has endeavoured to shew that our apprehensions of this plan of government being a *consolidation* of the United States into one government, and not a confederacy of sovereign independent states, is entirely groundless; and it must be acknowledged, that he has advocated this cause with as much shew of reason, perhaps, as the subject will admit.

The words *states*, *several states*, and *united states* are, he observes, frequently mentioned in the constitution—and this is an argument that their separate sovereignty and independence cannot be in danger! He has enumerated a variety of matters which, he says, Congress cannot do, and which the states, in their individual capacity, must or may do, and thence infers their sovereignty and independence. In some of these, however, I apprehend he is a little mistaken.

(1.) "Congress cannot train the militia."—This is not strictly true; for by the 1st Article they are empowered "to *provide* for organizing, arming and *disciplining*" them; and tho' the respective states are said to have the authority of training the militia, it must be "according to the discipline prescribed by Congress." In this business, therefore, they will be no other than subalterns under Congress, to execute their orders; which, if they shall neglect to do, Congress will have constitutional powers to provide for, by any other means they shall think proper. They shall have power to declare what description of persons shall compose the militia; to appoint the stated times and places for exercising them;

to compel *personal* attendance, whether when called forth into actual service, or on other occasions, under what penalties they shall think proper, without regard to scruples of conscience, or any other consideration; their executive officer may march, and countermarch them from one extremity of the state to the other—and all this without so much as consulting the legislature of the particular states to which they belong! Where then is that boasted security against the annihilation of the state governments, arising from “the powerful military support” they will have from their militia?

(2.) “Congress cannot enact laws for the inspection of the produce of the country.”—Neither is this strictly true. Their power “to regulate commerce with foreign nations and among the several States, and to *make* all laws which shall be necessary and proper for carrying this power (among others vested in them by the constitution) into execution, “most certainly extends to the enacting of inspection laws. The particular states may indeed propose such laws to them; but it is expressly declared, in the 1st article, that “all such laws shall be subject to the revision and *controll* of the Congress.”

(3.) “The several states can—prohibit or impose duties on the importation of slaves into their own ports.”—Nay, not even this can they do, “without the consent of Congress,” as is expressly declared in the close of the 1st article. The duty which Congress may, and it is probable will lay on the importation of slaves, will form a branch of their revenue; but this impost, as well as all others, “must be *uniform* throughout the United States;” Congress therefore *cannot* consent that one state should impose an additional duty on this *article of commerce*, unless all the other states should do the same; and it is not very likely that *some* of the states will ever ask this favour.

(4.) “Congress cannot interfere with the opening of rivers and canals; the making or regulation of roads, except post roads; building bridges; erecting ferries; building lighthouses, &c.”—In one case, which may very frequently happen, this proposition also fails; for if the river, canal, road, bridge, ferry, &c. be common to two states, or a matter in which they may be both concerned, and consequently must both concur, then the interference and consent of Congress becomes absolutely necessary; since it is declared in the constitution that “no State shall, without the consent of Congress, enter into any *agreement* or *compact* with another State.”

(5.) “The elections of the President, Vice President, senators and representatives are exclusively in the hands of the States—*even as to filling vacancies.*” This, in one important part, is not true—for, by the 2d article, “in case of the removal of the President from office, or of

his death, resignation, or inability to discharge the duties of the said office, the same shall devolve on the Vice-President, *and the Congress may by law provide for the case of removal, death, &c. both of the President and Vice-president*, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected; but no such election is provided for by the constitution, till the return of the periodical election, at the expiration of the *four years* for which the former president was chosen. And thus may the great powers of this supreme magistrate of the United States be exercised, *for years together*, by a man who, perhaps, never had one vote of the people for any office of government in his life.

(6.) "Congress cannot interfere with the constitution of any state."— This has been often said, but alas! with how little truth! since it is declared in the 6th article that "this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties, &c. shall be the supreme law of the land, and *every state* shall be bound thereby—any thing in the *constitution* or laws of any state to the contrary notwithstanding."

But, sir, in order to form a proper judgment of the probable effects of this plan of general government on the sovereignties of the several states, it is necessary also to take a view of what Congress *may*, constitutionally, do, and of what the states *may not do*. This matter, however, the above writer has thought proper to pass over in silence: I would therefore beg leave, in some measure, to supply this omission, and if in any thing I should appear to be mistaken I hope he will take the same liberty with me that I have done with him—he will correct my mistake.

1. Congress may, even in time of peace, raise an army of 100,000 men, whom they may canton through the several states, and billet out on the inhabitants, in order to serve as necessary instruments in executing their decrees.

2. Upon the inhabitants of any state proving refractory to the will of Congress, or upon any other pretence whatsoever, Congress may call out even all the militia of as many states as they think proper, and keep them in actual service, without pay, as long as they please, subject to the utmost rigor of military discipline, corporal punishment, and death itself not excepted.

3. Congress may levy and collect a capitation or poll tax, to what amount they shall think proper; of which the poorest taxable in the state must pay as much as the richest.

4. Congress may, under the sanction of that clause in the constitution which empowers them to regulate commerce, authorize the importation of slaves, even into those states where this iniquitous trade is, or may be prohibited by their laws or constitutions.

5. Congress may, under the sanction of that clause which empowers them to lay and collect *duties* (as distinct from imposts and excises) impose so heavy a stamp-duty on newspapers and other periodical publications, as shall effectually prevent all necessary information to the people through these useful channels of intelligence.

6. Congress may, by imposing a duty on foreigners coming into the country, check the progress of its population; and after a few years they may prohibit altogether, not only the emigration of foreigners into our country, but also that of our own citizens to any other country.

7. Congress may withhold, as long as they shall think proper, all information respecting their proceedings from the people.

8. Congress may order the elections for members of their own body, in the several states, to be held at what times, in what places, and in what manner they shall think proper. Thus, in Pennsylvania, they may order the elections to be held in the middle of winter, at the city of Philadelphia; by which means the inhabitants of nine tenths of the state will be effectually (tho' constitutionally) deprived of the exercise of their right of suffrage.

9. Congress may, in their courts of judicature, abolish trial by jury, in civil cases, altogether; and even in criminal cases, trial by a jury of the vicinage is not secured by the constitution—A crime committed at Fort-Pitt may be tried by a jury of the citizens of Philadelphia.

10. Congress may, if they shall think it for the "general welfare," establish an uniformity in religion throughout the United States. Such establishments have been thought necessary, and have accordingly taken place in almost all the other countries in the world, and will, no doubt, be thought equally necessary in this.

11. Though I believe it is not generally so understood, yet certain it is, that Congress may emit *paper money*, and even make it a legal tender throughout the United States, and, what is still worse, may, after it shall have depreciated in the hands of the people, call it in by taxes, at any rate of depreciation (compared with gold and silver) which they may think proper. For though no state can emit bills of credit, or pass any law impairing the obligation of contracts, yet the Congress themselves are under no constitutional restraints on these points.

12. The number of representatives which will compose the principal branch of Congress is so small as to occasion general complaint; Congress, however, have no power to encrease the number of representatives, but may reduce it even to one fifth part of the present arrangement.

13. On the other hand—No state can call forth its militia even to suppress any insurrection or domestic violence which may take place among its own citizens—This power is, by the constitution, vested in Congress.

14. No state can compel one of its own citizens to pay a debt due to a citizen of a neighbouring state. Thus a Jersey-man will be unable to recover the price of a turkey, sold in the Philadelphia market, if the purchaser shall be inclined to dispute, without commencing an action in one of the federal courts.

15. No state can encourage its own manufactures either by prohibiting, or even laying a duty on the importation of foreign articles.

16. No state can give relief to insolvent debtors, however distressing their situation may be; since Congress will have the exclusive right of establishing uniform laws on the subject of bankruptcies throughout the United States; and the particular states are expressly prohibited from passing any law impairing the obligation of contracts.

438. Conciliator

Philadelphia Independent Gazetteer, 20 February 1788

To all Honest Americans.

Although I do not conceive myself obliged to answer all the objections that may be made to the proposed federal constitution, yet I will once more obey the summons of an honest American who asks.

“1. Is it true that Congress will have constitutional powers, under the proposed plan of government, to abolish altogether in their federal courts, trial by jury, in civil cases? And if so, what will be the probable advantages of this measure?

“2. In those cases in which the supreme federal court will have appellate jurisdiction, as, for instance, in controversies between citizens of different states, must not the appeal come from one of the inferior federal tribunals? or may such actions originate in a state tribunal? The last has, I know, been confidently asserted by some of the ablest advocates for this new system; but I confess it has never appeared to me in that light.”

Let it be remembered in the first place, that no human institution can be perfect, let it also be remembered, that I do not profess to have that degree of legal knowledge necessary to repel all the attacks of ingenious sophistical argument.—With these preliminary points in view, let us proceed to examine the 3d article of the proposed constitution according to the plain dictates of common sense, without perverting a word on one side, or giving undue force to it on the other; and as the answers to the above questions will naturally arise from this examination, let this article take its chance of applause or blame, according as such implied answers may appear to you satisfactory, or not.

III.

Sect. 1. *The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish.*

Congress are to ordain and establish these courts, and it seems to be left to their judgement to determine what the mode of trial in them shall be.

The judges both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Here we find the independence of the judges fixed beyond the reach of any influence whatsoever; to suppose the contrary, would be to suppose, that men could be wicked without a motive, in opposition to every possible motive to be good. This is indisputably the most perfect security that human wisdom can invent.

Sect. 2. *The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority.*

The judicial power is thus confined to cases of a federal nature, and it cannot therefore interfere in any case arising under the constitution or laws of any particular state; trial by jury in the state courts is therefore inviolate in every point of view.

to all cases affecting ambassadors, other public ministers and consuls;

Here the states represented by such public ministers must, in the persons of these ministers, be parties, and only a federal court can be competent to such questions.

to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states.

This last is the only instance that seems like interfering with the judicature of any individual state, and the same is to be found in the old confederation: indeed it may with propriety be called a state case, since the validity of state grants is the point in question.

and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction.

This is an explicit, unequivocal definition of the power given as to original jurisdiction.

In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Here appellate jurisdiction is also defined, and the cases subjected to it are also unequivocally expressed, and they are all of a nature to which only federal appellate jurisdiction can be competent; they do not appear to touch my question of *meum and tuum* between citizens of any state or states throughout the union, and consequently do not assume any of the judicial power that belongs to individual states. It has been said by some, that under the clause, "*between states or the citizens thereof and foreign citizens and states,*" any case between citizens of different states might be forced into the inferior federal courts, and that appeal could only go from these courts, since such citizens would be with respect to each other, as foreigners; a mistake as to the meaning of the word seems to be the cause of this error. Foreign is literally *not of this country, not allied*, no citizens therefore, that live under a federal government can be foreign to each other: But to clench this question we find the 2d section of the 4th article thus expressed, "*the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.*" There is nothing said here about trial by jury in civil federal cases, it is true, but there is nothing said against it; these regulations are to be made by the representative body of the people, and such mode of trial is to be established as the nature of the case may, in the opinion of "the spirit of America," require. If no discretionary power is to be given to the collected voice of the people in Congress, we need not have planned a federal government to be composed of men, we might have made a federal machine at once. It is objected, that this appellate jurisdiction is both as to law and fact; but what would an appeal be good for without that condition? If, in a case where, a state might be more or less concerned, a fact found by jury in that state, could not be revised by appeal, such state would be judge and party; which is the very evil that a federal court is intended to remedy: Does not the supreme court of Pennsylvania in cases of appeal, judge of the fact found by an inferior jury?

I confess it appears to me, that the supreme federal court as to civil cases, is intended to partake of the nature of a court of errors and appeals, of a court of chancery, and of a court of admiralty; these courts exist in several of the states, and we have never heard a complaint of the want of a jury in them. In all criminal cases, except impeachments, it will be a court of oyer and terminer, and trial by jury is absolutely prescribed.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3. *Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Here, my friends, is an unparalleled bulwark of freedom; in all other governments, misprision of treason is punishable by confinement, disgrace, and corporal pains. Presumptive and circumstantial evidence are also generally sufficient to convict; but here the act must be *overt*, and must be proved to be so either by two witnesses or by confession. You may look in vain throughout the world for another instance so near to judicial perfection. In England two evidences, one to one overt act, and one to another are sufficient to convict; which takes from the accused the advantage of separate examination of witnesses, pretending to prove the same fact, who when false, may defeat each other's evidence by their contradictions. There is no security in the number of witness to prove treason, unless two at least be necessary to prove every overt act; as in the proposed constitution is most righteously provided.

Before I take my leave of you, permit me to pay a tribute of respectful praise to the *honest Americans* of Massachusetts; to an honest majority who proposed conciliatory amendments to take place under the provision made in the fifth article; and to an honest minority, who, after opposing from principle, nobly resolved to support, throughout the circle of their influence, that constitution which the spirit of their country had adopted; and as I persuade myself that this meritorious example will be followed by those states which are yet to decide, I do not mean to trouble you with any further essays on the subject, and have only to add my fervent prayer, that PEACE, LIBERTY, and SAFETY may ever be the distinguished enjoyments of my beloved native country.

439. A Pennsylvanian III

Pennsylvania Gazette, 20 February 1788

TO THE CITIZENS OF THE UNITED STATES.

Friends and Countrymen, The first reason of dissent given by the minority of Pennsylvania is, that a very extensive territory cannot be governed on the principles of freedom, otherwise than by a *confederation of republics*. Though I admit this to be true, yet I beg to be indulged with a few remarks upon their arguments and observations. They adduce the opinions of the most celebrated writers, to whom the modern

improvements in government were unknown, and who had not the benefits of those numerous and invaluable lights which have been thrown upon the subject by the discussions arising from the American cause. If it is admitted that the path to perfection in government was never before so brightly illuminated as at present, the honest and well informed opinions of *this period* must be as valuable as those of the great men of *less enlightened* times. But the minority further tell us, that this opinion on the necessity of the confederated form for an extensive territory is confirmed by *uniform experience*. So far is this acknowledged truth from being confirmed by uniform experience, that a confederation of *free* governments is perfectly a new case. We have not before us one ascertained instance, since the beginning of the world, to remonstrate the capacity of the confederated form to answer the purposes of just government. While, therefore, I agree, *from reason and the nature of human affairs*, that a confederated form of government is necessary to preserve the peace, liberty and safety of America, I cannot admit that there is sufficient weight in *the first*, or truth in *the second*, argument adduced by the minority of our Convention, In justice to the honorable Mr. Wilson, a limb of whose speech they have dis severed from the body, I beg leave to turn your attention to the speech itself. 'Tis solid, ingenious, and comprehensive, and worthy the perusal of every American.

The minority dissent, secondly, because the powers vested in Congress will, as they assert, necessarily "*absorb and annihilate*" the legislative, executive and judicial powers of the several states. From whence, they proceed to say, will arise a despotic government in these states. As I have already admitted, as necessary to liberty, that our general government should be *confederated*, so it is now incumbent on me to answer those arguments which have been adduced to prove the proposed constitution will *annihilate* the legislative, executive and judicial powers of the several states. This I believe is the great ground, on which all the fears of the opposition rest in Pennsylvania, and throughout the union.

In support of their assertion, the addressers first observe, that Congress are vested with a complete and unlimited command over the purse of America. So far is this from being the case, that there is *but one* single branch of revenue placed *out of the reach* of the state legislatures—that arising from trade, which is the least of all connected with liberty, as it is *extra territorial*, and requires no dangerous force to ensure its execution. But even on this the state legislatures have a *complete check*, in the power of chusing the Senators, whose voices are necessary to a commercial act. If the Fœderal Representatives of the people bring forward a bill of this kind, tending to diminish the constitutional and due weight of the separate governments, the Representatives of the state

legislatures (the Senators) can say, it *shall not be enacted*; and this, moreover, will apply to every revenue law Congress shall attempt. Whence it appears, that Congress possess *not an unlimited*, but a *controulable*, power over the purse; while no act of Congress, nor of any other power, can prevent the state legislatures from imposing any duty, excise or tax upon any intraterritorial object, *provided the application of the money is to state purposes*. But the several states will possess more or less of *independent revenues and resources*, to which the powers of Congress *cannot* be extended. They may tax state offices, such as those of Prothonotaries, Registers of Wills, Sheriffs, County Treasurers, &c. They will have fees for grants of lands, affixing public seals, marriage and tavern licences, &c. tolls on rivers, canals and roads, the income of public property, escheats, fines and forfeitures, confiscations, quit-rents, sales of lands, and many other things, with which the foederal government cannot interfere, besides *their absolute and constitutional right to lay any internal tax, excise or duty whatsoever*.

It has been said, that Congress can make the first call upon the people: but an opposite opinion appears to me more reasonable, that the several states can make the demand first, and in the way most pleasing to the people, and thus, by *punctuality*, prevent the exercise of the power of direct taxation by the foederal legislature: and here let us remember that as the votes of the foederal house of representatives will be in proportion to the actual number of the people, so, in pursuance of the interests of the people, they will and can obstruct *all unnecessary direct taxes of the foederal legislature*, so long as they find the state governments punctual in the discharge of the necessary foederal requisitions. A rule will no doubt be early adopted, that Congress shall make up their estimates, and pass their money laws, as long before the day of payment as possible, from which the states, knowing their several proportions, will be able to pursue the ways and means by which their respective quotas can be most easily procured. I hope, my countrymen, I do not deceive either you or myself by this train of reflection, I believe the foederal powers are very different from what the fears of our minority have raised them to. It certainly appears, that the foederal government has not an unlimited command over the purse, for *only one* source of revenue, arising from trade, is put entirely into their hands. In a great number of the other parts of the business, the separate states have a *concurrent and uncontrollable* power of legislation, and *the remainder*, which is very considerable, the states have in their own hands, to the absolute *exclusion* of Congress.

The power of the sword, say the minority of Pennsylvania, is in the hands of Congress. My friends and countrymen, it is not so, for THE

POWERS OF THE SWORD ARE IN THE HANDS OF THE YEOMANRY OF AMERICA FROM SIXTEEN TO SIXTY. The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be *tremendous and irresistible*. Who are these militia? *are they not ourselves*. Is it feared, then, that we shall turn our arms *each man against his own bosom*. Congress have no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are *the birth-right of an American*. What clause in the state or foederal constitutions hath *given away* that important right. It is said, Congress can order the militia of Georgia to New Hampshire! The gentlemen might have gone further, and said, they might order the militia of Maryland TO MARCH OVER THE SURFACE OF THE CHESAPEAK. The latter would be obeyed as soon as the former. These extravagancies operate against all power. The legislature of Pennsylvania may constitutionally order their citizens to pay in taxes one half, or even *the whole, value* of their estates, by the very clause which vests them with the power of providing for the real and evident exigences of the state government. Further, the power of the sword, even so far as it is placed in the hands of Congress, is subject to *the controul* of the state legislatures, for they name one branch of the foederal government (the Senate) without whom no military officers can be appointed, no monies granted, no armies raised, no navies provided. The state governments also have "*the authority* of training the militia, and *appointing all the officers*. The constitution, instead of providing a standing (or permanent) army, takes care that it *shall not be standing*, shall not *continue*, for it declares it shall find itself *absolutely unprovided* at the end of every two years. If the people see the least reason to apprehend a breach in the constitution by the grant of money for more than two years, they can elect new representatives, and they can by virtue of those military powers, *which are inseparable from their own persons*, suspend every operation of a Congress, which shall have thus ceased to be a lawful and constitutional power. From this circumstance, and from the citizens of the United States possessing the right of creating directly or indirectly every military officer and of granting every military resource, I do not hesitate to affirm, that the unlimited power of the sword is not in the hands of either the *foederal or state governments*, but, where I trust in God it will ever remain, *in the hands of the people*.

The legislature of each state must possess, *exclusively of Congress*, many powers, which the latter can never exercise. The state governments can prescribe the various punishments that shall be inflicted for disorders, riots, assaults, larcenies, bigamy, arson, burglaries, murders, state treason, and many other offences against *their* peace and dignity, which,

being *in no way* subjected to the jurisdiction of the foederal legislature, would go unpunished. They alone can promote the improvement of the country by general roads, canals, bridges, clearing rivers, erecting ferries, building state houses, town halls, court houses, market houses, county gaols, poor houses, places of worship, state and county schools and hospitals. They alone are the conservators of the reputation of their respective states in foreign countries, by having *the entire regulation* of inspecting exports. They can create new state offices, and abolish old ones; regulate descents of lands, and the distribution of the other property of persons dying intestate; provide for calling out the militia, for any purpose within the state; prescribe the qualifications of electors of the state, and even of the foederal representatives; make donations of lands; erect new state courts; incorporate societies for the purposes of religion, learning, policy or profit; erect counties, cities, towns and boroughs; divide an extensive territory into two governments; declare what offences shall be impeachable in the states, and the pains and penalties that shall be consequent on conviction; and elect the foederal senators. These things and many more can always be done by the state legislatures. How then can it be said, that they will be absorbed by the Congress, who can interfere in few or none of those matters, though they are absolutely necessary to the preservation of society and the existence of both the foederal and state governments.

In the executive department we may observe, the states alone can appoint the militia and civil officers, and commission the same. They alone can execute the state laws in civil or criminal matters, commence prosecutions, order out the militia on any commotion within the state, collect state taxes, duties and excises, grant patents, receive the rents and other revenues within the state, pay or receive money from Congress, grant pardons, issue writs, licences, &c. among their own citizens; or, in short, execute any other matter which we have seen the state legislature can order or enact. In the judicial department every matter or thing, civil or criminal, great or small, must be heard and determined by the state officers, provided the parties contending and the matter in question be within the jurisdiction of the state. Hence our petit and grand juries, justices of the peace and quorum, judges of the common pleas, our board of property, our judges of oyer and terminer, of the supreme courts, of the courts of appeal, or chancery, will all exercise their several *judicial powers*, exclusive and independent of the controul or interference of the foederal government.

The objects of those state judges, which I have enumerated, are highly important in regard to their value, their connection with the liberties of the people, and the existence of order and government. Congress

have not the smallest jurisdiction in those cases, either direct or indirect; and therefore, if the separate states should *omit* to exercise them, the United States must *in one day* rush into absolute *anarchy*, and be torn to pieces by wanton and extreme violence, by which *the federal and state governments* would sink together in one *common* ruin.

We might proceed much further, but I trust, on a fair consideration of what has been already said, you will see, that instead of the *annihilation* of the state governments by the federal government, Congress must not only refrain from injuring them, but that they must most carefully attend to the preservation of their *internal peace*, and the exercise of their *separate and indispensable powers*, as the only means which can preserve the *federal* government itself from disorder and *annihilation*. Hence we find they have pledged themselves to apply *the whole powers of the union* to maintain in each state a *free or republican* government.

Though we readily admitted, that if the proposed constitution for the United States was a *social*, and not a *federal* one, it would be justly exceptionable, yet as it appears on examination strongly *federal*, and that it cannot possibly absorb the state governments, so all fear of that *Despotism*, which a *social* government would produce in so extensive a territory, is entirely removed. It may be satisfactory to many of my countrymen to see this point more copiously treated. I remember to have read two very valuable papers, No. 44 and 45, by *the Fœderalist* of New-York, who signs himself PUBLIUS, which must give great satisfaction to every discerning and candid mind. In the Pennsylvania Gazette also, No. 3008, No. 3009, and No. 3010, a writer, under the signature of a FREEMAN, has thrown into one view *the indefeasible powers of the separate states*, and the deficiencies of *indispensable social power* in the proposed government.

But, say the minority of Pennsylvania, Congress have power to regulate their own elections, by which means alone they may totally destroy the state governments. Let us examine this point: By the fourth section of the first article it is declared, that the times, &c. of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof, but Congress may at any time by law make or alter *such regulations*, except as to the place of choosing Senators. What then do we find they can alter? such regulations as fix the time, (that is the day or hour) of election, &c. Does this enable Congress to prolong their existence? Do not *the preceding articles of the constitution* positively declare, that the representatives shall be elected *every two years*, and the Senators *every six*, and that the former shall be chosen by *the citizens of each state*? Does then a power to make *regulations of elections* given to the legislatures enable them *to alter the constitution*? Surely these gentlemen

have given the subject but an hasty thought. But let us proceed. The article goes on to say, that “such *regulations*,” that is, the regulations *the State legislatures* may or might have made, may be altered, or (if omitted) may be made by Congress. The convention have not given the foederal legislature more power in regard to these elections in any one state, than they gave just before to its legislature. They could not intend, that either the state legislatures, or Congress, should alter *the constitutional provisions*, by which *frequent* elections by *the people* are secured. After all, the matter rests here: the convention, seeing that it would be pleasing to the states, left the power of *regulation* with them, till they might show a disposition to abuse that power, to *the injury of the people* or *the destruction of the confederacy*. Knowing that such an instance had *already* occurred in Rhode-Island, they deposited a controul with Congress. Being a matter absolutely relative to our *federal* concerns, the power might have been properly deposited with the foederal government from the beginning, subject, as it now is, to the *paramount* provisions and restrictions of the constitution itself. ’Tis a power which every legislature in the union possesses, under the *same controul* of their respective state constitutions. Being part of their state affairs, ’tis deposited, where *alone* it should be, *with their state legislatures*; and in the case before us, being part of our *federal affairs*, is, on the same *sound reasons*, and by the same *necessity*, deposited with our foederal legislature.

**440. Wheelbarrow Society Meeting on 8 February 1788
Pennsylvania Gazette, 20 February 1788¹**

OBJECTIONS *to the proposed Plan of Government for the
United States, on GENUINE PRINCIPLES.*

At a Meeting of the *Wheelbarrow Society*, in the Prison-yard, Philadelphia, February the 8th, 1788.

Present fifty-eight members.

JEM DORAN in the Chair.

After mature discussion, the Society unanimously agreed in the following

FUNDAMENTAL PRINCIPLES.

1st. *Pure natural liberty* is the right of every man to do whatever he pleases *without controul*, and to possess, *without retribution*, whatever he can acquire by *valour* or *address*.

2d. States or sovereign powers are as individuals in a state of nature; and therefore true political liberty, or the liberty of a state as a body politic, is the right of that state, or of those who are in the possession

of the sovereignty thereof, to do such things and enact such laws, as may be thought conducive to the advancement of the powers and interests of that state, or of the government thereof, uncontroled by the artificial system of restraints, known by the name of *The Law of Nations*.

3d. All systems of government, whether operating on states or on individuals, although ostensibly formed and specially declared to be for the establishment of general justice and of general good, are, in fact, systems of coercion, restraint and oppression, and ought to be abhorred by the true sons of freedom as invasions and abridgements of their natural rights.

4th. Whereas, in the present imperfect state of things, *true natural liberty*, as defined in our first fundamental principle, cannot be universally enjoyed, necessity enforces a submission to what is called government, under some form or other.

5th. According to the foregoing principles, that form of government is the best, which contains the fewest restraints, and leaves in the hands of the governed the greatest portion of natural liberty, and the fullest scope for the exercise of personal prowess and native ingenuity; it being demonstrable, that if the component parts of any society are left free, and become, *by any means*, rich and happy, the whole of that society will be free, rich and happy.

6th. The worst of all possible governments is that, which, by the vigorous operation of general laws, and a complication of internal checks, restraints and regulations, prevents individual states or persons from prosecuting their separate interests in their own way; most wickedly sacrificing the emolument of individuals to what is called the glory and prosperity of the whole.

These fundamental principles being established, the plan of government proposed by the late General Convention for the United States was taken up, considered by paragraphs, and compared with the doctrines laid down; and after some debate, the following resolutions were unanimously adopted, viz.

1st. *Resolved*, That the constitution proposed for the United States is a *consolidated government*, pregnant with the seeds of coercion and restraint, and therefore a system of tyranny and oppression,

2d. *Resolved*, That under such a government, neither states nor individuals can do or refuse to do what they please, in all cases, which is a direct infringement of the natural liberty of both, as defined in our first fundamental principle.

3d. *Resolved*, That under such a government men of education, abilities and property, commonly called *the well born*, will be most likely to

get into places of power and trust, to the exclusion of a large majority of a contrary description.

4th. *Resolved*, That as this constitution most arbitrarily and inhumanly prohibits the emission of paper money, and other resources by which the unfortunate debtor may throw off the discouraging burthen of his obligations, it ought to be considered, as in fact it is, a system of tyranny and oppression, compelling citizens in many instances to do things extremely disagreeable, and contrary to their interest.

5th. *Resolved*, That under such a government the industrious and wealthy may enjoy their property in security, to the great injury of those who have no property at all.

6th. *Resolved*, That under such a government there will be an encouragement for gentlemen of adventure and address to procure subsistence and wealth by extraordinary modes of acquirement, because what is called the vigour of law will pervade the whole union.

7th. *Resolved*, That the government proposed is consonant with our 6th fundamental principle, and the worst of all possible governments; and therefore

8th. *Resolved*, That the members of the late general convention, who framed, voted for, and recommended this plan of government, and all state conventions who have or shall hereafter adopt and ratify the same, and all those individuals, who, by word of mouth, by writing and publishing, or by any other means, shall express their approbation of the said infamous constitution, are, and ought to be, considered by all the true sons of liberty as demagogues, aristocrats, conspirators, traytors, tyrants, and enemies of the natural rights of mankind.

9th. *Resolved*, That as we are the most numerous and respectable body that have as yet combined, formally to avow and publish a disapprobation of this new constitution, it is fit and proper that we should be regularly organized, that other worthy malcontents in this and the other states may, by association or election, be annexed to our community, and so make up a union of strength to oppose the establishment of this tyrannical government: Therefore,

10th. *Resolved*, That we will now proceed to the election of a President, Vice-president and Secretary.

Whereupon, the ballots being fairly taken and counted, stood as follows:

For the PRESEDENTSHIP.

For the Author of the pieces signed CENTINEL,	51 votes.
For Jem Doran,	5
For Arthur M'Garity,	2

VICE-PRESIDENT.

For L——— M———, Esquire, of Maryland,	47 votes.
For Daniel Cronan,	8
For Pat Dalton,	3

SECRETARY.

For the Author of the pieces signed PHILADELPHIENSIS,	30 votes.
For Kit Carbery,	28

The following members were then appointed a committee of correspondence, viz. Jem Doran, Arthur M'Garity, John Doughty, Pat Dalton, Daniel Cronan, James Bulger, and Kit Carbery, to hold communication with the late adherents of General Shays in the state of Massachusetts, and with other worthy opposers in the several states.

The society directed that these their proceedings should be made public, and then resumed their daily occupation of cleaning the streets and common sewers.

1. Reprinted: *Pennsylvania Mercury*, 26 February, and *Philadelphia American Museum*, June 1788.

441. Pennsylvania Gazette, 20 February 1788¹

The conventions of Delaware, New-Jersey and Georgia, says a correspondent, adopted the new constitution unanimously.—There all was harmony. The minorities of the Connecticut and Massachusetts conventions acquiesced in the just authority of the majority, and all was harmony between the two sides of the question. Let us then in Pennsylvania support the honor of our state, by giving to each other the right hand of mutual regard, and making the kindest use of the time to come, which is yet dishonoured by no dissentions.

The convention of New-Hampshire were to assembled the 13th instant. In that happy state, both parties, which formerly were warm, are most cordially united in favor of the new constitution.

The states which have already adopted the fœderal constitution contain a majority of *the free persons* of the United States, and, what is a still more comfortable reflexion, are two thirds of the number which is necessary to render the government efficient. When we recollect that all but Rhode-Island have called a convention, and all the conventions, who have determined, have given their fiat to the constitution, we cannot doubt that the next fœderal year will commence with all the thirteen states united in the new confederacy.

1. Reprinted: *Pennsylvania Packet*, 22 February; *Pennsylvania Journal*, 23 February.

442. President Benjamin Franklin's Speech to the Supreme Executive Council, Thursday, 21 February 1788 (excerpt)¹

A MESSAGE

*From the PRESIDENT and the SUPREME EXECUTIVE COUNCIL
To the GENERAL ASSEMBLY.*

GENTLEMEN, We sincerely congratulate your Honorable House on the ratification of the Fœderal Constitution by the Convention of this state since your last recess, and we flatter ourselves that its adoption will be attended with important good consequences to all the States in the Union. . . .

1. Printed: *Pennsylvania Packet*, 25 February. Franklin's speech was reprinted at least six times in Philadelphia and once in Carlisle.

**443. A Friend to real Liberty of the Press
Pennsylvania Mercury, 21 February 1788**

Mr. HUMPHREYS, "The declared impartiality" of the printer of the Independent Gazetteer filled me with surprize, when I found, by his paper of the 19th inst. he had "declined complying with the request of a number of his customers" to publish Centinel, No. 15, from your paper of Saturday last.

Although the Gazetteer contained Centinel, No. 1 to 14, yet I cannot conceive why he could refuse to print No. 15, unless he found it improper for his "impartiality" to develope the views of the enemies to the new constitution, and in however "questionable shape" it may have come, his "impartiality" ought not to have refused informing or obliging his "customers" with every thing in his power.—Let me beg the printer of the Gazetteer not to resent the publication of No. 15 in your paper, because his paper "is published *daily*," and yours "*but three times a week*," for I, as a freeman and landholder, have a right to *intrude* my sentiments upon the public, in the Mercury, as well as the "real" insidious author of the Centinel has to abuse the most elevated characters on the continent, in the Gazetteer.—The junto Mr. Oswald mentions, has existence solely in his brain, and can gain belief with those only who are enemies to our political saviour; and however he may affect to despise being "a copyist" from other papers, assure him, that his "bacon" and his impartiality are equally regarded by those who have the real good of their country at heart, independent of that *party*, to which Mr. Oswald was lately an *inveterate enemy, but to which from circumstances he now seems to incline*.

444. *Pennsylvania Mercury*, 21 February 1788FAMILIAR LETTERS
between MARGERY and her FRIENDS.

LETTER I.

MARGERY to Mr. B—— of Cumberland County.

Philadelphia, August 22d, 1787.

DEAR SIR, I begin to be alarmed—The Fœderal Convention is still sitting, and from the secrecy and unanimity that prevails among them, I really fear something effectual will be done—You know this is what we never dreamt of; for we naturally supposed, that men coming from thirteen different states, and each man with his own particular whim and ideas of government, could never reconcile so many interests, so as to frame a constitution for the whole; of course we concluded, that after meeting and squabbling together awhile, they would break up, and go home just as they came—with this additional hope though, that their differences would widen them so much, that another convention could never again be procured.—Could we have foreseen this cordiality that reigns among them, we should have tried to get one or two of our spokesmen in to sow dissensions—Indeed what made us decline it, was, because the deputies were to receive no pay from the state for sitting—You know one of our maxims is, to do nothing for nothing: But where there are any pickings to be had, we generally contrive to have a finger in the pye.

All has been kept quiet, the members being bound to secrecy by their *word of honor*—This I assure you, at first staggered me; for I thought if that alone could bind them, I should be likely to have no kind of influence on any. However, I have since got acquainted with a Mr. M——n from Maryland, who is just the man for our purpose: He has told me a great deal. From him I understand, that the Convention finding the old confederation would not do, are forming an entirely new Constitution; the principles of which, you may depend on it, will make confoundedly against our party-politics; for it will not be a constitution like that of Pennsylvania, which we can do as we please with: It will have some energy and decision in it—I therefore apprize you thus early of it, that you may begin betimes, to join your operations with ours against it. The first thing you have to do, is to throw out hints, that you fear from this strange secrecy, no good is a brewing—that the people ought not to be kept in the dark—that you are willing to believe they will do something to relieve us, as we stand in need of it, but that you really cannot help having your fears and doubts.—You need not go beyond this till I give you further instructions, which shall be as soon as things are a little riper.

In the mean time, I am your unremitting friend and humble servant,

MARGERY.

445. Pennsylvania Mercury, 21 February 1788

LETTER II.

The SAME to the SAME.

December 15th, 1787.

DEAR SIR, Since you left town I have been so entirely engaged, that till now I have not had a moment's time to write to you. But you will the more readily excuse me, when I inform you, that I have been devoting my endeavours with those of your other two friends to delay and frustrate as much as possible the proceedings of the State Convention—This day they broke up, and though we have not done all we wished, yet considering there are but three of us, you must acknowledge we have done wonders—A little good leaven will raise a great deal of bread, and with our leaven, small as it is, we have contrived to raise an *ostensible* minority of twenty-three—I say ostensible, because they are in reality but fourteen—I know, Sir, how heartily you have entered into our interests and designs,—that you are willing to go through thick and thin with us:—And you know how implicitly we have confided every thing to you; for however we may deceive the rest of the world, it is but prudent we should let those know the true state of affairs who are to help us carry our schemes into execution—I am therefore willing to tell you all, that you may see how necessary it is, that you should not remit your assiduity.—The state of the case then, is as follows. The five members from one county who voted against the Constitution have declared, that they thought it ought to be adopted: You know they were all led by one of their members, and that member had promised some of his particular constituents he would vote against it; of course they all followed—The dissenting member from L——r, acknowledged he had no objection but one, and that was the mode of election—that as it was carried, he should use his influence to support it. Another member declared in convention, he should think it his duty to concur with the majority—One member absolutely refused to meet us to sign the protest, and another who did meet us, would not sign it, declaring “he had not the fifteenth part of the objections against the Constitution there exhibited, and that he did not believe any one of them could lay his hand on his heart, and say he believed in a quarter of them” (this by the bye was true enough—but this between ourselves)—Now these make nine; therefore there are but fourteen left, in whom we can place any confidence.

The Convention met every day, and sometimes twice a-day, so that our trio had to work double tides to supply our spokesmen with new

hints, quibbles, and subterfuges. They really performed beyond our expectation—they were working against both wind and tide, for the people of every description, farmers, tradesmen and merchants (excepting a few under our immediate influence) were all in favour of adoption, and could not always be restrained from testifying their approbation—This chagrined our poor fellows, and indeed it was not to be wondered at; so we got old daddy W—r—l to sit inside of the rails, to pat them on the shoulders and rub them down, and now and then to whisper something comforting in their ears—You cannot imagine what an effect it would have—it would set their combs and make them as brisk as so many cock-sparrows.

But all this does not put us out of heart, we must hope for the best, and not only hope but act too. Our two publications, Centinel and Old Whig, go on. I have the chief hand in the first and assist occasionally in the second—By the bearer hereof, who is one of the Convention, and one I can depend on, I send you 210 Centinels and 195 Old Whigs—they fill his bags chuck full, and as he had not much linen to take, he could carry the more for me—I desire you will distribute them faithfully and as early as possible, before the minds of the people become more prejudiced in favour of the Constitution.

Let me hear from you soon—Inform me whether after so much *sowing*, any *seed* has taken root—whether any thing is coming up, and how it grows—take care to *water* well, and let me know on the whole what prospect there is of a *harvest*.

I am your industrious friend and humble servant,

MARGERY.

(To be continued.)

446. One of Your Constant Readers

Pennsylvania Mercury, 21 February 1788

Mr. HUMPHREYS, I confess I am highly diverted on reading the 15th No. of Centinel, in your paper of Saturday—I know nothing at all of this writer, but cannot refrain from expressing my thanks, through your useful paper, to that gentleman. It is very pleasing for any one to see his neighbour make a good shot hit the mark, &c. And truly I think this gentleman has taken Mr. Centinel as nearly on his own ground as any thing I have seen written yet on the subject, and would wish to see it inserted in every paper in the city. In the mean time I am really sorry, that our state should exhibit such a scene of licentiousness and wickedness, which was lately noted for good government and decorum, beyond any place in the world. It often reminds me of an anecdote of an old Scotch Divine—When reproving a young woman for something amiss, he asked her, whether she was at service, or at her own hand,

when her misfortune took place? She answered, at her own hand. And a pretty hand you have made of it, replied the good old gentleman.

It is remarkable that there is a different spirit running through the writings of Centinel, and his brethren of this place, from what appears in the opposers in other states. Compare the letter of Governor Randolph, who is well known to possess learning, honesty, and property to a great extent—Is not our Centinel a proper antipode to him; but I must not mention this man, for he is well-born, wealthy, &c.

It appears to me, that these cant phrases are used too much, as the D———I used the Serpent to beguile our first parents; and further it has a tendency to counteract the great fundamental, established laws of the governor of the world: for supposing the Centinel to be as honest a man as Governor Randolph, have we not a greater security in him, who has so much at stake in common with ourselves, than in a man who has nothing, and is even supported by the public? It is contradictory to reason and common sense—But all must be resolved into the great, the patriotic love of this writer for us, and for our country; in-somuch that he would set us all a cutting one another's throats: but has he ever reflected on the horrid train of evils brought on us, in our morals and property, by the late war, when we were defending ourselves, and compared it with what probably it would be, when killing one another? I rather think he has not; if so, let him know, that it is but to stop his hand, though it be at the eleventh hour: for the twelfth hour soon comes, and it is generally the hottest in the day, and may very probably burn up his own nest, which he might have kept with a quieter conscience and a more peaceable mind.

And indeed the evils hinted at above, may be seen in embryo already—A man may come into our country, a stranger to our circumstances, habits, customs, and to the principles of government, and he may call himself Philadelphiensis, or what he pleases; and if he has a sufficient stock of pride and ignorance, fall a bellowing for three months together, crying, Oh my friends! we have fought, and bled, and now my blood runs wrong in my veins; and perhaps when he arrived but yesterday, had but little blood of any kind, nor much flesh on his bones. Thus much by the bye from

ONE OF YOUR CONSTANT READERS.

P. S. Since I wrote the above, I heard of the adoption of the new constitution in Massachusetts, and cannot help remembering the well known saying of a great poet, that an honest man's the noblest work of God—Compare the conduct of these honest men and enlightened Patriots with our minority; the tendency of the one to promote harmony, peace and good-will among men, and the other to promote tumult, dis-

cord and eternal war. Does it not bear some faint resemblance of the difference between heaven and hell. One cannot help thinking of the motion made by two worthy members in our Convention, just before the grand question was put to assume a similar line of conduct to what we hear has taken place in Boston, and tho' there was too much malignity and rancor in the breasts of our minority to agree to it, yet the motion will redound to the honor of the benevolent and worthy members, who made it in spite of the narrow, contracted, and jaundisied eye of party and prejudice, that may be found in the head of even a Centinel—But as the conspiracy seems to spread its wings over all the land, I hope our Centinel, who indeed is a shame to the whole union, but more especially to Pennsylvania, which is very properly observed in the account from Boston—I say I would fain hope the best of him for the honor of our country, and of human nature; but if he chuses to persist, the time may not be far off, when even his own posterity will curse him.

447. Friend to real Liberty of the Press

Philadelphia Independent Gazetteer, 22 February 1788

*#We have just seen the *trash* of some poor tool or *tiffany*, who *affects* to be “A FRIEND TO *real* LIBERTY of THE PRESS,” in *Humphreys’s Mercury* of yesterday, and shall only observe in reply, that, despising the *abortions* of his distempered *brain*, we cannot be diverted from the strict line of our duty. And although we do not *affect* to carry our “arguments on the point of the sword,” like the dangling parasites of the *junto* alluded to in our paper of Tuesday last, yet we can with conscious pride declare, that in political controversies, *measures*, not *men*, have ever been our object; and that *fairplay* shall ever command a full share of our regards.

It is high time to give over the old, retrograde manoeuvre of holding out the “*saviour*” of America as a *bug-bear* upon all dirty occasions. We are not to be frightened or led away by *great names*. Every freeman must and will think and act for himself—And in the present awful crisis, those who wish, and are actually endeavoring to sacrifice the liberty of the people at the shrine of despotism, merely to gratify *local* party prejudices, deserve to feel the scorpion lash of every

Friend to real Liberty of the Press.

Thursday Evening.

448. A Number of Honest Americans

Philadelphia Independent Gazetteer, 23 February 1788

To CONCILIATOR.

SIR, When you entered on the duties of your office, and undertook the arduous task of reconciling, “all honest Americans” to the *new constitution*, we hoped you had counted the cost, and were determined not

to be easily discouraged or diverted from the prosecution of your purpose. It is therefore with real concern we have observed, that, in your last essay, you seem to be about bidding adieu to the subject, and resigning us again to the guidance of our own weak judgements. But let us intreat you, sir, not to give us up so soon. We are not yet half reconciled. We are, indeed, willing, even at the risk of our own understandings, to acknowledge that you have done much: but much remains for you yet to do.

You have proved to us, from de Montesquieu, that our liberties can only be secured by an unreserved confidence in our rulers; and that if they are too narrowly watched, or their conduct too strictly scrutinized, they will certainly turn despots. You have proved to us, that there can be no danger in vesting our rulers with unlimited powers. They will of their own accord, cheerfully abridge them; for General Washington, after the termination of the war, and when the army was disbanded, resigned his command. And in your last, in answer to a couple of questions, proposed by one of our body, you have proved, that though jury-trial, in civil cases, may be abolished in the federal courts; yet we will have sufficient security for an impartial administration of justice, from the independence of the federal judges; which, you observe, “is fixed beyond the reach of any influence whatsoever.”

We do not wish to be over scrupulous, or always viewing the dark side of the picture; but on this last article—the independence of the judges—we cannot help expressing some anxiety.

It is true, that the judges will hold their offices during good behaviour, and that their salaries cannot be *diminished* during their continuance in office; but they may be *increased*; and would you say that the prospect of an encrease of salary could have no influence whatsoever? Besides, we observe, that the office of a judge, which he holds during *good behaviour*, does not disqualify him from holding any other office under Congress, during their *pleasure*; and can you suppose that his dependance, in this respect, could have no influence whatsoever on his independence as a judge?

We beg, sir, that you would condescend to bestow a few more thoughts on this subject; by which you will add one other obligation, to the many under which you have already laid—

A NUMBER OF HONEST AMERICANS.

449. *Pennsylvania Mercury*, 23 February 1788

FAMILIAR LETTERS
between MARGERY and her FRIENDS.

MARGERY to TIMMY the ROVER.

Germantown, December 17th, 1787.

DEAR TIMMY, I have endeavoured to conceal it, but I must confess to you, that the untoward way in which things have gone on, for some days past, has agitated my spirits exceedingly.—The adoption of the Constitution *unanimously* by Delaware, and by so *great* a majority of Pennsylvania, tried me—it unfitted me almost too much for the close application I have given to writing the “Address and Reasons of Dissent.”—All this, however, did not affect me so much, as the difficulty we have since had with those refractory members in the minority; yet I think few old women of my age and infirmities, could have borne it so well.

This distress it was which induced me to quit the bustling and noise of the city for a few days, in hope that change of air and the retirement of this place might compose my ruffled perturbed mind.—They have, in a good measure, had the desired effects already, and what I believe has contributed greatly to it, is, my not being plagued with opposition here,—all runs with the current of my opinion. Mr. —— puts such implicit faith in all I say, that were I to tell him the Constitution would metamorphose us into Ourang-Outangs, he would believe me. He is firm for us, but I find the politics of the lower end of the town prevail here.

I write now to enclose you a few more *reasons*, which you are to add to the “Address,” and some alterations you are to make in it: Let them be done exactly according to the directions which accompany them. I want to know how you have managed the seven members, who wished for more time to think about signing. I hope you have brought them to; if you have not, you must send the address to the printer with what names you have gotten to it. You had better get it into Tuesday’s paper, for there is no time to be lost: We have delayed so long, that it is beginning to be reported we do not intend to protest.

Your sincere friend,

MARGERY.

Monday morning,

7 o’clock, by candle-light.

450. Pennsylvania Mercury, 23 February 1788

LETTER IV.

TIMMY the ROVER to MARGERY.

December 19th, 1788.

DEAR Mrs. MARGERY, Dennis handed me your letter with the enclosures safely, and in good time; and I was glad to hear you are something recruited.

On Monday morning I went round to the lodgings of the seven members, to know what they had concluded on; but they had all left town,

except two: One of these said he would not sign, unless the rest did—the other, after much persuasion, complied, upon condition that I would leave some of the reasons out, and all the inflammatory parts: However, as I was not quite so squeamish as they, I put them all down; therefore, we have twenty-one to it. I wish it had been complete, but as Mr. Brown from Dauphin would not even meet us, and as Mr. Marshall from Washington made that speech, which occasioned us all to look so *blue*, I could not with any face add their names. Yesterday it came out, but I do not find, as yet, it has made any noise—it is so long that nobody seems to have time to read it—I knew it would be the case, and I told them so, while we were inserting your additional reasons. One man told me he began it last evening, but it was so dry, and so much of the old story, that he fell asleep over it; another talked of putting it by till a rainy day, and a third said he would as soon think of sitting down to Baker's Chronicles or Sir John Mandevil's travels—So you see we have missed our aim by being inflammatory "overmuch."

I was extremely mortified and uneasy at this public lethargy, and as you were out of town, and Mr. —— busily engaged in packing up the addresses, I concluded it would be advisable and necessary in me to publish one of my papers to rouse the attention of the people. I accordingly prepared my *Philadelphiensis*, No. 5, which made its appearance this morning. I intended it should be a *stinger* for the Foeederalists; therefore took great pains with it, and worked it up into my highest and most affecting manner. Toward the end I burst out thus, "Even in the freest countries, in Europe, a lady's lap-dog is more esteemed than a poor man's child.—Oh!—(continued I, taking the almighty's name in vain) what a monster is man! that a dog should be nourished, and pampered up by him with dainties!"—This I thought would certainly be an alarming stroke—that it would pierce the liver, and melt the gizzard of all those tender bosoms, which had a feeling for their fellow-creatures—Flushed with this belief, I was out by times this morning, to hear what was said about it, and to see what effect it would produce—I listened to every couple who were passing—stopped with several clubs of people at corners—strolled through the market—lap-dogs and poor mens children passed before their eyes, yet nothing reminded them of my ejaculation, and *Philadelphiensis* was not even mentioned—I then posted away to Mr. ——s. He was not at home, but Mrs. —— was just at breakfast; and luckily a few minutes after me, in came Oswald's paper. She immediately took it up, and glancing her eye over it, "So" said she, "Here is *Philadelphiensis*, No. 5—Well, let's hear what that Nicodemus has to say for himself."—So, she bit, and supped, and read alternately, (I all the while watching her countenance narrowly) till she came to the above paragraph, when she fell

into the most immoderate fit of laughter, and having a bit of muffin in her mouth, it had like to choak her—However, after she had coughed, and got a little over it, “Oh,” said she, “that will never go down.”—“What” said I, “do you mean the mouthful of muffin?”—“No, no, the lady’s lap-dog.”—“What” said I, a little confusedly, “does that stick in your throat?”—“Indeed” said she laughing again, “it is enough to choak one.”—I scuttled away full of chagrin and vexation, almost forswearing pen, ink, paper, politics, and Philadelphiensis.

Do come to town as soon as you can, for it is expected we shall hear to-morrow of the cursed adoption of New-Jersey, and poorly as you are, we shall want you to comfort our drooping party.

I am, dear Madam, your assured friend and humble servant,

TIMMY the ROVER.

To Mrs. MARGERY,
Germantown.

451. One of the People

Philadelphia Independent Gazetteer, 26 February 1788

Mr. PRINTER, I am but a plain man to be sure, but at the same time I allow myself to have common sense. I have long lamented that our country representatives had not better pay, that so they might be independent, and convince the world that they knew what it is to be the representatives of a free people; at present I am told that no sooner do we send them down to your town, but they list themselves under the city faction, and become their representatives; that they are feasted and banquetted about, and in return are always sure to give their votes to carry the *lowest* party purposes. Our members of convention, I am told, neither dined nor supped at their own lodgings, the whole time they were in town; if so, no wonder they voted for the proposed constitution.

But this will not answer, for us, Mr. Printer; we will not give up our sacred rights; we will convince the world that such men are not our true representatives, at the next election; (as both whigs and tories are now opposed to this constitution;) in the mean time, we shall see who can turn out most *fighting* men, “the *city faction*, or the people of Pennsylvania. Thank God the supreme law is not established; the standing army is not yet in motion; we are yet freemen!

Bucks County, February 21st, 1788.

452. A Real Patriot

Pennsylvania Mercury, 26 February 1788

Mr. HUMPHREYS, The federal constitution has been ratified by six states (which are all that have yet considered it) with a degree of una-

nimity which, at once, demonstrates the excellence of this plan of government, and the wisdom of its adopters. In three of the states it passed without even *one* dissenting voice; and in *one only* did the minority exceed one third. An erroneous calculation has appeared, in some of the newspapers, by which it would seem that upwards of one third of the six states, which have adopted the constitution, are opposed to it; this mistake was occasioned by computing the yeas and nays in the different conventions, as if an equal representation had taken place in all the states; but this is not the case; for the minority in the convention of Massachusetts, alone, was more numerous than the four conventions of Pennsylvania, New-Jersey, Delaware, and Georgia, because of the large number of delegates chosen in that state.

The following mode of calculation, I flatter myself, will appear unexceptionably just.

	No. of taxable inhabitants.	No. of del. in conven.	Nays.	Prop. of anti- fed. inhab.
New-Jersey,	130,000	39	00	
Delaware,	37,000	22	00	
Georgia,	90,000	33	00	
Pennsylvania,	360,000	69	23	120,000
Connecticut,	202,000	168	40	48,095
Massachusetts,	<u>360,000</u>	355	168	<u>170,366</u>
	1,179,000			338,461

Hence it appears that, in these six states, nearly five sevenths of the people were in favour of the Constitution, and if to these we add absent members, whom it is reasonable to suppose federal, and members, in the several minorities, who have since acquiesced, and are now zealous in support of this system, I have no doubt, that at least six sevenths of the people are, at this moment, friends to the proposed plan.

That so near an approach to unanimity should prevail in adopting this constitution, is truly an event hitherto unparalleled, a phenomenon in politics—and recommends it to the freemen of America, who have yet to decide upon it, more warmly than the eloquence of a Cicero, the fire of a Demosthenes, and the wisdom of a Solon, combined in every one of its advocates, could possibly do.

I sincerely congratulate the citizens of America upon the fair prospect which now presents itself to their view; and promises a long reign of virtue, happiness, and glory, as the result of a constitution which is the real *vox populi* so often ardently desired by mankind, in vain, and now, for the first time, discovered by the patriotic sages of America.

February 25th, 1788.

453. Carlisle Gazette, 27 February 1788

Extract of a letter from a merchant in Philadelphia,
to his friend in this town.

Dear Sir, "As I am a staunch federalist, both my curiosity and zeal for the common cause, incites me to procure what intelligence I can pick up, concerning transactions manoeuvring in the different places of the continent, respecting the new constitution; for this purpose I procure all the news-papers I possibly can. When the constitution was first ushered into the world, under the sanction of such a venerable train of names, I was happy to find by a paragraph in the Carlisle Gazette, that the people of Carlisle in a town meeting, the largest that had been known on any occasion since the revolution, had unanimously approved of this new constitution; this induced me to expect a pompous rejoicing in your town upon the ratification by this state, but how great was my astonishment to find by your papers of the second of January, that a rejoicing was intended by the federalists, and all necessary preparations made; but just as they were on the point of proceeding, was violently opposed, beat, and drove off the ground by the opposite party. I then concluded that the first representation concerning the town meeting was false, or else that a sudden vicissitude had taken place in the minds of the people of Carlisle. I was anxious to know the whole of the matter, and I now find, nineteen persons only composed the whole opposition that were any ways active on the occasion, and it is positively affirmed, that the half of these persons were concerned in the affray; but what is still worse, I am creditably informed, that next day when the federalists collected their whole strength, well armed and accoutred, determined to rejoice at the risk of their lives they nevertheless skulked off the ground upon hearing the sound of a militia drum: this in my opinion is cowardice to a proverb; I am indeed a passionate admirer of the new constitution, but could I ever suppose that all the federalists on the continent, possessed the same dastardly spirit with those of Carlisle, I would immediately relinquish the party, and join myself to those who dare assert their principles with spirit. Sir I am perfectly ashamed of your conduct; the antifederalists here exult and triumph over us on account of it, when any of them happens to fall into company with us, the common salutation is, "how would you like to be attacked by nineteen antifederal desperadoes, were forty or fifty of you about to celebrate a federal joy." I find by your papers, that when you were twice defeated in the field, you then commenced a paper of war; but Sir, to give you my candid opinion as a friend, in this encounter you were also defeated; your late disappointment had ruffled

your temper too much, and you had not policy enough to conceal it from the public, while your adversaries elated with their recent victory, burlesqued and ridiculed you with great ease and good humour. They mention some amongst you who had not gone to Philadelphia these nine, eighteen, and twelve months. To say the truth, some of us here could wish to receive a visit from some of our friends in Carlisle a little oftener: nine or eighteen months we could dispense with, but two and three years is rather disagreeable when some hundreds is depending.

“There is some reason to doubt of the adoption of the constitution, yet there is accounts that Massachusetts hath adopted it with amendments, which is but a decent way of rejecting it. There is such a formidable opposition to it in New York, Maryland and Virginia, that I am afraid all the schemes we can invent, will nearly draw them into the noose. Rhode Island will have nothing to do with it. It is not yet known what New-Hampshire or the Carolinas will do, but we hope they will adopt it. I have sent the contents of your order by the bearer, be assured, Sir, your commands will always be thankfully received, and duly honoured by your most obedient humble servant, &c.

N. B. The writer of the letter mistook his correspondent for a federalist, but he happened to be on the other side of the question.”

454. Carlisle Gazette, 27 February 1788¹

A correspondent sympathizes with the Antifederalists of Cumberland County upon the following inauspicious events, viz. rejoicing at Lancaster, York, Chambersburgh, Huntington, and Bedford, celebrating the adoption of the federal government; and no riot, disturbance or spirit of disaffection has appeared; 2dly. the unanimous adoption of the new government by the state of Delaware; 3dly. by the state of New Jersey; 4thly. by the state of Georgia; 5thly. an adoption by more than three to one by the state of Connecticut; 6thly. an adoption by a great majority it is said by the state of Massachusetts; 7thly. that the trades people and respectable mechanics of Boston are unanimously and decidedly its friends and admirers; 8thly. that the account of its adoption by New Hampshire is expected every day; 9thly. that Rhode Island is preparing to call a convention; 10thly. that New York will now undoubtedly adopt the new government; 11thly. that the members of the Continental Convention for Carolina have been thanked publicly for their conduct, in assenting to the new government; lastly, that some of the principal leaders of opposition in Virginia begin to relax, and consent that Pennsylvania and the northern commercial states shall no longer be deprived of the carrying trade, which since the peace has been chiefly in the

hands of our late enemies. This being their principal objection, it is therefore become almost certain that Virginia will accede to the new government. Yet under the pressure of the grief which those transactions have excited, your correspondent consoles himself that Cumberland County, by the conduct of its four members in the late convention, has manifested that it possesses nearly a sixth part of the public virtue and regard for liberty which now exists in Pennsylvania, Delaware, New Jersey and Georgia. Only twenty-three persons in these four state councils having been opposed to the new federal government.

1. This document has been edited.

455. "Z."

Philadelphia Freeman's Journal, 27 February 1788

MR. BAILEY, Before the New Constitution is established, would it not be proper for the people of this State to require the present Congress to compel the public defaulters to settle their accounts? There are several states far behind in their quotas, while ours is rather in advance; besides, there are individuals who have probably some millions of public money in their hands—even Mr. M——'s account, if settled, some imagine might be found more than a hundred thousand pounds deficient.

Centinel has clearly proved, in his last number, that the design of the clause in the New Constitution, that *no ex post facto law shall be made*, was to skreen these men from rendering a faithful statement of their public accounts; so that should we hereafter chance to have a patriotic Congress, who might be willing to do justice to their constituents, and oblige these public robbers to pay their debts, they could not do it constitutionally.

This is truly a serious matter, and in my opinion demands the attention of our citizens, more than any objection I have seen to this system of fraud and tyranny. If the public are to be plundered in this manner, by men who as soon as they have made their fortunes, have influence enough to establish governments and constitutions to confirm the plunder to them, we are a strange inconsistent people.

I apprehend that this circumstance ought to induce the people of this state to call county and town meetings immediately, to take such measures as to them may seem proper to counteract the injustice that would follow the adoption of this constitution to Pennsylvania; whose citizens have so nobly paid their quotas of the general debt, and funded so much of her own private debt. It is very hard if the honor and generosity of our state, which so much distressed us, is to be recompensed in the same manner as that state which has been guilty of the

greatest delinquency; and so many great men continue, after making their fortunes, fraudulently to lord it over us.

February 26.

456. Philadelphia Freeman's Journal, 27 February 1788

From a Correspondent.

In the states of Massachusetts, Pennsylvania, Virginia, New-York, &c. which are the most important in the union, four fifths of the people are opposed to the new system of government, and the opposition in the other states is increasing; Is it possible then for it to be established; or allowing for a moment that it was adopted by the means its advocates pursue by the conventions of nine states, would it be possible to put it in execution? No! Even common sense revolts at the idea. What! a government conceived in darkness, and founded upon deception and surprize; a system in which the people can have no confidence, as it will exclude them from any share in it; a system which even excludes the people from sitting on juries; a system which carries on the very face of it, *military force*—Can such a government be efficient among an enlightened people? Will the people of Pennsylvania consent to be taxed by any but their own representatives? By a body of men, the majority of whom they are altogether strangers to? It does not require very much of a politician to solve these queries properly. And as to the notion of exerting the military powers of the system, it would involve all America into one scene of civil carnage, which would be followed by a dissolution of the union: For it would require more troops than even the empress of Russia can command, to chain down the enlightened freemen of the wide extended continent of America, under the arbitrary commands of a *despot*. Would it not be adviseable then, for the advocates of the system to pause, and avoid the inevitable consequences of their persisting in their plan, by calling another convention who would build up a solid republican government, upon *federal* principles; making the *people the broad basis of a great and flourishing Empire*.

**457. James Bowdoin to James de Caledonia
Philadelphia Independent Gazetteer, 27 February 1788**

MR. PRINTER, I send you a copy of a real letter from one of the junto to the *Eastward*, to his friend in this city, that you may lay it before the public, who may from it, form some faint idea of the *juggling* carrying on by the *well born* few.

QUID.

February 23, 1788.

Boston, February 12, 1788.

To the Right Hon. James de Caledonia.

DEAR SIR, I duly received yours of the 24th January, containing very disagreeable accounts of our scheme being so ably opened up, and of the people falling off from you, &c. it made us very unhappy here; however do not despond; I am glad to find you have got your "*writing committee*," appointed, and employed: I confess what you say is just, and that there is somewhat disagreeable in writing, with the argument against you, and with able competitors. In your two first numbers of the *Freemen and Pennsylvanian*, to be sure you exceed yourself: But I would not advise you to continue the publication of them in the city, they will suit better for the country; ha, ha, ha: You make bold assertions; you should take care not to let it be known who the author of them is, the very name of a *lawyer* would ruin a publication in our country.

Keep your committee hard at it; and fill *your weekly paper* from top to bottom. Your notion of answering your own pieces may do, if not found out. Do try by all means to regain your lost ground, leave no stone unturned; much is gained by confusing the business, and you are really a compleat *sophist*: You know your reward should it succeed; we have all agreed you shall have £.8000 per annum, with the office of Attorney General (of the union.) As to the office of Chief Justice which you wished for, it would have been yours, but, necessity obliged us to close with J——y—It was his price.

I was glad to find you had stopped the publication of the debates of your convention; and that you had suited *your own* so well *to the tune*; you was very right to hold back the second volume containing the speeches of the minority, as perhaps the *real* ones might come out. But I was sorry you could not *silence the press* entirely: However as we have the P—t O—ce still at our service, you must prevent any of the newspapers which contain publications against us, getting out of your state. We have been remarkably successful in this hitherto; every newspaper against us has been stopped, even the reasons of dissent of your minority, and the information of Mr. Martin, has been scarcely heard of here; this was very fortunate, as it would certainly have ruined us in this quarter. So great was the want of information here, that we made the people believe all to the southward of us, indeed that every state but our own were almost unanimous in favor of our plan. You would have laughed to have seen our newspapers on the day the final question was taken in our convention; there we published an account of the almost unanimous adoption of the constitution by the convention of North-Carolina; that the state of New-York had called a convention at a very early day, without any opposition; and the *trifling* opposition in

your state had ceased; that Randolph, Mason, Lee, &c. had joined our party; and many other similar accounts.

In this situation, when such a variety of circumstances concurred in our favor; although we had *juggled in* above 50 members of the convention, by the assistance of country friends; and was so fortunate as to keep out any *Cicero's* from the opposition in the convention: Although we bought off the province of *Main* with the feather of a separate state; although we had such a number of able hands, among which were many as complete sophists as yourself; although we gained the man of the people by holding out to him the office of Vice President; although we had the influence of the town of Boston to assist us, still we would have lost the question almost two to one if we had not agreed to the amendments, which you find included in the ratification; and these not to be made by the first Congress as you proposed, but according to the 5th article, that is, by another convention. This was a fatal stroke, but we could not avoid it.

You have seen with much surprise, I dare say, the great parade we made at the ratification; it cost us a considerable sum but I am in hopes it will be of great service, these things have great effect on common minds.—You see we have the town of Boston under our discipline; I wish I could say so of the rest of the state, indeed it is far otherwise, four fifths of the people are against us: But as you say, what need we care for the sentiments of the people, if we can only get the army a-foot.

I was happy to hear you was disarming your militia both for your own safety, and because you will want the arms for the troops; but at the same time I thought it a bold push, and might cause alarm.

I have lately received a letter from Mr. J—— A——, our A——d——r at London, he is pleased with my compliment on his volume, it was, I told him of much service to us. He has endeavoured through *Bobby's* credit, to contract for the *necessaries* we wrote for; but he found it would not do: He then pledged the faith of the United States to fulfil the contracts he has made. He has also entered into other treaties for the *other articles*, which I shall be more particular about, by a safer opportunity.

When these things were told to our friends here, many of them began to stare; for they consider the matter as lost since this state, which, they say, is the most important in the union, has called for amendments; the people of your state, the states of Virginia, New York, North-Carolina, and Maryland so generally against it: to be sure, matters look blue; but I am in hopes still that our exertions will be crowned with

success. You know that you or I have nothing to lose, and much to gain. Some of our milk and water friends here think we had better stop, and submit again to another convention; because, say they, we will be involved in a civil war, if we persist; but I tell them we will not give it up while any hopes remain; as now, we are found out, we shall never be trusted in another convention; and so we shall lose every thing. But if we succeed in this plan, we shall never again be troubled with the people, never dread the event of elections; we shall enjoy our places, honors, and preferments, and leave them to our children after us. We shall be able to keep the people at a proper distance, and establish our numerous friends and relations in lucrative and substantial offices.

Present my compliments to *Bobby*, and also to *Billy* in the new big house; and tell them I congratulate them upon the prospect of all their old *continental balances* being done away; as I don't find that part of the constitution is yet discovered.

You are an admirable man, the most useful in the convention; but you was rather for taking too much at one time; the *double powers* of our little sexentially elected senate; the controul over the press; the abolition of trial by jury in civil cases, and the common law proceedings; internal taxation; the pecuniary dependency of the judges, and their great powers; the standing army; the smallness of the lower house; the exclusion of rotation; and the "powers to make all laws which we may think *necessary* and *proper*." And that these *laws* and the *treaties* of the *little senate* should be the supreme law of the land, over the constitutions and laws of the several states. These would have been quite sufficient for us; with them alone we could chain down all America; we might have given up the rest to the winds: the controul over the elections; the command of the militia; the power of the senate to alter money bills; the powers of president to pardon criminals, to command in person the armies, navies, and militia, &c. and his long appointment, his right of being re-elected; omission of declarations in favor of liberty of conscience, and twenty others, which have been of great hurt to us, might have been left out. But between you and me, they will never discover some of the most exceptionable parts.

I suppose you will soon hear of its adoption by New-Hampshire; but it will be many months before any other can come into it. Pray, inform me how Martin is going on; I hope he will be persuaded to discontinue his publications; we have sent him an offer of the office of chief justice of the federal court of his state, but I am afraid of him.

We have gained much by deceiving one part of the continent, with plausible accounts from the other; pray, do not discontinue this; have

you no more town or county meetings to publish? What M—— says is very true; almost all of our strength lies in the trading towns; and his remark is just that they would consent to go to the devil, if they thought they could again sell as many British goods, as they formerly did.

Keep up the spirits of your boys, and exert yourselves; I shall write you again shortly.

I am, dear sir, Your most obedient, And very humble servant,

J. B—wd—n.

458. Philadelphia Independent Gazetteer, 27 February 1788

By the best information received from different parts of the state, we learn, that the people are generally opposed to the new constitution. In almost all the counties west of the Susquehanna, they are to a man against it, and the lower counties at least three-fourths of the people. The Germans almost universally in this state and Maryland, are warm against it; these honest people know from experience what it is to live under the grinding oppression of arbitrary power; many of them have been driven to this country to avoid the lash of despotic princes.

459. A Pennsylvanian IV

Pennsylvania Gazette, 27 February 1788

TO THE CITIZENS OF THE UNITED STATES.

Friends and Countrymen, In the address of the minority of the Pennsylvania Convention they convey an idea to their constituents, that the proposed foederal constitution endangers *religious liberty!* The most careful examination of the powers to be vested in Congress will not enable us to discover *one* clause, by which the foederal legislature can interfere in religious affairs. The Convention have carefully avoided investing them with any authority of that nature, in my opinion, from the purest and wisest reasons. First, because they are matters in which neither national governments nor foreigners (with whom they are to treat) have ever interfered from the beginning of the world, but at the expence of the rights of *a part*, or the peace of *the whole* of the people: Secondly, because the United States having no *national church* either in *present existence* or in *contemplation*, it is evidently one of those domestic points, in which the intervention of the foederal government cannot ever be necessary or proper: And lastly, because, I presume, much the greater

part of the Convention were averse to the interference of *human* authority in forming laws concerning matters of conscience, remembering that even the omnipotent Creator of the universe has granted FREE WILL to man. Conscience was given us for our guide by the wisdom and goodness of the Deity, to whom *alone* we are responsible. Duly sensible of this, the Convention have rejected, as sacrilegious, all human interposition. To guard this sacred subject from the consequences of misconception or abuse, they have taken due care, that no state or church shall introduce their religious opinions or designs into the councils of the union, by submitting to the people the propriety of an absolute exclusion of *religious tests* from the foederal system. Here, we cannot omit to observe, is an highly important and influential power, remaining with the state governments, which Congress can in no way exercise: And tho' we must consider it as passing beyond the due bounds of human authority, and as trespassing on, *the rights of conscience and free will* of man, which God himself has vouchsafed to bestow, yet certain it is that several of the state governments do at this time inconsiderately exercise this power.

Two co-ordinate sovereignties, say the minority, would be a solecism in politics. Were we to grant this, it would be nothing in favor of their argument. The foederal government and the state governments are neither co-ordinate, co-equal, nor even similar. They are of *different natures*. The general government is *foederal*, or an union of *sovereignties*, for *special* purposes. The state governments are *social*, or an association of *individuals*, for *all* the purposes of society and government. It is said, the greater will swallow up the lesser. Then let the foederal government take care, for it is surely less powerful than the state governments *combined*. Without the state governments, that of the union can have no power, since the latter is *created* by them—but the state governments have and ever must have much *separate and independent power*, and do not derive, from the foederal government, any part of what they possess.

The minority, with how much candor I will not say, have cut down the foederal government to twenty-six men. But, however, the total number of the President, Vice-President, Senators and Representatives, still continue to be ninety-three. If all but a bare quorum of both houses will make it a point to absent themselves from their public duty, and if those who are present will take care to split as much as possible upon great questions, and if *all* the majority of both houses will agree to sell their consciences and votes, the evils the minority deprecate might be apprehended. But surely this is not a rational disquisition and discussion of a government for the information of the people. It is raising bugbears, with which *a child in politics* will not be scared.

We are told also, that besides the danger of bribery, the representation is in itself too small, and the same mode (not of reasoning but) of writing is used. Will not the several states then, besides their foederal senators and representatives, have near two thousand state representatives? Will not *all* these be acquainted with the interests and the feelings of the people? Will not the laws made by the foederal legislature operate alike upon the life, liberty, property and dearest concerns, of the representative and senator, their families and friends, and upon the least considerable citizen of their respective states? and does not every man see that the present foederal system, having a great controuling house of representatives, chosen by the people, gives them a certainty of having their just feelings and dearest concerns more minutely attended to, than was possible under the old foederal constitution, the executors of which were *all* chosen by the state legislatures. Does not this tenaciousness of some of the state legislators about the powers of the bodies to which they belong evince a greater attachment to their own seats, than to the interests of their constituents. Accustomed to monopolize the power of appointing the members of the foederal government, they are averse to *sharing* it even with the people.

The length of time for which a representative may serve is also objected to by the minority. If the inconvenience attending too frequent changes and other circumstances render it proper to continue the members of the Virginia and Pennsylvania legislatures a year in their seats, this wide extended continent, by the rule of proportion, might justify an allowance of six or seven years to the foederal representatives; but, for wise reasons, their existence has been confined to two. We have few men of that general information, which is necessary to make laws requiring a knowledge of the relation of the states to one another, and of the confederacy to foreign countries. The systems of foreign and domestic commerce, manufactures, and other general objects, will require two years for a wise man to attain. Much time and great expence will be necessary in going to and from the capital of the union to Georgia or New-Hampshire, and we are not to forget the most remote parts have as full a share of rights and privileges as the most near.

The fears of the state governments and of the people at large, concerning the proposed constitution, have been excited on the same ground and in the same language, that would be applied against the introduction of a foreign prince. If considerable powers are given to the foederal government, it should be remembered, that the people chuse one branch, and the state legislatures the other, and that every officer of the foederal government must be a qualified citizen of some one of the states—that his office and power are temporary—and that

the right and power of chusing his successor remains fully in the state legislatures, or the people, even during the time he holds his office. If our state governments are republican, then will their representatives (the senators) be republican also. The power and right of framing our constitutions on pure and genuine republican principles lie with the people; for, tho' Congress can frustrate attempts to introduce into them either monarchy or aristocracy, they cannot annul any republican clause, however purely so it may be. Comparing the foederal and state constitutions as they now are, the foederal constitution is the most truly republican, for there is no qualification of property required by the latter, either for the electors or those to be elected, while many of the state constitutions render a certain and visible property absolutely necessary.

Tho' no professed answer to the address of our minority has appeared, yet much of the reasonings and facts contained in it have been refuted, explained and disproved, in the several publications and speeches which the subject has produced. Much of their reasonings and positions have likewise been contradicted by the opinions and objections, that have been adduced by the opposers of the foederal constitution in other states. I shall therefore pursue the subject at present no further, trusting, that as the conventions of six states have already been uninfluenced by the considerations they have urged, and as several other states have given unequivocal proofs of the same disposition, they will, in a manly, honorable way, acquiesce in the great fundamental rule of all free governments, and consider THE VOICE OF THE MAJORITY AS THE SUPREME LAW OF THE LAND.

460. Assembly Minutes, Thursday, 28 February 1788 (excerpt)¹

The House met pursuant to adjournment.

A letter from the Honorable the Vice-President of the Supreme Executive Council was presented to the chair, and read, as follows, *viz*,

COUNCIL CHAMBER, *Philadelphia, February 28, 1788.*

SIR,

By the direction of Council, I do myself the honor to inclose you a letter from his Excellency the Governor of *Massachusetts*, together with a memorial from D. *Shutz*.

I have the honor to be, With the highest respect, Your most obedient servant,

PETER MUHLENBERG.

And the several papers therewith transmitted were also read. . . .

1. *Minutes*, 113.

**461. Benjamin Rush to Jeremy Belknap
Philadelphia, 28 February 1788¹**

In answer to your question respecting the conduct & opinions of the quakers in Pennsylvania, I am very happy in being Able to inform you that they are all (with an exception of three or four persons only) highly foederal.—There was a respectable representation of that Society in our Convention, all of whom voted in favor of the New Constitution. They consider very wisely that the Abolition of slavery in our country must be gradual in order to be effectual, and that the Section of the Constitution which will put it in the power of Congress twenty years hence to ~~prohibit~~ restrain it altogether, was a great point obtained from the Southern States. The appeals therefore that have been made to the humane & laudable prejudices of our quakers by our Antifoederal writers, upon the Subject of Negro Slavery, have been treated by that prudent Society with Silence and Contempt.—

Some of the same reasons have operated upon me, that have influenced you to admire & prefer the new government. If it held forth no other Advantages that a future exemption from paper money & tender laws, it would be eno' to recommend it to honest men. To look up to a government that encourages Virtue—establishes justice ensures order, secures property—and protects from every Species of Violence, affords a pleasure that can only be exceeded by looking up in all circumstances to a *general providence*. Such a pleasure I hope is before us & our posterity under the influence of the new Government.—

The arguments, or to express myself more properly—the Objections of your minority, were in many respects the same as those which were urged by the Speakers in behalf of the minority of Pennsylvania. They both suppose that the men who are to be entrusted with the supreme power of our Country will become at once the receptacles of all the depravity of human nature.—They forget that they are to be part of ourselves, and if we may judge of their future conduct by what we have too Often observed in the State governments, the Members of the foederal legislature, will much Oftener injure their constituents by voting agreeably to their inclinations, than *against* them.

But in cherishing jealousies of our rulers, we are too apt to overlook the weaknesses & vices of the people. Is not history as full of examples of both in them, as it is of the crimes of kings? What is the present moral character of the inhabitants of the united States? I need not describe it. It proves too plainly that the *people*, are as much disposed to Vice, as their rulers, and that nothing but a vigorous & efficient

government can prevent their degenerating into Savages, or devouring each other like beasts of prey.—

I pant for the time when the establishment of the new government, and the Safety to individuals which shall arise from it, shall excuse men who like myself wish only to be passengers, from performing the duty of Sailors on board the political Ship in which our all is embarked.— I have yielded to a deep Sense of the extreme danger of my Country, in quitting the [cabin?] for a Station at the pump. As soon as the storm is over, and our bark safely moored, the first wish of my heart will be to devote the whole of my time to the peaceable pursuits of Science, and to the pleasures of social and domestic life.—

1. RC, Belknap Papers, Massachusetts Historical Society.

**462. Benjamin Rush to Stephen Chambers
Philadelphia, 28 February 1788¹**

Enclosed you have Hall's paper of yesterday—and Humphries's of this day.—I wish you would get the tryal of the Centinel & the character of the *old woman* translated & published in your paper.—When you have done with Humphries's paper please to send it forward to have the above pieces, published in the York town, or Carlisle papers.—

When Shall I hear from you upon the Subjects of the Suit against Mat. Boyce at Harrisburgh—& the lands to be surveyed for Dr Plunket, & yours Affectionately

[P.S.] Compts to Mr. Yeates & Col Hubly.—A grand exhibition is talked off here as soon as *nine* States concur in adopting the government.—

1. RC, J.S.H. Fogg Autograph Collection, Maine Historical Society. Endorsed: "Hond by Miss Yeates."

463. Philadelphia Independent Gazetteer, 28 February 1788¹

Extract of a letter from a countryman to his friend in New-York.

"When I said, that I could not see the propriety, or necessity, of the legislatures calling a convention, it was merely on the principle of calling one in consequence of the resolve or recommendation of the late convention, at Philadelphia; lest the people should infer, that the legislature, by recommending a state convention, considered the proceedings and resolve of the Philadelphia convention in some measure obligatory on them so to do; which, as the latter rejected the authority of those by whom they were appointed (at least that appears to me to have been the case with the delegate of this state, as well as with the

delegates of several other states) and renounced all allegiance to the present United States, I cannot admit to be binding on the legislature, in any manner whatever, even had the late convention really offered a good constitution. But, as it is, I cannot help being of opinion, that the resolve or recommendation is an aggravation, if possible, of the crime and insult.—Should the legislature, when they meet, think that the calling of a convention will be the best means of restoring public tranquility, I shall acquiesce. But then, I wish them not to do it from a sense of any obligation which they are under to the act of their delegate, or that of the delegates of any other state, in the late convention; as the exorbitant act of that body, has, in my opinion, cancelled all obligation, on the part of this state, for considering their proceedings as binding. I should therefore be glad to see them very explicit on such a most *extraordinary* emergency; for surely such it must appear to all unprejudiced minds. It is to be hoped, that they will ascribe the effects to their true causes, which were an evident want of duty, and an inordinate desire for unlimited power, in some of the members who composed the convention; at the same time, pointing out to the people, in the plainest manner, the snare which is laid for them, and that the adopting of it, will be their *last sovereign act*, unless it should be a violent resumption, by arms.

“I imagine, that the faction were rather apprehensive of a reprimand, when they referred their plot to conventions of the people, ‘for their assent and ratification,’ in preference to the legislatures, by whom they had been appointed, and from whom they derived all the authority which they had to assemble for a very different purpose. Though, in their reference of it to conventions of the people, they have not been much more polite to those bodies, than they have to the legislatures, and that you must have observed; as it is not submitted to the former for their consideration, improvement, or rejection; but expressly ‘for their assent and ratification;’ which seems to exclude all manner of choice! Was ever self-sufficiency more evident in man?

“The legislatures are advised to call conventions of the people for *registering the revolt of their citizens and deputies, as the supreme law of the land!*—Could any thing be more humiliating to sovereign and independent states?—Would this junto have dared to offer such an indignity to any sovereign prince in Europe, had they been appointed by one?—I know that your answer must be in the negative. Why then thus presumptuously attempt to prostrate thirteen sovereignties?—But the answer is obvious, and therefore not requisite at this time.

“If the legislature should not be pointedly clear on such an open attempt to dissolve the present confederacy, may we not, in a little time,

expect a Shays, or, perhaps, a much more formidable insurgent in this state?

“Have you considered the tendency of the 2d paragraph of the 6th article of the NEW EDICT?—It does not appear to me, that either the Centinel, Federal Farmer, or any other writer that I have seen, has sufficiently attended to that clause, and all the consequences which it may involve. I am sensible, that the Centinel calls it a ‘sweeping clause;’ but, I imagine, not on account of what I am going to observe, or he would have been more explicit. These are the words:—‘This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the *supreme* law of the land, &c.’ You well know that I am not fond of disputing about words, unless they have an evident tendency to deceive or lead to error, in which case, I think, they ought to be thoroughly canvassed, and well understood, especially in an affair of such vast importance as the present. The word ‘supreme’ is, I believe, generally received, in law and divinity, as an adjective of the superlative degree, and implies the highest in dignity or authority, &c. Now, if we analyze this clause, we shall see how it will appear.

“The constitution is to be the *high-authority*—the laws made in pursuance of the constitution are to be the *highest authority*; and *all treaties made, or to be made* are to be the *highest authority*; and yet there is to be *but one highest authority!* However easy it may be for the contrivers of this, to reconcile it to their own views, I confess to you, that it appears to me something like creed-making.

“If all the laws and treaties which may be made, in pursuance of this constitution (provided it be adopted) are to be of *as high authority*, as the constitution, I should be glad to know what security we can have for any one right, however sacred or essential, when there is no explicit proviso, that the laws and treaties which may be made, shall not be repugnant to the constitution?

“It is true, that they are to be made in *pursuance* of the constitution; but, *pursuance* is a vague term, and, I presume, generally implies little more than ‘in consequence, &c.’—I have always understood, that the laws derived all their just authority from the constitution, or social compact, as it is sometimes called; and that the latter receives its whole authority, in free governments, from the common consent of the people, and recognizes or acknowledges all their essential rights and liberties, as well as ascertains the reciprocal duties or relations between the governed and their governors, or, perhaps, more properly, their principal public servants, who undertake to manage or conduct the

affairs of the community agreeable to certain fixed stipulations, which are mentioned in the original compact or constitution, and not otherwise, but at the risk of being disobeyed, or opposed, as the case may require.

“If these ideas of a free government are just, ought there not to have been a positive distinction between the authority of the constitution and that of the laws, treaties, &c. The constitution, when once government is organized, will be mostly passive, but the laws, treaties, &c. of Congress, will be active and voluminous; whence it is easily to foresee what will become of the passive supremacy of it, when it happens to come in competition with two active supremacies, which are coeval and coequal with it, besides several others which will be added, you may rely: For there must be the supreme *Lex Parliamentaria* of a meagre, biennial representation of the people, and another of an encroaching lordly sexennial Senate, with the supreme prerogatives of a poor, greedy, quadrennial monarch, who must ever be ready to concur in any measures for fleecing the people, provided he is but allowed to participate of the spoil. And, to crown the whole, there must, of course, be a *most supreme standing army* for us to feed, clothe, and pay, if you will pardon the redundancy of the phrase.

“Does it not appear to you, as if the framers of this clause had profited by the embarrassments which the British ministry frequently met with in their attempts to render acts of parliament, paramount to magna charta, or the great charter of the people’s essential rights, which is acknowledged, by the 43d of Edward the 3d not to be in the power of parliament to alter, change, or destroy; as all statutes made or to be made, against, or contrary to that constitution, or bill of rights, are, immediately, to be considered as null and void? I have many more observations to make on this political phenomenon, as well as its origination; but domestic affairs require my attention, and I must bid you adieu until another opportunity.”

1. This item is an excerpt from “A Countryman” IV (Hugh Hughes), *New York Journal*, 15 December 1787 (RCS:N.Y., 424–28n).

464. A Montgomery Farmer **Pennsylvania Mercury, 28 February 1788**

Mr. HUMPHREYS, I am a subscriber to the Independent Gazetteer, which I commonly receive twice a week, that is, on Wednesdays and Saturdays, by my daughters, or men, when they return from market.— On the evenings of these days it generally happens, that my two next neighbours come over to my house, to hear what there is new in the

papers; for it is not every farmer that is able to take them. This last week we have been very impatient for their arrival; for on Monday last, we had the report of the adoption of the constitution, by the state of Massachusetts, flying thro' the neighbourhood, together with a great deal about the honorable conduct of the minority, a grand procession of the mechanics, farmers, seamen, &c.—On Wednesday evening, my friends came earlier than usual, with the addition of two or three others, as it was an extraordinary occasion, all intently anxious upon a subject, which is to affect not only ourselves but our children, and our children's children after us. My daughter did not get home till about candle-light—the papers were delivered and opened with eagerness—But what, Mr. Printer, do you think were our sensations upon examining them?—Monday's paper had not a word about it—Tuesday's just mentioned it, and then broke off by an insolent flash of the dirtiest doggrel.—We next turned to Wednesday's, and there, by *particular desire*, (not as if it were a matter which the public ought undoubtedly to be made acquainted with) the procession only was given to us—Not a syllable was in it about the minority, who, we have heard, conducted themselves, upon the occasion, in the most noble honorable manner, by concurring with their brethren (the majority) in recommending and supporting the government.—About all this we are kept in the dark, and I suppose shall be, till we procure some other paper, the printer of which acts the upright impartial part of informing his customers not only with the truth but the whole truth.

Now I have always considered my file of papers as a register of public events, and it is what I often have occasion to recur to—Suppose then I, or any of my children, should ten years hence want to know the circumstances, which attended the adoption of the constitution by the state of Massachusetts, can we depend upon what we find recorded of it in the Independent Gazetteer?—Surely not—it is a mutilated incomplete repository, and as I know it to be defective in this instance, shall I not have reason to doubt it in every other?—Therefore, it will hence forward be no authority for

A MONTGOMERY FARMER.

Montgomery County, Feb. 25, 1788.