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THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

VOLUME XII

Ratification of the Constitution by the States

MARYLAND

[2]

THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

Volume XII

Ratification of the Constitution
by the States

MARYLAND

[2]

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To

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FIRST FEDERAL CONGRESS OF THE
UNITED STATES OF AMERICA
4 MARCH 1789 – 3 MARCH 1791

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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* (23 volumes),
- (3) *Commentaries on the Constitution: Public and Private* (6 volumes),
- (4) *The Bill of Rights* (2 or 3 volumes).

Internet Availability

The Maryland volumes, and all other volumes, will be found at the web site of “Rotunda: American Founding Era Collection,” maintained by the University of Virginia Press at <http://rotunda.upress.virginia.edu>. The Maryland supplemental documents, as well as those from the other states, will be found on the web site of the University of Wisconsin-Madison Libraries at <http://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–XXX).

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.

The supplemental documents for Massachusetts, New York, Rhode Island, Maryland, and all future volumes are no longer placed on microfiche. The Maryland supplemental documents can be found on the web site of the University of Wisconsin-Madison Libraries at <http://library.wisc.edu>.

Much of the material for each state is repetitious or peripheral but still valuable. Literal transcripts of this material are placed in the supplements. Occasionally, 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.

Editorial Procedures

All documents are transcribed literally. Obvious slips of the pen and errors in typesetting are silently corrected. When spelling, capitalization, punctuation, paragraphing, and spacing between words are unclear, modern usage is followed. Superscripts and interlineations are lowered to the line, and marginalia are inserted where the author intended. The thorn is spelled out (i.e., “ye” becomes “the”). Crossed-out words are retained when significant. Obsolete meanings of words are supplied in footnotes.

Square brackets are used for editorial insertions. Conjectural readings are enclosed in brackets with a question mark. Illegible and missing words are indicated by dashes enclosed in brackets. However, when the author’s intent is obvious, illegible or missing text (up to five characters in length) is silently provided.

All headings are supplied by the editors. Salutations, closings of letters, addresses, endorsements, docketings, and postmarks are deleted unless they provide important information, in which case they are retained in the document or placed in editorial notes. Contemporary footnotes and marginal citations are printed after the text of the document and immediately preceding editorial footnotes. Symbols used by contemporaries, such as stars, asterisks, and daggers, have been replaced by superscripted letters (a), (b), (c), etc.

Many documents, particularly letters, are excerpted when they contain material that is not relevant to ratification. Whenever an excerpt is printed in this edition and a longer excerpt or the entire document appears elsewhere in this edition or in other editions, this is noted. “Editors’ Notes” have been used to discuss important events as well as out-of-state newspaper essays or pamphlets that circulated in Maryland but are printed elsewhere in the edition.

General Ratification Chronology, 1786–1791

1786

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

1787

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

25 October	Massachusetts calls state convention.
26 October	Georgia calls state convention.
31 October	Virginia calls state convention.
1 November	New Jersey calls state convention.
6 November	Pennsylvania elects delegates to state convention.
10 November	Delaware calls state convention.
12 November	Connecticut elects delegates to state convention.
19 November– 7 January 1788	Massachusetts elects delegates to state convention.
20 November– 15 December	Pennsylvania Convention.
26 November	Delaware elects delegates to state convention.
27 November– 1 December	Maryland calls state convention.
27 November– 1 December	New Jersey elects delegates to state convention.
3–7 December	Delaware Convention.
4–5 December	Georgia elects delegates to state convention.
6 December	North Carolina calls state convention.
7 December	Delaware Convention ratifies Constitution, 30 to 0.
11–20 December	New Jersey Convention.
12 December	Pennsylvania Convention ratifies Constitution, 46 to 23.
14 December	New Hampshire calls state convention.
18 December	New Jersey Convention ratifies Constitution, 38 to 0.
25 December– 5 January 1788	Georgia Convention.
31 December	Georgia Convention ratifies Constitution, 26 to 0.
31 December– 12 February 1788	New Hampshire elects delegates to state convention.
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.
11–12 April	South Carolina elects delegates to state convention.
21–29 April	Maryland Convention.
26 April	Maryland Convention ratifies Constitution, 63 to 11.
29 April–3 May	New York elects delegates to state convention.
12–24 May	South Carolina Convention.

23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.
2–27 June	Virginia Convention.
17 June–26 July	New York Convention.
18–21 June	New Hampshire Convention: second session.
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments.
25 June	Virginia Convention ratifies Constitution, 89 to 79.
27 June	Virginia Convention proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to 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

15 December	Bill of Rights adopted.
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Calendar for the Years 1787–1788

1787

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1788

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Symbols

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

Manuscripts

FC	File Copy
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

Manuscript Depositories

DLC	Library of Congress
DNA	National Archives
Md-Ar	Maryland State Archives
MdHi	Maryland Historical Society
PHi	Historical Society of Pennsylvania
NHi	New-York Historical Society

Short Titles

Abbot, <i>Washington, Confederation Series</i>	W. W. Abbot, ed., <i>The Papers of George Washington: Confederation Series</i> (6 vols., Charlottesville, Va., 1992–1997).
Blackstone, <i>Commentaries</i>	Sir William Blackstone, <i>Commentaries on the Laws of England. In Four Books.</i> (Re-printed from the British Copy, Page for Page with the Last Edition, 5 vols., Philadelphia, 1771–1772). Originally published in London from 1765 to 1769.
Boyd	Julian P. Boyd et al., eds., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950–).
Evans	Charles Evans, <i>American Bibliography</i> (12 vols., Chicago, 1903–1934).
Farrand	Max Farrand, ed., <i>The Records of the Federal Convention of 1787</i> (3rd ed., 3 vols., New Haven, 1927).

- Hoffman, *Spirit of Dissension* Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973).
- JCC Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789 . . .* (34 vols., Washington, D.C., 1904–1937).
- Land, *Colonial Maryland* Aubrey C. Land, *Colonial Maryland: A History* (White Plains, N.Y., 1981).
- MHM Maryland Historical Magazine.
- Montesquieu, *Spirit of Laws* Charles, Baron de Montesquieu, *The Spirit of Laws* (Translated from the French by Thomas Nugent, 5th ed., 2 vols., London, 1773). Originally published in Geneva in 1748.
- PCC Papers of the Continental Congress, 1774–1789 (Record Group 360, National Archives).
- Rutland, *Madison* Robert A. Rutland et al., eds., *The Papers of James Madison*, Volumes VIII–XVII (Chicago and Charlottesville, Va., 1973–1991).
- Thorpe Francis N. Thorpe, ed., *The Federal and State Constitutions . . .* (7 vols., Washington, D.C., 1909).
- Washington Diaries* Donald Jackson and Dorothy Twohig, eds., *The Diaries of George Washington* (6 vols., Charlottesville, Va., 1976–1979).

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

- CC References to *Commentaries on the Constitution* are cited as “CC” followed by the number of the document. For example: “CC:25.”
- CDR References to the first volume, titled *Constitutional Documents and Records, 1776–1787*, are cited as “CDR” followed by the page number. For example: “CDR, 325.”
- RCS References to the series of volumes titled, *Ratification of the Constitution by the States*, are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:R.I., 325.”

Mfm

References to the microfiche supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:R.I. 25.” No microfiche supplement will be published for RCS:Md., RCS:N.Y. and RCS:R.I. All Mfm: Md., Mfm:N.Y. and Mfm:R.I. documents will be placed on the web site of the University of Wisconsin-Madison Libraries at <http://library.wisc.edu>.

Maryland Chronology, 1632–1789

	1632
20 June	Charles I grants Maryland charter to Cecil Calvert, 2nd Lord Baltimore
	1634
25 March	Settlers arrive in Maryland
	1649
21 April	Maryland act providing for religious toleration
	1692
April	William and Mary declare Maryland a royal colony
	1715
February	Crown restores property rights to Benedict Leonard Calvert, 4th Lord Baltimore
	1718
	Catholics disenfranchised by Assembly
	1727
September	Annapolis <i>Maryland Gazette</i> , first Maryland newspaper, established
	1747
	Tobacco inspection law passed (ensures quality of exported tobacco and sets clerical and proprietary officers' fees)
	1765
October	Daniel Dulany, Jr., denounces Stamp Act in <i>Considerations on the Propriety of Imposing Taxes in the British Colonies</i>
23 November	Stamp Act resistance at Frederick
	1766
	Sons of Liberty organized in Baltimore County
	1769
	Merchants adopt policy of nonimportation of British goods
	1772
28 March	Cornerstone laid for new statehouse in Annapolis
	1774
19 April	Last colonial Assembly prorogued
25 May	Annapolis inhabitants meet and resolve that lawyers should not bring suits for a British creditor against a Maryland debtor until the Intolerable Acts are repealed

- 22 June First Provincial Convention meets and sends delegates to First Continental Congress
 15 October Arrival of the *Peggy Stewart* in Annapolis with a cargo of tea
 19 October *Peggy Stewart* burned

1775

- 22 March “Bush Declaration” calling for independence signed in Harford County
 26 July Association of Freemen formed by Fifth Provincial Convention
 29 August Council of Safety organized
 December Association of Freemen begins recruiting troops

1776

- 26 June Departure of Robert Eden, Maryland’s last colonial governor
 28 June Eighth Provincial Convention instructs delegates to Continental Congress to vote for independence
 3 July Eighth Convention votes to call convention to draft state constitution
 6 July Eighth Convention declares independence from Great Britain
 3 November Declaration of rights adopted by Ninth Provincial Convention
 8 November Constitution adopted by Ninth Provincial Convention
 20 December–
 4 March 1777 Continental Congress meets in Baltimore

1777

- 5 February First General Assembly elected under new constitution meets in Annapolis

1780

- 13 December General Assembly passes act allowing debtors to pay foreign creditors in depreciated paper money

1781

- 2 February Property of Loyalists and British subjects confiscated
 2 February General Assembly adopts Articles of Confederation
 1 March Maryland delegates in Congress sign Articles of Confederation

1782

- 12 June General Assembly adopts Impost of 1781

1783

- 26 May General Assembly adopts resolutions offering Annapolis as the federal capital
 26 November–
 3 June 1784 Confederation Congress meets in Annapolis
 2 December General Assembly adopts resolution granting Congress land for federal capital

1785

- 16 January General Assembly passes bill to invest Congress with commercial powers

- 21 January General Assembly passes bill providing that Impost of 1781 goes into effect with adoption by twelve states
- 28 March Mount Vernon Compact signed by Virginia and Maryland commissioners
- 23 November General Assembly approves Mount Vernon Compact
- 22 December House of Delegates passes paper-money bill
- 26 December Senate unanimously rejects paper-money bill

1786

- 11 March General Assembly adopts Impost of 1783 when twelve states comply
- 11 March General Assembly adopts supplemental funds when twelve states comply
- 12 June Charles County riot against lawyer trying to collect a debt due a British creditor
- 11–14 September Annapolis Convention (no Maryland commissioners appointed)
- 15 December House of Delegates passes paper-money bill
- 30 December Senate unanimously rejects paper-money bill

1787

- 1 January House of Delegates passes debtor relief bill (“truck-bill”)
- 6 January Senate unanimously rejects debtor relief bill
- May House of Delegates and Senate fail to agree on installment bill
- 11 May General Assembly makes Treaty of Peace law of the land
- 26 May Maryland names delegates to Constitutional Convention
- 22 September Constitution first printed in Maryland
- 29 November Maryland’s delegates to the Constitutional Convention report in House of Delegates
- 1 December General Assembly calls state convention
- 28 December *Genuine Information* I published in the Baltimore *Maryland Gazette*

1788

- 31 January Pamphlet by “Aristides” published
- 7–10 April Maryland election of state convention delegates
- 12 April Publication of *Genuine Information* as pamphlet in Philadelphia
- 21–29 April Maryland Convention meets in Annapolis
- 26 April Maryland Convention ratifies Constitution, 63 to 11
- 28 April Maryland Convention signs Form of Ratification
- 1 May Baltimore procession celebrates Maryland ratification
- 23 December General Assembly offers ten miles square for federal capital

1789

- 25 November House of Delegates passes bill to ratify twelve amendments to Constitution
- 30 November Senate passes bill to ratify twelve amendments to Constitution
- 17 December House of Delegates assents to act ratifying twelve amendments to Constitution
- 19 December Senate assents to act ratifying twelve amendments to Constitution

Officers of the State of Maryland 1787–1788

Governor

William Smallwood

Attorney General

Luther Martin

Treasurer Eastern Shore

Henry Dickinson

Treasurer Western Shore

Thomas Harwood, Jr.

Governor's Council

Jeremiah Townly Chase

James Brice

John Kilty

John Davidson

Benjamin Harrison

Maryland Court of Appeals

Benjamin Rumsey, Chief Justice

Benjamin Mackall IV

Thomas Jones

Solomon Wright

James Murray

Chancellor

John Rogers

Judges of the General Court

Robert Hanson Harrison

Robert Goldsborough IV

Alexander Contee Hanson

Delegates to Confederation Congress

Elected 2 December 1786

Uriah Forest

William Harrison*

William Hindman*

Nathan Ramsey

David Ross

Elected 11 December 1787

Benjamin Contee

William Harrison*

John Eager Howard

David Ross

Joshua Seney

* Did not attend

Constitutional Convention

Daniel Carroll

Daniel of St. Thomas Jenifer

James McHenry

Luther Martin*

John Francis Mercer*

* Left Convention early

General Assembly of Maryland
First session: 5 November–17 December 1787
Second Session: 12–27 May 1788

SENATE

President: George Plater, Daniel Carroll, John Smith*
Clerk: Joshua Dorsey

Western Shore

Thomas Stone**
Charles Carroll of Carrollton
George Plater
John Hall
John Smith
Daniel Carroll
Richard Ridgely
Samuel Hughes
William Harrison***
Thomas Johnson***

Eastern Shore

John Henry
George Gale
Edward Lloyd
William Hemsley
William Perry
Peregrine Tilghman

* George Plater served as president for all but ten days from 15–25 May 1788, during which Daniel Carroll and John Smith served in quick succession.

** Died 5 October 1787

*** Did not serve

HOUSE OF DELEGATES

Speaker: Thomas Cockey Deye
Clerk: William Harwood
Sergeant at Arms: Cornelius Mill
Doorkeeper: Charles Hogg

Annapolis

Allen Quynn
Gabriel Duvall

Anne Arundel County

Richard Harwood
Nicholas Worthington
Brice T. B. Worthington
James Carroll

Baltimore Town

Samuel Chase
David McMechen

Baltimore County

Thomas Cockey Deye
Henry Dorsey Gough
Edward Cockey
Charles Ridgely

Calvert County

Michael Taney
John Grahame
William Fitzhugh, Jr.
Thomas Gantt

Caroline County

Thomas Loockerman
Henry Downes
Philip Walker
Thomas Hughlett

Cecil County

Benjamin Bravard
Richard Bond
William Matthews
Samuel Miller

Charles County

George Dent
 John Parnham
 William Hanson McPherson
 Henry Henly Chapman

Dorchester County

James Shaw
 Archibald Patison
 Moses Lecompte
 James Steele

Frederick County

Thomas Sim Lee*
 Thomas Johnson
 Abraham Faw
 Richard Potts

Harford County

John Love
 Aquila Scott
 Benjamin Bradford Norris
 Ignatius Wheeler

Kent County

Richard Miller
 Jeremiah Nichols
 Josiah Johnson*
 Philip Reed

Montgomery County

Laurence O'Neale
 Edward Burgess
 William Holmes
 Charles Greenbury Griffith

Prince George's County

Davis Craufurd
 Fielder Bowie

Walter Bowie
 George Digges

Queen Anne's County

John Seney
 Joshua Seney
 John Brown
 George Jackson

St. Mary's County

Samuel Abell, Jr.
 George Thomas
 Philip Key
 Uriah Forrest

Somerset County

John Gale
 John Stewart
 Gillis Polk
 William Adams

Talbot County

John Roberts
 Hugh Sherwood, of Huntington
 James Tilghman
 William Hayward, Jr.

Washington County

Jacob Funk
 Andrew Bruce
 John Cellars
 Ignatius Taylor

Worcester County

John Selby Purnell
 John Pope Mitchell
 William Purnell
 Francis Jenkins Henry

* Did not serve

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

M A R Y L A N D

[2]

III.
THE DEBATE OVER THE
CONSTITUTION IN MARYLAND
4 December 1787–29 April 1788
(Continued)

A Farmer V (Part 1)

Baltimore Maryland Gazette, 25 March 1788¹

I have been long since firmly persuaded, that there are no hidden sources of moral agency beyond the reach of investigation.—The all-wise and all-bountiful Author of Nature, could never have created *human reason* unequal to the happy regulation of *human conduct*.—The errors and misfortunes of mankind spring from obvious sources. Religious and political prejudices, formed by education, strengthened by habit, maintained by interest, and consecrated by fear, are forever arming the passions against the judgment.—The celebrated Blaise Pascal (the powers of whose understanding were rather miraculous than surprising) closed his painful researches after religious truth, with this dogma, as pernicious as untrue,—“*That a religion purely spiritual, was never intended for mankind.*”² There could be no judgment more unbiassed, for there was no mind so strong, no heart more pure; but bred in the bosom of the church, even her idolatry impressed him with veneration and awe. Notwithstanding his conclusion, the doctrines of Calvin maintain their ground in their primitive simplicity, divested of the aid of ceremony and form. The thunders of the Vatican, which for ages deluged Europe with blood, have dissipated their force, and reason has resumed her spiritual empire. Would to God, that the history of temporal despotism had terminated as favourably for the happiness of mankind!—In the political world, the chains of civil power, upheld by the numerous links of private interest, have proved more equal and permanent in their effects, they have, and I fear forever must, shackle the human understanding; and it is much to be questioned whether the full and free political opinion of any one great luminary of science, has been fairly disclosed to the world—Even when the great and amiable Montesquieu had hazarded a panegyric on the English constitution, he shrinks back with terror into this degrading apostrophe—“*Think not that I mean to undervalue other governments—I who think an excess of liberty an excess of all things, even of reason itself, a misfortune, and that the happiness of mankind is only to be found in a medium between two*

extremes."³—The author of the Persian letters, at that moment recollected the afflicting pressure he had felt from the hand of Gallic government, and his pen trembled as he wrote.

Is it then possible that governments of simplicity and equal right, can have been fairly dealt by in theory or practice? The votaries of tyranny and usurpation stand not alone—in bitter opposition; every man of enterprize, of superior talents and fortune, is interested to debase them; their banners have ever been deserted because they never can pay their troops.—The most amiable and sensible of mankind seem to have made a stand in favour of a mixed government founded on the permanent orders and objects of men.—Thither I suspect the American government is now tending. If it must be so—Let it go gently then—with slow and equal steps.—Let each gradation and experiment have a full and fair trial—Let there be no effect without a good, apparent and well considered cause—Let us live all the days of our lives, and as happily as circumstances will permit.—Finally, let moderation be our guide and the influence of manners will conduct us (I hope without injury) to some permanent, fixed establishment, where we may repose a while, unagitated by alteration or revolution—For in sudden and violent changes, how many of the most worthy of our fellow-citizens must get their bones crushed?

I cannot think that any *able and virtuous citizen*, would in his cool and dispassionate moments, wish to blend or risque the fundamental rights of men, with any organization of society that the Americans can or will make for fifty years to come.—Let us keep these rights of individuals—these unalienable blessings reserved and separated from every constitution and form—If they are unmingled, the attentive eyes of every citizen will be kept fixed upon them. We shall watch them as a sacred deposit, and [we?] may carry them uninjured and unimpaired through every vicissitude and change, from the government we have left, into some other that may be established on the fixed and solid principles of reason—Nor can there be, I imagine, any *prudent man*, who would trust the whimsical inventions of the day, with that dangerous weapon *a standing army*, in our present unsettled circumstances—striving to substantiate inefficient and unnatural forms—it would wield us into despotism in a moment, and we have surely had throat-cutting enough in our day.

Throughout the world government by representation, seems only to have been established to disgrace itself and be abolished—its very principle is change, and it sets all systems at defiance—it perishes by speedy corruption.—The few representatives can always corrupt themselves by

legislative speculations, from the pockets of their numerous constituents—quick rotation, like a succession of term tenants on a farm, only increases the evil by rendering them more rapacious: If the executive is changeable, he can never oppose large decided majorities of influential individuals—or enforce on those powerful men, who may render his next election abortive, the rigor of *equal law, which is the grand and only object of human society*.—If the executive is to be rendered ineligible at a certain period, he will either *not do his duty*, or he will retire into the unprotected situation of a private individual, with all the sworn animosities of a powerful majority—aristocracy—junto—the cry of the populace, or perhaps the whole combined to pursue him to the grave, or a public execution. The considerate and good, who adorn private life, and such only can be safely trusted in high public station, will never commit themselves to a situation where a conscientious discharge of duty may embitter the evening of life, if not draw down ruin and infamy on themselves and families.—There never was but one man who stepped from the top to the bottom, without breaking his neck, and that was Sylla; and although it is true that whilst he was up, he broke the hearts of the Romans, yet his dying undisturbed in private life, is one of those miracles that must remain forever unexplained. If the aristocracy, or representation of wealth, (the principle of which order is to keep all things as they are, for by confusion they may lose more than they can gain) is also changeable, there then is nothing fixed and permanent in government.—Legislative tyranny commences, and exhibits a perpetual scene of plunder and confusion, fearlessly practised under the sanction of authority and law. It is true that the influence of manners may and will resist for a time; yet that must give way to a general and prevalent corruption—Those who are respectable at home and have permanent views in life, and such only can give stability to government, will not suffer themselves to be mounted up on the wheel of fortune, to be let down again as it turns, the mockery of children and fools.—Where representation has been admitted as a component part of government, it has always proved defective, if not destructive. What then must be the consequence where the whole government is founded on representation? Every American can now answer, it will be at best but—*representation of government*—with us the influence of manners has been great—it is indeed declining fast; but aided by the solidity of the judiciary establishments, and the wisest code of civil laws, that ever mankind were blessed with, it has hitherto supported the forms of society: But the people are now weary of their representatives and their governments.—We may trace the progress.—One candidate, to recommend his pretensions, discloses and descants on the errors of the preceding administration—The people believe him and are deceived—

they change men; but measures are still the same, or injured by the sudden and violent alteration of system—At least the next candidate asserts it is so—is again believed, and his constituents again deceived; a general disgust and sullen silence ensue; elections are deserted; government is first despised, and then cordially hated.

There can be no fixed and permanent government that does not rest *on the fixed and permanent orders and objects of mankind*.—Government on *paper* may amuse, but we pay dear for the amusement, the only fixed and permanent *order* with us at present are the YEOMANRY, and they have no power whatever,—unless the right of changing masters at a certain period, and devolving on their changeable representatives their whole political existence—may be called power—The order of GENTRY, with us, is not a fixed and permanent order at all, and if they attempt to erect themselves into one at present, it is usurpation, and they will be pulled down; and yet, in my opinion, such an order is essential to a perfect government, founded on representation.—Every other mode of introducing wealth into power, has proved vicious and abominable.—With us delegates become by selection, themselves a species of subaltern aristocracy—they intrigue with the senates, who by a refined mode of election are a misbegotten, side blow, representation of wealth, and they both form an imperfect aristocracy, on the worst principles on which that order can be admitted into government—and the democratic influence which is thus amalgomated and not divided, but unformed becomes vicious from its impotence.

These defects spring from our attempting to erect republican fabrics on the ruined and imperfect pillars of an old corrupt monarchy—not less absurd, than to expect the limbs to perform the functions of life, after cutting off the head.—The opposition which brought Charles the first to the block, was composed of some of the ablest and most virtuous characters that ever adorned any age or clime—Hampden, Pym, Selden, Sir Harry Vane, Sydney, Marvell and many others.—They pursued their old model—attempted to form a government by representation which was at first steadied and restrained by the best senate in the world, (the English House of Lords)—the two houses soon disagreed, and there being no third power to interpose, the representatives, voted the House of Lords useless—new modelled the government into a single branch, and then began to plunder most unmercifully—At last Cromwell kicked them all out of doors, and after his tyrannical usurpation and death, the nation were very happy to take shelter again under the regal government, and even restored an unworthy family (which they had irritated beyond forgiveness) to the throne.

(*To be continued.*)

1. For the continuation of this item, see “A Farmer” V (Part 2), *Baltimore Maryland Gazette*, 28 March (below).
2. Blaise Pascal, *Pensées: Notes on Religion and Other Subjects*, Lafuma no. 413, trans. John Warrington (London, 1960), 115..
3. Montesquieu, *Spirit of Laws*, I, Book XI, chapter VI, 237.

An Elector

Maryland Journal, 25 March 1788

A draft of this essay in Otho Holland Williams’ hand is in the Williams Papers at the Maryland Historical Society. The draft was signed “A Marylander”—a pseudonym often used by Williams. The draft was docketed by Williams: “Declamation/Secret & Confidential.” On the same page with the docketing Williams included three additional paragraphs:

To the Citizens of Maryland Published in the Maryland Journal and Baltimore advertiser preceding the Election of Delegates to the state Convention which adopted the Constitution of the United States. Written in Baltimore, but Frederick Town was expressed with its date for the sake of concealing the Author

O.H. Williams

This Piece, just received from Frederick-Town, must be inserted in our next, at all Events—no body to be suffered to see the Copy—except the Compositors, to him it is confidentially committed—

This piece had the honor of being imputed to Thos. Johnson Esqr. more generally than, as I intended, to my friend Doctr. Thomas—They resided in Fredk. As it is the only scrip I have left of my own on the Subject of the Federal Governmt. I preserve it as an evidence of my sentiments on the Subject

OH.W.

For additional evidence of Williams’ authorship, see Williams to Philip Thomas, 29 March (below). This letter also mentions that Thomas, who lived in Frederick Town, was believed to be “An Elector.” In the same letter, Williams also noted that a copy of “An Elector,” cut from the newspaper, had been sent to “Aristides” (Alexander Contee Hanson). On 6 April John Vaughan, a Philadelphia merchant, sent a copy of “An Elector” to John Dickinson, a signer of the Constitution, indicating that it had appeared in a Baltimore newspaper (Dickinson Papers, Library Company of Philadelphia).

The draft and newspaper versions of “An Elector” have many differences in punctuation, capitalization, and paragraphing. The second paragraph of the draft was crossed out and does not appear in the *Journal’s* printing. See the footnotes below for words that were either added to or deleted from the newspaper version.

“An Elector” was reprinted in its entirety by the *Pennsylvania Mercury*, 5 April, and the Winchester *Virginia Centinel*, 9 April. In its August 1788 issue the Philadelphia *American Museum* reprinted all but the first three paragraphs,

prefacing its reprint with this description: “*Thoughts on the federal constitution—on the opposition to it in Pennsylvania—on the feuds which have prevailed in that state in times past—on the consequences of anarchy, &c.*” The *Museum* added footnotes identifying names, places, and events in Pennsylvania. (These footnotes are identified as the *Museum’s* in the notes below.) A brief extract of “An Elector” was reprinted in the Philadelphia *Federal Gazette* on 5 April (see note 22, below).

Mr. PRINTER, The man who undertakes to advise another, arrogates to himself a superior knowledge, at least, of the subject on which he pretends to offer instruction.—The presumption of submitting considerations to the Public is, perhaps, not so great, because the necessity of attention, which good manners and gratitude impose, in the first instance, may be dispensed with in the second. Considering therefore that this Paper may be read, or passed over—approved, or contemned, according to the several dispositions of your customers, without my being reproached with insolence, or suffering by neglect—I send you a few superficial thoughts, respecting the plan of government proposed by the late Convention. To amuse with learned quotations from ancient or modern histories—to perplex with parallels between governments that have, or might have, existed—and to excite an abhorrence of all governments, by disingenuous reports, true or false—would only be following the beaten track, and adding to the number of *advisers*, who differ almost as much from each other, in sentiments on the subject, as they do from those whose opinions they condemn. Neither is it my vanity to attempt an illustration of the merits of the system in contemplation—men of more understanding have done it already. Independent of the labours of a Federalist, an American, an Aristides, &c. &c. &c.—the circular letter accompanying the proposed plan, will discover to almost every man divested of personal and stactical prejudices, sufficient reason for his approbation. Its authors, knowing the impossibility of forming a plan of government to comprehend all the states, that would be entirely acceptable to every one, wisely condescended to give their reasons for concurring in opinion, “*That the plan recommended, is liable to as few exceptions as could reasonably have been expected.*”¹ The extreme difficulty of *detailing* with *accuracy*, in a general system, all those rights which men have a just claim to in a state of nature; and of *discriminating*, with *precision*, all such as ought to be relinquished in a state of society, is mentioned in a manner which shews that the members of the Convention were not unmindful of the popular prepossession in favour of a declaration or *bill of rights*: But the letter speaks best for itself, and ought to be published, as a general defence of the Constitution, in every Paper that contains an argument against it.²

The considerations which I would submit to the minds of my countrymen are the following. Since government is a science comprehended, by the best capacities, in an imperfect degree, and has, we are told, in all ages, and in all countries, divided the wisest and most virtuous of mankind, how shall we, who are extremely deficient in knowledge of the subject, make up our minds on the present occasion?

As the dissensions among the wise and good of former ages, have never failed to expose their liberties to the ambitious grasp of aspiring spirits; and as such spirits are always found among men naturally vicious, or liable to be corrupted by their success, how shall we avoid the danger in a similar situation? Are we, at a venture, to decide a contest between the most powerful and judicious statesmen, the present enlightened age has produced, and send delegates to our State Convention limited to yea, or nay? or shall we elect men of known wisdom and integrity, to assemble, deliberate, and determine for us? To my mind the alternative is pleasing.—However inclined, it is unquestionably proper to reserve our judgments for the free and full exercise of all the reasons and arguments that can be adduced by the parties on both sides of the question; and then to determine according to the conviction of our own understandings. Those who decide preremptorily, are fortunate in their ready conceptions, or they are happy in their indifference about right and wrong. It is natural for most men to have a reliance upon the judgments of those whom they think best informed—and, although it never fails to be condemned by such as differ in opinion, the practice is laudable. I am no idolater, notwithstanding my faith that there is yet a little virtue in the world; but I cannot help balancing, in my own mind, the merits of men, as well as their arguments. The *artifice* of using *great names*, we are *advised*, is *imposing, uncandid, and deceptive*; admit it; but, in shunning this danger, shall we plunge into a greater? Shall we submit to the influence of *little names*? Shall we multiply the grains in one scale, till we balance the pennyweights and the ounces in the other? It is, at least, as bad a symptom of a cause to create prejudices on one side, as it is, on the other, to cultivate implicit faith and confidence.—To obviate, in some degree, the charge of vanity, or duplicity, in those who favour the opinions of our great men, let us examine what inducements they have, besides a veneration for particular characters, to be persuaded of the propriety of accepting the proposed government; and whether it would be more eligible to join with the opposite party.

The first Convention, held at Annapolis in 1786, consisted of men conspicuous for their patriotism and good sense; but there were not

states enough represented at that time for the business of reformation;³ the several states were advertised of this, and a general Convention was recommended by Congress—the states all (but that preposterous sink of American honour)⁴ concurred in the proposition; and delegates were elected by their legislatures to meet in Convention at Philadelphia. Were any willing to have a seat in that honourable body, disappointed of their election?—They ought to submit to the preference given to others. Were there not some earnestly solicited, who refused to serve? In this state we know that there were.⁵—Should another Convention, of all the states, be thought practicable, would those gentlemen again stay at home and oppose every thing that they may disapprove—or would they enterprize the accomplishment of a system adapted to their own principles and their own prospects? In either case opposition is inevitable—The present is as fair an opportunity as can offer to decide the question by Convention, and fix our national fate; which delay renders every day more critical. The last general Convention consisted of select statesmen, and patriots from twelve states, which twelve states *unanimously* agreed, by those their representatives, to a form of government, which *six* of those states have already confirmed; and *six* are all that have resolved upon the question—some of these six were unanimous, and in two only was the opposition considerable. In one, domestic feuds had scarcely subsided, and private jealousies and resentment had great weight:⁶ The principles of the Constitution, notwithstanding, were fairly discussed; and approved by a respectable majority. The minority, on that occasion, acted like men truly sensible of their duty as members of a great republic, and subscribed to the decision with a patriotic condescension that will honour the national character of old Massachusetts while the fact is had in remembrance.⁷ In the other state,⁸ animosities and the spirit of faction reigned—It would be painful to recapitulate the mutual charges of artifice, cunning deception, and falsehood that were publicly imputed to either party, and, possibly, *in some cases*, unworthily practised. It is enough to know that, however equal the parties may have been represented at such work, there was a great disparity of numbers upon the division on the grand question.—A considerable *and a very respectable* majority were for the adoption of the new plan—The minority, finding themselves disappointed of their purpose in the house, resolved upon effecting it, at all hazard, out of doors—They protested,⁹ vehemently, against the proceedings of their Convention; and hastened to their respective counties to cultivate that discord, the seeds of which had been long sown among their constituents—Such is the mode of the opposition in a neighbouring state!—And must we necessarily infer that it proceeds from

well-grounded objections against the proposed system?—Never since that state has been governed solely by its own citizens have they enjoyed tranquility; and instances of insult and violence against their former establishment, are yet too recent to be forgotten. Upon this occasion, we are told, that their towns and villages are distracted with declamation and invectives—and that inflammatory publications are circulated with vindictive industry—If credit is to be given to reports from a particular quarter,¹⁰ the ignorant are deluded—the laws of the country violated—culprits wrested from the hands of justice—their capitol threatened with tumult—and insulting intimidations held forth to the members of their legislature. If this be true, what more powerful motives have the friends of order in that state, to wish for a more energetic government? Terrible as all this may seem to us in Maryland, there is nothing in it, but the *occasion*, which is novel to our neighbours—It is quite consistent with that truly Paxton-policy which massacred the unarmed captive Indians, in the gaol of the largest inland town¹¹ on the continent, in defiance of all the powers that law and humanity could unite. It is the same unmanageable spirit that drew upon the arms of America the *disgrace* of a revolt of all the troops of a state,¹² at one time; and the *infamy* at another, of suffering two heroes, who came to treat of peace, to be *violently* seized and put to death, when under the protection of a military guard. The *blood* of the great chief, CORNSTALK, and of his gallant SON, was mingled with the dust; but their memory is not lost in oblivion.¹³—LUKENS^(a) too, that youthful heir of an aged sire's virtues, is remembered in sorrow. Wyoming, and other parts of the state, bear melancholy evidence of the fatal consequences of a disobedient and a desperate disposition¹⁴—The very streets of their great city have been stained with their cruelties—Citizens have trembled at the madness of citizens—their cavalry hath been summoned to repel an attack upon a private dwelling¹⁵—their first magistrate hath been forced to expose his person to restore peace—and a youth^(b) who had sacrificed his right arm at the shrine of liberty, with his left, defended the rights of hospitality till his life became a prey to their phrensy—and are these the people *we* ought to join in opposition? And against what? Against a government that will assuredly curb their insolence, or punish their crimes; a government that will restrain licentiousness, and fix the bounds of social liberty—a government, in short, that promises peace and happiness to all who are disposed to be peaceable and happy.—Why should we not rather join with a large majority of virtuous and sober men, of the same state, who, with unremitting assiduity, guard that wide-extended democracy, as well against the violations of

its unnatural citizens, as against its secret enemies; and even against the constitutional defects of its own government.

Among the opponents to the proposed plan of government, candour must confess that there are men of enlightened understandings, distinguished for their patriotism, and famous for their exertions, their perseverance, and their sacrifices in the cause of liberty, and such there will ever be against any form that can be devised, until experience shall convince mankind (if such a thing be possible) what sort of government is most perfect, and in what form they can be sure of the greatest degree of human felicity:—But the ages that are past are too few, and the present, notwithstanding its great improvements, cannot hope for perfection. The imbecility of human nature, and the mutability of all things terrestrial, subject us to this calamity—it is, therefore, in vain that some have proposed another, and yet another experiment, by conventions, to come at that form which all must approve:—The same motives will continue to operate—opposition will not cease while men are susceptible of vice or virtue—for virtue itself may be misled by imperfect judgment, and the best intentions may be, and not unfrequently are, perverted by very generous passions, when excited by error, misrepresentation, or deception—*Situation* and *circumstance* influence the judgment, as well as the passions, and *interest* is a prevailing motive with many, if not all of us.—The new government will, in some degree, affect a variety of interests, which, in investigating the motives of people's conduct, it is well to consider.—In doing this, I disclaim the mean design to characterize individuals, or give pain to any; there are men on both sides of the question, whose understandings I respect, and whose virtues I reverence; and it is natural to me to be less solicitous to please, than careful not to give offence.

Admiring, as I sincerely do, that love of liberty and spirit of enterprise, which entice so many of my countrymen to seek for independence in the Western Wilds, and considering what effect the new government may possibly have upon subjects the farthest removed from its head, or sovereign residence, it was natural to reflect, that the first ideas we have of government, *i. e.* of being governed, even by men of our choice,¹⁶ bring with them ideas of *restraint* and *obligation*. Men who have always enjoyed the greatest share of freedom, and indulged long in that latitude of liberty which all new countries afford—men who have suffered the least restraint, will ever¹⁷ be the most averse from regulations, which (although for the general good) abridge, in the smallest degree, the privileges of individuals—If among such there are men, and the case is quite possible, who never paid debts, nor taxes of any kind, and who do not acknowledge the justice of a demand on

them to pay a proportion of the price of our national independence, how much more averse will such men be from a government which will extend with equal energy, justice and equity to the remotest parts of all the states in the union!—Yet we know, and it is an argument greatly in favour of the government in question, that in the remotest parts of all the states, there are men wise and ingenuous enough to see and acknowledge its merits, and to wish for its adoption.

It is commonly said, that the officers of the present governments are generally against the one proposed, which is no exception to my positions—how many others, in the several states, will feel its effects—what credit may be curtailed—what speculations, public and private, ended—what property restored—what justice take place, although contrary to the lenient policy of former practice—would be difficult and ungrateful to tell:—But had we not, my honest friends, better suffer all this than the reverse?—perhaps worse than the reverse—Consider the dreadful consequences of division amongst ourselves—remember the ravages committed by banditties of whigs, tories, freebooters and plunderers, in the two most southern states,¹⁸ during the contest with a foreign power—what less may we expect in a contest with one another?—If we may credit those who were witnesses of the devastation, and, in some instances of murders, which they could not prevent, the inhabitants, particularly of the interior parts of those states, did infinitely more injury to one another than all the armies—Americans, allies and enemies, that so long depredated that once devoted country. Shall we look towards Holland?—The scene is too shocking for representation—Our own country affords examples enough to caution us against that frantic zeal which draws the sanguine sword of opposition against legal measures—How lately, and with what difficulty and expence, has it been sheathed in a populous state to the Eastward?¹⁹—and how long will it yet be before all the painful consequences of that phrensy shall be at an end? Consider, my countrymen, for what cause shall we hazard such fatal effects as may ensue?—We are cautioned, it was observed, against the influence of great names—let us be equally cautious of prejudices created by²⁰ those names, mere sounds, which, like the black man in the dark, are, too successfully, applied to timid minds.—Without conveying any precise idea to the person alarmed, Democracy, Aristocracy, Oligarchy, Monarchy, &c. &c. seldom fail, when artfully used, to excite jealousies, and caricature any form of government that is intended to be represented as tyrannical or wicked; but the perversion of sound and sense stops not at these—(Men have acquired the address of confounding good and bad, and of misusing names, as illustrious as the annals of the world have recorded.—A long life of integrity and honour, in which the emanations

of superior wisdom have shone with peculiar lustre, secures not the fame of a Franklin—even the Saviour of his country escapes not the charge of ambition!²¹—If, indeed, he is ambitious, it is of giving to the world another example of moderation, magnanimity, and love for his country. To the principle, inculcated by the example of that body, of which he was late the soul, “the principle of laying down, in peace, arms assumed for public defence,” he wishes to add that of reforming, without war, those systems which are found incompetent to preserve the happiness of society.—How new and how pleasing the expedient!—how truly great the design! What scene can be more sublime than men and nations, amicably assembled, adjusting their respective claims—reconciling, by mutual concessions, those things that peculiarity of situation, or circumstance, renders opposite, and elevating, on the broad basis of equal liberty, the pillars of *justice, equity, reciprocal interest, and mutual affections!*—But, “all things, in the extreme, approach their opposites,” and the most exalted virtue is a cause of political jealousy—We must not, or we give offence, confide in those who have exhibited to the world all the proofs of public virtue, of which humanity is capable; and it cannot be our choice to confide in those of a different character—Suppose then, we exercise our own imperfect judgments, and consider, that all hopes of prosperity under the present confederation have subsided—that, that system is abandoned and given up, by all parties—that a new form of government is proposed by the authority of the people of twelve states in Convention, and submitted to the people of each state for their separate consideration and adoption—that this constitution may be rejected, but *amendments* can take place, previous to its adoption, only in a *Convention of all the states*—that after its adoption, two thirds of Congress, or a convention, called at the request of two thirds of the legislatures of all the states, may propose such amendments, and the same shall become parts of the constitution when ratified by the legislatures, or conventions of three fourths of the said states—and shall we not conclude, that defective as it may be, it is better and safer than none?—We have it in our choice to accept, and make it what we want it, or reject it, and commit ourselves to chance.—Anarchy, and all the evils attendant on political confusion, or Peace, Order and Prosperity, are subjects of our election.)²²

Frederick, March 20, 1788.

(a) Mr Lukens was not intentionally killed by his countrymen; but going to settle a dispute, he fell in a private quarrel between two parties claiming the same lands, under different grants.²³

(b) Lieutenant Campbell.²⁴

1. A reference to the circular letter from George Washington, the president of the Constitutional Convention, to the president of Congress dated 17 September 1787. The letter, written by Gouverneur Morris, accompanied the new Constitution as part of the report of the Convention. (For the entire report, see Appendix III, below.)

2. Washington's circular letter (see note 1 [above]) was often published with the new Constitution. Excerpts from it were quoted in Federalist writings.

3. For the Annapolis Convention which met in September 1786, see CDR, 177–78, 180–85. Only nine states elected commissioners and the commissioners of only five states attended the Convention before it adjourned. Maryland did not elect commissioners. The House of Delegates had proposed to elect commissioners, but the Senate refused.

4. Rhode Island alone refused to appoint delegates to the Constitutional Convention.

5. For the Marylanders who declined to serve in the Constitutional Convention, see Appendix II (RCS:Md., 796, 801, 802). For delegates from other states who resigned or refused appointments, see CDR, 195.

6. The reference is to Shays's Rebellion in Massachusetts which had begun in the summer of 1786 and was suppressed by February 1787.

7. For the acquiescence of the Massachusetts minority, see RCS:Mass., 1494, 1645–57.

8. The *American Museum* added a footnote here: "*Pennsylvania.*"

9. *American Museum* footnote: "*For their protest, see American Museum, Vol. II. page 536.*" The *Museum* refers to "The Dissent of the Minority of the Pennsylvania Convention," which was first printed in the *Pennsylvania Packet* on 18 December 1787 and was reprinted in the December issue of the *American Museum* (CC:353).

10. *American Museum* footnote: "*Carlisle.*" The reference is to the Carlisle riot of 26 December 1787 in protest of the celebration of the ratification of the Constitution by the Pennsylvania Convention. The disorder extended to March 1788 (RCS:Pa., 670–708).

11. *American Museum* footnote: "*Lancaster, anno 1763 or 4.*" In December 1763, 50 to 60 Paxton Boys killed 14 Indians in the jail at Lancaster, Pa.

12. *American Museum* footnote: "*Anno 1781.*" On 1 January 1781 soldiers from the Pennsylvania Continental Line under General Anthony Wayne mutinied in New Jersey demanding back pay and extra bounties. Their demands were met and order was restored by late January.

13. In 1777 Shawnee Chief Cornstalk, seeking to keep his tribe neutral during the American Revolution, made a diplomatic visit to Fort Randolph, where he and his son Elinipsico were killed by American militiamen in retaliation for the killing of a militiaman. The militiamen were never convicted of the crime because their comrades refused to testify against them.

14. The reference is to the turmoil in the summer of 1787 in Pennsylvania's Wyoming Valley between Connecticut settlers who defied the authority of the Pennsylvania government over the Valley. The settlers had been in the Valley for decades, having purchased the land from a Connecticut land company, and recognized the jurisdiction of Connecticut. A dispute had arisen over the jurisdiction of the Valley between Pennsylvania and Connecticut, and in 1782 a federal commission granted the jurisdiction to Pennsylvania. Four years later Pennsylvania established Luzerne County in the Valley. See CC:Vol. 2, p. 135n; CC:Vol. 3, pp. 63n–64n; and RCS:Va., 1456n–57n.

15. *American Museum* footnote: "*The house of James Wilson, esq. in Philadelphia, wherein were assembled, gen. Mifflin, mr. R. Morris, mr. G. Morris, &c. &c.*" Wilson was a signer of the Constitution and a leader of Pennsylvania's Republicans, or conservatives, a party that was in the minority. The Constitutionalists, or radicals, were the majority party. On 4 October 1779, at the height of the radicals' power, against the advice of several of their leaders, a mob decided to confront Republicans who were allegedly tory sympathizers. Wilson was singled out because he had been counsel to persons accused of disloyalty.

Realizing that a mob was on its way to his house, Wilson sent his family to the home of Robert Morris and then, with fellow Republicans, retreated inside his house to defend it. General Thomas Mifflin, a signer of the Constitution, was in the house with Wilson. The radicals, supported by militia, attacked Wilson's house and a skirmish ensued. Six people were killed, one of them in Wilson's house. Peace was restored by the aristocratic City Troop of Light Horse, which was led by Joseph Reed, a radical leader and president of Pennsylvania's Supreme Executive Council.

16. The phrase "even by men of our choice" does not appear in the draft.

17. Instead of the word "ever," the draft has "consequently."

18. Between late 1778 and 1781, fighting in South Carolina and Georgia was fierce and bloody. The British, employing American Loyalists, held those two states for two to three years.

19. See note 6 (above).

20. The words "prejudices created by" do not appear in the draft.

21. George Washington, president of the Constitutional Convention. Instead of the words "escapes not the charge," the draft has "is accused."

22. The text in angle brackets was reprinted by the Philadelphia *Federal Gazette* on 5 April.

23. The words "intentionally" and "under different grants" do not appear in the draft.

24. In 1776 Robert Campbell was a lieutenant in the Pennsylvania Rifle Regiment in the Continental Army. The next year he lost an arm and was captured at Staten Island. Campbell was promoted to captain in 1778 and transferred to the Invalid Regiment.

Neckar

Baltimore Maryland Gazette, 25 March 1788¹

To the CITIZENS of MARYLAND.

I am not deeply versed in politics, nor do I understand much of what are called the secret springs of government. Necessary occurrences in life have taught me, that pence, accumulated make shillings; and shillings in the same mode amount to pounds:—That as it is the duty of individuals to acquit their obligations to each other, so it is equally the duty of a State to discharge her obligations to her sister States.

I have been led into this reflection from considering the delinquency of several of the States in paying their quotas of the requisitions made to them by Congress, for the support of the Union, and payment of our foreign and domestic debts, and the operation of the proposed new constitution, should it be adopted.

Agreeable to the powers vested in Congress by the confederation, the States have been regularly apprised of their several proportions or quotas, necessary to discharge the public claims; attended with requisitions to them to make suitable provisions for paying the same into the public treasury. Some of the States have seriously attended to the requisitions, and pretend to have *fully* complied with them: Others, have paid considerable sums; and several have contributed little or nothing; and of course are considerably in arrears.²

By the proposed new constitution every State without regard to local situation is in the collection of revenue to be placed on an equal footing—That is to say, that all money collected by mode of impost, or direct taxation, the latter of which is to be the same in every State, is to be paid into the public treasury, and there become an *aggregate fund* destined to general governmental purposes.

The State of Maryland, if not of the number which has fully paid, is on a respectable footing at least; and has ever been considered for her attention to Congress requisitions, and faithful application of the sums levied for those purposes.³ Every citizen who has paid his taxes has contributed to the good reputation of the State—has discharged his duty as a member of the Union, and is entitled to exact the same compliance from every other. In many instances the persons, though well disposed to pay, have from disappointments, and the evils flowing from a peace suddenly negotiated, been unable to do it—in consequence of which their property has been seized under execution, and sold at most for one half the value, which it would have commanded under other circumstances—This part of the community having severely suffered for their non-compliance to pay taxes have, upon every equitable principle of impartial justice, a right to demand and to expect a like coercion on every delinquent member of the Union. Many citizens of some States, whose influence pervaded even their Legislatures, have sought every subterfuge to avoid paying their proportions of the general expence, and trusted to future events to relieve themselves entirely from them. A change of government did not escape the calculation of those *hawk-eyed* delinquents, and has been looked up to as the sponge of their iniquity—But shall those men triumph in their wickedness? Forbid it justice and every tie of honour, requisite to the Union of our extensive empire!

Whether the necessary regulations to guard against the evils which may result from the conduct alluded to, should have flowed from the convention which formed the new constitution; or whether the subject was ever attended to by that body I am unable to say? It however strikes me as a subject requiring the serious deliberation of the different State conventions, and particularly that of Maryland—That the general one, as it is called, has not made provision for a collection of the deficiencies due from the several States; but that it has effectually precluded the making any by them, or the new Congress, will evidently appear from an attentive perusal of the constitution; by which the power of laying and collecting *all* taxes is assumed, and a provision that no one State shall be subject to any other than the general regulations—I confess the subject appears of such importance, that I hardly can believe it to

have escaped the attention of many of the members of the convention—and if it did not, much satisfaction might be given to the public by knowing the motives for not proceeding upon it. If business of such magnitude did escape their notice, I then contend it is a strong argument why the State conventions should not be confined in their deliberations on the new constitution; and that they should particularly attend to every provision requisite to the placing all citizens on an equal footing; whether by amendment or otherwise. Should the arrears due from the several States pass unnoticed, great injustice will be done to that part of the community, which has in fact been the only support of government to this hour, and consequently many of the pence, shillings and pounds, of orderly citizens, must be drawn from their pockets, to pacify, and silence men of speculation, without principle; who when they shall by their want of good conduct, have again reduced the States they reside in to a situation similar with their present, will as readily join in oversetting the proposed constitution, as they have been forward in promoting it—flattering themselves to escape with impunity.

Some questions may with propriety be asked should the arrearages be unattended to—Where the taxes have been rated, part levied, part not, is the collection of the part unpaid to be pursued? If collected how is it to be applied? To be paid into the continental treasury, to make up the deficient sum of the quota of the State paying it; or are the several States to hold the money thus raised at their own disposal? Unless every State is bound to pay up her quota, no particular one will conceive herself bound to do it—But the collection will involve another question—The civil power of a State and that of the United States must not clash. In a case of insolvency which shall have the preference? But should a State have neglected, previous to the adoption of the new constitution, making any arrangement for complying with the requisitions of the former Congress, by what means, if so disposed, is she to make provision afterwards? The new constitution, as already said, assumes all powers of taxation, and consequently in the above case cuts off those of retributive-justice—It follows of consequence, that the refractory and unprincipled part of the community, are encouraged to become as unworthy members under the new, as they were under the old government.

We are told by some, that many of the powers of taxation, granted by the new constitution, will not be put in motion, because all ways and means of supplies may be found in that of an impost and others directly issuing from it, such as an excise, &c.—That therefore direct taxation will cease; and the farmer and planter again enjoy halcyon days!

It would have afforded me, and doubtless many others, much satisfaction, had writers discovered to the public the principles of the calculations, on which such assertions are founded. I conceive differently of the business—Every State whose local situation can admit of it, has adopted an impost; and in the opinion of many who are well informed of the nature of our coasts, to as great an extent as can be, without encouragement to smuggling, and an *excessive increase of officers*. Some have also laid an excise—The revenues arising from this impost and excise, no matter the sum, have been expended either for State, or continental purposes; and superadded to them heavy direct taxes on the inhabitants and their property—Those States whose local situation will not admit of an impost, have adopted an excise, tax on property, [– – –], &c. The income of which has likewise been applied as above, and in some instances proved inefficient; as in New-Jersey. If such is the true state of things, as I believe it, I would wish to be informed how under the new constitution, we in Maryland, are to be relieved from direct taxation? On the contrary, will not our taxes be encreased? In the States not permitting an impost—direct taxation is to cease, until the revenues arising from an impost shall be found insufficient for the general purposes.—It then follows, that these revenues of an impost must be equal in means, not only to the objects they are at present applied to; but also embrace the amount of those at present raised by direct taxation; which are to cease. And consequently those States whose situation will not admit of an impost will, as far as that collected will apply, be absolutely exempted from contributing to the general expences—for the fact is, that they consume very little of imported goods; and that it is only by direct taxation, any thing considerable can be drawn from them. From what source is such an encrease in the revenues of our impost to take its rise? The idea strikes me as chimerical, and strongly so, when I consider that it is the business of the Legislatures to infuse into their citizens a spirit of frugality,⁴ and abstaining from foreign luxuries; and I therefore conclude that direct taxation will be necessary in addition to an impost. These taxes must be equal throughout the States.—What will then be the comparative situation of those having an impost with those who have none? The taxes of the former must be encreased in proportion to the sum *previously relinquished* by the latter—But if arrearages already due are unattended to, then must our direct taxes be still farther encreased to make up those deficiencies; and not only our pence, but shillings and pounds will be wanting for the purpose.

It may be argued that a sacrifice is incumbent on us—That unanimity alone will prove our strength and guardian.—It is an axiom I will

not dispute—no one more ardently desires union; or would more cheerfully sacrifice to the attainment of it—But all who expect, or wish a sacrifice on the occasion, can only ask it as to future connections—the engagements of the past ought to be religiously fulfilled.

Party-spirit may alledge from the foregoing suggestions, that the writer of them is opposed to the new constitution, or as it is now said, though improperly, antifœderal.—Every person is free in the enjoyment of opinion, and I shall not by any declarations of mine, attempt to bias that of others—Suffice it to say, that I wish the good of my country, and provided there be an impartial administration of justice, am indifferent as to the men or measures—If I have erred in the statement made, no doubt many are ready to correct it, and I shall with pleasure submit to better judgment—But until sufficient proofs are adduced against my conclusions, I flatter myself the subject will be attentively considered; and that all who interest themselves in the election of members for the State convention, will not suppose the business of it confined to a mere approbation of, or dissent from, a particular measure.—The persons proper for the occasion are those who will be inclined to listen to the voice of reason; who if amendments or particular provisions, should on discussion be found necessary, will steadily persevere to obtain them; and if superfluous, will cheerfully submit to that which may promote the general weal—That particular provisions are necessary cannot I think be doubted. The case stated is a proof:—But attend to this—Every *stipulation* should be *previous to adoption*; or like the good people of Massachusetts, we may first concede our rights, and then humbly crave a partial restoration.⁵

March 15, 1788.

1. “Insolvent” replied to “Neckar” in the *Maryland Journal* on 1 April. “Neckar” defended himself in the Baltimore *Maryland Gazette* on 11 April. “Insolvent” replied to “Neckar” a second time in the *Maryland Journal* on 22 April. (All three items, below.)

2. For a report giving the percentages of the requisitions paid in specie and indents by the states between 1781 and 1787, see RCS:Va., 652n, or RCS:N.Y., 14n.

3. For the period 1781 to 1787, Maryland paid 29 percent of the amount that it had been required to pay. (See note 2, above.)

4. An errata in the Baltimore *Maryland Gazette*, 11 April, indicated that the word “*frugality*” should replace the word “*tranquility*.”

5. In February 1788, Massachusetts included nine recommendatory amendments to the Constitution in its Form of Ratification. (See CC:508, or RCS:Mass., 1468–71.)

A Farmer V (Part 2)

Baltimore *Maryland Gazette*, 28 March 1788¹

(Continued from our last.)

After every consideration I can give this subject, I am satisfied, that *government founded on representation*, indispensibly requires, at least an

executive for life, whose person must be sacred from impeachment, and only his ostensible ministers responsible—A senate for life, the vacancies to be filled up and the number occasionally increased but under a limitation, by the executive—the hand that holds the balance must have the power of adding weight and influence to the lightest scale, and of frequently removing turbulent men into an higher and inoffensive situation:—I am inclined to think that an important portion of American opinion leans that way at this moment—My fear is, that our general government may ultimate in an hereditary authority—if not despotism—to avoid the former, great attention should be paid to the important office of Vice-President—at present but little understood:—A Vice-President to succeed on a vacancy prevents those evils which have ruined Poland and all the northern kingdoms—thus we see the King of the Romans has secured Germany from every evil of elective monarchy, and had the golden bull prevented one of the family or kindred of the reigning Emperor from filling the office of the King of the Romans, this part of the Germanic constitution would have been perfect, and the house of Austria would never have been enabled to usurp the imperial crown as a patrimony and desolate Europe with her ambitious views; she would have continued in that beggarly condition from which Rodolph of Hapsburg raised it—The American constitution is much better guarded but not by any means completely so.

If this is the best we can hope for—if this is the best reward we can expect for the sons of America slain, and the distresses we shall long continue to feel—is it not incumbent on us to examine minutely all its consequences?—Let us view government by representation in its favorite form—The constitution of England—its uncommon success and length of duration there, has drawn on it very unmerited encomiums from the enlightened Genevan Delolme—the only great political writer who does not seem to hold representation in contempt,²—indeed the viewing it through this favorable medium has always animated our hopes, and led many sensible Americans to imagine, this old and universal experiment, to be peculiar to that isle—In pursuing my inquiry into the principles and effects of the British government, I shall first grant that it is a rational system, founded on solid, safe principles—and one of the best governments for the higher ranks of mankind in the world—but then I must insist that it was hardly a government at all, until it became simplified by the introduction and regular formation of the effective administration of responsible ministers, on its present system—which we cannot date higher up, than the appointment of Lord Stratford and others by Charles 1st^(a)—Moreover I do not know how far the system of bribery introduced by Sir Robert Walpole, and the influence of the numerous body of public creditors, are not now absolutely nec-

essary to its present stability—and after all, I am not satisfied how such a simplification as would produce a responsibility, can be effected in a government, complicated by so many subordinate and powerful corporations as the American States will be—and yet responsibility must be attained and an easy and certain mode adopted, of changing measures and men without commotion, or liberty will be lost in the attempt—I am confused and bewildered when I arrive at this point of reflection, and despotism meets me at every turn.—There are but *two* modes of governing mankind, by just and equal law, enforced impartially on all ranks of society, or by the sword:—If such laws cannot be obtained, or the attainment is attended with too much difficulty, the sword will supply their place; *et inter arma leges silent. When arms command the laws are disobeyed.* Shall we have patience, with the disorders of our complicated machine? As Alexander dissolved the gordian knot with the sword—so I fear a standing army will simplify the governments of America.—I have said that the government of England afforded firm protection to property—it certainly does so, comparatively speaking—yet the history of its frequent revolutions, will discover that even property is insecure there. During the civil wars, in which the Stuarts involved this nation, two-thirds of the property of the kingdom changed masters; and in those between Lancaster and York, and before the firm establishment of the line of Tudor, almost all the old families perished and their property became dissipated:—And yet its protection of property is its favorable side; turn your eyes to the lower order of citizens, and they are pressed into the earth by taxation and imposition—very rarely will industry enable the husbandman to rear a family—where the sons of agriculture are so poorly rewarded, government must be ulcerated to the heart—the miserable poor who pursue the dictates of nature and religion, in that connection which is destined to sweeten the bitter draught of life, are commonly handed from constable to constable, until their unfortunate birth compels some parish to own them.—The people of England have always and forever will emigrate—The people of England never repair to arms to repel foreign invasion—and they never will unless compelled—to conquer England, it would only seem necessary from past example, to escape their floating defences and land on the island; passing by former invasions and conquests. As late as the year 1745, Prince Charles Edward, at the head of an undisciplined rabble, belonging to some Highland clans attached to his family, marched undisturbed, through the most populous counties into the heart of the kingdom, and the capital containing 200,000 fighting men trembled for its safety at the approach of an unexperienced boy, followed by 4 or 5000 half armed peasants—scarcely a man

in the kingdom shouldered a musquet until the danger disappeared, and government owed its safety to the protection of foreign mercenaries, or rather the weakness and irresolution of the assailant—The fact is, the people will never fight (if they can help it) for representatives, taxes and rags.

Let us now contrast this scene with one, where the people *personally* exercise the powers of government—The three small democratic Cantons of Uri, Schuitz and Underwald, broke the chains of their former servitude, and laid the foundation of the Swiss confederacy—they effected the revolution, and in conjunction with the other democratic Cantons and their democratic allies the Grisons, have supported the grand fabric of Helvetic liberty to this day. Every Swiss farmer is by birth a legislator, and he becomes a voluntary soldier to defend his power and his property; their fathers have been so before them for near 500 years, without revolution, and almost without commotion—they have been the secure spectators of the constant and universal destruction of the human species, which the usurpations of the *few* have ever created, and must I fear forever perpetuate:—Whilst all Europe were butchering each other for the love of God, and defending the usurpations of the clergy, under the masque of religion, the malignant evil crept into this sacred asylum of liberty; (but where the government resides in the body of the people, they can never be corrupted by the artifice or the wealth of the *few*) they soon banished the dæmon of discord, and Protestant and Papist sat down under the peaceful shade of the same tree, whilst in every surrounding State and kingdom, the son was dragging the father, and brothers, their brothers, to the scaffold, under the sanction of those distinctions:—Thus these happy Helvetians have in peace and security beheld all the rest of Europe become a common slaughter-house.—A free Swiss acquires from his infancy, a knowledge of the fundamental laws of his country, and the leading principles of their national policy are handed down by tradition from father to son—the first of these is never to trust power to representatives, or a national government. A free Swiss pays no taxes, on the contrary he receives taxes; every male of 16 years, shares near ten shillings sterling annually, which the rich and powerful surrounding monarchies pay for the friendship of these manly farmers. Whenever their societies become too large, as government belongs to the citizens and the citizens are the property of no government, they divide amicably, and each separate part pursues the simple form, recommended by their ancestors and become venerable, by the glorious and happy experience of ages of prosperity—Their frugal establishments are chiefly supported by the pay which the officers of government receive for the services

they render individuals. With a country the most unfriendly to industry in the world, they have become in a series of years, passed in uninterrupted but moderate labor, frugality, peace and happiness, the richest nation under the sun. I have seen a computation, by which it appeared, that the interest of the money they have before hand, and that which is due them from the rich nations of Europe, would support themselves and their posterity forever, without farther exertion; and this whilst every other government is actually as much or more in debt than it is worth.

An intelligent author has remarked, that passing from a democratic to an aristocratic Canton of Switzerland, you quit the society of men to contemplate the regular labor of brutes; they are compelled indeed in the aristocratic Cantons to be extremely moderate in their government, and to lay few or no taxes, or they would drive their subjects into the neighbouring free States—as it is, they are well clothed, well fed and taken good care of—The same author remarks, that the line which separates all Switzerland, from the countries around (where men like cattle are the property of their proud Lords and kept chained to the soil) is the line of division between light and darkness—between happiness and horror.

The love of the Switzers for their country is altogether romantic and surpasses the bounds of credibility—those memorable relations authenticated by the common consent of all historians, of their beating on all occasions the flower of the Austrian and French troops (who have invaded them) with numbers so unequal and trifling as scarce to exceed their enemies out-guards; the instances of hundreds of citizens devoting their lives for the safety of their country; of their frequently disdaining life and refusing quarter when overpowered by numbers, have astonished and terrified the neighbouring powers, and seem incomprehensible to a people dispirited by taxes, overloaded with debts and disgusted with government. I cannot omit a striking characteristic, authenticated by Coxe and others, whose authority will not be questioned; they relate that there is a rustic tune familiar in the mountains of Switzerland—it is called the *Rantz des vacques*—it consists of a few simple notes of native wild melody. The French and Dutch governments have been compelled to forbid under very severe penalties, the playing this woodland music, to those Swiss troops, which they hire for a limited time; the well-known notes revive instantly all the fond images, which were impressed on their youthful bosoms, their friends, their parents, their relations and their beloved country, rush into their imaginations in a full tide of affection—no persuasion can detain them, they desert home in regiments, or if retained by force, they pine away in the deepest melancholy—no instance has yet occurred of Swiss troops serving in any part

of Europe, who have not returned, with the diligence and anxiety of affectionate children, on the first appearance of danger to their parent country:³—The same *amor-patriæ*, the same divine love of their country, universally pervades the bosom of every citizen, who in right of his birth, legislates for himself:—Grosley relates that he saw in Rome a poor fellow (who had travelled through great part of Europe and Asia afoot) declaiming to a crowd with the most passionate zeal, in praise of his own country, boasting of her happiness and preferring San Marino to all the world besides⁴—This democratic republic, is a little beehive of free citizens, who have made a delicious garden of the top of a bleak barren mountain, situated in the midst of the finest and most fruitful plains of Italy, which tyranny has depopulated around them.—Look into the human breast—We love that power, which we exercise ourselves, but we detest that which others exercise over us, be they Representatives, Lords, or Kings; and to this source we may trace the abuse, which the Americans bestow on their country and their governments.

But we are told that Switzerland, *should be no example for us*—I am very sorry for it—they are the only, the only part of the human species that sustain the dignity of character, belonging to the divine resemblance we bear,—*they are few in number it is said*—This is not true—they are more numerous than we are—*They cover a small spot of territory*—this is also not true—they possess a large tract of country in the very heart of Europe—but this is not all—The Helvetic confederacy, including the three leagues of the Grisons comprehends one hundred perhaps two hundred, independent governments and States—nor is there any reason from their history or present state to doubt, that the same plan of confederation might not be extended with as lasting and happy effects to one thousand independent governments—But it is also said *they are a poor, frugal people*—As to their poverty that is likewise untrue—they have great sums of money before hand and owe not a six-pence—they indeed are a wise and consequently a frugal people—though they still have great estates and even luxury among them too—But should we despise their poverty or their frugality? We who are so many millions worse than nothing? *But still we are told we must not take example from them—we must take example from Holland and Germany*—They had better at once tell us, that we must desert the worship of God and follow that of the devil.

From the first dawn of light, that broke in upon my reason, I became devoted to governments of simplicity and equal right—The names of heroes, whose blood has bedewed the altars of freedom, vibrate like the shock of electricity, on my frame; and when I read the story of Brutus and of Cassius, the most noble and the last of the Romans, tears

of admiration gush from my eyes.—Under these impressions which only the grave can erase, I feel unspeakable horror at every step, which removes power and rights, at a greater distance from the body of the people, to whom they belong, and confines them to the hands of *the few*. I have proposed to myself this question: If representatives cannot govern the people—If they abuse the power entrusted to them, shall they devolve this power on a still smaller number, who must be more liable to corruption from the encrease of temptation? Or should they restore it into the hands of the people, from whom they received it? who alone are incorruptible, because the wealth of the few can never bribe the many, against the duty they owe to themselves. If I am told that the people are incapable of governing themselves—I shall answer that they have never been tried in America, except among the native Indians, who are free and happy, and who prove that self-government is the growth of our soil—And I also answer that they are more fit for self-government, than they are at present for any of the safe and solid governments, founded on representation.—When I see all these principles established by the example of the Swiss, who have remained under the simplest of all forms of government for near five hundred years, in uninterrupted tranquility and happiness—whilst every other invention of genius, devise of art, or imposition of force, has been torn up by the roots, with every aggravated circumstance of horror—I can no longer doubt—All the mists of theory and speculation vanish before an experiment like this.

The greatest human discernment, ever concentrated in the mind of one man, was the portion of the celebrated Nicholas Machiavelli—a name loaded with abuse by tyrants, flatterers and the mushrooms of science, because he told the truth; because he was a republican and the friend of mankind in times of usurpation; or because, they have never read or do not understand his works. After every inquiry which the most unbounded information and reflection, with a long experience in high public office afforded, Machiavelli, delivers his deliberate opinion in favour of the body of the people, as the only safe depository of liberty and power—He prefers it to the aristocracy and the Prince; but he does not disgrace the inquiry by mentioning representation.⁵ If this was the opinion of Machiavelli, a citizen of Florence, where a numerous populace confined and crowded within the walls of a city, formed the most turbulent republic, that ever disgraced the cause of freedom by cruelty and anarchy—How much more favourably must his decision apply to the yeomanry of America—Landholders and consequently the most independent of mankind, mild by nature, moderate by manners, and persevering in every honest pursuit:—Surely if ever

men were worthy of being entrusted with their own rights, the freeholders of America are—*Make them then and their posterity legislators by birth*—I mean not the lowest populace—I mean that class of citizens to whom this country belongs:—Numbers unqualified by property, should have their influence—they should be protected—they might preserve the right of election—But they who hold the property of the soil, are alone entitled to govern it:—To effect this there would need but little change in the present forms—They might all stand—But the laws which pass the legislature before they become binding, should be referred to the different counties and cities—printed reasons drawn by committees, might if necessary, accompany each, together with an annual estimate of public wants and a detail of the expenditures of the former sums granted. Let these laws then be submitted to the free deliberation of the *freeholders* of the counties and cities—the numbers of the yeas and nays be taken on each by the presiding magistrate, and transmitted to the executive, who may then upon comparing the returns from the several counties and corporations, declare what laws are the will of the people. On the appearance of any sudden danger the two houses or indeed a majority of one house, might invest the Executive with that authority, exigency might require for the safety of the republic, until remedy should be provided by law.

The number of representatives might be decreased and an expence saved—this would at one blow destroy all legislative speculations—the influence of demagogues, or oligarchic juntos must then cease—The assemblage of the freeholders, separate in different counties would prevent disturbance—As no new law could be made in them, little confusion could ensue—After some years, or even immediately if confined to future cases—the celebrated law of Geneva might be introduced, and no freeholder admitted to the assembly until he had paid his father's debts. Sumptuary laws, permitting the use, but prohibiting the abuse of wealth, might be interposed to guard the public manners.—The Governor and two members of the senate might constitute a council of censors, to punish offenders against the sumptuary laws and the laws of morality, by a removal from office, and even disfranchisement, if necessary, with an appeal to the people of the county where the offender resided, in the latter case, and to the people of the State in the former.—Seminaries of useful learning, with professorships of political and domestic œconomy might be established in every county, discarding the philosophy of the moon and skies, we might descend to teach our citizens what is useful in this world—the principles of free government, illustrated by the history of mankind—the sciences of morality, agriculture, commerce, the management of farms and household

affairs—The light would then penetrate, where mental darkness now reigns.—Do these things and in a very few years, the people instead of abusing, would wade up to their knees in blood, to defend their governments.

For some years past this has been the darling object of my life—to which all my views have tended—And I now think that nothing intermediate would be lasting or worthy the pursuit—Whenever I fairly lose sight of this—As soon as I turn my back forever on these dear illusions, which will be as soon as the proposed fœderal government is adopted—I shall turn all my wishes to that social state, whither that government will lead us, and I both hope and expect that with those amendments and guards, which it seems to be the general disposition to provide—it will gradually mature in a safe and reasonable government.—Until that adoption I speak to my fellow citizens in the words of the proverb—*Do not that by others, which you can do yourselves.*

(a) *Before that period they were minions and favorites, who by plundering and oppressing the people excited constant commotion, and were seldom changed but with their masters, and by the axe or halter.*

1. For the first part of this essay, see “A Farmer” V (Part I), *Baltimore Maryland Gazette*, 25 March (above).

2. See Jean Louis De Lolme, *The Constitution of England . . .* (London, 1775), Book II, Chapters V–VIII.

3. See William Coxe, *Sketches of the Natural, Civil, and Political State of Swisserland . . .* (London, 1779), 328–29.

4. The reference is to Pierre Jean Grosley, *New Observations on Italy and Its Inhabitants . . .* (2 vols., London, 1769), I, 149–50. This work was first published in 1764 in French. It was translated from the French by Thomas Nugent.

5. See *Machiavels Discourses upon the first Decade of T. Livius . . .*, trans. Edward Dacres (London, 1636), Book I, Chapter V, pp. 23–27.

Luther Martin: Address No. III
Maryland Journal, 28 March 1788¹

To the CITIZENS of MARYLAND.

There is, my fellow-citizens, scarcely an individual of common understanding, I believe, in this State, who is any ways acquainted with the proposed constitution, who doth not allow it to be, in many instances, extremely censurable, and that a variety of alterations and amendments are essentially requisite, to render it consistent with a reasonable security for the liberty of the respective states, and their citizens.

Aristides, it is true, is an exception from this observation; he declares, that “if the whole matter was left to his discretion, he would not change

any part of the proposed constitution;”²—whether he meant this declaration as a proof of his *discretion*, I will not say; it will, however, readily be admitted, by most, as a proof of his enthusiastic zeal in favour of the system:—But it would be injustice to that writer not to observe, that if he is as much *mistaken* in the *other* parts of the constitution, as in that which relates to the judicial department,³ the constitution which he is so earnestly recommending to his countrymen, and on which he is lavishing so liberally his commendation, is a *thing of his own creation*, and *totally different* from *that* which is offered for your acceptance.—He has given us an explanation of the original and appellate jurisdiction of the judiciary of the general government, and of the manner in which he supposes it is to operate, an explanation so *inconsistent* with the *intention* of its framers, and so *different* from its *true construction*, and from the effect which it will have, should the system be adopted, that I could scarce restrain my astonishment at the error, although I was, in some measure, prepared for it, by his previous acknowledgment, that he did not very well understand that part of the system;⁴ a circumstance I apprehended he did not recollect at the time when he was bestowing upon it his dying benediction:—And if one of our judges, possessed of no common share of understanding, and of extensive acquired knowledge, who, as he informs us, has long made the science of government his peculiar study, so little understands the true import and construction of this constitution, and that too in a part more particularly within his own province, can it be wondered at that the people in general, whose knowledge in subjects of this nature is much more limited and circumscribed, should but imperfectly comprehend the extent, operation and consequences of so complex and intricate a system?—and is not this, of itself, a strong proof of the necessity that it should be corrected and amended, at least so as to render it more clear and comprehensible to those who are to decide upon it, or to be affected by it?

But although almost every one agrees the constitution, as it is, to be both defective and dangerous, we are not wanting in characters who earnestly advise us to adopt it, in its present form, with all its faults, and assure us we may safely rely on obtaining, hereafter, the amendments that are necessary:—But why, I pray you, my fellow-citizens, should we not insist upon the necessary amendments being made now, while we have the liberty of acting for ourselves, before the constitution becomes binding upon us by our assent, as every principle of reason, common sense and safety would dictate?—Because, say they, the sentiments of men are so different, and the interests of the different states

are so jarring and dissonant, that there is no probability they would agree if alterations and amendments were attempted.—Thus, with one breath, they tell us that the obstacles to any alterations and amendments being agreed to by the states, are so insuperable, that it is vain to make the experiment, while in the next, they would persuade us it is so certain the states will accede to *those* which shall be necessary, and that *they may* be procured even after the system shall be ratified, that we need not hesitate swallowing the poison, from the ease and security of instantly obtaining the antidote; and they seem to think it astonishing that any person should find a difficulty in reconciling the absurdity and contradiction!

If it is easy to obtain proper amendments, do not let us sacrifice every thing that ought to be dear to freemen, for want of insisting upon its being done, while we have the power.

If the obtaining them will be difficult and improbable, for God's sake do not accept of such a form of government, as without amendments cannot fail of rendering you mere beasts of burthen, and reducing you to a level with your own slaves, with this aggravating distinction, that you *once* tasted the blessings of freedom.

Those who would wish you to believe that the faults in the system proposed are wholly or principally owing to the difference of state interests, and proceed from that cause, are either imposed upon themselves, or mean to impose upon you.—The principal question in which the state interests had any material effect, were those which related to representation, and the number in each branch of the legislature, whose concurrence should be necessary for passing navigation acts, or making commercial regulations.—But what state is there in the union whose interest would prompt it to give the general government the extensive and unlimited powers it possesses in the executive legislature and judicial departments, together with the powers over the militia, and the liberty of establishing a standing army without any restriction?—What state in the union considers it advantageous to its interest, that the President should be re-eligible—the members of both houses appointable to offices—the *judges* capable of holding *other offices* at the will and pleasure of the government, and that there should be no real responsibility either in the President, or in the members of either branch of the legislature?—or what state is there that would have been averse to a bill of rights, or that would have wished for the destruction of jury trial in a great variety of cases, and in a particular manner in *every case*, without exception, where the *government itself is interested*?—These parts of the system, so far from promoting the interest of any state, or states, have an immediate tendency to annihilate *all* the state governments

indiscriminately, and to subvert their rights, and the rights of their citizens.—To oppose these, and to procure their alteration, is equally the interest of every state in the union.—The introduction of these parts of the system must not be attributed to the jarring interests of states, but to a very different source—the pride, the ambition and the interest of individuals:—This being the case, we may be enabled to form some judgment of the probability of obtaining a safe and proper system, should we have firmness and wisdom to reject that which is now offered; and also of the great improbability of procuring any amendments to the present system, if we should weakly and inconsiderately adopt it.

The *bold* and *daring* attempt that has been made to use, for the total annihilation of the states, that power that was delegated for their preservation, will put the different states on their guard. The votaries of ambition and interest being totally defeated in their attempt to establish themselves on the ruins of the states, which they *will be*, if this constitution is rejected, an attempt in which they had more probability of success from the total want of suspicion in their countrymen, than they can have hereafter; they will not hazard a second attempt of the same nature, in which they will have much less chance of success; besides, being once discovered, they will not be confided in. The true interest and happiness of the states and their citizens will, therefore, most probably, be the object, which will be principally sought for by a second convention, should a second be appointed, which, if *really aimed* at, I cannot think very difficult to accomplish, by giving to the federal government sufficient power for every salutary purpose, while the rights of the states and their citizens should be secure from any imminent danger.—But if the arts and influence of ambitious and interested men, even in their present situation, while more on a level with yourselves, and unarmed with any extraordinary powers, should procure you to adopt this system, dangerous as it is admitted to be to your rights, I will appeal to the understanding of every one of you, who will, on this occasion, give his reason fair-play, whether there is not every cause to believe they will, should this government be adopted, with that additional power, consequence and influence it will give them, most easily prevent the necessary alterations which might be wished for, the purpose of which would be directly opposite to their views, and defeat every attempt to procure them.—Be assured, whatever obstacles or difficulties may be at this time in the way of obtaining a proper system of government, they will be increased an hundred fold after this system is adopted.

Reflect also, I entreat you, my fellow-citizens, that the alterations and amendments which are wanted in the present system, are of such a

nature as to *diminish* and *lessen*, to *check* and *restrain* the powers of the general government, not to *increase* and *enlarge* those powers:—If they were of the *last* kind, we might safely adopt it, and trust to giving greater powers hereafter, like a Physician who administers an emetick, *ex re nata*, giving a moderate dose at first, and increasing it afterwards as the constitution of the patient may require.—But I appeal to the history of mankind for this truth, *that when once power and authority are delegated to a government, it knows how to keep it, and is sufficiently and successfully fertile in expedients for that purpose*:—Nay more, the whole history of mankind proves, that so far from parting with the powers actually delegated to it, *government is constantly encroaching on the small pittance of rights reserved by the people to themselves, and gradually wresting them out of their hands, until it either terminates in their slavery, or forces them to arms, and brings about a revolution*.

From these observations it appears to me, my fellow-citizens, that nothing can be more weak and absurd, than to accept of a system that is admitted to stand in need of immediate amendments to render your rights secure; for remember, *if you fail in obtaining them, you cannot free yourselves from the yoke you will have placed on your necks, and servitude must, therefore, be your portion!*

Let me ask you, my fellow-citizens, what you would think of a Physician, who, because you were slightly indisposed, should bring you a dose, which properly corrected with other ingredients might be a salutary remedy, but, of itself was a deadly poison, and with great appearance of friendship and zeal, should advise you to swallow it immediately, and trust to accident for those requisites necessary to qualify its malignity, and prevent its destructive effects?—Would not you reject the advice, in however friendly a manner it might appear to be given, with indignation, and insist that he should first procure, and properly attemper, the necessary ingredients, since after the *fatal draught* was once received into your bowels, it would be too late, should the antidote prove unattainable, and death must ensue?—With the same indignation ought you, my fellow-citizens, to reject the advice of those *political quacks*, who, under pretence of healing the disorders of our present government, would urge you *rashly to gulp down* a constitution, which, in its present form, unaltered and unamended, would be as certain death to your liberty, as *arsenick* could be to your bodies.

Baltimore, March 25, 1788.

1. On 25 March the printer of the *Maryland Journal* indicated that the third number of Martin's address to the citizens of Maryland "*will be inserted in our next.*" The third address printed here was not reprinted in any newspaper.

2. See "Aristides," *Remarks*, 31 January (RCS:Md., 251–52).

3. See "Aristides," *Remarks*, 31 January (RCS:Md., 241–44).

4. See "Aristides," *Remarks*, 31 January (RCS:Md., 241).

**Otho Holland Williams to Philip Thomas
Baltimore, 29 March 1788 (excerpt)¹**

. . . Consider of it I expect soon to ask your opinion on the Subject You are accused here of being the Author of a piece which appeared in the Maryland Journal, Tuesday last with the signature—*An Elector*; and dated Fredk. March 20th.²—I do not take upon me to contradict the charge altho I know that Aristides³ has recd. a printed Copy cut out of a news paper with the following note in manuscript—An Elector presents himself to Aristides—not to court his approbation—But to suggest that there *realy* are situations in which it *appears* to him to be *necessary* for a man to conciliate &c.—Wherein it is at least proper, if not necessary, for him to forbear from creating Enemies; especially when it is not possible for him to serve friends.—

“There is a difference between an *honorable* appointment during good behaviour, and an *unpopular, envied place* during *pleasure*. The first is looked up to with almost implicit confidence faith—The man who fills the latter is suspected if he but lisps an opinion. In the situation of the last tho’ he may be personally respected, he has no way to serve a public cause but thro’ the press if he has Capacity and even so he is fortunate if he escape the Eagle-eyed-pickthanks of party. If the Elector shall bias a single opinion by his public address it will be more than he could hope for from the greatest personal activity except among his private friends, in the small circle of which he sincerely *wishes* to continue Aristides” —This note was hastily written on the cover of a letter under your hand dated march 16th, and copied without correction as the oppty of conveyance was sudden & that You and Aristides alone can guess at the real Author of the Elector and are at liberty to judge with all the severity of criticism of his public sentiments and manner of Communication—But he hopes that you will both forbear to suspect his private conduct—It is true that he exercises his “*discretion*” that he is acting on the defence against the assaults of fools and knaves—But he scorns *duplicity* and makes no *sacrifices*—

If you should cast your eye on Insolvent⁴ you may tell me what you think of that *disingenuous* piece for it certainly is not a fair way of argument—It was the sport of two minutes, the other the serious task of two days—You must know that altho’ Neckar is not known Insolvent suspects him to be a Man whose principle Speculations ended with the War—

You must know another matter also—my Deputy has left me for a fortnight, and I can write to my friend only at the intervals which are allowed me from business.—Polly sends her finest compliments & tells you that she is mother of two of the finest Boys in Baltimore, which is a fact. . . .

[P.S.] You have not answered my letter relative to Campbell Smiths introduction to Mr. Potts's office

1. RC, Williams Papers, MdHi.
2. "An Elector," *Maryland Journal*, 25 March (above).
3. "Aristides" (Alexander Contee Hanson) was a brother-in-law of Philip Thomas, the recipient of Williams' letter.
4. Williams possibly enclosed a manuscript copy of "Insolvent," which although dated 27 March was not printed in the *Maryland Journal* until 1 April (below). "Insolvent" answered "Neckar," *Baltimore Maryland Gazette*, 25 March (above).

A Farmer VI

Baltimore Maryland Gazette, 1 April 1788

Retired in the country the publication by *Aristides* did not reach the *Farmer* until this moment.¹ The object of the remarks by the *Farmer* was to draw the attention of the public to a question of the greatest magnitude to them and their posterity; and the *cause* in which he has ventured to publish his sentiments is a *cause* of the United States.—The great and manifest defects in the *national* government proposed for America,—the omission of a declaration to ascertain the *rights* of the several *States*, and the *rights* of *individuals*, the primary object of every good and free government, particularly the trial by jury on suit against a *federal* officer for abuse of authority;—the want of proper checks to prevent the abuse, or annihilation of those rights;—the manifest danger to public liberty from a standing army, without limitation of number, in time of peace;—and the pernicious doctrines of *Aristides*; alone induced the *Farmer* to lay his reflections before the tribunal of public opinion.

It would give the *Farmer* real pain to stain a *public* cause with *private* altercation, and he flatters himself that his candid and impartial readers will admit, that his *first* address, which has given so great offence to *Aristides*, and which he calls abuse, slander, calumny, and a wanton and unprovoked attack on *his good name*, was temperate, moderate, and decent, and even respectful to that writer. The *Farmer* took the liberty to condemn and to expose the doctrines and errors of *Aristides*; but with charity he imputed his opinions to defect of judgment, or want of information. A good and virtuous citizen may, from want of understanding, maintain principles incompatible with the public welfare. If his

integrity is not accused he should bear admonition or reproof with temper and moderation. If his opinions are censured he should justify or explain them with candor and decency, and should treat his adversary with respect. If his motives of action are questioned, he should defend himself with dignity and manly firmness, without petulance or asperity, or as *Aristides* recommends, "*he should behave like a gentleman.*" *Personalities* are always odious and can only be *excused* by the imputation of political opinions to improper, unworthy or base motives. The *Farmer* could not possibly entertain any *personal* resentment against *Aristides*. A knowledge by sight and a very few occasional conversations comprehend all the acquaintance between them. The *Farmer* was disposed to think well of *Aristides* from the report of some few of his acquaintance, and not from his own declaration, however solemn, of his immaculate purity, and love of country; for in this degenerate age the integrity and the patriotism of men must be measured by their actions, and not their professions.

The *Farmer* disdains intentionally to *misrepresent* *Aristides*, he may have been so unfortunate as to have *misunderstood* him. It seems that what the *Farmer* considered as the *opinions* of *Aristides* were only *objections* to a bill of rights by *some æriel forms*, which he has pleased to usher into his drama to close the catastrophe, when from the former character he had assumed, he could not so well appear with the *sword* himself. Why did *Aristides* put *groundless* objections in the mouths of any persons, which no persons had ever used? What sense is there in making objections of no weight (and which he himself despised) to a bill of rights, under the covert of persons of his own creating?—If the *Farmer* misunderstood *Aristides*, it might have arose from his combining with his *general* doctrine a report of a declaration by him of the respect and regard he would pay to the Maryland bill of rights in his judicial capacity.—The *Farmer* then firmly believed, and he still believes that *Aristides* thought that bills of rights were considered in Europe as grants of Kings. The *Farmer* knew that this had been the language and argument of a Judge of another State.² All the arguments of the *Farmer* went to prove that they were not so considered in Europe, attended with the observation that he never knew the doctrine advanced in print, but by *Filmer* and *Aristides*.³

Aristides insinuates that the remarks of the *Farmer* on his opinions proceeded from his desire to *pay* COURT to a gentleman who lately held the highest office in the State.⁴ This insinuation is as false as it is mean and illiberal. The *Farmer* can respect and esteem the *public* and *private* virtues of a citizen without degrading himself to the lowest servility of

the lowest sycophant. The *Farmer* has never dealt in the fulsome language of modern dedications, and if inclined, he could not direct his flatteries to obtain any office civil or military, under the *new* government. The *Farmer* has no wish to conceal himself from the apprehension of censure from an impartial public; and from the resentment of *Aristides* it is impossible he can have any thing to fear. A fancied superiority, and insolence of office gave birth to this unwarrantable suggestion.

There may be other reasons why *Aristides* has thought proper to make known his real name to the public than those he has suggested. If his vanity prompted him to believe, that his character would carry respect and authority to his publication, never was any political writer more mistaken. His pamphlet will injure the *cause* he undertakes to defend wherever it appears. It might be expected that *Aristides* would be more competent to understand the part of the new constitution, that establishes the JUDICIARY, than any other.⁵ He approves the *whole* system, and yet he knows the *least* of what he ought to understand the *most*. He says the article erecting the *judiciary* has been generally misconceived, and the *Farmer* verily believes by no person more than by *Aristides*. That Farmers and Planters should not comprehend the jurisdiction of the *federal judicial power* might be expected; but that a great *law character*, like *Aristides*, should so egregiously blunder, is very astonishing. A man grossly mistaken in his profession may be justly suspected in other subjects.

Aristides asserts, "that the *inferial federal* courts, and the *State* courts will have *concurrent original* jurisdiction in all the enumerated cases, *wherein an appeal lies to the supreme federal court*, except only the cases created by, or under the proposed constitution."—By the second section of the third article, "The judicial power is to extend to all cases, in law and equity, arising under the *constitution*, or the LAWS of the United States; and to all controversies between citizens of *different* States, and the citizens of any of the United States, and the citizens, or subjects, of *foreign* States;" and by the eighth section of the first article, "The Congress are invested with *power* to levy and collect taxes, duties, imposts, and excises; and to make such *laws* as shall be necessary and proper for carrying into execution these powers." *Aristides* contends that a *federal* officer, say an excise officer, may be sued by a citizen in a *State* court (I suppose any county court as well as the supreme court) for an abuse of his authority; and with confidence he asserts, "That *no sound lawyer, of a good moral reputation* will maintain the contrary opinion;" and he treats with supercilious contempt the objection of want of remedy in a *State* court, and a trial by jury for the citizen *against* a *federal* officer, for an abuse of office, "as a ridiculous bugbear, fit only

to alarm minds on which no science has ever dawned." Is it not evident that the jurisdiction in the cases *above-mentioned*, is *expressly* given to the *inferior federal* courts, with an appeal, both as to law and *fact*, to the *supreme federal* court?—Is it not clear that it was intended to keep the *federal* and *State* jurisdictions entirely separate? Were not the *subordinate federal* courts established to protect the continental revenue officers from the *State* jurisdictions?—If an action would lie *against* a *federal* officer in the *State* courts would it not blend and confound the *two* jurisdictions, and that too without any appeal from the *State* courts?—Is not the *supreme federal* court superior to the *State* courts? Is it not superior to the bills of rights, and the constitutions, of the several States?—If the *State* courts have *concurrent jurisdiction* with the *inferior federal* courts, that is, if any suit of which the *latter* has cognizance by the *new* government, may notwithstanding be instituted in the *former*, is it not self-evident that there may be *different* adjudications on the *SAME* question; and if decided in the *inferior federal* court with an appeal, if decided in a *State* court without any appeal, to the *supreme federal* court? What would be the effect of opposite decisions by two courts having concurrent jurisdiction?—If an action is commenced in a *State* court, *Aristides* thinks, and justly too, that thence there is no appeal to the *supreme federal* court, but only to their own high court of appeals, as heretofore. With confidence he maintains that as the jurisdiction of the *State* courts is *not* taken away by an *express* clause, or *necessary implication*, that they will still have cognizance of those cases of which jurisdiction is given to the *inferior federal* courts. The *Farmer* believes there is not another lawyer, or Judge, of *sound judgment in the law*, in all America, that entertains a similar opinion.—The *Farmer* is so bold as to hazard his opinion, contrary to that of *Aristides*, that if a citizen of Georgia, or subject of Great-Britain, has any claim against a citizen of Maryland, or if he has any claim against them, that suits in such cases, after the establishment of the *national* government, can only be commenced and prosecuted in the *inferior federal* courts, because the *State* courts are ousted of their jurisdiction of those cases, by *necessary implication*, from the obvious motives for the establishment of the *federal judiciary*, and the evident absurdities that must flow from a *concurrent jurisdiction* in the *SAME* cases. Is it not absurd to suppose that the *national* governments intended that the *State* courts should have jurisdiction to decide on the *LAWS* of the *United States*, whether consonant or repugnant to the *national constitution*; or whether the *federal* officers abuse their authority?—And yet the grave, the solemn, the didactic *Aristides* asserts, "That every *State* Judge will have a *right to reject* any *act* handed to him as a *law* of the United States, which HE may conceive repugnant to the constitution."⁶ How perverted or confused must be the head of that man who

can seriously entertain so ridiculous an opinion! He can never claim from his knowledge of the *national*, or any other government to be one of the Judges of the most inferior of the inferior *federal* courts—*Risum teneatis*. A puisne Judge of a petty State (of Delaware, or Rhode-Island) to have a *right* to declare a LAW of the United States VOID? Will any *sound lawyer*, his moral reputation out of the question, risk his *legal* character so far as to maintain this assertion?—If *Aristides* has not too much pride to be convinced, if he has the candour he professes, or the legal or political knowledge he wishes the world to believe, he would not obstinately continue in error, but confess, how greatly he has misunderstood the *judiciary* system of the *national* government.

If *Aristides* shall determine to mix *private* resentment with a *public* cause, if he cannot discuss political questions without descending to offensive personalities, or if he wishes to examine into the motives or private reputation of his *adversary*, as he very improperly calls the *Farmer*, he is informed that the *Farmer* has left his *real* name with the Printer.—If *Aristides* can discover ought in the life or manners of the *Farmer*, the detection of which may serve the public cause, or gratify private malice, he has free liberty to publish, to expose it to the world, in the strongest colours;—he will for his own sake confine himself to fact.—Calumniating invective may rouse any temper. *Aristides* has too long held a licentious pen with impunity.

March 24, 1788.

1. A reference to “Aristides,” *Maryland Journal*, 4 March (extra), a lengthy response to the first two numbers of “A Farmer,” *Baltimore Maryland Gazette*, 15, 29 February (all above).

2. See “A Farmer” I, *Baltimore Maryland Gazette*, 15 February, at note 11, and note 11 (RCS:Md., 314, 316n).

3. See “A Farmer” I, *Baltimore Maryland Gazette*, 15 February, at notes 2 and 3, and notes 2 and 3 (RCS:Md., 309, 316n).

4. Possibly a reference to Governor William Smallwood’s immediate predecessor, William Paca, who was governor from 1782 to 1785. Paca was an opponent of the Constitution.

5. For “Aristides’” comments on the judiciary in *Remarks*, 31 January, and his reply to “A Farmer,” *Maryland Journal*, 4 March (extra), see RCS:Md., 241–44, 354–55. On 1 April, in a brief statement printed in the *Maryland Journal*, “Aristides” admitted that he had made an error on the matter of original jurisdiction (below).

6. See “Aristides,” *Remarks*, 31 January (RCS:Md., 239).

A Farmer and Planter

Maryland Journal, 1 April 1788¹

To the FARMERS and PLANTERS of MARYLAND.

FELLOW-CITIZENS, The time is nearly at hand, when you are called upon to render up that glorious liberty you obtained, by resisting the

tyranny and oppression of George the Third, King of England, and his ministers.—The first Monday in April is the day appointed by our assembly, for you to meet and choose delegates in each county, to take into consideration the new Federal Government, and either adopt or refuse it. Let me entreat you, my fellows, to consider well what you are about—Read the said Constitution, and consider it well before you act—I have done so, and can find that we are to receive but little good, and a great deal of evil—Aristocracy, or government in the hands of a very few nobles, or RICH MEN, is therein concealed in the most artful wrote plan that ever was formed to entrap a free people. The contrivers of it have so completely entrapped you, and laid their plan so sure and secretly, that they have only left you to do one of two things; that is either to receive or refuse it. And in order to bring you into their snare, you may daily read new pieces published in the News-Papers, in favour of this new government; and should a writer dare to publish any piece against it, he is immediately abused and vilified.

Look round you and observe well the RICH MEN, who are to be your only rulers, lords and masters in future! Are they not all for it? Yes! Ought not this to put you on your guard? Does not riches beget power, and power, oppression and tyranny?

I am told that four of the richest men in Ann-Arundel County, have offered themselves candidates to serve in the Convention, who are all in favour of the new Federal Government;² let me beg of you to reflect a moment on the danger you run—If you choose these men, or others like them, they certainly will do every thing in their power to adopt the new government—Should they succeed, your liberty is gone for ever; and you will then be nothing better than a strong ass crouching down between two burthens³—The new form of government gives Congress liberty at any time, by their laws, to alter the state laws, and the time, places and manner of holding elections for representatives; by this clause they may command, by their laws, the people of Maryland to go to Georgia, and the people of Georgia to go to Boston, to choose their representatives—Congress, or our future lords and masters, are to have power to lay and collect taxes, duties, imposts, and excises—Excise is a new thing in America, and few country farmers and planters know the meaning of it; but it is not so in Old England, where I have seen the effects of it, and felt the smart. It is there a duty, or tax, laid upon almost every necessary of life and convenience, and a great number of other articles. The excise on salt in the year 1762, to the best of my recollection, in England, was 4s. sterling per bushel, for all that was made use of in families, and the price of salt per bushel about 6s. sterling, and the excise 4s. 6d. on every gallon of rum made use of. If

a private family make their own soap, candles, beer, cider, &c. &c. they pay an excise-duty on them; and if they neglect calling in an excise-officer at the time of making these things, they are liable to grievous fines and forfeitures, besides a long train of evils and inconveniencies attending this detestable excise; to enumerate particularly would fill a volume—The excise-officers have power to enter your houses at all times, by night or day, and if you refuse them entrance, they can, under pretence of searching for exciseable goods, that the duty has not been paid on, break open your doors, chests, trunks, desks, boxes, and rummage your houses from bottom to top; nay, they often search the cloaths, petticoats and pockets of ladies or gentlemen, (particularly when they are coming from on board an East-India ship) and if they find any the least article that you cannot prove the duty to be paid on, seize it and carry it away with them; who are the very scurf and refuse of mankind, who value not their oaths, and will break them for a shilling. This is their true character in England, and I speak from experience, for I have had the opportunity of putting their virtue to the test; and saw two of them break their oath for one guinea, and a third for one shilling's worth of punch. What do you think of a law to let loose such a set of vile officers among you! Do you expect the Congress excise-officers will be any better, if God, in his anger, should think it proper to punish us for our ignorance, and sins of ingratitude to him, after carrying us through the late war, and giving us liberty, and now so tamely to give it up by adopting this aristocratical government?

Representatives and direct taxes shall be apportioned among the several states, which may be included within this union, according to their respective numbers. This seems to imply, that we shall be taxed by the poll again, which is contrary to our bill of rights;⁴ but it is possible that the rich men, who are the great landholders, will tax us in this manner, which will exempt them from paying assessments on their great bodies of land in the old and new parts of the United States; many of them having but few taxable by the poll.—Our great Lords and Masters are to lay taxes, raise and support armies, provide a navy, and may appropriate money for two years, call forth the militia to execute their laws, suppress insurrections, and the President is to have the command of the militia.—Now, my countrymen, I would ask you, why are all these things directed and put into their power?—Why, I conceive, they are to keep you in a good humour; and if you should, at any time, think you are imposed upon by Congress and your great Lords and Masters, and refuse or delay to pay your taxes, or do any thing that they shall

think proper to order you to do, they can, and I have not a doubt but they will, send the militia of Pennsylvania, Boston, or any other state or place, to cut your throats, ravage and destroy your plantations, drive away your cattle and horses, abuse your wives, kill your infants, and ravish your daughters, and live in free quarters, until you get into a good humour, and pay all that they may think proper to ask of you, and you become good and faithful servants and slaves.^(a)—Such things have been done, and I have no doubt will be done again, if you consent to the adoption of this new federal government. You laboured under many hardships whilst the British tyrannized over you!—you fought, conquered and gained your liberty—then keep it, I pray you, as a precious jewel—trust it not out of your own hands—be assured, if you do, you will never more regain it—the train is laid, the match is on fire, and they only wait for yourselves to put it to the train, to blow up all your liberty and commonwealth governments, and introduce aristocracy and monarchy, and despotism will follow of course, in a few years: for a four-years President will be, in time, a King for life, and after him, his son, or he that has the greatest power among them, will be King also.—View your danger, and find out good men to represent you in convention—men of your own profession and station in life—men who will not adopt this destructive and diabolical form of a federal government:—There are many among you that will not be led by the nose by rich men, and would scorn a bribe.—Rich men can live easy under any government, be it ever so tyrannical—they come in for a great share of the tyranny, because they are the ministers of tyrants, and always engross the places of honour and profit, whilst the greater part of the common people are led by the nose, and played about by these very men, for the destruction of themselves and their class.—Be wise, be virtuous, and catch the precious moment as it passes, to refuse this new-fangled federal government, and extricate yourselves and posterity from tyranny, oppression, aristocratical or monarchical government.

You, who have an opportunity of getting the news-papers, no doubt have seen the farce and parade at Boston!—they adopted the federal government, and afterwards proposed amendments⁵—let us be wiser—let us not adopt it until it is amended.—I revere the characters of some of the gentlemen that composed the convention at Philadelphia, yet I think they were human, and subject to imposition and error, as well as the rest of mankind.—You lost eight or ten years of your lives and labour by the last war, and were left at last with your debts and incumbrances on you, and numbers of you were soon after the close of

it, sued and harrassed for them—your persons have been put into a loathsome prison, and others of you have had your property sold for taxes, and by your rapacious creditors, for one fourth, and sometimes for one tenth of its former and actual value; and you now pay very grievous and heavy taxes, double and treble what you paid before the war; and should you adopt this new government, your taxes will be greatly increased to support them, their officers, servants, and retainers, who will be multiplied upon you to keep you in obedience, and collect their duties, taxes, impositions, and excises. Some of you may say the rich men were virtuous in the last war; yes, my countrymen, they had reason then to be so! our liberty then was in dispute with a mighty and powerful tyrant, and it was for their interest to promote and carry on the opposition, as long as they could stay at home and send the common people into the field to fight their battles—After the war began, they could not with decency recede, for the sword and enemy were at the very entrance of their gates. The case is greatly altered now; *you* conquered the enemy, and the rich men now think to subdue you by their wiles and arts, or make you, or persuade you, to do it yourselves. Their aim, I perceive, is now to destroy that liberty which you set up as a reward for the blood and treasure you expended in the pursuit of and establishment of it. They well know that open force will not succeed at this time, and have chosen a safer method, by offering you a plan of a new Federal Government, contrived with great art, and shaded with obscurity, and recommended to you to adopt; which if you do, their scheme is completed, the yoke is fixed on your necks, and you will be undone, perhaps for ever, and your boasted liberty is but a sound. Farewell!—be wise, be watchful, guard yourselves against the dangers that are concealed in this plan of a new Federal Government.

March 27, 1788.

(a) *See the history of the confederate Grecian States—Also the history of England, for the massacre of the people in the valley of Glenco, in the time of William the Third.*⁶

1. On 28 March the printer of the *Maryland Journal* announced that “A Farmer and Planter” “is received, and will be inserted in our next.”

2. The reference is possibly to Charles Carroll of Carrollton, James Carroll, Brice Worthington, and John Hall, all of whom were defeated by Antifederalists. See Elections, Ann Arundel County (IV, below).

3. Genesis 49:14–15.

4. See Article XIII of the Maryland declaration of rights (Appendix I, RCS:Md., 772).

5. The reference is to the federal or grand procession which took place in Boston on 8 February to celebrate the Massachusetts Convention’s ratification of the Constitution with nine recommendatory amendments on 6 February 1788. For the procession, see

Massachusetts Centinel, 9 February (RCS:Mass., 1617–23n). Three Maryland newspapers reprinted this account, which was widely circulated throughout America. For the amendments adopted, see RCS:Mass., 1468–71, or CC:508. Three Maryland newspapers also reprinted the amendments which first appeared in the *Massachusetts Gazette* on 8 February.

6. In 1689, following the Glorious Revolution, William of Orange became king of England, replacing the last Stuart king, James II. Many of the clans of Scotland had supported James. As a result, the clan chieftains were required to take oaths of allegiance to William III by 1 January 1692. Alexander MacDonald, the MacDonald clan chieftain, failed to take the oath by the appointed time. An order was issued for him to be punished. On 13 February, the chieftain and about three dozen of his clan were massacred by troops at Glencoe.

Aristides

Maryland Journal, 1 April 1788¹

To the PEOPLE of MARYLAND.

On a review of my late Pamphlet, I perceive that I have erred with respect to the federal judiciary. I have stated, that the original jurisdiction of the federal court extends to cases between a state and its own citizens.—There is no expression in the proposed plan to warrant this construction; and I am at a loss to account for the mistake, which is pointed out in a private letter, I have just received from Philadelphia.

As my exposition may probably have communicated the error to others, it was my duty to make this public acknowledgement. I am happy that the mistake cannot be supposed wilful—My purpose was to defend the constitution; but to increase the jurisdiction of the federal courts, could have no other tendency than to increase the number of its enemies.

Although thus easily convinced of an error, I would not have my countrymen suppose, that I would have presumed to address them on a hasty perusal and immature reflection. The judiciary article I had studied with the closest attention.—Another misconception has been imputed to me, and were my judgment satisfied, I would not hesitate to acknowledge it—But after hearing much of the opinions of men both in and out of the late federal convention, I do not believe that I have, in any other particular, misconceived the powers of the federal or state courts.

The supposed misconception alluded to, is with regard to concurrent jurisdiction. I have been told that this matter was explained in the convention agreeably to my ideas; and I mention it because some persons have, with confidence, asserted my construction to be different from that of the framers.

Annapolis, March 27, 1788.

1. In this defense of his 31 January pamphlet, Alexander Contee Hanson, under the pseudonym “Aristides,” admits to an error he made in discussing the judiciary under the

Constitution. Tench Coxe apparently pointed out to Hanson that he had made this error. See Hanson to Coxe, 27 March (RCS:Md., 263).

Insolvent

Maryland Journal, 1 April 1788¹

My dear NECKAR, The moment my eye caught your address in the *Maryland Gazette*, my heart bounced with the hope of finding some new argument against this *antifederal* government, which is so likely to fill up the blank left by that *abated form* we so long hung upon; and certainly nothing can be more ingenious than your discovery, that the new system, notwithstanding it provides that “*all debts contracted and engagements entered into before its adoption, shall be as valid against the United States, under this constitution, as under the confederation,*” effectually abolishes all obligations upon the states *respectively* to pay their proportions. What analogy there is between this and our other argument, that the new plan, by providing that a part of our rights should be committed in trust, effectually destroys, and robs us of, the residue, because there is no declaration of what we will not consent to part with:—But supposing this inference should be got over, how will they answer your assertion, that the system deprives Congress of the *power* of making any provisions for the collection of arrearages?—And even if that *arbitrary* body should be of a different opinion, what will they make of your indirect proof, that all the *imposts, poll-property* and *faculty-taxes* we are able to pay, will not be enough to discharge our debts? The General Convention certainly never dreamed (often as they were lulled by the monotony of our friend)² of such objections as these;—the State Convention, therefore, as you wisely observe, must provide, “whether by amendment or otherwise.”—Now, what will they make of that *otherwise?*—for *amendments* they cannot make, but with the consent of eleven more states at least, before the thing is adopted;—and let them “attend to this, every *stipulation* should be previous to *adoption*; or” —There’s the puzzle—I laugh at their dilemma—for I see no way they have to give it the go by.—Whether our state would gain or lose by a general bankruptcy, is matter of opinion; but, surely, to exonerate all who are now in arrears for taxes, will not be *impartial* justice;—and I contend that it was *partial* justice to wrest our property from us, under the sanction of law, and expose it to public sale, before we had ensured ourselves against “the *evils flowing from a peace* suddenly negotiated”; and still worse, as our and our friends’ goods were all which were offered for sale; whereas, if every one had been executed, we might have got a better price for our property—We all know that “one stall does not make a market”—that “*pence*, accumulated, make *shillings*—and *shillings*, in the same

mode, (*i. e.* accumulated) amount to *pounds*," is most true.—I wish you had begun with *fractions*, for they most perplex your inferior accountants; but you have done very well towards your conclusion;—their "*hawk-eyes*" will hardly detect your system of finance—few have the sagacity to discover that a war will give us all the advantages that we wish—Let us bring that about, and if we are ever again surprised by *the evils of peace*, let us suffer without commiseration.

I am, my dear *Neckar*, *neck* or *nothing*, yours, &c.

☞ Query—Are YOU *to be continued?*

Baltimore, March 27, 1788.

1. The *Maryland Journal*, 28 March, indicated that "'*Insolvent*' to his '*Dear Neckar*,' will be inserted in our next." "*Insolvent*" responded to "*Neckar*," *Baltimore Maryland Gazette*, 25 March (above). "*Neckar*" defended himself in the *Baltimore Maryland Gazette* on 11 April, and "*Insolvent*" replied to "*Neckar*" in the *Maryland Journal* on 22 April (both below).

Otho Holland Williams implied that he was the author of "*insolvent*" in a letter to Philip Thomas of 29 March (above).

2. Probably a reference to Luther Martin's lengthy speeches in the Constitutional Convention.

A Farmer VII (Part 1)

Baltimore Maryland Gazette, 4 April 1788¹

Aristides with a degree of confidence, which many will deem presumption, insinuates that his arguments can only be combated by sophistry:—Language expressly calculated to impose on the uninformed mind may be justly suspected; but remarks addressed to the reason of *those* who are happy in education and leisure for reflection, can never do injury:—*Sophistry* may blind or mislead the wavering and inconstant mind, of the humble and unenlightened individual; but to convince the understanding and rouse the spirit, of the intelligent part of mankind, is the sacred province of *truth* alone.

To examine and elucidate the great and leading principles of government, we must penetrate to the source of human action, and explore the heart and constitution of man;—a consciousness of the equal rights of nature, is a component part of that ætherial spirit, which we dignify with the appellation of soul; the ardent desire and unceasing pursuit of equality, can therefore be no more destroyed by human power, than the soul itself; the chains of terrestrial despotism may confine, afflict and bow down to the earth, this mould of flesh; but the soul more free than air, quits this mortal frame, surrounded by ills no longer supportable, and after witnessing the final overthrow of all its hopes in this world, retires with indignation, into a world unknown.

Let any people be personally and fairly consulted on the form of that government, which is to rule them and their children, and they will establish the *law of equality* as its basis;—the unequal division of property silently and gradually, undermines this foundation, almost as soon as society is formed; or before a new compact is confirmed, this equality is materially injured if not destroyed.—Montesquieu justly observes that men, in the advanced stages of government, quit the equality of nature, from the moment of their birth, never to re-enter it but by the force of equal law;²—the law then that is equally enforced on all ranks of society, to which the *great* and the *humble*, are compelled to submit, in the next state of equality, to which this ever active principle of the mind aspires; with this it would be content, as the most perfect state of liberty, which exists only, in a just medium between two extremes; but in the attainment and preservation of this, the efforts of the human understanding never keep pace with the will.

Quicquid delirant reges, plectuntur achiivi.

*It is the poor people who suffer for the misrule of the great.*³

Laws are cobwebs, catching only the flies and letting the wasps escape. The great and powerful, can easily bring to justice, the *poor and humble offender*; but who is to lead to punishment the *great*? These lords of the earth, who have extensive and powerful connexions, who aim at no trifling [luxuries?]; but who plunder a people of their liberties and put public revenues into their private purses, under the sanction of laws made by themselves:—These are the men who deprive their fellow mortals of their fondest hopes, and compel them to resort to the supreme aim of a monarch—to the authority of a single person—who exalted far above all may reduce them all, once more to that common level of equal law, of which mankind never lose sight:—*Come we will choose one man to rule over us!* is the cry of a people who are tired of the rule of the *elders*—the meaning of the word senate, is an assembly of elders; but this the last and most fatal step, is never retrieved, until government returns through blood into that original chaos—from the discordant elements of which, new and equal forms of society arise, created upon first principles.

The corruption of the rule of one man is also regular and perhaps like every other progressive step of *mixed government*—unavoidable.—He is at first limited and his hands tied; but as the powerful and strong are alone able to keep him confined—they are the checks which are necessarily imposed.—The elders, or the senate, are always joined in power to guard against his usurpations:—The people in this event, find that instead of a protector of their equal rights, they have elected a

patron for the rich and powerful, who, under the sanction of his name and authority, plunder and oppress with still greater security.—If a weak Prince should attempt to curb their insolence, he generally becomes himself the sacrifice to his own temerity—the proud chiefs rebel—put new shackles on their principal;—until at length tired of his own uneasy and dependant situation—disgusted at sheltering evil and his incapacity to do good—Some able and politic chieftain breaks the bonds of restraint; perhaps with the manly boldness of a Gustavus Erickson, he may demand of the representatives of the nation, to take back that power which is only a cloak for vice and which is too weak to do good.—He may request them to deprive him of the authority he had received, or give him that which would enable him to secure the public prosperity and private happiness.—Let him leave the legislature with a stern firmness—retire to an army who adore him, and submission must follow;—or let such a chief pursue the more usual rout to power—let him profit of the discontents of the multitude and he will quickly fasten the cords of authority around the necks of the great.

The chief magistrate is now clothed with full authority to *do good*.—If he does so, he confirms a solid tyranny for his degenerate successors—For if power does not corrupt him it certainly will those that follow:—In this view, the best elected magistrates have only entailed misery on mankind—the wise and moderate administration of Augustus, (who was appointed commander in chief of the established forces, and was annually elected consul during the whole period of his life) secured the power and gave full scope to the vices of Tiberius, Caligula and Nero in whom the julian line ended:—A veneration for the memory of Titus enabled his brother Domitian to sink the spirit of the world, and the divine Marcus Aurelius found that the lustre of his own virtues would frustrate every endeavour of his disinterested and patriot head, to set aside the election of that monster, his son, or rather his wife's son Commodus; for Marcus Aurelius could never have been the father of such a son—and the latter end of this all-accomplished mortal, was embittered with the prospect, of the misery of his fellow citizens under the administration of a brute—As to hereditary chief magistrates, I perfectly agree with the Marquis Mirabeau, and what he says of France may be justly extended to the whole world—he says, if I recollect right, that in 1100 years there have been but four Princes on the French throne, that did not deserve the gallows.—In England, an Henry II. was succeeded by a brute, a coward and a fool.—Richard, John and Henry—the valiant and just Edward the Ist. made way for the mean and despicable Edward II.—the Great Edward the III. and

his adored son, the Black Prince, crowned the English throne with laurels to be lavished away by the profuse and injudicious hand of Richard IId—and the valiant Henry the Vth. transmitted his glory and authority to be tarnished by his weak son, Henry the sixth.—In fine, there is no general truth more fully established than, that human beings entrusted with power will abuse it—from the Prince who fills the throne, down to the degraded negro, who beats his poor plough-horses and oxen so unmercifully:—There is a humane and benevolent saying of an illustrious Prince, the Marshal Vendome, which deserves to be imprinted on our minds in indelible characters.—He said that in a long march he listened attentively to the quarrels between the muleteers and the mules, and that he found the mules always in the right—thus the possession and the abuse of power seem inseparably connected.⁴

The rule of any one man, who is elevated to a preeminence of power, is always surrounded by those vile minions and favorites, who bask in the sunshine of courts—deify the object of their adoration with the venal incense of flattery—intercept every avenue to truth, and who never can be satisfied until they reduce the people to the slavery of the ancient Persians—who, when their Prince ordered them to be well bastinadoed, were obliged to fall down upon their knees and say—*We thank you most gracious Sovereign for deigning to recollect us.*—

But it will be asked can this happen in America?—My countrymen, you will yet discover before your day is cold, a truth long established by every political enquiry—that in all governments, in which there is sown the smallest seed of the rule of one man, no checks—no bars, can prevent its growing into a monarchy, or a despotism if the empire is extensive—And that to attempt to form a virtuous republic on the unqualified principles of representation is as vain as to expect a carriage to run with wheels only on one side.—Wheels will be added on the other, and the machine once set in motion down hill will never stop until it carries us to the *bottom*—then let us not set off without every necessary check.

It is true the proposed national system guarantees to each State a republican form of government—Whoever will look into Coxe's Northern Travels, will find that in the treaty whereby the three arch-despots of Russia, Germany and Prussia, divided that poor distracted country, Poland—they solemnly guarantee (in express words) to the said Poland—a *republican government forever*.⁵

(*To be continued.*)

1. "A Farmer" VII has six parts. Parts 2–6 were printed on 8, 11, 15, 22, and 25 April, respectively (all below).

2. Montesquieu, *Spirit of Laws*, I, Book VIII, chapter 3, p. 164.

3. Horace, *Epistles*, Book I, Epistle 2, line 14.

4. See Claude Adrien Helvetius, *De L'Esprit: or, Essays on the Mind . . .* (London, 1759), Essay III, chapter 18, p. 197. First printed in French in 1758.

5. William Coxe, *Travels into Poland, Russia, Sweden, and Denmark . . .* (2 vols., London, 1784), I, Book I, chapter 4, p. 56.

Tully

Baltimore Maryland Gazette, 4 April 1788¹

An ORATION on the new FEDERAL CONSTITUTION; addressed to the PEOPLE of MARYLAND.

The important crisis is now arrived, when America will shine with lustre among the nations of the world, if fixed in a good and permanent government; with wisdom in council and efficacy in measures: Or forever be degraded and enslaved by intestine divisions and foreign invasion if we are found to be ungovernable. The day is not long past in which your hearts exulted with triumph; when bountiful Heaven gave a finishing stroke to lawless power by the overthrow of our enemies in the field of battle; but now something equally important to our felicity is before you. It is now your part to put the topstone to our liberties for many ages, and that by a wise, decided and perfect acceptance of the new federal constitution. O Americans! fear above all temporal evils an opposition to rightful rule; it is the greatest curse that has befallen any people. The proposed plan of federal government, the more it is known the more it will be admired; this has evidently been the case already through the country. It is no arrogance in me to say, it is, in all its parts, the best for liberty and safety of any in the world, since the greatest men have thought it so and given their decision in its favour. How many great and good men, how many firm patriots are there in New-Jersey and the Delaware States, who received it without one dissenting voice? If Maryland is now of a factious dividing spirit, it is what I never knew of them before. Were you to vote for men to sit in convention who intended and declared a total rejection of the only means of our salvation, and thus refuse to comply with the last advice of our wisest patriots; spurn at their endeavours for our good, or what is much the same, want the constitution mutilated and changed to answer the private purposes of every State or designing selfish individual; we should by this shew the world we were unworthy of freedom, and make it appear as it did of Israel, that the Almighty divided us in his wrath and gave us up to confusion and destruction. Do you not remember that our country profited as much by good council given and followed during the war, as by valor in the field? The wise dictates of Congress and the sagacious instructions of Common Sense and other

discerning men, carefully attended to, were in the place of law, and in a great measure the means of our deliverance: And shall we now pursue a contrary course? What have the opposers of the federal government to say concerning it? Our officers they tell you may be tyrants, they may do us wrong; but might not that be supposable in any government? Shall we have no rulers lest they may abuse their power? What greater security would you have or could there be for your liberty than is laid in this plan? It was contrived by men, the chief of whom were farmers and discerning honest ones. They studied to promote the farming interest which is peculiarly the strength of our country: And are not our rulers subject to the government as well as others? If our legislators act amiss, they would suffer with the rest of the community; nor have they it in their power to rule longer than the people please. An account must be kept of the votes of all the members, and if their constituents find them unfaithful may easily preclude them from office in after time. And is there not still the same mode of petitioning for repeal of obnoxious laws as heretofore? When people seek redress in general it cannot be refused. It is said by some that the convention had no power to lay a new plan but mend the old. That venerable body was not limited. To mend in parliamentary language is to alter, strike out, or make a new. We all know that the old Congress and confederation was only an association for advice in the time of war, which war we daily looked for to come to an end. The old confederation was no government. Only consider, Americans, how you would like to have all the three branches of government in one body which the former Congress had, and is wanted to have by men who are for mending the old confederation. Surely it could not be mended without a new one, or constituting Congress as a single body with all the three branches of government, which would lay the most proper foundation for tyranny ever was in the world. The new federal government contains all the different branches sufficiently distinct from each other. Why should we, or any of us, object against a standing army more or less, both in war and peace, to secure us from invasion and rebellion? How disagreeable and costly was it for our militia in the beginning of the war to be called out on every occasion to leave their families and farms, risking their health and lives in a mode of living not accustomed to? This cost America many thousand precious lives. And did not our farmers choose rather to give large sums of money to hire men to serve in their room, and at so high a rate as might have paid the price of a regular army for many years? Militia not used to war cannot be so useful in actual service, and is surely of more cost to the community; and was ever a nation yet enslaved by a standing army? Surely no history furnishes any example of

it. I have not the least doubt but our new government will regulate trade, which will relieve us from our present distresses. It will lessen our taxes, encrease our cash, and encourage the industrious. All nations raise their public money by duty on imported goods; this Congress could not do as they had no power for any purpose. It is to relieve and enrich you the new government is intended; and it will do this for you if adopted. Instead of no government, as has hitherto been with us (as we have found by woeful experience) we will have a good and permanent foundation for our liberty and safety, and the rights of conscience well secured. The objections brought against the federal plan hold equally against the authority of our State, or that of any other. May not our legislature, in Maryland, enact what laws they please? Where are they bounded more than the federal Congress? The poor, or middle rank, have an equal privilege to be chosen as well as the rich, to the highest offices in the federal government. There is no five hundred pounds property mentioned as necessary to qualify you to serve in Congress as is in most of our State constitutions. Does this look like setting the rich above the poor? Surely no. It is said by many that the men opposed to the new federal plan through ambition do not want any officer to be higher than those in a State, and through pride of heart such opposers (say they) would risk our destruction rather than submit to any higher power. But we can scarcely have so ill an opinion of human nature though it be far degenerated into selfishness at the present day. Object not against the present plan because you do not understand it in all things with its use and end. How can any one not conversant in government fully comprehend it? I believe there are many wise and discerning men among us who in all parts do not see fully into it, and that because they heard not what passed in convention, they did not see it debated in that great assembly. You complain of Congress and our American government that we never have been happy under it; we have been too heavily taxed and brought to ruin; but blame not Congress for this, for we, in reality, have had no government. Congress had no power; there was none granted them. How then can you judge by what is past of what may be? Should you be afraid of the abuse of power in the foederal Congress when you are not suspicious of it in that under which you live in the State? Would it not look like infatuation think you, or judicial blindness, if when all sects and parties in America have joined in choosing the best men to form a good government; yet notwithstanding we should despise or lightly esteem it when obtained? Be our thoughts and estimation of freedom what they may, surely liberty civil and religious, is one of the most signal blessings bestowed on the children of men. Should a factious selfish spirit be

our folly, would it be strange, or without example, if the Almighty should yet give us up to choose our own delusions and allow us to be made the subjects of tyrannic sway and complete vasallage? Do therefore your part, gentlemen; choose men to office of a uniting instead of a dividing spirit; send men ready to obey and follow the council of the wise, for let me ask you, is it any how probable at all that a number of patriotic men, chosen by the people, would lay a plan for their own ruin, and their offspring as well as the community, consulting together the hurt of the country in which they lived, and where they had a large inheritance, and forming a government elective by the people which the framers knew was hurtful? Surely there is no man of candor acquainted with human nature, who would think or say it. Why should Americans be alone in having no love for their country? Why should you refuse, despise and reject the council of the men we choose to serve in our general convention? Shall it be said of us abroad, "These Americans have talked loud of liberty; they had much zeal to fight for what they thought was freedom, but have no wisdom, now we see to obey their rulers and take the advice of the wise but considered at the last their faithful friends and servants as their cruel foes, and treated them accordingly."

March 31, 1788.

1. "Tully" was a sobriquet for Marcus Tullius Cicero, the great Roman orator, philosopher, and statesman.

Luther Martin: Address No. IV
Maryland Journal, 4 April 1788¹

To the CITIZENS of MARYLAND.

If those, my fellow-citizens, to whom the administration of our government was about to be committed, had sufficient wisdom never to err, and sufficient goodness always to consult the true interest of the governed,—and if we could have a proper security that their successors should to the end of time be possessed of the same qualifications, it would be impossible that power could be lavished upon them with too liberal a hand.

Power absolute and unlimited, united with unerring wisdom and unbounded goodness, is the government of the Deity over the universe!— But remember, my fellow-citizens, that the persons to whom you are about to delegate authority, are and will be weak, erring mortals, subject to the same passions, prejudices and infirmities with yourselves; and let it be deeply engraven on your hearts, that from the first history

of government to the present time, if we begin with Nimrod, and trace down the rulers of nations to those who are *now* invested with supreme power, we shall find few, very few, who have made the beneficent Governor of the Universe the model of their conduct, while many are they who, on the contrary, have imitated the demons of darkness.

We have no right to expect that our rulers will be more wise, more virtuous, or more perfect than those of other nations have been, or that they will not be equally under the influence of ambition, avarice, and all that train of baleful passions, which have so generally proved the curse of our unhappily race.

We must consider mankind such as they really are,—such as experience has shewn them to be heretofore, and bids us expect to find them hereafter, and not suffer ourselves to be misled by interested deceivers or enthusiastick visionaries; and therefore in forming a system of government, to delegate no greater power than is *clearly* and *certainly necessary*, ought to be the first principle with every people, who are influenced by reason and a regard for their safety, and in doing this, they ought most solicitously to endeavour so to qualify even that power, by such checks and restraints, as to produce a perfect responsibility in those who are to exercise it, and prevent them from its abuse with a chance of impunity;—since such is the nature of man, that he has a propensity to abuse authority and to tyrannize over the rights of his fellow-men;—and to whomsoever power is given, not content with the actual deposite, they will ever strive to obtain an increase.

Those who would wish to excite and keep awake your jealousy and distrust, are your truest friends;—while they, who speak peace to you when there is no peace—who would lull you into security, and wish you to repose blind confidence in your future governors, are your most dangerous enemies.—Jealousy and distrust are the guardian angels who watch over liberty:—security and confidence are the forerunners of slavery.

But the advocates for the system tell you that we who oppose it, endeavour to terrify you with mere possibilities, which may never be realized, that all our objections consist in saying government *may* do this,—and government *may* do that.—

I will, for argument sake, admit the justice of this remark, and yet maintain that the objections are insurmountable.—I consider it an incontrovertible truth, that whatever by the constitution government even *may* do, if it relates to the *abuse* of power, by acts tyrannical and oppressive, it some time or other *will* do.—Such is the ambition of man, and his lust for domination, that no power less than that which fixed

its bounds to the ocean, can say, to them, “thus far shall ye go and no farther.”²—Ascertain the limits of the *may*, with ever so much precision, and let them be as extensive as you please, government will speedily reach their utmost verge; nor will it stop there, but soon will overleap those boundaries, and roam at large into the regions of the *may not*.—Those who tell you the government by this constitution *may* keep up a *standing army*,—abolish the trial by jury,—oppress the citizens of the states by its powers over the militia,—destroy the freedom of the press,—infringe the liberty of conscience, and do a number of other acts injurious to and destructive of your rights, yet that it *never will do so*; and that you safely may accept such a constitution, and be perfectly at ease and secure that your rulers will always be so good, so wise, and so virtuous—such emanations of the Deity, that they will never use their power but for your interest and your happiness—contradict the uniform experience of ages, and betray a total ignorance of human nature, or a total want of ingenuity.

Look back, my fellow-citizens, to your conduct but a few years past, and let that instruct you what ought to be your conduct at this time.

Great-Britain then claimed the right to pass laws to bind you in all cases whatever.³—You were then told in all the soft insinuating language of the present day, and with all the appearance of disinterested friendship now used, that those who insisted this claim of power might be abused, only wandered in the regions of fancy—that you need not be uneasy, but might safely acquiesce in the claim—that you might have the utmost possible confidence in your rulers, that they never would use that power to your injury;—but distrustful of government, and jealous of your liberty, you rejected such counsel with disdain;—the bare possibility that Britain might abuse it, if once conceded, kindled a flame from one end of this continent to the other, and roused you to arms—Weak and defenceless as you were, unused to military exertions, and unsupplied with warlike stores, you braved the strength of a nation the most powerful and best provided—you chose to risk your lives and property rather than to risque the possibility that the power claimed by the British government should be exercised to your injury—a possibility, which the minions of power at that time, with as much confidence as those of the present day, declared to be absolutely visionary.

Heaven wrought a miracle in your favour, and your efforts were crowned with success.

You are not now called upon to make an equal sacrifice—you are not now requested to beat your ploughshares into swords, or your pruning hooks into spears⁴—to leave your peaceful habitations, and exchange domestic tranquility for the horrors of war;—peaceably, quietly

and orderly to give this system of slavery your negative, is all that is asked by the advocates of freedom—to pronounce the single monosyllable *no*, is all they entreat;—shall they entreat you in vain?—when by this it is to be determined, whether our independence, for obtaining which we have been accustomed to bow the knee with reverential gratitude to Heaven, shall be our greatest curse;—and when on this it depends whether we shall be subjected to a government, of which the little finger will be thicker than the loins of that of Great-Britain.⁵

But there are also persons who pretend that your situation is at present so bad, that it cannot be worse, and urge that as an argument why we should embrace any remedy proposed, however desperate it may appear.

Thus do the poor erring children of mortality, suffering under the presence of real or imaginary evils, have recourse to a pistol or halter for relief, and rashly launch into the *untried* regions of eternity—nor wake from their delusion, until they wake in endless wo[e].—Should the citizens of America, in a fit of desperation, be induced to commit this fatal act of political *suicide*, to which by such arguments they are stimulated, the day will come when labouring under more than Egyptian bondage, compelled to furnish their quota of brick, though destitute of straw and of mortar;⁶ galled with your chains, and worn down by oppression, you will, by sad experience, be convinced (when that conviction shall be too late) that there is a *difference* in evils, and that the buzzing of gnats is more supportable than the sting of a serpent.

From the wisdom of antiquity we might obtain excellent instruction, if we were not too proud to profit by it—Æsop has furnished us with the history of a nation of Frogs⁷—between which and our own there is a most striking resemblance.—Whether the catastrophe shall be the same, rests with ourselves.

Jupiter, out of pure good nature, wishing to do them as little injury as possible, on being asked for a King, had thrown down into their pond a Log to rule over them;—under whose government, had they been wise enough to know their own interest and to pursue it, they might, to this day, have remained happy and prosperous.—Terrified with the noise, and affrighted by the violent undulations of the water, they for some time kept an awful distance, and regarded their monarch with reverence; but the first impression being in some measure worn off, and perceiving him to be of a tame and peaceable disposition, they approached him with familiarity, and soon entertained for him the utmost contempt:—In a little time were seen the leaders of the Frogs croaking, to their respective circles, on the weakness and feebleness of the government at home, and of its want of dignity and respect abroad,

till the sentiment being caught by their auditors, the whole pond resounded with "Oh Jupiter, good Jupiter, hear our prayers—take away from us this vile Log, and give us a ruler who shall know how to support the dignity and splendor of government!—give us any government you please, only let it be energetic and efficient."—The Thunderer, in his *wrath*, sent them a *Crane*. With what delight did they gaze on their Monarch, as he came majestically floating on the wings of the wind!—They admired his *uncommon* shape—it was *such* as they had *never before seen*—his deformities were, in their eyes, the greatest of beauties—and they were heard, like Aristides, to declare, that, were they on the verge of eternity, they would not wish a single alteration in his form⁸—His monstrous beak, his long neck, and his enormous poke—even these, the future means of their destruction, were subjects of their warm approbation.—He took possession of his new dominions, and instantly began to swallow down his subjects; and it is said, that those who had been the warmest zealots for Crane-administration, fared no better than the rest.—The poor wretches were now much more dissatisfied than before, and, with all possible humility, applied to Jupiter again for his aid, but in vain—he dismissed them with this reproof, "*that the evil of which they complained, they had foolishly brought upon themselves, and that they had no other remedy now, but to submit with patience.*"—Thus forsaken by the God, and left to the mercy of the Crane, they sought to escape his cruelty by flight; but pursuing them to every place of retreat, and thrusting his long neck through the water to the bottom, he drew them out with his beak from their most secret hiding-places, and served them up as a regale for his ravenous appetite.

The *present* federal government is, my fellow-citizens, the *Log* of the fable—the *Crane* is the system now offered to your acceptance.—I wish you not to *remain* under the government of the *one*, nor to *become subjected* to the tyranny of the *other*.—If either of these events take place, it must arise from your being greatly deficient to yourselves, from your being, like the nation of Frogs, "*a discontented, variable race, weary of liberty, and fond of change.*"—At the same time I have no hesitation in declaring, that if the one or the other must be our fate, I think the *harmless, inoffensive, though contemptible Log*, infinitely to be preferred to the *powerful, the efficient, but all-devouring Crane*.

Baltimore, March 29, 1788.

1. On 1 April the *Maryland Journal* announced that Martin's Address No. IV "will be inserted in our next." This address, the last in the series, was reprinted in the *Philadelphia Independent Gazetteer*, 14 April; *New York Journal*, 28 April; and Providence *United States Chronicle*, 8 May. For a general discussion of Martin's addresses, see Address No. I, *Maryland Journal*, 18 March (above). See also "Spurious Luther Martin: Address No. V," *Philadelphia Federal Gazette*, 10 April (below).

2. Job 38:11.

3. Martin refers to the Declaratory Act of 1766 which received the royal assent the same day (18 March) as the act repealing the Stamp Act of 1765. The Declaratory Act stated that the king, by and with the advice and consent of Parliament, “had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever.” The act also declared “utterly null and void” all colonial resolutions, votes, orders, and proceedings which denied this power and authority.

4. Joel 3:10.

5. 1 Kings 12:10. “My little finger shall be thicker than my father’s loins.”

6. Exodus 5:6–19.

7. “The Frogs Desiring a King.”

8. Martin refers to a statement made by “Aristides,” *Remarks*, 31 January, at note (o) (RCS:Md., 251–52).

Civis

Maryland Journal, 4 April 1788

Mr. GODDARD, In your Paper of Friday the 14th instant, I observe that a Cook of uncommon sagacity, finding my address “To the INDEPENDENT ELECTORS of MARYLAND,” had at last become cold, has, with some dexterity, given it a new seasoning, with ingredients imported from *Greece, Carthage* and *Rome*; and again, served it up under the signature of *Hampden*, as a fresh morsel “To the PEOPLE of MARYLAND.”¹

Some men of choleric dispositions, might have been offended at such plagiarism; but, I considered, that since *Hampden* was determined to become a *political writer*, and having neither ideas, sentiment or language of his own, excepting a small jumble of indigested reading, he did me a singular honour in preferring my *address* to the numerous pieces of superior merit, which, for these several months past, have adorned your Paper—Neither should I have troubled you on the subject, had not a writer of greater distinction, under the signature of A REAL FEDERALIST, in your Paper of the 21st instant, proceeded upon the mistaken idea, that *Hampden* and myself are one and the same person.² In this supposition, however, I presume his penetration would prevent him from being serious, and that he only chose such a method to detect and expose the theft—while, permit me to inform him, that I am not so barren upon such an interesting subject, as to have recourse to the pitiful subterfuge of obtruding upon the Public nearly the same sentiments, under a different signature from that I have already adopted, which I shall ever despise to change.—With regard to the exalted encomiums which the *Real Federalist* has so lavishly bestowed on ARISTIDES and myself, whether they are real or ironical, does not remain with me to determine; and I believe it is a matter of total indifference to both.—One thing, however, may be necessary for me to observe, before I take

leave of the subject—that my former production is undividedly my own, and that I alone stand amenable for every sentiment therein expressed—no person having seen it till published in your Paper; notwithstanding opinions to the contrary, invidiously originated, and assiduously propagated by the *illiterate, self-conceited, ignorant and prejudiced*—Neither have I ever been ashamed to acknowledge it with my real name in the circle of my friends.

March 28, 1788.

1. See “Civis,” *Maryland Journal*, 1 February, and “Hambden,” *Maryland Journal*, 14 March (both above).

2. See “A Real Federalist,” *Maryland Journal*, 21 March (RCS:Md., 424).

Maryland Journal, 4 April 1788¹

Extract of a Letter from WASHINGTON, dated March 22, 1788.

“The Federal List is very respectable in Washington, and notwithstanding the extraordinary Exertions of a few *Anti*’s, their Prospects darken daily.² Nothing but Comprehension of the Subject is wanting to establish the new Constitution in the Opinions of the People—The more it is understood, the more it is esteemed—every Day furnishes Instances of Antifederalists being made federal; but we have no Instance of a Federalist being made *Anti*.

“*R. H. Lee*’s Publication has been read with Attention, and he has been detected in mistating Facts. The Necessity of *Mason*’s, and his Bill of Rights, has been done away by *Aristides*. *Randolph* is *uncommonly* federal,³ and *M*—*n*⁴ is contemptible.—These Circumstances are used to Advantage with those who shew a Disposition to obtain Information; but there are others who will neither *lead or drive*.—Stubbornness is unpardonable—but Ignorance is to be pitied. The Case of such as are under its Influence, is generally *bad*, in Adults it may be called *desperate*.—In attempting the Cure of the Disease, you would, no doubt, endeavour, as much as possible, to *remove* the *Cause*, in hopes, thereby, to abate the *Violence* of the *Effect*—We treat it in that Way here, and hope for your Concurrence.

“When the Test-Law was enacted, a Time was limited for the People to comply with the Duty required—Numbers postponed Obedience till the Night of the last Day given by that Law—*Some* of those Men, in whom great Confidence was placed by others, violently opposed the Law, and strongly recommended Opposition to their uninformed Neighbours.—This Conduct was countenanced till the Treachery of those base Characters were discovered, by their taking the Oath themselves at the *last Hour*, when the *deluded* had no Chance of Redress!—

Hundreds, thus misled, were added to the List of Nonjurors. Some of those Characters are now busy in opposing the new Constitution, and we are endeavouring to check them as a *Cause* of much Evil.

“*Aristides* stands amongst us as the supreme Arbiter, and final Appeal, in all Cases of Controversy between Federalists and Antifederalists. His Remarks have displayed so much Knowledge of the Subject, and he has removed all Doubts with such incontrovertible Perspicuity, that to argue further, discovers a Want of Comprehension, or Want of Principle.”

1. This letter extract was reprinted in its entirety in the *Pennsylvania Mercury*, 10 April; *Pennsylvania Journal*, 12 April; *Pennsylvania Gazette*, 16 April; and *Virginia Centinel*, 23 April. The Philadelphia *Federal Gazette*, 10 April, reprinted the first paragraph and the first two sentences of the second paragraph. The Winchester *Virginia Gazette*, 16 April, reprinted only the first paragraph.

2. In the election for delegates to the state Convention, the four Federalist candidates received 657 votes each, while the four Antifederalist candidates received 14, 21, 24, and 25 votes. See Elections, Washington County (IV, below).

3. For Richard Henry Lee’s and George Mason’s published objections to the Constitution, see “A Federalist,” *Baltimore Maryland Gazette*, 18 January, note 5 (above). For more on Lee’s objections, see “One of the People,” *Maryland Journal*, 25 December 1787, note 7 (above). For Edmund Randolph’s published objections, see “Aristides,” *Remarks*, 31 January, note 16 (above).

4. Luther Martin.

A Farmer VII (Part 2)

Baltimore Maryland Gazette, 8 April 1788¹

(Continued from our last)

The chief who is thus liberated from constitutional restraints, is under no control but the licentiousness of the soldiery:—The prætorian bands of the Roman and the Janizaries of the Turkish empire, have frequently stained the imperial purple with blood, and applied the bow-string to the haughty descendants of Othman—yet they are always the willing instruments of the cruelty of the Prince against all ranks of his subjects.

Here then we arrive at the summit of imperfection in human legislation—the magistrate whose will is law, is no longer restrained by the influence of manners—a regard to reputation or the desire of glory—the three ruling principles that guide the heart to virtue;—his own inclinations become the manners of the empire—establish reputation and fix the standard of fame.—Caius Cæsar, who was declared Imperator or Emperor of the Roman republic (a title in its most extensive signification meaning only a military commander in chief) was devoted to lust—A grave senate of Rome—that senate which twenty or indeed ten years before, had commanded the awe and veneration of mankind,

solemnly proposed a law, as Suetonius informs us, to submit their wives and daughters to his embraces²—it was his regard for the public reputation that alone forbade this sacrifice of the honor of the empire—the first Cæsar was a compound of the most exalted virtue and deepest vice—but the fact discovers what instantaneous change, the slightest alterations of government may create in the manners of a people—of a most enlightened and virtuous people—for the age of Julius Cæsar, was the age of Cicero, Cato, Brutus, Cassius and of all that noble but unfortunate band of conspirators.—

But this furious passion which has celestial beauty for its object, soon banishes philosophy and moderation—even the glowing idea that gives all that is beautiful and amiable to our arms, makes the senses drunk with passion—What effects then must spring from the *idea realized*—all history informs us—the minds of all men, even the best unrestrained by their own, or the constitution of the State become inebriated with lust, from the times of David, the second chief magistrate of Israel—a man after God’s own heart—and his son Solomon—the wise, who had the moderate share of seven hundred wives and three hundred concubines—down to the amorous Charles, (who restored to the English throne, before the republican fever had cooled, or Presbyterian sanctity had relaxed) yet contrived to fill the English peerage with his bastards.—The nation made one jump from the cold pulpit of religion into the hot-bed of vice—This irresistible passion marked with celebrity the decemvirate of Rome—a *tyranny* established by the free suffrages of the people, in the infancy and most quiet and virtuous æra of the republic; because they took it into their heads that their old constitution and laws were not good enough, and therefore sent to Greece for new ones:—If in the six and twenty senators of America, some future Appius may be found, I yet trust from the high confidence I repose in my fair countrywomen, that for many years a Virginia will not be wanting to re-act the Roman tragedy;—but all human virtue is frail—What the senate intended by law for Julius Cæsar, the influence of manners provided for Octavius and his successors—Matrons and the beauties of the first rank of Rome esteemed it the highest honor to prostitute themselves to the artful Augustus, and even to such an infamous villain as Caligula:—The amorous dispositions of a succession of Princes, have rendered the present of the handkerchief the highest honor, to which female beauty and merit could aspire in the seraglio of Constantinople, and in the courts of the two Lewises—who preceded the present amiable and virtuous monarch of France; yet they were rewarded with implicit obe-

dience, and Lewis the 16th meets with turbulence and resistance in his most meritorious acts:—Virtue only breeds confusion in perverted government.—Whoever will read what the pens of Suetonius and Tacitus have described, will be lost in admiration at the original and surpassing wickedness to which Rome arrived in less than half a century—But can these things happen to the Americans? What distinguishes the Americans, from the French—the Germans—the Turks or the Persians?—America is in a great measure peopled by emigrants from the old countries, now enthralled in slavery—Does crossing the atlantic alter the nature of these people?—Let our countrymen reflect on this awful truth, that nothing creates that wide distinction between them, and the white slaves of the old world, or indeed their black slaves here, but *their government*—Let them consider this well, and they will be rendered cautious how they change it—(bad as it is) for new imported constitutions—Amalgomated as we were with a corrupt old monarchy—with the combined corruptions of three armies—a constant communication with the luxurious and debauched capitals of the old world—we cannot be surprised, that some of our great cities are now ripe for any thing.—These remarks are intended for the thinking part of our citizens, and particularly those who are most active in promoting this revolution.—In the most important characters of this class of men, the author has great confidence:—America has more to dread from the want of information than the want of integrity in her rulers; and her own precipitation is the most dreadful of all. People should be liberal of every thing but power—but to give away an atom of their liberties is as criminal as dishonorable.

However degrading and disgraceful the state of society just described may be—worse as it is far then ten thousand deaths to a feeling and delicate mind—yet to the mass of the people it is not so afflicting as the loss of the other moral virtues, which in large governments, are exchanged for the fashionable vices of him who *presides*:—Under Caligula, the Roman legions were not ashamed to adorn their helmets with cockle-shells in triumph for their expedition against Britain, in which, they never ventured to leave the shores of Gaul—this Prince—the degenerate son of the adored Germanicus, happened to be a poltron.—During the reign of Nero, fiddling—dancing—singing—burning cities—plundering States—perfidy and assassination were the manners of the age, and discover the motley mind of this monster of levity and vice.—Domitian who like every man that from weakness—vicious heart—or the allurements of pleasure, deserts the paths of virtue—hated cordially those examples of merit which he could not imitate.

Tacitus informs us, that during his life—*virtue became a death warrant*—Philosophy fled—Pliny sat himself down quietly to compose a grammar—the only work of science then safe—in short, nothing was honourable or profitable but assassinations, informations, and all sorts of corruptions and pollutions.

(*To be continued.*)

1. The first part of “A Farmer” VII appeared on 4 April (above). See note 1 to the first part for the dates on which parts 3–6 were printed.

2. Suetonius, *The Lives of the Twelve Caesars*, “Caius Julius Caesar,” section 52.

Croaker

Baltimore Maryland Gazette, 8 April 1788¹

To L. M. *Esquire*.

SIR, It is with peculiar concern we observe several malicious attacks on your character, representing you to the world, as a man unacquainted with history, or the nature of government—But we are happy to think that your publication in the Baltimore Journal, of the fourth instant, will effectually relieve you from these charges, and enable you to triumph over your political enemies.—The slightest glance on this publication, must convince the reader that you have travelled far into the history of governments, and know how to apply the useful lessons taught by their disasters.

Long had our whole nation remained in ignorance ere they could have discovered the course of those calamities they experienced under the government of the Crane—to your superior genius it was left, to develop the secret cause of those calamities, and which you have ably demonstrated to arise—from the poke, the beak, and his voracious appetite.

Illuminated by the rays of light, you have cast on our watery abodes, the nation have become clamorous—to have a L-w-r for a King—But the sages, taught by experience to be cautious, are determined first carefully to examine, whether he has a poke, a beak, or an insatiable appetite for blood, wealth, or power.

Penetrated with a deep sense of gratitude, they beg you to accept this public expression of thanks, for the friendly disposition you have shewn to the interest of the feeble inhabitants of the stagnant waters—by thus clearly unfolding the true principles of their government.

(By order and in behalf of the nation)

April 7, 1788.

1. “A Croaker” responds to Luther Martin’s use of the fable “The Frogs Desiring a King,” in “Address No. IV,” *Maryland Journal*, 4 April, at note 7 (RCS:Md., 483–84).

Baltimore Maryland Gazette, 8 April 1788

THE CONVENTION.

Concenter'd *Here* united wisdom shines
 Of learned *Judges* and of sound *Divines*:
Patriots, whose virtues, searching time has try'd,
Heroes, who fought, where *Brother Heroes* dy'd;
Lawyers, who speak, as *Tully*¹ spoke before,
Sages, deep read in philosophic lore;
Merchants, whose plans are to no realms confin'd,
Farmers—the noblest title to mankind;
Yeomen and *Tradesmen*, pillars of the State;
 On whose *decision* hangs, *Columbia's fate*.

1. Roman orator and statesman, Marcus Tullius Cicero.

John Calvin**Maryland Journal, 8 April 1788¹**

Copy of a LETTER of JOHN CALVIN to MARTIN LUTHER—shortly after the GENERAL COUNCIL of TRENT, held *Anno Dom.* 1563.²

DEAR LUTHER, In this dawn of the day of reformation, permit me, in the name and behalf of all the faithful, to congratulate you on your success, or at least the happy prospect thereof, in the glorious opposition you have made, and still continue to make, to the last tyrannical, apostatical, diabolical *General Council*. With what language shall I express, my dear fellow-worker in this labour of love, the high and sacred sense which all the reformed of our community entertain of thy fervent zeal, and undaunted resolution in withstanding, and combating with true christian fortitude and heroism the united powers of ANTICHRIST! The glorious testimony you have thereby manifested to the world in general, and those under your own pastoral instruction in particular, of thy uncontaminated sanctity, and incorruptible integrity in the common cause of christian freedom, must and will secure thee the confidence and veneration of all *thy true believers* to the latest posterity. Your guarded vigilance through every stage of that important business committed to your charge, and that indefatigable industry wherewith thou wast inspired to resist the combined powers of darkness, may prove, manifestly prove even to this wicked and perverse generation, that thou hast spoken, “not with the tongue of man,” from the light of human reason, nor even those SACRED RECORDS thou so industriously procured from the church of PHILADELPHIA;³ but evidently by the immediate, infusive inspiration of that miraculous power, that influences all your

undertakings, and by which you still continue to exhibit to the world those oratorical abilities, and that sacred knowledge wherein thou so superlatively aboundest to the subversion of iniquity, the maintenance of truth, and the establishment of those laws, founded on the eternal equity and fitness of things, which are absolutely requisite for supporting good government, distributing justice, and securing the temporal and eternal interests of human society.

Should not our hearts, my beloved brother, rejoice with exultation, and the sincerest gratitude to that arm of omnipotence, which hath exalted us to the dignified office of enlightening and reforming the church militant? What although you and I differ as to some little, trifling, non-important *non-essentials*; yet, we are, and that to the woful mortification of our enemies, decidedly agreed in our endeavours to extirpate, overwhelm, and totally suppress a system, an erroneous, damnable, and condemnably *consolidated system* of corporal and spiritual tyranny.

Surely our grateful souls ought to exult in strains of enraptured congratulation, that, not only so many able advocates have been added to our holy faith, and reformed doctrine; but that also an opportunity hath been afforded us, and that by *the most unmolested and secret combination during the very session of the Council*, of forming a divine junto to oppose and disappoint the ambitious, interested, enslaving, infernal designs of that *synagogue of Satan*. Be it moreover matter of rejoicing to us, that our truly well-beloved brother of the church of *Massachusitia*, the powerful apostle of the church of *Virginia*,⁴ and your disciple of *Carolina*,⁵ have with the most zealous industry spread, promulgated, and diffused among all ranks, such a spirit of uncontrollable resistance, that a very considerable number of proselytes have been thereby secured: And that, if no insidious, infernal machination thwart our joint endeavours, such multitudes shall be daily added to the faithful, as must in the end, sap, overthrow, and utterly erase that *Babylonic Tower*⁶ of error and confusion, never more to rear it's monstrous head, till that *curst hierarchy* which raised it be totally swept from the summit of their hopes. Justice, indeed, requires that they should be for ever extirpated from among those whom they wished to rule, not with the lenient sceptre of licentiousness; but with that iron rod of oppression, that intolerable yoke of ceremonies, that accursed accumulation of *order and economy*, which "neither we nor our fathers are able to bear."⁷ May we not, my right reverend friend, verily persuade ourselves, that the *miraculous power* hath not yet entirely forsaken the church: Otherwise, how could it ever have entered into the heart of man to conceive, that such, comparatively speaking, impotent instruments should have presumed,

secretly or avowedly presumed, to oppose such a formidable host of *confederated, antichristian oppressors!* O glorious opposition! O thou unlimited prerogative of the people! *O tempora et mores!*⁸ Well may I be allowed to exclaim in the words of the prophane poet of old, *tempora mutantur; et nos mutamur ab illis!*⁹ What but the marvellous interposition of Heaven, could gain us, who are less “than a drop in the bucket,” or, “a grain of dust on the balance,”¹⁰ the smallest credit, in opposition to the united wisdom of the world! But thus seemeth it good unto *him*, who “by the foolishness of preaching shall save such as believe.”¹¹ Notwithstanding, these sentiments are engraven in indelible characters on the tablet of my heart; yet I must confess, when I considered, that generally, in all sacred or civil controversies, it was only reasonable to expect that mankind, especially in it’s present state of iniquitous apostasy, would rely with greater confidence on the judgment of those dignified, and sanctified sages, who had so long maintained over them a spiritual authority, and might be said to have spent their lives in their service, and consequently, had obtained the most competent knowledge of the laws of nature and revelation, of justice and equity, of civil and ecclesiastic government—I say, when I indulged this reflection, and also considered that even I myself would have expected that any of my adherents would, or at least should, have preferred consulting me on any controverted case of conscience, to an unskilled, inexperienced under-graduate, I must declare that nothing prevented me from totally despairing of a single proselyte, but that *unseen power* which hath hitherto so singularly displayed it’s miraculous efficacy in our favour, and enabled us to view, though “darkly as through a glass,”¹² some distant prospect of our labours being crowned with success, by a general adoption of those salutary sentiments which we have so uniformly, disinterestedly, and piously professed to the world. Permit me to add, for the further information and confirmation of those happy souls who reside under the refreshing dew of thy instructive influence, another proof of the present existing *miraculous power* of the church. A few days after the publication of the tenets, resolutions, &c. of the late *General Council*, I was present, where a person of credit, and a worthy member of the church of *Virginia*, was so suddenly and surprisingly filled by an infusion of some divine inspiration, as to predict and openly declare the names of such distinguished characters in that church, as would reject the *heresy* of the *Council*, and embrace our principles of reformation. Knowing him to be no partizan of ours, but “an alien from the commonwealth of *Israel*,”¹³ I was the more amazed, and being convinced he had neither time nor opportunity of acquiring any information of their sentiments, I waited with anxiety to know the event of

this unaccountable prediction, and was truly astonished, though agreeably surprised, to find it perfectly verified, beyond the possibility of a future doubt. *Gloria patri, filio et spiritui sancto!*¹⁴—exclaimed I, how wonderful are all thy ways! In the last public declaration of thy creed, or rather justification of the faithful discharge of that sacred office whereunto thou wast set apart and ordained, I am at a loss whether most to admire thy profound and extensive knowledge, fervent zeal, or prudent vigilance.

Thou hast certainly been a “faithful labourer in thy master’s vineyard.”¹⁵ Thou hast been diligent “in season and out of season”¹⁶—“through good report and bad report.”¹⁷ And shouldst therefore, without being charged with ambition, inherit that GOLDEN CROWN, “which soon fadeth not away.”¹⁸—Sceptical fools may suspect thy sincerity—ambitious knaves envy thy abilities—or hypocritical scribblers arraign thy integrity—But let not these, my venerable brother, abate ought of thy pious ardour, or prevent thee from continuing the exhibition of that public procession of testimonies, which thou hast successively, and so zealously borne to the truth of that sacred cause, wherein thou art engaged. Alarmed for the safety of a life so invaluable as thine, you cannot conceive, how much I dreaded the consequence of your bold and open assertion of the interested, ambitious, and consequently treacherous intentions of the *General Council*. I concluded, you had not reflected that it was held under the auspices of that pious, political, philosophical POPE,¹⁹ whose invaluable services in the church, a majority of the people must revere, as long as they retain the smallest spark of gratitude, and more especially when honoured by the concurring sentiments of that patriotic immortal CHAMPION of his country,²⁰ whose apotheosis, I am afraid, all our reforming principles will scarce be able to restrain, in this present evil, corrupt and idolatrous generation. I was, however, happily relieved from any apprehensions of your thereby incurring any personal danger from the incensed resentment of an infidel world, when I found you had very prudently administered an exceedingly proper and necessary *salvo*, in an elegant, sublime, and exalted panegyric on the hospitality *you* had experienced from the one, and the unparalleled patriotism, virtue, and matchless bravery of the other. That truly christian-like prayer, which, by way of *coup de main*,²¹ you offered up for the eternal duration of their terrestrial and celestial honour and happiness, may clearly discover to a censorious world, the liberal, charitable and benevolent tendency of your purifying principles. Conscious as I am thereof, how can I observe but with indignation, the groundless charges lately brought against you by a certain *Landholding*, world-clinging incendiary from the court of *Belzebug*²²—boldly

and blasphemously arraigning the integrity of thy heart, and scandalously reviling thee with the opprobrious epithets of heretic, schismatic, *soporific* dispenser, &c. &c. Poor sinner! little was he aware of the vengeance of thy resistless arm; or he never would have drawn a weapon which he knew not how to use, but to his destruction—Little did he dream, that thou wast so compleatly furnished with the armour of Heaven—or that thou couldst sink him and his cause in everlasting shame and confusion, with that endless, resistless, never to be consumed *artillery*, wherewith thou hast vanquished, beaten down, and eternally silenced the envious, inveterate and fiery batteries of all thine enemies.

It hath been the unhappy lot of the righteous in all ages of the *church*, to be hunted after by that roaring *Lion* and his *Jackalls*, who roam about seeking whom they may devour. But let us comfort ourselves with the reflection, that, “wherever our *treasure* is, there shall our hearts be also:”²³ And that through these, or that which defendeth, upholdeth, and strengtheneth us, we are perfectly secure against all the frowns of malevolence—death of governments—*hell of tyrants*—and *grave of constitutions*. There is indeed, only one incident, or rather precedent, that offers the least alarm to my apprehensions on your, or my own account, and that is, the dreadful, excruciating, yet glorious martyrdom of *John Huss*, and *Jerome of Prague*²⁴—It is true, that their example, undaunted resolution, and unshaken fortitude through such undescribable tortures, may for a moment spread a tremor through our timid frames of mortality, at the apprehension of their being “offered up as burning sacrifices on the live coals of the altar.”²⁵ Yet should it ever be our lot, so to honour that heavenly cause, to which we shall firmly adhere, at the expence, or hazard of life and fortune, let us comfort ourselves with the assurance, that like gold seven times purified, we shall emerge, and be exalted with distinguished lustre amidst the innumerable, admiring myriads of *Elysium*. In the mean time, however, it is only doing your merits justice, to have it celebrated through all the Christian Churches, united in the same common bond of interest and affection, how conspicuously evident the favour of Heaven hath been, in raising up, in this our dark day of degeneracy, such a *luminary* of instruction, for the comfort, information, and edification of all who believe in thy name. In this we are confirmed by the manifest verification of the following prediction, namely, “that out of the ashes of a *Huss*, (in the *Bohemian* language signifying a *Goose*) a *Phenix* or *Successor*, should arise, the virtuous offspring of whom, no earthly power should ever exterminate. From the late specimen of thy pious, unwearied exertions in defence of the TRUTH, is not, my dear *Luther*, the prophecy plainly

verified in thee? Hast thou not proved, manifestly, indubitably, and identically proved thyself the genuine offspring of the immortal *Huss*? Yes, verily thou art, *avis ejusdem ovum*, “an egg of the same bird,” *filius es patris*, “a chip of the old block,” or, *anseris ejusdem anserculus*.²⁶

Finally, *my beloved brother in the Lord*, I cannot conclude this, I am afraid, too tedious epistle, without expressing the regret of my soul that the *deluded Council*, from which thou excommunicated thyself, listened not to the heavenly sound of salvation which issued from thy lips—that they were not illuminated with a portion of that effulgent light which shone around thee in meridian splendor, to the enlightening of their benighted understandings—happy! thrice happy! had it then been for us and our posterity!—But, my dear *Martin*, let us content ourselves with the consciousness of having faithfully discharged our duty—let us exhort each other, and those of our community, to contemn the slanderous insinuations of our enemies—There being little doubt but that we may incur, at least for a time, the reproaches of an ignorant and perverse world, so long as the restless powers of Satan combine in maintaining their influence over our poor deluded brethren. Regardless of the insidious machinations of secret or open enemies, let us, as faithful stewards of the word, “persevere in adding to our faith Fortitude, to Fortitude Patience, and to Patience Hope,”²⁷ in as much as we are well assured that “our *labour* will not be in vain.”²⁸—But, that when this fluctuating scene of perturbation subsides, to the exaltation of that *kingdom*, which we have been labouring to establish, we may sit down on the *right hand of power*, with *Abraham, Isaac and Jacob*, and all the other glorious members of the *Church Triumphant*—Such are the *heavenly hopes* of thy brother in the true Christian Spirit of Love and Affection.

GENEVA.

1. On 4 April the editor of the *Maryland Journal* announced that John Calvin’s letter to Martin Luther “will be inserted in our next.”

2. The Council of Trent (1545–63) was a gathering of Catholic prelates that responded to what it described as the heresies of the Protestant Reformation, especially those of its leaders—John Calvin (1509–64) and Martin Luther (1483–1546). The Council, a key element of the Counter Reformation, reaffirmed Catholic teachings and practices and advanced internal reforms. It declared that the Church was the final interpreter of the Scriptures.

3. Constitutional Convention of 1787.

4. The references are likely to Elbridge Gerry of Massachusetts and either George Mason or Richard Henry Lee, both of Virginia.

5. The reference is probably to Rawlins Lowndes, whose opposition to the Constitution in the South Carolina legislature in January 1788 was known.

6. A reference to the Tower of Babel as described in Genesis 11:1–9. God changed the one language of the earth into many languages and scattered the people abroad.

7. Acts 15:10.
8. Latin: Alas for the times and manners!
9. Latin: The times are changed and we are changed with them.
10. Isaiah 40:15.
11. 1 Corinthians 1:21.
12. 1 Corinthians 13:12.
13. Ephesians 2:12.
14. Corrected from “spirito sancto” in an errata in the 15 April issue of the *Maryland Journal*. Latin: Glory to the Father, the Son, and the Holy Spirit.
15. Matthew 20:1–16.
16. 2 Timothy 4:2.
17. 2 Corinthians 6:8.
18. 1 Peter 1:4.
19. Benjamin Franklin.
20. George Washington.
21. French: Bold stroke or surprise attack.
22. This is a reference to the “Maryland Landholder,” a principal critic of Luther Martin (“Landholder No. X,” *Maryland Journal*, 29 February [above]). Martin replied to him in the *Maryland Journal* on 7, 18, and 21 March (all above).
23. Matthew 6:21.
24. John Huss (c. 1370–1415) and Jerome of Prague (c. 1365–1416), both Czechs, were early reformers of the Roman Catholic Church and forerunners of the Protestant Reformation of the 16th century. Both Huss and Jerome were burned at the stake as heretics in 1415 and 1416, respectively.
25. For the burning of sacrifices as offerings to God, see Leviticus 1:1–17.
26. Latin: What’s good for the goose is good for the gander.
27. 2 Peter 1:5–8.
28. 1 Corinthians 15:58.

**Luther Martin to Daniel Humphreys
Pennsylvania Mercury, 8 April 1788**

Baltimore, March 30th, 1788.

Sir, I observe you have re-printed the Landholder, No. 10, from the *Maryland Journal*,¹—I have therefore to request you to re-publish from the *Maryland Journal*, March 7th, my Address to Mr. Goddard,^{(a)2} and from the *Maryland Journals* of March 18th, and March 21st, my first and second Address[es] to the citizens of Maryland.³

As I have no doubt your press is conducted, upon principles of freedom and impartiality, and that you have no desire to print falsehood and obloquy against me, rather than truth in my favour, I flatter myself you will consider, as an act of justice, that which I request as a favour.

I take it for granted you receive Mr. Goddard’s papers, and consequently do not enclose you the numbers.

I am, Sir, your very obedient Servant,

LUTHER MARTIN.

Mr. Daniel Humphreys, Philadelphia.

(a) *The Printer has not received the Maryland Journal, March 7th, which contains Mr. Martin's Address to Mr. Goddard.*

1. See "Landholder No. X," *Maryland Journal*, 29 February (above).

2. See "Luther Martin: Reply to Maryland Landholder No. X," *Maryland Journal*, 7 March (above). The *Pennsylvania Mercury* did not reprint Martin's reply.

3. See Martin's Addresses No. I and No. II, *Maryland Journal*, 18, 21 March (both above). The *Pennsylvania Mercury* reprinted Address No. I immediately below this item and Address No. II on 10, 12 April.

Pennsylvania Gazette, 9 April 1788¹

Extract of a letter from a gentleman in Maryland to his friend in this city.

"Not before last night, did I receive your letter of the 15th and 21st ult.

"I believe the people of Virginia have in general seen few publications respecting the proposed government, except Mason's, Lee's and Randolph's.

"The antifederalists of this state, by their happy knack of perversion, charged the conduct of the post master to the new constitution.² Men of sense and reflexion seem by no means apprized of the mischiefs done by those pestilent scribblers, whom they despise. Slander of government and public bodies attract attention, as well as the calumnies against individuals, and the multitude are too apt to deem unanswerable, that which is only *unanswered*.

"The supineness of the federalists in New-Hampshire will occasion much trouble, although, upon the whole, I do not believe what has happened there will injure the cause.³ Whilst it gives spirits to demagogues, it rouses the friends to order and good government; and I trust, that in no other state will they be deceived by the apparent quiet submission of the former. In this state, particularly, it has been the policy of the antifederalists to say little in public, to work secretly as long as they can, and to burst forth all at once just before the election.

"However, I have no doubt that their artifices will avail little. Our convention meets on the 21st day of April, and, without any adjournment to a distant day, as assuredly will be proposed, the constitution will be adopted by a majority of at least seven for one."

1. This letter extract was reprinted in the *New York Packet*, 11 April; *New York Daily Advertiser*, 12 April; *Newport Herald*, 1 May; *State Gazette of South Carolina*, 1 May; and Exeter, N.H., *Freeman's Oracle*, 2 May. Eleven excerpts consisting mostly of the last paragraph appeared by 15 May: N.H. (2), Mass. (6), R.I. (1), Conn. (2).

2. The reference is to Ebenezer Hazard. See CC:Vol. 4, Appendix II, "The Controversy over the Post Office and the Circulation of Newspapers."

3. The reference is to the adjournment of the New Hampshire Convention on 22 February without ratifying the Constitution. See CC:554 A–B.

Pennsylvania Gazette, 9 April 1788

Extract of a letter from Baltimore, dated April 3, 1788.

“The best information from Virginia says, it will be a close poll; but the foederalists will *certainly* carry, but by no great majority. Maryland is a hollow matter. We are foederal in convention: I mean they will be as five to three, or fifty to thirty. Out of convention, we are three to one all over the state.”

1. Reprinted eleven times by 17 May: Mass. (1), R.I. (2), Conn. (3), N.Y. (1), Pa. (1), S.C. (2), Ga. (1).

Annapolis Maryland Gazette, 10 April 1788¹

JUST PUBLISHED,
On an entire new American Type and good Paper,
(*Price 5s3 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.

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 ANNAPOLIS, by MESSRS. F. AND S. GREEN; at Richmond, by Mr. A. Davis; and by the principal Booksellers in the United States.

^{} Subscribers to the debates of the general assembly, will each be furnished with one copy of the debates of convention, on application to the editor, for 3s9. He is happy to embrace his opportunity of returning the patrons of that undertaking, his most grateful acknowledgments.

The debates of the general assembly of Pennsylvania will be furnished to subscribers in three volumes, annually, price one guinea. The

first, second and third volume of this work may be had by application to the editor, or T. Seddon, Philadelphia.

The critical reviewers at New-York, speak in the highest terms of this work, as the best treatise on government in general, and particularly on the federal constitution.

1. For a fuller discussion of the advertisements for the sale of Lloyd's *Debates* of the Pennsylvania Convention, see "The Maryland Announcement and Sale of Thomas Lloyd's *Debates* of the Pennsylvania Convention," 18 December 1787–10 June 1788 (above).

Spurious Luther Martin: Address No. V
Philadelphia Federal Gazette, 10 April 1788

To the Editor of the Federal Gazette.

Sir, I observe, that you have republished the Landholder, No. X. against me. Your publishing my fifth Number to the Citizens of Maryland, will be a proof of your impartiality, and will much oblige your humble servant,¹

L—R M—N.

Baltimore, 5th April 1788.

NUMBER V.

To the Citizens of Maryland.

To you, my fellow-citizens, I beg leave to address a few thoughts more upon that *villainous system of tyranny*, fals[e]ly called a *federal constitution*, formed by a band of conspiring traitors, in a secret conclave at Philadelphia last summer.

I, my fellow-citizens, I was *the only honest man* in that *democratic* (not *aristocratic*) *junto*, for a considerable time. I was the only man who, with becoming firmness, decidedly opposed every measure of that body; because I knew them, *every man*, to be aspiring tyrants. Did "Mr. WASHINGTON or Mr. FRANKLIN" act thus nobly? No truly: they approved of several of the propositions of the conspiring committee; at least they tacitly acquiesced in some of their measures, and had not spirit nor patriotism enough to bellow out against all their doings whether right or wrong, as I did: nay more, they finally took an active part in the plot, and assisted in forming this damnable constitution.

Perhaps it may be asked, why I uniformly opposed every step taken by the convention? I answer briefly—*they were ALL wrong*. Does any one ask, Is it not more likely, that they were right and you wrong? Impossible! for I applied myself with all my might to the study of government from the first day I took my seat in convention, which was on Saturday, I forget the hour.² The next day (being Sunday, which still is the next

day after Saturday, you know) notwithstanding my “religious scruples,” I entirely spent in examining their journals. I then studied the science of government, beginning with the first principles, for the space of “*THIRTY days*.” Consider this, my fellow-citizens, *THIRTY days* devoted to the study of government! with all the “histories” on politics both ancient and modern, to assist me; and a private tutor, the most intelligent that Philadelphia could afford, to throw light upon the most difficult parts of that abstruse science.

Having thus attained a superlative knowledge of government, I boldly ventured to open upon the members of convention, and not only proved them *aspiring traitors*, but also ignorant ones: that they were not polite enough to listen attentively to me (as that babbling rascal the Landholder has divulged) was not my fault; it must be attributed to their ill-breeding, and their aversion to the important doctrines I communicated to them, and which they had not sufficient understanding to comprehend.

But to come to the point—A greater part of the members were for proportioning the number of representatives in Congress, to the number of taxable inhabitants in the respective states. This met with my decided opposition. I did not wish that the smaller states (especially Rhode Island, where I have many friends) should be deprived of their equal suffrage in the federal government, *if we must have one*. besides, upon their plan, which was unfortunately carried by a large majority, the state of Maryland is to send to the federal house of representatives more than *one thirteenth*, which should be her part in that body; for the whole number of representatives is to be *sixty five*, of these Maryland is to send *six*, when her number ought to be no more than *five*. This kind of representation I opposed upon the principles of common honesty; for if Maryland be thus suffered to have an undue influence in the federal body, she may possibly exert it to the prejudice of the worthy little state of Rhode Island, and to her own aggrandisement.

But a still greater cause for my uniform opposition was, the mode by which the president and federal delegates are to be elected—not by the legislatures of the different states, as heretofore, but by the *mob*, the *rabble*, the *scum of the earth*, in short, to give them their worst name, by the *common people*. What do the *common herd* of mortals know of any thing, especially of government? What right have they to chuse legislators, &c. in all probability they will elect to this trust some low rascals, ignorant as themselves. For this reason, I say, I object to the new government; for what a mortifying thought would it be to *me*, or to any other *gentleman*, to be sent to congress with one, nay perhaps two or

three such fellows for my colleagues! Oh the powers! I sicken at the thought of serving in congress with a parcel of low bred ruffian farmers!

Suffer me, my fellow citizens, (I mean the better sort, for I would scorn to address the rabble) suffer me, I say, to mention another great cause of my opposition to this constitution:—The framers of it have inserted a clause prohibiting paper-money emissions, and legal tenders, in any of the states; now every one of you must know, that without these the courts of justice, and that valuable class of citizens called *lawyers*, would be deprived of more than two thirds of their employment; consequently many of those worthy gentlemen would be obliged to seek their bread in a foreign land. Should this be the case what is to become of the United States? Is it not well known that WE are the best arbitrators for settling any disputes which may arise between man and man? And are not WE the brightest ornaments of every state in the union? Pardon me if I request you for a moment to turn your eyes to *myself and to another worthy character* in your state, who were not concerned in the late rebellion against Great Britain; but on the present occasion we would not hesitate to sacrifice our *lives* (pardon the mistake, I mean WIVES) to procure the rejection of this constitution, which I look upon as little better than a Pandora's box to our profession. I trust it is unnecessary to mention the name of C——e;³ you are well acquainted with his important services. Had *we* the power of deciding upon the federal constitution, which *we*, and not the *common people*, should certainly have, *we* would soon give it the *go by* in this state. This brings me to my concluding objection.

The mode which the convention have pointed out for the ratification of this constitution by *the people, the very common people too*, is intolerable. What! do they think that L——r M——n will live under a constitution the merits of which are to be determined by the *boors*, the *peasants*, the *farmers*, the *millers*, the very *off-scourings* of Maryland! Whoever thinks so is egregiously mistaken. I would inform such, that there is an asylum for me in Rhode Island, where the worthy friends to *legal tenders* long to receive me with open arms;⁴ and thither I shall certainly repair so soon as this constitution shall have been adopted by the state of Maryland. Nor is this an empty threat; for by the profits of my Att——y-G——lship I swear, that I will put it in execution, and, in so doing, deprive you of a valuable officer. Attend to my declaration, the stalls of asses! the rabble of Maryland! reject this constitution immediately, unless you wish to lose me for ever.

In my next number I shall let you see something of my importance: at present it may suffice to remind you, that notwithstanding I “exhausted the politeness of the convention,” and met with nothing but

silent contempt from that body, in answer to all my long-winded speeches;⁵ yet I was honoured with the *intimate friendship* of Mr. Mason, Mr. Gerry, and some other gentlemen, and held private meetings with them, as I mentioned before in my first number. And don't you all remember my vindication of Mr. Gerry's character, which would have been ruined but for me? These circumstances prove, beyond a doubt, that I am held in great esteem, as a politician, a lawyer, (I was going to say, a *man of honour*, and a *gentleman*; but curse on such empty names, I heartily despise them) and a *gentle* man.

L——R M——N.

Baltimore, 5th April 1788.

P. S. It may seem a little singular, that my objections to this constitution are widely different from those of every other man who has written on the subject; and that, when others are contending for greater powers to be lodged with the people, I am for curtailing those already granted them, viz. the election of the president and house of representatives; and the ratification or rejection of the proposed constitution. The truth is, that I wish to be singular; therefore while some are stickling for that *vile democracy* which they so blindly admire, I should wish to see an *aristocracy*, similar to that of Venice, established in the United States. This would effectually exclude the base born rabble from a share in the government—stupid fellows who, as I already told you in my fourth number, are not an atom better than the nation of frogs, in the fable.⁶

Oh my fellow-citizens! “I do not wish that you should beat your plow shares into swords, nor your pruning hooks into spears;⁷ nor do I ask you to perplex your minds in reasoning upon this new constitution: to give it your simple negative, to pronounce the single monosyllable NO, is all I ask of you.”⁸ Is this an unreasonable request? No surely; you have a right to obey the command of your Att——y G——l in this trifling instance.

1. The writer of this spurious address refers to the Maryland “Landholder No. X,” not the Connecticut “Landholder” (Oliver Ellsworth). “Landholder No. X” was printed in the *Maryland Journal* on 29 February (above). For the background to “Landholder No. X,” see the editorial note preceding it. The note also discusses the identity of the Maryland “Landholder,” Luther Martin’s responses, and its circulation. Among the newspapers that reprinted “Landholder No. X” was the Philadelphia *Federal Gazette* on 15 and 18 March, the first newspaper to begin reprinting it. The identity of the writer of the spurious Address No. V, which continued Martin’s numbering of his addresses, has not been determined, but it was apparently someone who, like the Maryland “Landholder,” knew Martin’s role in the Constitutional Convention.

2. Luther Martin first attended the Constitutional Convention on Saturday, 9 June 1787.

3. Samuel Chase.

4. Several Maryland Antifederalist leaders, including Martin and Chase, advocated the emission of paper money and other measures to assist debtors. See the "Introduction," RCS:Md., xxxix–xl. Rhode Island's radical economic policy provided the best example for the opponents of state paper money.

5. See "Landholder No. X," *Maryland Journal*, 29 February (RCS:Md., 344).

6. See "Luther Martin: Address No. IV," *Maryland Journal*, 4 April, at note 7 (RCS:Md., 483–84).

7. Joel 3:10.

8. This quoted material is based upon comments made in "Luther Martin: Address No. IV," *Maryland Journal*, 4 April (RCS:Md., 482–83).

A Farmer VII (Part 3)

Baltimore Maryland Gazette, 11 April 1788¹

(Continued from our last)

Human misery is wound up to its highest pitch in this last stage of corruption, to which the social union can arrive:—At length the poor, wretched beings, who, let whatever be the change, and in every preceding gradation of government, have invariably fallen from bad to worse—turn their weary eyes, from a world which presents so frightful a prospect—to the world of hope,—the kingdom that is to come hereafter—the only solace and comfort of those who are miserable here;—there all the fond images of equality, which men are fated ever to retain, are once more revived—Scenes of never-ending bliss are painted in the most delightful colours—the imagination grows warm with the prospect—mad with the hopes of celestial happiness, the souls of all men seem anxious to take their flight, to their Omnipotent Author—the Sovereign Legislator of nature—who, peerless and above all, dispenses equal law to willing minds:—The people flock in crowds to hear preachers—who, exalted by the presence of numerous and passionate audiences, are elevated into flights of native eloquence, surpassing the strains of the most studied oratory:—The people mind nothing but preaching; the things of this miserable world, are despised when put in competition with the joys of Paradise—agriculture is neglected—famine ensues—government is at length roused for want of plunder and a supply of luxuries—the sword of coercion is drawn—but it increases the phrenzy—One martyr makes fifty converts—such was the first rise of the Christian religion, as it is exactly and pathetically described by the historic pen of Ammianus Marcellinus:²—The empire torn by intestine convulsions becomes an easy prey to any bold invader.

Thus it is that the barbarity—cruelty and blood which stain the history of religion, spring from the corruption of civil government, and from that never-dying hope and fondness for a state of equality, which

constitutes an essential part of the soul of man:—A chaos of darkness obscures the downfall of empire, intermixed with gleams of light, which serve only to disclose scenes of desolation and horror—From the last confusion springs order:—The bold spirits who pull down the ancient fabric—erect a new one, founded on the natural liberties of mankind, and *where civil government is preserved free, there can be no religious tyranny*—the sparks of bigotry and enthusiasm may and will crackle, but can never light into a blaze.—

The truth of these remarks appear from the histories of those two great revolutions of European government, which seem to have convulsed this earth to the centre of its orb, and of which we have complete record—The Roman and the Gothic, or as it is more commonly called the feudal constitution:—In the infancy of the Roman republic, when enterprising and free, their conquests were rapid, because beneficial to the conquered (who were admitted to a participation of their liberty) their religion, although devoid, was not only unstained by persecution, but censurably liberal—they received without discrimination the Gods of the countries they subdued, into the list of their deities, until Olympus was covered with an army of demigods as numerous as the legions of Popish Saints; and we find the Grecian divinities adored with more sincere piety at Rome, than at Athens.—Rome was then in the zenith of her glory—in the days of her wretched decline—in the miserable reigns of Caracalla, Eliagabalus and Commodus.—Ammianus and others, inform us that the Christians were butchered like sheep, for reviving the old exploded doctrine of a future state, in which Emperors and Senators were to be placed on a level with the poorest and most abject of mankind:—And in the succeeding despotisms when christianity became the established religion, it grew immediately as corrupt in its infancy, as ever it has proved at any period since—the most subtle disquisitions of a metaphysical nature became the universal rage—the more incomprehensible—the more obstinately were they maintained, and in fine, the canonized Austin or Ambrose, (I forget which) closed his laborious enquiries, with this holy position—*that he believed, because it was impossible.*³ At length the great question, whether the three persons of the divinity, were three or one, became publicly agitated, and threw all mankind into a flame—Councils after councils, composed of all the wisdom of the divines, were assembled, and at length the doctrine that three were one prevailed, and such would have been the determination had it been proposed that three were sixteen—because misery is the foundation, upon which error erects her tyranny over the vulgar mind.—After this determination the arm of the Magistrate was called in, and those poor misled Arians who were still so wicked as to

imagine that three must be three, were not only declared guilty of a most abominable and damnable heresy, but were thenceforth exterminated by fire and sword.

In the first age of the *Gothic* government, those free and hardy adventurers, deserted their Idols and embraced the doctrines of Christianity with ardent sincerity:—The King and a large majority of a nation, would be converted and baptized with as much celerity as the ceremony could be performed—but still liberty in the temporal, secured freedom in the spiritual administration: Christians and Pagan citizens lived together in the utmost harmony—Those bold and hardy conquerors would never listen to Bishops who advised persecution, and held in sovereign contempt all those metaphysical distinctions with which a pure religion has been disgraced, in order to cloak villainous designs and support artful usurpations of civil powers in feeble and turbulent governments. The Gothic institutions were however much sooner corrupted from internal vices than the Roman, and the undeniable reason was, that in the former, government by representation was admitted almost coeval with their first inundations;—whereas with the Romans, the democratic branch of power, exercised by the people personally, rendered them invincible both in war and peace—the virtue of this internal institution could only be subdued by the greatness of its external acquisition—extensive empire ruined this mighty fabric—a superstructure, which overshadowed the then known world, was too mighty for the foundation confined within the walls of a city—the wealth imported by the Scipios from Spain and Afric[a], and by Flaminus, Lucullus, Sylla and Pompey, from the East, enabled the *few* to corrupt the *many*—a case that can never exist but where the legislative power resides exclusively in the citizens of the town—The Roman republic then became diseased at the heart, but as it was ages in forming, so it required ages of corruption to destroy a robust constitution where every atom was a nerve: It was not so with the Gothic constitution, mortal disease soon made its appearance there—Civil liberty was early destroyed by the insolence and oppressions of the great—The temporal power availed itself of that spiritual influence which nature has given religion over the hearts of men—A religion, the divinity of which is demonstrable by reason alone, unassisted by revelation became the corrupt instrument of usurpation.—Those who were the authors of the disorders which disgraced civil government, cut the reins of ecclesiastical persecution: And an universal and tyrannic confusion was mingled with absurdities that excite both ridicule and horror. We see a Duke of Gandia (who was betrayed and assassinated by that monster of perfidy

Cæsar Borgia, the bastard of the infamous Pope Alexander the VIth) in the last moments of his existence, begging the cut throat son, that he would intercede with his father, the Pope, in favour of his poor soul, that it might not be kept long in purgatory, but dispatched as soon as possible to Heaven, to dispute the infallibility of those vice-gerents of God, who generally patterned after the devil, was considered as an heresy more damnable than blaspheming the most high. Religious tyranny continued in this state, during those convulsions which broke the aristocracies of Europe, and settled their governments into mixed monarchies: A ray of light then beamed—but only for a moment—the turbulent state and quick corruption of mixed monarchy, opened a new scene of religious horror—Pardons for all crimes committed and to be committed, were regulated by ecclesiastical law, with a mercantile exactitude, and a Christian knew what he must pay for murdering another better than he now does the price of a pair of boots: At length some bold spirits began to doubt whether wheat flour, made into paste, could be actually human flesh, or whether the wine made in the last vintage could be the real blood of Christ, who had been crucified upwards of 1400 years—Such was the origin of the Protestant reformation—at the bare mention of such heretical and dangerous doctrine, striking (as they said) at the root of all religion, the sword of power leaped from its scabbard, the smoke that arose from the flames, to which the most virtuous of mankind, were without mercy committed, darkened all Europe for ages; tribunals, armed with frightful tortures, were every where erected, to make men confess opinions, and then they were solemnly burned for confessing, whilst priest and people sang hymns around them; and the fires of persecution are scarcely yet extinguished. *Civil and religious liberty are inseparably interwoven—whilst government is pure and equal—religion will be uncontaminated:—The moment government becomes disordered, bigotry and fanaticism take root and grow—they are soon converted to serve the purposes of usurpation, and finally, religious persecution reciprocally supports and is supported by the tyranny of the temporal powers.*

(*To be continued.*)

1. Part 1 of “A Farmer” VII was printed by the Baltimore *Maryland Gazette* on 4 April (above). See note 1 to the first part for the dates on which parts 2 and 4–6 were printed.

2. Ammianus Marcellinus (c. 330–after 391), a Roman historian, wrote a history of Rome (*Res Gestae*) for the years 96–378, of which only the text for the period 353–378 exists. For sections of the work concerning the martyrdom of Christians, see for example Book XXII, chapter 11, sections 9–10, and Book XXVII, chapter 7, sections 5–6.

3. Whether St. Augustine (354–430) or St. Ambrose (c. 339–397), both Church Fathers, ever made this statement is unclear, but Tertullian (c. 155/160–after 220), an early Christian apologist and their predecessor, certainly did. See *On the Flesh of Christ*, chapter 5.

Neckar**Baltimore Maryland Gazette, 11 April 1788¹**

Neckar commiserates any *Insolvent*; but would advise the one in Mr. Goddard's paper, of the 1st instant, to read a little more attentively, before he bounces; or, if he be really as he signs himself, his friends may begin to think his *insolvency* more owing to *bouncing* than misfortune.

Neckar has not in any manner implied, that the provision in the new system which says—"All debts contracted, and engagements entered into, before its adoption, shall be as valid against the United States, under this constitution, as under the confederation, abolishes all obligations upon the States respectively to pay their parts." But he contends that the new system has not any provision for the collection of *arrearages* due from the several States whilst under the confederation. The clause quoted by *Insolvent* makes no such provision, it relates only to public claims against the United States. But the clause, art. 1st, sect. 2d, directly precludes any future provision being made. "Representation and *direct taxes*, shall be *apportioned among* the several States which may be included within this union, according to their *respective numbers*," &c. Under this clause would Congress attempt to lay a tax of ten shillings extra on the hundred pounds in the State of Georgia, for the purpose of clearing off the *arrearages* of that State? The experiment would be attended with too much risque; and there can be no doubt that such States as are in arrears, do expect by the new system, to be exempted from any *particular requisition hereafter*, on account of them.

Insolvent must be very *young*, or his mind much deranged from his situation; else he would have known that it is possible for a peace, *suddenly negotiated*, to be productive of calamitous consequences to many individuals; although the event may be desirable by the community at large.

Insolvent might refine upon a refinement on Blair; this could not with propriety transfer the quality, "*antifederal*," from the *person* to the *thing*—However, as it may be requisite for him to begin the world again with some reputation, he is heartily welcome to all he may have acquired from his display of criticism and *eke* his wit.—The substance of *Neckar's* allegations is not in the least removed by either; nor would any part of *Insolvent's* performance, as such, have been deemed worthy the notice of *Neckar*, had it not been thought that some people might, from the insinuation of *Insolvent*, be betrayed into a belief that the new system had made provision for a collection of *arrearages*—The fact is, it has not.—As small wits—like small fry, must feed, *Insolvent* may perhaps collect another repast out of this little sketch—He is at liberty to take

his fill—But he who will risk *Neck or Nothing*, for trifling gratifications, is in too desperate a situation to merit any attention hereafter, from
NECKAR

April 5, 1788.

1. “Neckar” responds to “Insolvent,” *Maryland Journal*, 1 April, who had criticized “Neckar’s” article that had been printed in the Baltimore *Maryland Gazette* on 25 March (both above). On 22 April, “Insolvent,” in the *Maryland Journal*, responded again to “Neckar” (below).

Luther Martin: Pamphlet Edition of The Genuine Information Philadelphia, 12 April 1788 (excerpts)

On 29 November 1787 Luther Martin and three of the other four Maryland delegates to the Constitutional Convention, upon the request of the Maryland House of Delegates, gave “information of the proceedings” of the Convention. After Martin left the House, he expanded and reorganized his speech which the Baltimore *Maryland Gazette* published in twelve installments between 28 December 1787 and 8 February 1788 as “*Mr. MARTIN’S Information to the House of Assembly*” (all above). The Philadelphia *Independent Gazetteer* and the *New York Journal*, both Antifederalist newspapers, reprinted all twelve installments. (For the text of Martin’s speech to the House of Delegates, see RCS:Md., 87–96n, and for a discussion of the circulation and impact of the published installments of the speech, see *Genuine Information I*, Baltimore *Maryland Gazette*, 28 December 1787 [RCS:Md., 126n–28n].)

Martin’s “Information” caused a sensation. In the next three or four months, Federalists charged that his account of the proceedings of the Constitutional Convention was filled with lies and distortions, while Antifederalists heaped extravagant and prolific praise on his assertions that the Convention had been far from unanimous and that the Constitution had serious flaws.

As Martin emerged as a leading Antifederalist spokesman, the prospects for the ratification of the Constitution appeared to be less certain. On 6 February Massachusetts became the sixth state to ratify the Constitution, but the first to recommend amendments to it (RCS:Mass., 1468–71, and CC:508). About two weeks later the New Hampshire Convention, which many people thought would ratify, adjourned without taking any action on the Constitution (CC:554 A–B). This setback was followed by the rejection of the Constitution by a statewide referendum in Rhode Island on 24 March (RCS:R.I., 151–217, and CC:664) and the refutation of a false report that North Carolina had adopted the Constitution. (For this false report, see CC:Vol. 4, pp. 507–9.)

Between 21 April and 18 June five state conventions—Maryland, South Carolina, New Hampshire, Virginia, and New York—were scheduled to convene, and prospects for ratification were not favorable in the last two. Antifederalists believed that Martin’s “Information” would be useful in these five states and that it could best be disseminated as a pamphlet—a view well expressed by the Albany Antifederal Committee during the campaign to elect New York state convention delegates: “The Publication of Luther Martins Speech in a Pamphlet would be of great Service, and tend to open the Eyes of our

Country more than any Thing yet published" (to the New York Federal Republican Committee, 12 April, RCS:N.Y., 898). According to Martin, writing in 1804, his "Information" "was thought by a certain *set* to be highly meritorious—Col Oswald was deputed by the Democratical Society of Philadelphia to obtain from me the original and the permission for its publication,—And I always understood that the present Governor Clinton [of New York] paid part of the Expence of Publication" (to Aaron Burr, 27 March 1804, Mary-Jo Kline, ed., *Political Correspondence and Public Papers of Aaron Burr* [2 vols., Princeton, N.J., 1983], II, 861).

On 12 April Eleazer Oswald, the printer of the Philadelphia *Independent Gazetteer*, announced that he had just published Martin's *Genuine Information*, and that it was available for two shillings and nine pence at his print shop and at his coffee house for merchants. After reproducing the title and epigram from the pamphlet's title page, the advertisement concluded: "This excellent performance ought, for the solid and serious truths it contains, like the *Bible* and the letters of *Junius*, to be in the hands of every real friend to American liberty—In the language of the sacred law, 'Teach them diligently unto thy children—talk of them when thou sittest in thine house—and when thou walkest by the way' [Deuteronomy 6:7]. Impress it on their tender minds, as the first article of their political creed, *That there is no government safe with a standing army, and there is no government that is not safe without one.*"

The 101-page pamphlet is entitled *The Genuine Information, Delivered to the Legislature of the State of Maryland, Relative to the Proceedings of the General Convention, Lately Held at Philadelphia; By Luther Martin, Esquire, Attorney-General of Maryland, and One of the Delegates in the Said Convention. Together with a Letter to the Hon. Thomas C. Deye, Speaker of the House of Delegates, an Address to the Citizens of the United States, and some Remarks relative to a Standing Army, and a Bill of Rights* (Evans 21220). Below the title is an epigram from the Roman poet Horace which reads: "Nullius addictus jurare in Verba Magistri." The epigram is from *Epistles*, Book I, Epistle 1, line 14, and it translates: "Not pledged to swear to the words of any particular master."

As the title indicates, the pamphlet has several parts. The prefatory material consists of (1) Luther Martin's letter to Thomas Cockey Deye, dated 27 January 1788, which includes an extract from the 21 December 1787 letter of Robert Yates and John Lansing, Jr., to New York Governor George Clinton (CC:447) supporting Martin's contention that they had left the Constitutional Convention early and had refused to return because they had despaired of obtaining "a proper" Constitution (RCS:Md., 217–18) and (2) an original item, Martin's statement to the citizens of the United States, dated 30 March, which gives his reasons for publishing the "Information" and answers his many critics (immediately below).

The third and longest part of the pamphlet consists of Martin's "Information." The pamphlet prints the twelve installments as a single document with no significant changes made from the original newspaper printings and no breaks to indicate where each installment began and ended. In his pamphlet edition, Oswald retained Martin's extensive italics, even though he had deleted most of the italicization when he reprinted the installments in his Philadelphia *Independent Gazetteer*.

Martin's "Information," now called *The Genuine Information*, is followed by an article written by "A Citizen of the State of Maryland" attacking a standing

army and an essay on the need for a bill of rights (below). The article on the standing army is not an original piece, but is two excerpts from “A Farmer” II, Baltimore *Maryland Gazette*, 29 February (RCS:Md., 335–37, 338–39) with an added internal footnote. (For the footnote, see CC:678–C, p. 91.) The article on the bill of rights is not addressed to any person or group and it is unsigned.

The daily *Independent Gazetteer* advertised the sale of *Genuine Information* almost continuously between 12 April and 30 July. The weekly Antifederalist Philadelphia *Freeman’s Journal* reprinted the *Gazetteer’s* advertisement on 16, 23, and 30 April. The Antifederalist daily *New York Journal* reprinted the announcement on 24 April and ran it almost continuously until 26 July, the day the New York Convention ratified the Constitution and a Federalist mob ransacked the *Journal’s* office. The Charleston *State Gazette of South Carolina* advertised the sale of *Genuine Information* on 22 May, the day before the South Carolina Convention (meeting in Charleston) ratified the Constitution, while the North Carolina *Wilmington Centinel* advertised the pamphlet weekly from 11 June to at least 2 July—about three weeks before the North Carolina Convention was scheduled to meet. The *Centinel’s* printers sold the pamphlet for six shillings. The Richmond *Virginia Gazette and Independent Chronicle* advertised the pamphlet on 28 June, three days after the Virginia Convention ratified the Constitution. On 9 October, the Antifederalist Worcester *American Herald* announced the sale of the pamphlet for one shilling and six pence. The *Herald* repeated its advertisement on 5 and 19 March and on 2 April 1789.

Some Antifederalists complained that the pamphlet arrived too late to be helpful or that it did not reach them at all. Joshua Atherton, a New Hampshire Convention delegate, said that he received *Genuine Information* from “a Friend the Day I set out to Convention had not Time to possess myself but of a very small part of his Sentiments. Is it not surprising how these Pamphlets have been kept back?” (to John Lamb, 23 June 1788, CC:750–L). William Williams, an opponent of the Constitution who nevertheless voted to ratify in the Connecticut Convention on 9 January, requested a copy of the pamphlet from a friend because it “is not to be obtained in this State. . . . You will be kind enou[gh] not to mention to any, this request &c for I suppose it is treason with the hot Constitutionals as I am told He [Luther Martin] was an opposer of it” (to Benjamin Huntington, 21 October, Thomas C. Bright Autograph Collection, Jervis Library, Rome, N.Y.).

The publication of the pamphlet aroused little Federalist commentary, although the editorial statement in Eleazer Oswald’s advertisement caught the attention of some Federalists. A “gentleman” who recently had left Baltimore stated that Luther Martin’s *Genuine Information* “have made no impressions on the minds of the people [of Maryland], tho’ in the language of antifederalism, they are ranked with the Bible” (Philadelphia *Federal Gazette*, 17 April, below). Another Federalist noted sarcastically that Martin’s *Genuine Information* and the *Letters of Junius* “are our unquestionable authority; and it is with very sensible regret, that I have lately read an advertisement, in the *Independent Gazetteer*, and *Freeman’s Journal*, which only places the writings of those *immortal* men on a par with the ridiculous absurdities contained in the Bible . . .” (“No Conspirator,” Philadelphia *Federal Gazette*, 19 April, Mfm:Pa. 641). According to the *New York Daily Advertiser*, 20 May, one hundred copies of the pamphlet were sent to Baltimore, but only one copy was sold and that to a Virginian.

Martin's opinion of the Constitution, declared the *Advertiser*, "seems to be but little valued" by the people of Maryland (Mfm:N.Y.).

Luther Martin: To the Citizens of the United States
Baltimore, 30 March 1788

The following sheets contain the information given by me to the legislature of Maryland, when officially called before them for that purpose:—No friend to his country will think that they require an apology; I should have been unworthy the trust reposed in me, and guilty of the blackest ingratitude to a State, which has given me the most distinguishing marks of its confidence, had I not been explicit.—No *fact* has been intentionally mis[s]tated by me, I aimed to be perfectly correct; and, though in some measure obliged to depend on my memory, I believe I have in no instance, given malice an opportunity to charge me with misrepresentation. No writer, with his name, has denied the information to be just—I think they never will—though we differ in politics, should it be necessary, there are men of honor who were in the convention, who are ready to decide in my favour; and I can, with confidence, appeal to a *Washington*, a *Franklin*, and other respectable members of the convention, for the veracity of my information. Few, very few, even of the *anonymous* publications have *insinuated* the information to be in any respect uncandid; and those few have confined themselves to generals, without *daring* to descend to particulars.—The lowest *scurrility* in the form of *Extracts of letters*, coined at the mint of meanness and falsehood, I have experienced; it is what I expected; I know myself, and I am known by others, to be infinitely above them, and have read them with a smile of contempt.—Me they *cannot* injure;—but they disgrace their authors, and the cause in which they are engaged.—This is a trifling sacrifice—In the cause of freedom, were it necessary, I am ready to make a much greater.

As far as I have expressed my opinions of the views of the framers of the constitution, I have followed the fullest conviction of my mind, founded on my own observations made on their conduct while in convention, and confirmed by the conduct of the friends of the system since that time.—They were my sentiments while there; I at that time expressed them freely, and then found many who perfectly corresponded with me in sentiment, although some of them may not now choose to avow it, or, no doubt from a conviction of their error, may now advocate the system they there condemned and opposed. But as to myself, so far from having any reason to change the opinion I there formed, every circumstance which has since taken place has confirmed it.

The conduct adopted by the convention, rendered the dissemination of these sheets the more necessary: Could there possibly be a greater indignity and insult offered to the majesty of the free States, and the free citizens of America, than for the very men who were entrusted with powers for the preservation and security of their rights, and for the establishment of a permanent system to promote their happiness, to make use of that power to destroy both the one and the other?—For this purpose, in time of profound peace, to shut themselves up in mystery and darkness; to keep all their deliberations an absolute secret from their constituents, who were to be affected thereby; to prevent the publication of their journals; to deprive the free citizens of America of every means of information: to attempt to pass upon them, as meeting with their unanimous approbation, that which did not in reality meet with the perfect approbation of perhaps one individual in the convention; to give you no other alternative but to accept of it as proposed, without alteration, or to reject it entirely, while at the same time some of them were resounding, from one end of the continent to the other, the necessity of its acceptance, and that none but the enemies of their country would reject it—And to abuse your confidence in them, by endeavouring to hurry you into a hasty adoption, under that delusion, before you could obtain information, and be able to form a proper judgement for yourselves.

Such a conduct in any other country, or even in this, at any other time, would have drawn down upon them the indignation and resentment of those who were thus attempted to be abused and enslaved.

To counteract the views of ambition and interest has been my aim—To this I devoted every effort while in convention—The same motives have directed my conduct since—Should my exertions in the smallest degree assist in effecting the rejection of this detestable system of slavery, I shall enjoy the highest possible gratification, that of rendering my country an essential benefit.

But should the system be adopted, I shall even then enjoy the highest possible consolation which a good citizen can enjoy in the public calamity, that of having conscientiously discharged my duty to my country, by endeavouring to avert it.

BALTIMORE, *March 30, 1788.*

*A Citizen of the State of Maryland
Remarks Relative to a Bill of Rights*

REMARKS *relative to a BILL of RIGHTS.*

It has been asserted by many, that a bill of rights was altogether useless, and in some respects a dangerous experiment; such an opinion

is evidently calculated to mislead the people, and to take off the necessary checks from those who will be entrusted with the administration of government.

We are told by that able advocate for constitutional liberty, Lord *Abingdon*, that in every free government “there are found *three principal powers*, the first of these is the *power of the people*; the second, the *power of the constitution*; the third, the *power of the law*.—That the constitution ascertains the reciprocal duties, or several relations subsisting betwixt the *governors* and *governed*; that the law, or third power of the State, maintains the rights, and adjusts the differences arising between individuals, as parts of the same whole.”¹

Thus his Lordship makes a very evident distinction between the constitution and the law; he also calls *the rights of the people* the *substantial parts* of the constitution.

From a perusal of his letter to Mr. *Edward Burke*, it is evident, he considers the constitution, as that power which gives law, or restrains the conduct of the legislature; that as the laws of the land are the rule of action to the people; so the principles of the constitution direct the legislature in their several duties, for the rules of the one are to the other, what the law is to the Judges. In examining the constitution for the United States, as proposed by the late convention, I do not find any explicit declaration respecting the rights of the people, that can be considered as a sufficient guide on these points to the legislature, though they ought to have been its SUBSTANTIAL parts.

It is true, the legislature may act according to their own principles of equity and reason; but these may differ from real constitutional principles, which should be so particularly expressed, that the constitution might have a controul over the legislature and the law. “My idea of government,” says Lord *Abingdon*, “to speak as a lawyer would do, is, that the legislatures are the *trustees* of the people, the constitution the *deed of gift*, wherein they stood seized to *uses* only, and *those uses being named*, they cannot depart from them; but for their due performance are accountable to those by whose conveyance the trust was made. The *right* is therefore *fiduciary*, the power *limited*; or, as a mathematician would say, more in the road of demonstration; the *constitution* is a *circle*, the *laws* the *radii* of that circle, drawn on its surface with the pen of the legislature, and it is the known quality of a circle that its *radii* cannot exceed its *circumference*, whilst the people, like the *compasses*, are fixed in the center, and describe the circle.”²

I do not perceive in the new constitution, *those uses named*, for which the administration of government is entrusted; no directing principles,

sufficient for security of life, liberty, property, and freedom in trade; and therefore, as a supplement, a declaration or bill of rights is evidently wanting; otherwise, we shall have a legislature without check or controul; which if it should take place, it would open a door to every species of fraud and oppression.—Should the present system now proposed, pass without amendments, it would immediately constitute an aristocratic tyranny, a many-headed leviathan, an ungovernable monster, without constitutional checks, deplorable and to be deplored, dangerous and destructive, in proportion to the number of which it consists.

An eminent lawyer expressed an idea, which has been re-echoed, and become pretty general, “that what power was not expressly given, was retained by the people.”³—Another civilian, of equal standing and professional abilities, has asserted the reverse of this proposition, and insisted that what power was not expressly declared, was relinquished and given up:⁴—Since then, the sentiments of men, respectable for their talents, are so discordant on essential points surely, the common people may well be at a loss in a choice of their political guides,—and the safest way for them must be, to insist upon a *solemn declaration* of their rights and privileges, as the *substantial* and unalterable parts of the constitution: for such a *declaration* cannot be prejudicial; but may restrain the growth of despotism, the wantonness of power, and the base, licentious attempts of juvenile, daring ambition.

In fine, let me caution the supreme power, *the people*, to take care how they part with their birth-right; that they do not, like *Esau*, sell it for a *mess of pottage*;⁵ and let them reflect, *seriously* reflect, on the inestimable value of the least atom of their liberty; she is more precious than rubies, and all the things that can be desired, are not to be compared unto her.

1. See the Earl of Abingdon, *Thoughts on the Letter of Edmund Burke, Esq; to the Sheriffs of Bristol, on the Affairs of America* (Lancaster, Pa., 1778), 13 (Evans 15740). This pamphlet was first printed in Oxford, England, in 1777. Willoughby Bertie (1740–1799), the fourth Earl of Abingdon, was an active member of the House of Lords and a frequent newspaper political essayist. He criticized Edmund Burke for softening his opposition to British policy toward the American colonies.

2. *Ibid.*, 21.

3. See “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October 1787 (RCS:Md., 20–22).

4. Perhaps a reference to Richard Henry Lee who called for a bill of rights in a 16 October 1787 letter to Governor Edmund Randolph that was printed in the *Petersburg Virginia Gazette* on 6 December 1787 and then widely circulated (CC:325).

5. Genesis 25:29–34.

Whiteside & Caton and Richard Caton to Henry Hill

Baltimore, 13 April 1788 (excerpt)¹

... P.S. I can assure you from the most certain authority, that this state will adopt the new Constn. by a majority of 4/ if not 5/ for 1—our members are all elected and every man's sentiments are known—I hope Maryland will yet share in the Union—I am advised by a Letter from Virga. just recd. that there are 12 counties of a majority for the new govrnmt. Mr. Maddison was elected by 4 to 1.—may we all see realised those blessgs. every friend to the New Constn. promises himself—

1. RC, John Jay Smith Manuscript Collection, Library Company of Philadelphia. The letter was postmarked at Baltimore on 14 April and addressed to Henry Hill, Esquire, in Philadelphia. The excerpt from the letter printed here was the postscript that was signed by Richard Caton. Whiteside and Caton, both natives of England, had formed a mercantile partnership by this time. Peter Whiteside (1752–1828) was a prominent and wealthy Philadelphia merchant before, during, and after the Revolution and a former partner of Robert Morris. Caton (1763–1845) had married a daughter of Charles Carroll of Carrollton in 1786. Henry Hill (1732–1798), a native of Maryland, was a wealthy Philadelphia wine merchant and the producer of "Hill's Madeira." He was a member of the Pennsylvania Assembly, 1780–84, and the Supreme Executive Council, 1785–88.

A Farmer VII (Part 4)

Baltimore Maryland Gazette, 15 April 1788¹

(Continued from our last.)

Although both civil and political liberty may be truly said no longer to exist in Europe—yet from one effect of the *feudal institutions*, that enlightened part of the globe, has in a great measure, recovered from the disorders occasioned by their irreparable loss:—What I allude to is the division of that quarter of the world into a multitude of separate States and sovereignties, and that extreme attention to the preservation of each and to the balance of power, which has become a fundamental law of the whole; this secures the influence of political moderation, or a species of *federal liberty*, which is the next blessing that government can afford; and certainly were wise men obliged to confine themselves to the choice of one alternative—foederal or national liberty—they would prefer the former—whilst the influence of that exists, it must support the substance in a great measure of the latter, although the forms should no longer remain—But when that ceases, national liberty, which includes both civil and political freedom, must soon expire.—The history of mankind furnishes a series of invariable and frightful examples of this.—The Roman republic included a variety of other republics, States and Kingdoms living in a perfect liberty, and according

to their own laws; this variety and contrariety of interests seemed to promise internal freedom, independent of external influence—But the time of their delirium had arrived—after the conquest of Hannibal and the peace which the first Scipio made with the Carthaginians—that immortal statesman and hero gave his countrymen this remarkable advice—to restore Carthage, as an enemy worthy of Rome—but the opinion of that stupid old fool Cato, the censor, prevailed as more consonant to the vulgar level of mens' judgments, and *delenda est Carthage*—*Carthage must be destroyed*, became the motto of the day—the consequence of this political advice was, that Carthage being razed to the ground, and no enemy existing contiguous to Rome, which she could dread—not all her internal institutions—not all the variety of interests, which a multitude of almost independant States afforded, could prevent her speedy destruction—*ruit mote fed*—*she fell by her own weight*—and their liberty became such liberty as a Nero and the prætorian bands thought fit to distribute.—The Turkish empire is at this day extended over a multitude of kingdoms, States—even democratic and aristocratic republics, oligarchies, and every species of institution which the inventive genius of man has created—but I do not see that it has moderated its despotism.—Spain still contains in her bosom that very extensive and well formed republic Biscay—but the slavery of Spain has since the reign of Charles the Vth, nearly depopulated the finest part of Europe.—France contains an extensive free country, which would not submit to the general government but on conditions that have hitherto secured them a superior degree of happiness—I mean Britany, which was annexed to the crown by the marriage of Anne, of Bretagne, with Lewis the VIIth. There was a democracy until lately within the territory of France, Marseilles—A French gentleman once told me, *we had one republic in France, which made one very great noise, at last the King he did build one little citadel in the middle of it, and then he teach them republicans how to behave themselves*—The melancholy truth is, that the internal institutions of an extensive empire signify nought—the principle that the convenience, the rights and interests of a part must give way to what is called the good of the whole, unhinges every species of just and equal government, because it is a principle that has no limits.

Still however the division of Europe into small independant States, preserves a degree of social happiness very different from what exists in other parts of the world—we find them injured by foreign war—but the moderation of a political influence exempts them from the desolations of those internal commotions which lay waste two extensive empires—Their wars too are becoming more mild and less frequent than formerly, and certainly if they could not be entirely prevented,

they might be quickly suppressed by keeping up an annual Congress of diplomatique ministers, instead of their present imperfect mode of negociation, which defective as it is, has notwithstanding rendered peace more durable, and war less destructive; the only satisfactory reason their greatest patriots have given for neglecting, what at first view appears so important an improvement, is that terror with which they justly view, any thing in the shape of general government, which they universally admit to be the greatest curse that can befall mankind:—The enlightened statesmen of the old world, have imprinted on their minds the wisdom of the ancient fable, which I shall now repeat to the Americans—“The lion, the king of the beasts, gave out that he was sick—he confined himself to his den, and his friends did not stick out to say that he must die of that disorder—all the beasts went to pay their court and assist him but the fox—at length the lion appeared abroad and took Reynard roundly to task, why he had not come to see him, when he was so ill—the fox, who in fable is the emblem of wisdom, made this memorable reply—In truth I did intend to pay my respects to your majesty, *but when I came near your den, I saw all the feet pointing in and none coming out*”²—So invariably have powers been travelling to the centre, never again to return to those who bestow them.

At present as a recompence for the evils of occasional broils, Europe has the consolation to reflect, that she is secure from the terrible despotisms which reign over the other three quarters of the globe.—Those States who admit the sanction of the laws of nature and nations form as it were a *great federal republic*, and the balance of power, even under an imperfect system, has prevented those great revolutions and shocks which sweeping myriads of mortals at a blow, degrade mankind in the eye of philosophy, to a level with the ants and other insects of the earth—negociation unnerves the arm of conquest, and the genius of a Marlborough, an Eugene, a Saxe and Turenne, is displayed in harmless countermarches, which in Asia, or even Europe, some centuries back, would have formed an Alexander, a Cæsar, a Gengis Khan and a Tam-erlane.

To this balance of power, France has long owed her safety, and that only can save her at this particular and awful crisis of turbulence; the despotism of Constantinople would soon reign at Paris, but that the territory of France is not sufficiently large for such a tyranny, and she is surrounded by numerous, warlike and independant sovereignties—the influence of manners, which their philosophers boast of, as one great security, if not ironically introduced, is certainly but an empty sound—their manners—reputation and every thing, have been long regulated by the capricious vices of the Prince who sat on the throne—

but France is not sufficiently extensive to defend her empire by such immense deserts, as surround the despotisms of Turkey, Persia, China and Morocco, and secure them from foreign conquest—If the Prince, in France, was to destroy all their fundamental laws, which by what they now call their constitution, he evidently may do and subject his subjects to the caprice of a Turkish yoke, which 200,000 standing troops will accomplish for him whenever he pleases:—The inevitable consequence would be, that he would only subject himself and his slaves to instant conquest and partition among his neighbours.—No Prince of France will therefore ever be permitted to attempt this, whilst the present balance of power remains.

(*To be continued.*)

1. Part 1 of “A Farmer” VII was printed in the Baltimore *Maryland Gazette* on 4 April (above). See note 1 to the first part for the dates on which parts 2–3 and 5–6 were printed.

2. Aesop’s fable: “The Fox and the Sick Lion.”

Philadelphia Federal Gazette, 17 April 1788¹

By a gentleman who left Baltimore last Monday afternoon, we are informed that Mr. Martin declares he will make no further opposition to the new plan of government, seeing so great a majority of the people of Maryland are in favour of it;² that Mr. Martin’s writings, like Centinel and Philadelphiensis in this state, have made no impressions on the minds of the people, tho’ in the language of antifederalism, they are ranked with the Bible^(a); that he is despised in every county except one, and in all probability will not be suffered to continue in the office of Attorney General another year.³

(a) *See an advertisement in the Freeman’s Journal and Independent Gazetteer.*⁴

1. Reprints in whole or in part by 8 May (7): N.H. (1), Mass. (3), R.I. (1), N.Y. (2). Only four of these seven newspapers reprinted the reference to the Bible.

2. On 26 April Luther Martin voted against ratification of the Constitution in the Maryland Convention.

3. Martin was attorney general of Maryland from 1778 to 1805 and from 1818 to 1822.

4. For this advertisement, see the headnote to “Luther Martin: Pamphlet Edition of The Genuine Information,” 12 April (above).

Baltimore Maryland Gazette, 18 April 1788

The WISH.

I wish you all may live in peace,
May see the public discords cease;

Each State, with speedy resolution;
 Adopt the Fœderal Constitution;
 Mechanic arts and trade revive,
 And agriculture spread and thrive;
 That peace and plenty hand in hand,
 Once more may travel through the land;
 That money may again abound,
 And crowns and dollars pass around,
 As thick as drops of falling rain,
 As thick as sands that strew the plain,
 As thick as atoms fill the air,
 Or Lawyers throng about the bar.

James McHenry to George Washington
Baltimore, 20 April 1788¹

My dear General,

Your election for members of convention being over must have furnished data by which to form an opinion of the probable fate of the constitution in your State.² I wish you to favor me with a line on this subject, and whether you think an adjournment of our convention would operate with yours against its adoption.³ Our opposition intend to push for an adjournment under the pretext of a conference with yours respecting amendments. As I look upon such a step to amount to a rejection in both States I shall do every thing in my power to prevent it. Your sentiments may be useful. You will be kind enough therefore if you have leisure, to write to me at Annapolis whither I shall go in the morning. Present appearances are flattering; but we should be provided with the means of guarding against any change—

1. RC, Washington Papers, DLC. After having acted as a military surgeon, McHenry served as Washington's assistant secretary from 1778 to 1780.

2. The elections for Virginia convention delegates took place between 3 and 27 March.

3. Washington replied to McHenry on 27 April. (See "George Washington and the Maryland Convention," 20, 27 April [immediately below].)

George Washington and the Maryland Convention
20, 27 April 1788

The adjournment of the New Hampshire Convention in February 1788 without ratifying the Constitution had dashed Federalists' hopes that nine states would have ratified before the Virginia Convention met on 2 June. On 5 April George Nicholas warned James Madison (both delegates to the upcoming Virginia Convention) that "great efforts will be made to induce" the Maryland and South Carolina conventions to adjourn without ratifying the Constitution

until after the Virginia Convention met. The division in the Virginia Convention was expected to be close, and if the Maryland and South Carolina conventions adjourned, Virginia ratification would become even more difficult. Consequently, Nicholas asked Madison to contact his friends in Maryland and South Carolina requesting that they try to prevent the adjournment of their conventions before ratifying the Constitution. On 9 April Nicholas wrote David Stuart, another Virginia Convention delegate and a friend and neighbor of George Washington, asking that he exert himself and “get Genl. Washington to do the same” in order to prevent the adjournment of the Maryland Convention (RCS:Va., 703, 712).

Madison promised Nicholas on 8 April that he would write friends in Maryland and South Carolina. Two days later Madison informed Washington that he had written to Daniel Carroll and James McHenry of Maryland, and he noted that “The difference between even a postponement and adoption in Maryland, may in the nice balance of parties here, possibly give a fatal advantage to that which opposes the Constitution” (RCS:Va., 707, 732–33).

On 20 April Washington wrote Thomas Johnson, a long-time friend, a former Maryland governor, and a delegate to the Maryland Convention, that the adjournment of the Maryland Convention “to a later period than the decision of the question in this State, will be tantamount to the rejection of the Constitution.” Washington believed that the principal Antifederalists in Maryland and Virginia hoped for such an adjournment (below, in this grouping). James McHenry wrote Washington on 20 April (immediately above) and asked him whether an adjournment by the Maryland Convention “would operate with yours against its adoption. Our opposition intend to push for an adjournment under the pretext of a conference with yours respecting amendments. As I look upon such a step to amount to a rejection in both States I shall do every thing in my power to prevent it. Your Sentiments may be useful.” Washington replied to McHenry on 27 April expressing the same concerns as in his letter to Thomas Johnson (below, in this grouping. See also Washington to Daniel St. Thomas Jenifer, 27 April, in this grouping.).

Because he was much concerned, Washington was pleased when he learned that on 26 April Maryland ratified the Constitution. On 2 May, he told Madison that Maryland’s action was “A thorn” in the sides of Virginia’s Antifederalist leaders (Rutland, *Madison*, XI, 33). Washington informed New York Federalist John Jay that, since the opponents of the Constitution in Virginia had failed to keep Federalists out of the state Convention and had been “baffled in their exertions to effect an adjournment in Maryland, they have become more passive of late” (15 May, RCS:Va., 804). In early June Baltimore merchants presented Washington with the *Federalist*, a miniature ship which had been part of the town’s procession celebrating Maryland’s ratification. Washington told the merchants that the action of the Maryland Convention “will not be without its due efficacy on the minds of their neighbours, who, in many instances, are intimately connected not only by the nature of their produce, but by the ties of blood and the habits of life. Under these circumstances, I cannot entertain an idea that the voice of the Convention of this State, which is now in session, will be dissonant from that of her nearly-allied sister, who is only separated by the Potomac” (8 June, RCS:Md., 713).

Washington's elation was dampened several weeks later when he received a copy of an extract of a 10 July letter that Dr. Lawrence Brooke of Fredericksburg had written to David Stuart. In this letter Brooke reported that James Mercer, an opponent of the Constitution and a judge of the Virginia General Court, had informed him that Colonel John Francis Mercer (James Mercer's brother), then visiting in Fredericksburg, "was furnished with documents to prove, that Genl. Washington had wrote a letter upon the present Constitution, to Governor Johnson of Maryland, and that Governor Johnson was so much displeased with the officiousness of Genl. Washington, as to induce him to take an active part in bringing about the amendments proposed by a Committee of the Convention of Maryland." Stuart made a copy of an excerpt of Dr. Brooke's letter and gave it to Washington (Mfm:Md. 147). (Thomas Johnson and John Francis Mercer, who moved to Maryland in 1785, served on the committee of thirteen of the Maryland Convention that considered amendments to the Constitution. Both favored reporting amendments to the Convention, although Johnson voted to ratify the Constitution and Mercer voted not to ratify.)

On 31 August Washington wrote Johnson, quoting the excerpt and asking him "what foundation there is for so much" of the extract "as relates to the officious light in which my conduct was viewed for havg. written the letter alluded to." Washington insisted that he had not written Johnson in order "to make proselytes, or to obtrude my opinions with a view to influence the judgment of any one." He defied any Antifederalist "to say, with truth, that I ever wrote to, or exchanged a word with him on the subject of the New Constitution if (the latter) was not forced upon me in a manner not to be avoided." His sole purpose had been to warn Federalists in the Maryland Convention that the opponents of the Constitution in that body might try "to effect an adjournment." Washington asked whether or not he had interfered improperly in the activities of the Maryland Convention (RCS:Md., 764).

Johnson assured Washington that he had not acted improperly. In fact, Johnson said that he had shown Washington's letter and similar letters to some gentlemen in order "To strengthen the Friends of the new Constitution and expedite it's Adoption." Washington's letter had not influenced Johnson's position on amendments. Although not actively involved in initiating amendments, Johnson was distressed about the manner in which the Convention handled the amendments and he believed that the Constitution could be improved by some of them. Johnson further declared that, when showing Washington's letter to some gentlemen, he had also hinted that America would have need of Washington's "farther Services." "We cannot Sir," Johnson continued, "do without you and I and thousands more can explain to any Body but yourself why we cannot do without you." He concluded: "My Acquaintance with Colo. Mercer is not of long standing or very close—he will never find me acting on a great public Question from such unworthy Motives nor I hope displeased with any Letter I may have the Honor to receive from you" (10 October, RCS:Md., 765). Nevertheless, Johnson's conciliatory attitude temporarily threw Federalists in the Maryland Convention into confusion. Federalist Daniel Carroll, who was not a member of the Convention, had been informed that Johnson's "accomodating disposition, and a respect to his character lead the Majority into a Situation, out of which they found some dificulty to extricat[e] themselves" (to James Madison, 28 May, RCS:Md., 740).

George Washington to Thomas Johnson
*Mount Vernon, 20 April 1788*¹

As well from report, as from the ideas expressed in your letter to me in December last,² I am led to conclude that you are disposed (circumstanced as our public affairs are at present) to ratify the Constitution which has been submitted by the general Convention to the People; and under this impression, I take the liberty of expressing a *single* sentiment on the occasion.—

It is, that an adjournment, (if attempted), of your Convention to a later period than the decision of the question in this State, will be tantamount to the rejection of the Constitution.—I have good ground for this opinion—and am told it is *the blow* which the leading characters of the opposition in [these two?] States³ have meditated if it shall be found that a direct attack is not likely to succeed in yours.—If this be true, it cannot be too much deprecated, & guarded against.—

The postponement in New-Hampshire, altho' made without any reference to the Convention of this State, & altogether from the local circumstances of its own;⁴ is ascribed by the opposition *here* to complaisance towards Virginia; and great use is made of it.—An event similar to this in Maryland, would have the worst tendency imaginable, for indecision there wld. have considerable influence upon South Carolina, the only other State which is to precede Virginia, and submits the question almost wholly to the determination of the latter.—The *pride* of the State is already touched upon this string, & will be strained much higher if there is an opening for it.⁵

The sentiments of Kentucky are not yet known here.—Independent of these, the parties with us, from the known, or presumed opinions of the members, are pretty equally balanced.—The one in favor of the Constitution p[r]eponderates at present—but a small matter cast into the opposite scale may make it the heaviest.

If in suggesting this matter, I have exceeded the proper limit, my motive must excuse me—I have but one public wish remaining—It is, that in *peace* and *retirement*, I may see this Country rescued from the danger which is pending, & rise into respectability maugre the Intrigues of its public & private enemies.—

George Washington to Daniel of St. Thomas Jenifer
*Mount Vernon, 27 April 1788*⁶

Accept my thanks for the obliging information contained in your letter of the 15th inst.⁷—The great, the important question must ere this, have received its first features in, if not the fi[n]al of your Convention.—

If they are decisive and favourable, it will most assuredly raise the edifice.—Seven affirmatives without a negative carries weight with them, that would almost convert the unerring Sister and yet,—but in place of what, I was going to add, I will say that, I am Dear Sir &c.

George Washington to James McHenry
*Mount Vernon, 27 April 1788 (excerpt)*⁸

. . . Not having sent to the Post office for several days your favor of the 20th. inst.⁹ did not get to my hand till last night. I mention this circumstance as an apology for my not giving it an earlier acknowledgment.

As you are pleased to ask my opinion of the consequences of an adjournment of your Convention until the meeting of ours, I shall tho' I have meddled very little in this political dispute (less perhaps than a man so thoroughly persuaded as I am of the evils and confusions which will result from the rejection of the proposed Constitution, ought to have done) give it as my sincere and decided opinion that the postponement of the question would be tantamount to the final rejection of it—that the adversaries of the new Constitution [in] Virginia and Maryland view it in this light—and the[y] will pass [i.e., press] for the accomplishment of this measure as the de[r]nier resort.—I have very good reason to believe [that] to adduce arguments in support of this opinion is as unnecessary as they would be prolix—They are obvious,—and will occur to you on a moments reflection.

Tho' the period to which the adjournment in new Hampshire was fixed,¹⁰ no respect to the meeting of the Convention in this State, but was the effect, *solely* of local circumstances within itself, yet, the opposition *here* ascribe it wholly to complaisance towards Virginia—Make great use of it and undertake to pronounce that all the States thereafter whose Convention were to precede hers will pursue the same line of Conduct, and of course that those which are to follow will receive the ton[e] from it—Should Maryland fulfil this p[r]ognostic South Carolina may indeed be staggered and the prediction of the foes to the Constitution will thereby be realized—for the assertion so far as it respects North Carolina may with some truth I believe be applied while the opposition in New York it is well know[n] will avail itself of every pretext for rejection.

The sentiments of the Western district of this State, are not yet brought to my view—Independently thereof the Majority, so far as the opinions of the Delegates are know[n] or presumed is in favor of the adoption and is encreasing but as the parties from report are pretty equally poised a small matter cast into either scale would give it the preponderancy—

Decisions, or indecisions then with you, will in my opinion, determine the fate of the Constitution, and with it, whether peace and happiness—or discord and confusion is to be our lot.—The foederalests here see and deprecate the idea of the latter, and there opponents doing all they can to encouraging it as their last hope. Thus stands the matter in my eyes at present.—

1. RC, Miscellaneous Vertical File, #1118, MdHi.
2. See Johnson to Washington, 11 December 1787 (RCS:Md., 112–13).
3. The letterbook version reads: “in the next State” (Washington Papers, DLC).
4. See “The Adjournment of the New Hampshire Convention,” 22 February 1788 (CC:554 A–B).
5. The letterbook version reads: “will be raised much higher if there is fresh cause” (Washington Papers, DLC).
6. FC, Washington Papers, DLC.
7. For Jenifer’s 15 April letter, see Elections, General Commentaries (RCS:Md., 611).
8. FC, Washington Papers, DLC.
9. See immediately above this grouping for McHenry’s 20 April letter.
10. See note 4 (above).

**Levi Hollingsworth to Mark Prager
Philadelphia, 21 April 1788 (excerpt)¹**

. . . I have the pleasure to inform you that the New Constitution hath been adopted by every State that have convened for the Discussion of the Question—Maryland met Yesterday at Anapolis five sixths of the members returned are Foederal & I am certain will ratify the Government—The Commerce of this City seems to revive a little this Spring, great Quantities of Wheat are shiping off for Portugal & flour for Spain & I flatter myself that on the foederal Government takeing place a new Spring will be given to Trade and Agriculture throughout the States. . . .

1. FC, Hollingsworth Family Papers, PHi. Prager was a member of a Philadelphia mercantile firm. He was in London on business. In a portion of the letter not printed here, Hollingsworth asks for Prager’s help in selling lands in the West.

**A Farmer VII (Part 5)
Baltimore Maryland Gazette, 22 April 1788¹**

(Continued from No. 368.)

It remains to apply the foregoing principles to the American States—It is now evident, that they are not to be fixed as a constellation to give light to revolving ages—they have blazed for a moment like meteors in a troubled sky: Scarce has peace secured them the independance they sought, when a mighty revolution is to annihilate their separate and independant sovereignties, and to embrace them in the wide arms

of one general government; it is impossible that the free citizens of these States could listen for a moment, to such a tremendous and awful change, but from some real defects which they have experienced in their separate constitutions—That there are such cannot be denied—but still the author has no hopes that the citizens of these States will ever be again so happy as they were under the government of Great-Britain and since the revolution—The state of society before the late war was remarkably mild and moderate, and what is uncommon, we rather combatted the theory of tyranny than the practice—since the war we have been much embarrassed by a great encrease of private, and the creation of an enormous public debt, with its attendant paper securities, the corrupting influence of which would contaminate a society of angels; our new elevation among the nations of the earth has opened to our principal citizens unbounded prospects of national splendor and private preferment, which lay dormant in our former dependant situation—all these, and a variety of other causes have combined to disturb the public tranquility and vitiate our social happiness.—We have no opportunity of comparing our situation but with that which existed before the late revolution, and from this we conclude our forms of government are defective, without considering our change of situation, or without reflecting how few countries in the world are so happy as we are at this moment—notwithstanding we are in the most disturbed of all situations of society, that is on the eve of a great revolution; suppose such a change was now impending in any other country in the world—a change opening such unlimited views to some and so detrimental to other individuals, involving the interests and agitating the passions of every citizen—could so much moderation and candor be expected—the general abhorrence which we all entertain of the violences of the mad partizans of the new system, evinces the mild state of our present institutions.

Notwithstanding this, no man is more thoroughly convinced than the Farmer, that there is not a government in the confederacy perfect, or indeed founded on solid fixed principles.—Pennsylvania has the boldest direction to a happy theory of all the new contrivances—but still it is fundamentally defective, and it is said that they are daily weakening in practice the great virtue of their institution, instead of substantiating so glorious an idea—The four New-England States were practically the most solid in their formation, until two of them² were spoiled by their nasty new ginger-bread work—and yet they originally required amendments—their town meetings, which were the essential pith and marrow of their constitution seem rather to have been regulated by manners, than substantiated by proper and legal powers; as

for the others they were all begun in the middle and formed without materials necessary for the work—they remain and must remain governments on paper, substantiated by anarchy and misrule—*New-York* indeed, by an excess of inverted ingenuity, has contrived to make something like a real government, that would for a length of years secure their political freedom—On the other hand *Georgia* is utterly incomprehensible—it appears at first sight all body and no head or feet, and on nearer view it has no body either—it is in fact a *lusus naturæ*³ in the political world—However, should they all escape the stroke that now impends, which is hardly to be expected, it is in my opinion utterly impossible for nine out of thirteen to prolong their feeble existence for twenty years without considerable alterations.—I see nothing that could greatly injure *New-York*, *Connecticut* or *Rhode-Island*. Were I to give a model of a perfect government, it would not vary greatly from the *Connecticut* charter—the amendments would be all in the town-meetings—*Rhode-Island* lays under a popular odium—all governments have their inconveniences, but I should be apt to ascribe those of *Connecticut* and *Rhode-Island* to their paper securities and other evils of the late war.—When parties run high, popular odium is a very uncertain test of truth, and *audi et alteram partem*—*hear both sides*, is the best maxim of political and moral justice. However the conduct of *Rhode-Island* with regard to paper money, as we hear it, is incomprehensible—What shall I say of *Pennsylvania*? When I view this bold effort of the human understanding, I am struck with admiration and surprize at the masterly hand of him⁴ that broke through the mounds of prejudice and education, guided by the glimmering of a distant light; he adventured boldly into the realms of truth, but the brilliant resplendence dazzled his sight—he found himself alone and unsupported, and he retired precipitately to his companions, who were groping in error and darkness—Let *Pennsylvania* pursue with energy and propriety the ray of light, which beams through the mass of her constitution; let her establish county meetings of *freeholders*, to whom one third of her legislature may refer a contested law for the revision of the great body of the people *by actual vote*—establish county seminaries of learning and similar institutions to promote true patriotism and true knowledge, and she will last the envy of mankind until time shall be no more—As it is she is a child of nature, and strong convulsions must attend her destruction. As to all the other institutions of this continent, they are governments of the people, and yet the people are excluded from all share in the government. They can only be supported by the *few* individuals who are objects of elections, maintaining a disinterested preference of the

public good to their private convenience—for it must be ever held in view, that the interest of the *few* is opposed to the public interest, but the interest of the *many*, is the public interest—on which great distinction the weakness of representative government depends—The elected few are tempted to corruption by all the emoluments of government, and by that plunder which public disorder affords—they are screened from punishment by making legislation subservient to their interested purposes, and there is no control but public manners and the propinquity of our independent States, which enforces moderation by interest, emulation and example—Public manners are daily corrupting by a fell avarice, which is the canker worm of public and private virtue—the facility of gratifying avaricious views, by prostituting legislative authority, renders intrigue the only profitable quality in an age of venality. Profit, honor and distinction are all inseparably interwoven, and a man of deep intrigue must be necessarily, the most respected character in perverted governments—if virtue gets into office, rotation wheels it out, hated and despised.—This view which I believe to be in a great measure just, although the principles are but developing, discover our systems to be fundamentally wrong, did not the proposed revolution bear a more fatal testimony; the truth is that we aimed at, and still aim at premature public splendor and private luxury, forgetting that bodies politic, like natural bodies have their duration of manly vigor and the decline of age, prolonged and regulated by the length of years in which they have been arriving at maturity.—We wanted to be every thing at once—that is what we now wish, and in the event we shall be nothing or worse than nothing; we strived to patch up the ruined fabric of the British constitution for our use, and rushing headlong to our object, we did not discover the precipices that lay in our road—we never reflected, that we had none of those distinctions of ranks which preserve that government—that the state of our society was altogether different—and that we had only the wishes, but none of the means.

(*To be continued.*)

1. On 18 April the editor of the Baltimore *Maryland Gazette* announced that “A continuation of the *Farmer*, will be in our next.” Part 1 of “A Farmer” VII was printed on 4 April (above). See note 1 to the first part for the dates on which parts 2–4 and Part 6 were printed.

2. A reference to the Massachusetts constitution of 1780 and the second New Hampshire constitution (1784), both of which were preceded by a declaration of rights. Connecticut and Rhode Island continued under their colonial charters.

3. Latin: A freak of nature. A reference to Georgia’s constitution of 1777 that provided for an unicameral legislature.

4. Benjamin Franklin.

Aristides**Maryland Journal, 22 April 1788¹**

To the CITIZENS of MARYLAND.

In my comment on the federal judiciary, I flatter myself, that I spoke as became a man, handling a subject, about which it had been said his equals and superiors had differed amongst themselves. On account of this supposed diversity, I felt that diffidence, which otherwise I should not have experienced. The article, altho' concise, appeared to me quite intelligible; and I thought, it could, by no means, afford any pretext for the construction of its adversaries; but, admitting their construction of its expressions to be right, there is no sentence, nor word, nor the least *probable* implication, that can throw, as they say, almost every cause into the federal courts, and deprive us of the inestimable trial by jury. The idea of an assignment to the citizen of another state, to give the real plaintiff a privilege of suing in the federal court, is too trifling to merit a serious refutation.

From my exposition, it seems, some men have not hesitated publicly to assert, that "Aristides possesses not one spark of legal or constitutional knowledge." To infer a total ignorance of a science in the man who should even *obviously err* on a single point, would do no great honour to their own characters—The object of this address, however, is not to impress an idea of the author's legal, constitutional, or political intelligence. On this head, let a single observation suffice. If six years of previous study, and ten years diligent attention to the proceedings of the supreme court, with a careful examination of every difficult or important question, that came before him, can leave a man ignorant of law, it is impossible to conceive him otherwise than an ideot. When ignorance of the law was imputed to a celebrated English judge, it was remarked by the author of the *Rambler*,² that "one might as well suspect a carrier, who had passed continually, for 30 years, between London and Bristol, to be ignorant of the road."—The fact is, that almost any man of a cultivated understanding may judge of the proposed plan, with as much accuracy as the most hackneyed attorney; altho' he may not indulge himself in such unwarrantable freedoms of speech, or arrogate the exclusive right of delivering an opinion, and of dictating to every man, who wishes not to incur his vengeance.

Perhaps, my fellow-citizens, what I have said may be taken as an introduction to a candid acknowledgement of my manifold mistakes. For, if a writer, under the signature of Luther Martin; if the Attorney-General, who was also a member of the federal convention, has pronounced my exposition to be equally repugnant to the intent of the framers, and to

the true construction of law;³ how can it be otherwise, than that Aristides, like an ardent lover, has first imagined the object of his affections to be every thing he could wish, or reason require, and that, at length, his sober senses are restored.

But the “*respectful*” Farmer has proceeded even further. Not only Aristides must be destitute of every species of sound knowledge; he has uttered opinions, which no other *judge* could have possibly conceived.

In support of my exposition, I shall *here* offer no addition to the arguments, contained in my pamphlet. My opinion remains unaltered; and, altho’ there was a possibility of it’s change, had I found it opposed by the sentiments of all the respectable legal characters, who are *friendly* to the cause; that, which was only a *strong persuasion*, is converted into an absolute thorough conviction.

Amongst those, whose opinions I have anxiously sought for, on this occasion, not a single lawyer of distinction, who is an advocate for the proposed plan, has intimated, that I have in any particular mistaken the true construction. I could cite such a number of “*imposing names*,” that if it did not silence my enemies, it might, perhaps, satisfy the minds of my *perplexed* countrymen. But I cannot take the liberty of exposing them all to the hazard of an illiberal censure, without first obtaining their consents. In defence of reputation, I shall use with two honourable men, that freedom, which I should wish them to use with me, were they in similar circumstances; and I rely for their forgiveness, on their well known love of justice, and on that friendship, which I am proud to have acquired, and so long preserved.

Mr. Robert H. Harrison, and Mr. Robert Goldsborough,⁴ judges of the general court, are decidedly of opinion, that, in certain cases, the federal and the state courts will enjoy concurrent jurisdiction; and they are surprised, that a different construction should have ever obtained.

They are equally clear, that Congress is authorized to determine, in what civil cases the jury trial shall prevail, and in what cases some other mode shall be substituted, as is done, in a variety of cases, in every state in the union.

With me, they presume, that it will be the office and duty of every judge, both of state and federal appointment, to determine on the validity of an act of Congress, when it shall come before him. If this construction be not just, they do not perceive, how even a bill of rights would afford ample protection to the rights of an individual; provided Congress should attempt to infringe them by an act contrary to that, or the constitution.

They apprehend not the supposed danger from the future institution of legal sections. In short, they have not, in the course of many recent

conversations, given the least hint, that I had erred in any part of my explanation, except that, about which I lately apologized,⁵ and which was not an error in judgment. I mean that enumeration, which comprehended in the jurisdiction of the supreme federal court cases between a state and its own citizens.

That antifederal expositors shall contend for the utmost extension of the federal judiciary, is natural enough. They are well satisfied, that no man, attached to the liberties of mankind, and the rights of states, if he adopt their construction in its fullest latitude, can possibly be a friend to this part of the system.—Were the constitution such as its enemies explain it, and if their prediction of the consequences of its adoption were founded, in my opinion, on solid rational grounds, there is no man would oppose it more firmly than Aristides.

To be so often constrained to speak of himself is as disagreeable to Aristides as to others it may be disgusting to hear him. Permit him here to make a solemn declaration, that, for becoming an advocate, he has not the most distant idea of obtaining an office; and he verily believes, that his real interest as an individual, would lead him to oppose it. In a neighbouring state the opposition of a judge is imputed to interested motives;⁶ and let an officer of a state government act as he may, there is no possibility of escaping censure. If Aristides be that sordid wretch, who would make every thing subservient to his own private view, *wherefore does he not zealously attach himself to the most powerful men in his own government?*

That the dedication of his pamphlet⁷ was intended to facilitate his promotion, is a poor, pitiful insinuation. Neither directly nor indirectly did he ever, nor (if his resolution hold) will he ever solicit any office under this, or any other state, or under the united states.—A most dear-bought experience has determined him most forcibly to inculcate on his children's minds this salutary, important lesson,—*never to depend for subsistence on the public*, which ever was, and ever will be, ungrateful to its best servants and benefactors.

To comment fully on the Farmer's reply, would employ more time, than I can now justifiably spare, and would, besides, answer no valuable purpose. I doubt not, that to many of his readers, as well as to myself, it appeared the most artful, and of course, the most offensive species of abuse; and that some secret grudge had prompted him to the attack. On no other principle could I account, (amongst other abuse) for his associating Aristides with the prostituted Filmer;⁸ unless he really wished to gratify the gentleman, who had discovered the similarity, and with whom Aristides wishes all contest and animosity for ever to cease; as indeed it is his wish to live in peace, if not in amity, with all mankind.

The Farmer, on his first appearance, made some remarks on the impropriety of seeking the real name of an author using a fictitious signature.⁹ He intimated, as I understood, the desire of remaining concealed. I did not know him, and I forbore to make any inquiry. Like others indeed I could not avoid forming a conjecture approaching nearly to a conclusion, notwithstanding I had sometimes been mistaken as to an author's characteristic marks. And yet, treated as I was, I made no personal reflection, nor even any allusion, which the public could understand. I assured him, that I should take no pains for a discovery; and that, on the contrary, I wished him to remain concealed¹⁰—I mention these circumstances that my *fellow-citizens* may remark, and that *he* may be sensible of, the strange inconsistency of his conduct. To what laudable motive are we to ascribe his ready offer, to change a public political discussion into a personal contest? I now tell him, that, as from principle and want of inclination to do otherwise, I have refrained from personal invective, I will not descend, merely because he petulantly gives the invitation, or rather dares me, to it. I have not the least inclination for acting the drawcansir, and I hope, so long as I shall tread this earthly stage, to act, in every scene, as I shall be prompted by the principles of genuine honour.

Annapolis, April 12, 1788.

P. S. From the want of leisure, I was under the necessity either of remaining silent, or addressing to the public the product of one afternoon; and I pray them to receive it with the proper allowance for unavoidable haste. Should I delay my address but a few weeks, it will afterwards be unseasonable.

1. On 18 April the editor of the *Maryland Journal* announced: "The Address of ARISTIDES, to the CITIZENS of MARYLAND, dated the 12th Instant, is just received, and will be inserted in our next." This essay is another response by "Aristides" to "A Farmer," who criticized "Aristides'" discussion of the judiciary in the Constitution. See "A Farmer" IV, Baltimore *Maryland Gazette*, 21 March (above). For an earlier response by "Aristides," see *Maryland Journal*, 4 March (extra) (above).

2. The famed lexicographer Samuel Johnson was the author of *The Rambler*, a wide-ranging series of essays that appeared twice a week between 1750 and 1752.

3. See "Luther Martin: Address No. III," *Maryland Journal*, 28 March (above).

4. Harrison was chief judge of Maryland's General Court, 1781–90, and Robert Goldsborough IV was an associate judge, 1784–96, and chief judge, 1796–98. (Alexander Contee Hanson ["Aristides"] himself served on the court from 1778 to 1790. Hanson and Harrison were cousins.) Goldsborough voted to ratify the Constitution in the Maryland Convention in April 1788.

5. See "Aristides," *Maryland Journal*, 1 April (above).

6. Perhaps a reference to Antifederalist George Bryan who was a Pennsylvania Supreme Court justice.

7. The dedication is to George Washington. For the entire laudatory dedication, see the editorial note preceding "Aristides," *Remarks*, 31 January (RCS:Md., 224).

8. See "A Farmer" I, Baltimore *Maryland Gazette*, 15 February, at note 3 (RCS:Md., 309).

9. See "A Farmer" I, Baltimore *Maryland Gazette*, 15 February, at note 1 (RCS:Md., 308).

10. See "Aristides," *Maryland Journal*, 4 March (extra) (RCS:Md., 358).

Insolvent

Maryland Journal, 22 April 1788¹

To NECKAR.

The man who undertakes a *low* part in a *mean* farce, has no more right to insult one of the audience for smiling at his blunders, than *Scrub*, in a mask, has to resent his not being taken for a *gentleman*.—NECKAR was a respectable character till prostituted by vanity to give credibility to error. Because "representation and *direct* taxes shall be apportioned among the states;" and because there is no *express* provision in the constitution proposed for the United States, to authorize Congress to *collect* arrearages due from the *several* states, NECKAR *contends* that they are *never to be paid*; and *asserts* boldly, that "there can be no doubt that such states as are in arrears, *do expect* by the new system, to be exempted from any particular requisition hereafter on account of them."—The debt contracted under the old constitution, is adopted by the new—The states, jointly and severally, are bound to pay it—and none are deprived of the power of internal taxation—nor of the benefits to be derived from their territory and manufactures.—If the money is paid out of the general treasury, will not the states, *respectively*, be chargeable with their proportions? If they refuse to refund, is there not power vested in the judiciary to decide "controversies in which the United States shall be a party?"—Does a question arise, how, after *judgment* is obtained, will the debt be *collected*?—I answer, as among other nations, by fair means or force.

If *thirteen merchants*, mutually concerned in one house, had contracted debts which they were unable, or unwilling, to pay, and thought it advisable to reform their system; or if only *nine* consented to such reformation, providing for future transactions, would such a measure absolve all, or any, of them from their former obligations?—But why do I insult the public understanding with a serious refutation of an absurdity, which is "as broad, as obvious, to the passing clown, as to the lettered sage's curious eye."²

"*The evils of a peace*," NECKAR, was an unlucky expression—Let it in future be an admonition—"speak no more than is set down for you"—Whenever you deviate from the lessons you receive, you reveal the cloven foot.—Young, as you presume, I am not ignorant that an *unexpected*

conclusion of a war may affect the interests of some very honest men, and when a *worthy* merchant suffers, he is to be commiserated with *sincerity*—but should a man complain, *whose speculations were calculated on the miseries of mankind*, how long would genuine benevolence bear with his unreasonable murmurs?—Believe me, NECKAR, your peculiarities are as distinguishing as the ears which betrayed the beast in the lion's skin.

The new plan of government is charged by its opposers with principles subversive of the *confederation*; yet you cavil at the term *antifederal*, because ironically applied to the *thing*, and not to the *person*. Your criticism is as miserable as your logic—you are, indeed, so feeble an adversary, that it is with hesitation, and reluctance, I have taken the “*repast*” presented in your last “*little sketch*.”—My disgust at it shall be suppressed for the present—Personally, I have no resentments against you; but, Sir, if you are not to be *diverted* from your *folly*, your *impertinence* shall not pass *unnoticed*.—*Hamlet*, by a fortunate thrust, despatched a foe behind the curtain; but the Prince's *insanity* was feigned.—Vulgar players should not attempt such strokes—When fools and madmen lay about them in the dark, or lunge away with pen or poniard, they are unmindful who may feel—friends and foes are equally objects of their fury.—Be prudent, NECKAR, nor overact your part, lest, in your ranting, your mask be taken off.—*Witless* as I am, if you are not, indeed, a *very* ass, I can give YOU such a switching as will make you sensible of all the difference between *tickling* and *scratching*. A slight raillery deserved not the *insolence* of contempt; and you, Sir, who are so willing to be respected, should not think it a condescension to treat with *civility* even an

Baltimore, April 21, 1788.

INSOLVENT.

1. For the earlier exchange between “Insolvent” and “Neckar,” see “Neckar,” *Baltimore Maryland Gazette*, 25 March and 11 April, and “Insolvent,” *Maryland Journal*, 1 April (all above).

2. See Mark Akenside, *The Pleasures of Imagination. A Poem in Three Books* (London, 1744), Book III, p. 107, lines 276–77.

Massachusetts Centinel, 23 April 1788¹

The Convention of Maryland met at Annapolis, on Monday last. Accounts brought by a gentleman from thence, give us lively hopes, that within the course of a few weeks we shall have the pleasure of announcing the *erection* of a SEVENTH PILLAR of the great FEDERAL SUPERSTRUCTURE.²

1. Reprinted: Portland, Maine, *Cumberland Gazette* and Providence *United States Chronicle*, 1 May.

2. See *Massachusetts Centinel*, 7 May (RCS:Md., 721–23n).

Pennsylvania Gazette, 23 April 1788¹

We learn that a dignified and Honorable J—— of this commonwealth will shortly hold a special court, for the purpose of trying about 60 or 70 members of the Maryland Convention, on a charge of *Conspiracy* against tender laws, against the Shayites, against the present administration of R——e Island, and against all the evils which lately threatened the honor and happiness of the United States.

1. Reprinted: *Massachusetts Gazette*, 6 May, and Providence *United States Chronicle*, 15 May.

**Zebulon Hollingsworth & Son to Levi Hollingsworth
Elkton, 24 April 1788 (excerpt)¹**

. . . our Convention is now seting but 12 ante Federal Chosen in the state—which are from Harford Baltim[or]e & Anaruldel County

Chase—Paka—Martin—Pinkney and theyre Meschives adherents—
Debate will run hi—but tis thoght it will be Caried in Favor of the
Constitu[t]ion by a great Magorty—

1. RC, Hollingsworth Family Papers, PHi.

A Farmer VII (Part 6)**Baltimore Maryland Gazette, 25 April 1788¹**

(Continued from our last.)

Will then the proposed national government provide a proper remedy for these defects?—I do not hesitate to declare, that in my judgment, without considerable amendments, the remedy will prove infinitely worse than the disease.—In the first place, it is undeniably the worse constitution in North-America, excepting that of Georgia—It has every defect which all the others labour under, and considerably increased; for all the vices of representation become more dangerous in proportion to the extent of territory and variety of interests represented. The qualified negative of the President is more than overbalanced by his junction with the aristocratic branch—indeed the difficulties attending, the making of any government at all, upon republican principles for so extensive a continent, rendered it but a patched up affair even on paper. To have agreed upon any one plan, was beyond all human calculation—and their attention to the perfecting of the system was prevented by a constant endeavour to keep it together—can we then be surprized that it is so defective? The recollection of these difficulties deter the advocates of the system from any future convention, not reflecting that a future convention could not destroy what is done, that

if with the full sense of their constituents, they could agree on no amendments, it would still remain for the States to adopt as it now stands—but this may be a subject of future consideration.—It is certain we had better have no general government than a bad one—We may make one hereafter, but we shall never get rid of this if we adopt it—Its defects are that it almost entirely neglects *civil liberty*, that is the rights of individuals against legislative and executive encroachments—It is true it has a bill of rights, but then it is the shortest that ever was seen; although long enough for the government as originally reported—yet now it appears that they stumbled over diamonds in order to pick up stones; and it is most certain that this new system will entirely annihilate that *federal freedom* which would have atoned in a great measure, for the loss of the forms of both political and civil liberty.—Had the States continued separate, sovereign and independent, they must have bid an eternal defiance to despotism, and they might have had leisure to have amended gradually the defects of their several institutions; as it is, the same authority operating immediately on the individuals of such vast territories, differing materially in national interests and private manners must from necessity, be either despotic or ineffectual, and that for the following among many other reasons.—The misrule and commotions of this general government (and all governments are unavoidably subject to misrule and its attendant commotions) will agitate the passions and affect the interests of the whole mass of national society by the same shock; of course the fate of the empire must be involved in the good or bad administration of the most complicated and difficult system of government, that mankind ever yet beheld; but had the States remained separate and sovereign, this misrule if their individuals or even the revolution of a single State, being altogether local, would have left the others, entirely unagitated, to interpose the voice of reason and pursue the dictates of justice, which is the great and applauded security and happiness of a confederacy of republics. The examples adduced and the opinions given by Montesquieu, extend only to *unions between States*, not *governments of individuals*—In Montesquieu's time, *fœderal* had entirely a different meaning from what it has now²—The small distinction between a confederacy operating on States collectively in their corporate capacity, and a general or national government exercising legislative, executive and judiciary powers on every citizen of the empire, so trifling to Aristides, that he marches over it without noticing, would probably have brought this great legislator for mankind, to a full stop.—Called upon so solemnly as he is, if the good old Frenchman could come back and see how his works are read and understood in our day, and what principles they

are quoted to support, he would certainly take up his books and carry them off with him.—In the new American government there is nothing to prevent despotism, every feature and symptom forebode its rapid approach. In the first place it will not be denied but that a nation must be governed by its own sense of what is right, and then they are free—or they must be governed contrary to their sense, and then it must be by despotic force and they become slaves.—Where the national interests of separate parts [of] an empire differ materially—each part must mutually give up part of its interests and wishes, to constitute an impartial general law—which made by a mutual sacrifice opinion must in its nature be contrary to the sense of the whole—As the people then loose sight of the only means of judging of what is right, that is their own feelings—power becomes transferred on their rulers, without any certain limitation remaining with their constituents, who always displeased even with the most perfect impartiality, which in this case becomes general injustice, must have their senses and their strength destroyed, or they will destroy the government.—Again a nation to be governed according to its own sense of what is right, must have some regular and certain mode of changing the effective administration of their government, or they will be involved in such constant turbulence and commotion, that the quiet slavery of despotism, will appear preferable and be submitted to—a complicated system, which hides from investigation the diseased part, and destroys responsibility (one State changing its representatives for a law which will be popular in other States, who will encourage and support theirs) will soon reduce our people to despair—complicated forms are therefore always simplified by the sword of a despot.—Again our immense territory offers a secure asylum, easily surrounded by solitary wildernesses, in which despotism may safely erect her throne of terrors; we shall not be surrounded by a number of independant States, who may control our government by the influence of a balance of power:—And lastly, what is most dangerous, our state of society demands either absolute freedom or absolute tyranny—we have among us none of those permanent orders and distinct ranks of men, which are the only security of the mixed governments we so much admire—All are entitled to be equally free, and they will be so, or by one common ruin involved themselves in an equal slavery. In such cases the gradation is an easy, constant, and natural one—Voltaire, with more truth than many are aware of, calls Turkey a great democracy—and any State as large as Turkey, without [those?] distinctions of different orders of society, will be ruled by exactly such a government as Turkey—the difference between a pure democracy and a pure despotism is not worth a distinction—Representation will

not do—I have not the smallest doubt but that every reflecting merchant in the southern States, and every member that has served them in Congress, would this moment rather entrust the regulation of our commerce to a President and Council, independant of all the States, than to a Senate in which the staple States are out-voted as eight to five—Thus we can even now discover that *the authority of one man is a law fundamental in all large governments*—and that is despotism—To conclude this general government as it now stands, without the necessary checks, will either be unable to move at all, from the stout resistance and alarmed jealousy of the separate States, which may not perhaps be an undesirable event—or secondly, which would be the most dishonorable event, it may frighten us to take shelter again under the wing of Great-Britain—or lastly and worst of all, it may in one day by a vigorous and good administration, lay the foundation of as dreadful a tyranny as ever scourged mankind—How shall we avoid the three—the first and most obvious instruction of wisdom, would be to tread back the hasty and injudicious steps we have taken—recur to first principles, when we are sensible that we labor under any defect, the common lesson of reason is to look for the disease at home and apply a remedy there—Fools and children look abroad for assistance—Americans amend your separate constitutions!—When they are right, you will no longer hanker after these dangerous general governments—Were I assured this could be done now, my decided advice would be to divide the continental debt according to the average revenues of each State since peace—leave a committee of Congress to sell the western territory, and to call a general council when necessary—but break up Congress until the present *esprit du corps* should be thoroughly annihilated—But as I despair of proper State amendments, I would advise our conventions to digest those amendments to the proposed system, which will guard the civil rights of our citizens—agree on those checks on the general government which will prevent their legislating for individuals, but in cases where the State governments are actually deficient and refractory—this may secure our political and fœderal liberty—having done this, let them authorise their former deputies or others to meet those of the other States, revise their work and then adjourn to give them time for six or eight months; if no amendments can be got, they may if they choose adopt it as it now stands on their second meeting—at present the important States who have adopted, are most anxious for such amendments—will they not rather agree to this proposal, than risque amending after a government should be adopted, which from its great powers and the numerous offices it will have the disposal of, may certainly influence one-fourth of the States

to reject any diminution of their authority?—But at all events my countrymen, no standing army—If this government is founded on truth, truth can always defend her own cause against error or design—and now that you may be free and happy is the interest, and I will add, the wish of

A FARMER.

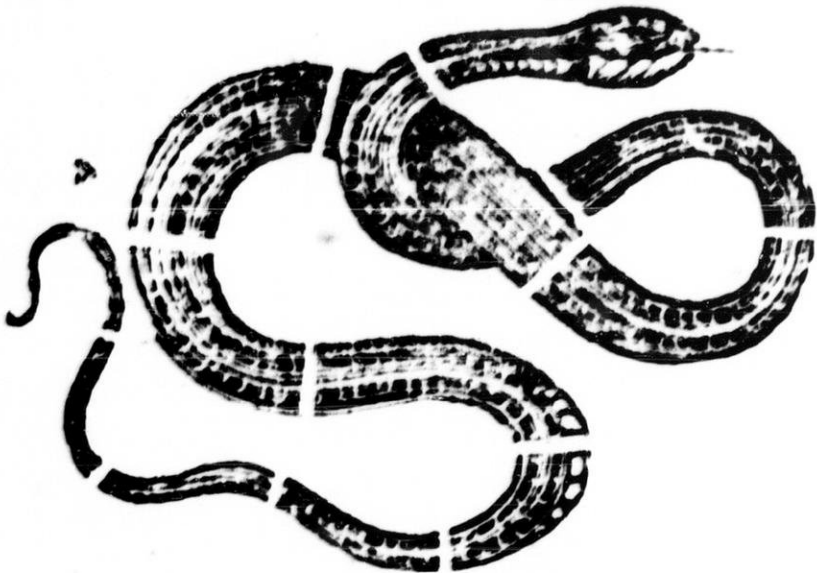
1. This item is the sixth and last part of “A Farmer” VII, the first part of which was printed in the Baltimore *Maryland Gazette* on 4 April (above). Parts 2–5 appeared in the *Gazette* on 8, 11, 15, and 22 April, respectively (all above).

2. See Montesquieu, *Spirit of Laws*, for his discussion of federal versus consolidated government in Volume I, Book VIII, chapters 16, 17, 19, and 20, and Book IX, chapters 1–3.

Baltimore Maryland Gazette, 25 April 1788¹

To the Honorable the CONVENTION, for the STATE of MARYLAND, now sitting at ANNAPOLIS.

Gentlemen, The EMBLEM now presented to you, will suggest to your minds an important Maxim of political wisdom, most worthy of your attention,—



UNITE, or DIE!

The weakness of the States *individually*, has been experimentally felt.—The great resources of our Country *collectively* is universally acknowledged—if we unite our interests, from being a weak and defenceless, we shall become an efficient and powerful Government.

Let not *then* our rising glory be tarnished with dissention, or the Dæmon of Faction disgrace our Councils!

1. The emblem or political cartoon was created by Benjamin Franklin and was printed in his *Pennsylvania Gazette* on 9 May 1754, with the statement “JOIN, or DIE,” as an encouragement to the American colonies to unite with the British to fight the French and Indians. The original emblem was divided into eight segments representing the colonies, New England being grouped together. The emblem as it appears in the *Baltimore Maryland Gazette* is divided into thirteen segments representing the United States.

Robert Smith to George Bryan

Oxford, Chester County, Pa., 26 April 1788¹

Constant Friend

Thy Sons Letter I recd. of the 9th. Inst. by Samuel McNeal Jur. who is the bearer of this and also the News papers & the papers of the Minority which I have sent several papers of the Minority by an Intimate Frd. to the State of Maryland—As also I have sent papers of the Minority by the bearer of this Letter as he is now on his way to the State of Georgia, althou’ that State has adopted the New system such papers may be of advantage to the people in calling another Convention.²—I understand the people are much divided in sentiment respecting the New system in Maryland—there is a Certain George Luckey³ a Minister Brother to Justice Luckey, he lives in hartfoud or Baltimore County—he took upon him as a Federalist to dispute with a young Lawyer whose Name is Pinkney⁴ a royal advocate against the new system—he the Lawyer knocked parson Luckey off the henges in less than three minutes that he had not a single word to say in favour of the New system Notwithstanding this defete Luckey & a babtist Minister Assembled a great body of their hearers and Parson Luckey made a speech to his hearers (and haveing no opposition he was able to make a better stand then when engaged with Pinkney) and calls to them all that was for the New Constitution follow him, so they all followed him but four that had the goodness to stand out.

This speech of Luckeys puts me in mind of a little history I onst read respecting lude women where the Devil was pictured in the beginning of the history & out of his horns were two printed lines, sd. the old Fellow “take my advice & you’ll do well” The woman reply’d: “I’ll take thy advice althou’ it leads to hell.”—I dar venture to predict that parson Luckey will have a wasps nest about his head [ere?] long—The People here away save Andw. Boyd the Miller is much averse against

the new system and what has bewitched Andw. Boyd onst so warm a Constitutionalist I can not tell—

I am much obliged to thee & thy Son Saml. for the information I constantly receive, & as I said before, that the bearer is not to return here, so that I can not at this time expect any information from you but hopes for a more favorable opportunity.—

from thy assured & much obliged Friend

NB This young Pinkney the Lawyer served his Apprentiship to one Chase an Eminent Lawyer in the State of Maryland—this Chase is much opposed to the New system & sayes if the people of Maryland adopt the New system, he will get upon their backs and ride them until they lye down, and then he will whip them up and ride them to death—I am Informed that this young Pinkney rides or travels throu' different parts of Maryland, to inform the people the danger that will ensue if they adopt the New system.—

If John Smiley Esqr.⁵ is in Philadelphia pleas to remember my respects to him.

1. RC, George Bryan Papers, PHi. The letter was addressed to “George or Samuel Bryan Esqrs./Philadelphia.” The address page was also endorsed: “Favoured by/Saml. McNeal Jur.” Smith (c. 1720–1803) was a member of the Pennsylvania Constitutional Convention, 1776; Chester County sheriff, 1777–79; county lieutenant, 1777–86; and a member of the assembly, 1785–86. George Bryan (1731–1791), a leader of the Pennsylvania Constitutionalist Party and a major opponent of the U.S. Constitution, was a justice of the Pennsylvania Supreme Court, 1780–91. He was believed to be the author of the Antifederalist “Centinel” essays (CC:133). However, the author of those essays was his son Samuel (1759–1821), a former clerk of the Pennsylvania Assembly. Samuel Bryan was also the author of “The Dissent of the Minority of the Pennsylvania Convention,” *Pennsylvania Packet*, 18 December 1787 (CC:353). These documents were probably among those that Smith sent to Maryland and Georgia that are mentioned early in this letter.

2. Georgia ratified the Constitution on 2 January 1788.

3. George Luckey, a 1772 graduate of the College of New Jersey (Princeton), was ordained and installed in 1781 as pastor of the Bethel Presbyterian Church in Harford County.

4. William Pinkney (1764–1822), at this time a resident of Bel Air, Harford County, read law with Samuel Chase from 1783 to 1786 and would become the most prominent lawyer in the state. Pinkney represented Harford County in the House of Delegates, 1788–92. Later, he would hold numerous state and federal offices. Pinkney voted against ratification in the Maryland Convention on 26 April 1788.

5. John Smilie, a prominent Pennsylvania Antifederalist, voted against ratification of the Constitution in the Pennsylvania Convention in December 1787 and was a signer of “The Dissent of the Minority of the Pennsylvania Convention,” *Pennsylvania Packet*, 18 December 1787 (CC:353).

William Smith to Tench Coxe

Chestertown, 28 April 1788 (excerpt)¹

. . . Our Convention will in three or four Days come to a Conclusion, it is not doubted with the same large Majority for Ratifying which I gave

you Reason to expect—But they do not chuse to hurry the *Question*, without giving all the Speakers in the Opposition a reasonable Time for a full Hearing—But the Bearer Mr. Edwd. Tilghman can inform you of every Thing, as Matters stood last Friday. . . .

I am yours affectionately

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. The letter was “Hond. by Edwd. Tilghman Esqr.” Smith (1727–1803), a native of Scotland, moved to New York in 1751 and then to Philadelphia in 1754, having by that time been ordained an Anglican priest. In 1755 Smith became provost of what became the College of Philadelphia, a position he held until 1779. In that year the legislature voided the college’s charter. In 1780 Smith became rector of Chester Parish in Chestertown, Md. He established a school, which in 1782 was chartered by the Maryland legislature as Washington College, with Smith as president. Smith remained as president until 1789, when the Pennsylvania legislature restored the charter of the College of Philadelphia, whereupon Smith became provost again.

Pennsylvania Mercury, 29 April 1788

Extract of a letter from a gentleman in Baltimore to his friend in this city, dated April 25.

“It gives me great pleasure to inform you, that there appears to be only 4 against 58 members in our Convention, that are anti; so I believe we shall have no reason to fear having a trial of the new constitution, which, that it may by the blessing of Providence, be a mean of bringing order out of confusion, and bringing to light the hidden works of darkness, is the sincere wish of yours, &c.

“P. S.—It may not be improper to observe here, that Samuel Chase, Esq. is supposed to be the first of these four mighty men, and L. Martin second best, though it is feared they will not be like David’s mighty men,¹ for it is much doubted they will not attain even to the last three.”

1. See 2 Samuel 23:8–39.

IV. The Election of Convention Delegates 13 January–30 April 1788

Introduction

On 1 December 1787 the state legislature submitted the new Constitution to a convention to be elected on 7 April 1788. The elections were to be “conducted agreeably to the mode, and conformably with the rules and regulations prescribed for electing” the House of Delegates, which, among other things, meant that the polls could stay open for four days. Similar to the apportionment in the House of Delegates, each county could elect four Convention delegates, while Annapolis and Baltimore could each elect two. Qualifications for voting for and being elected to the lower house were the same for Convention delegates. Convention delegates were required to be freemen, at least twenty-one years old, and inhabitants of their county, town, or city for at least a year. Perhaps anticipating a problem, the legislature provided that Convention delegates elected from Baltimore Town must be resident in the town, while Convention delegates from Baltimore County must be resident in the county “out of the limits of Baltimore-town.”

Competing candidates often differed over when amendments to the Constitution should be adopted—before or after ratification. “A Marylander” suggested that delegates should have a knowledge of “the histories of ancient and modern nations.” They should not have been members of the legislature that called the Convention, nor should they be state officeholders or federal office “*expectants*.” Furthermore, delegates should never have “*officially* given an opinion, either for or against the new constitution.” “The delegates should be at liberty to act independently, after hearing the arguments on both sides of the question” (Baltimore *Maryland Gazette*, 4 January and 12 February 1788 [RCS:Md., 154, 299–300]). “Civis” cautioned voters to choose “men of property, character and abilities,” many of whom had “retired from public employment since the conclusion of the war.” At “this all-important crisis” these men would be willing to “step forth, with a true patriotic ardour, and snatch their dear country from the dreadful and devouring jaws of anarchy and ruin.” Advocates of paper money and other debtor legislation, “who may expect to escape in the general ruin of the country,” should especially be avoided. “Let, therefore, your choice be of men interested in the welfare of America, from the ties of property, consanguinity and natural affection; and whose happiness or misery is

inseparably connected with that of the country to which they belong” (*Maryland Journal*, 1 February [RCS:Md., 279]. See also “Hambden,” *Maryland Journal*, 14 March [RCS:Md., 387].).

The election of three Antifederalist leaders—Samuel Chase, Luther Martin, and William Paca—was condemned because they were not residents of the county that elected them. The elections in Baltimore County produced two slates of winning candidates. Federalists, however, decided not to contest any of these elections because their overwhelming majority in the Convention guaranteed that the Constitution would be adopted.

As early as 9 April both private individuals and newspapers started announcing the election results. Soon it was apparent that Federalist candidates had been successful everywhere except in Anne Arundel, Baltimore, and Harford counties. The *Annapolis Maryland Gazette*, 10 April, and the *Pennsylvania Gazette*, 23 April, each reported the results from all eighteen counties, the town of Baltimore and the city of Annapolis. The *Maryland Journal*, 11, 15, and 18 April, the *Baltimore Maryland Gazette*, 15 and 18 April, and the *Pennsylvania Packet*, 19, 22, and 24 April, each reported substantial but incomplete election returns. Sporadic elections results also appeared in newspapers in Maryland, Pennsylvania, and Virginia. (Only newspaper accounts that give vote totals are printed here. Other listings of the election results without vote totals appear in Mfm:Md. 47 A–F.)

ANNE ARUNDEL COUNTY

Election Notice, 16 January 1788¹

Notice is hereby given, that on Monday the seventh day of April next, an election will be held at the city of Annapolis, for four delegates to represent Anne-Arundel county in convention, agreeably to a resolve of the general assembly.

DAVID STEUART, sheriff.

1. Printed in the *Annapolis Maryland Gazette*, 17, 31 January, 28 February, 20 March (supplement), and 3 April.

From Arthur Bryan

Annapolis, 23 March 1788 (excerpt)¹

. . . Feederalists and Antifeodarilsts have now become as familiar to the ear as Whig and Tory formerly was and no great deal short of as

much rancour and enmity against the adverse Opinions on the Subject. Nichs. Carroll and Judge Hanson it is said will be elected for the City and Carrol of Carrolton James Carrol John Hall and B Worthington for the County.² warm friends to the New Constitution. C.C. and J.C. are exerting themselves to secure their Election. A decided Majority on this shore by what I can learn will be in Fav. of the New Government Harford being the only County pretty Generally opposd to it. . . .

1. RC, Lloyd Papers, MS 2001, MdHi.

2. On 27 March Alexander Contee Hanson informed Tench Coxe that "Mr. Johnson, Mr Carroll Mr. Goldsborough, and myself, will, in all human likelihood be elected. Mr. Nic. Carroll will be my colleague for the city" (RCS:Md., 263).

Alexander Contee Hanson to Tench Coxe
Annapolis, 11 April 1788

[For this letter, see Elections, General Commentaries (RCS:Md., 608–10). It contains a campaign handbill signed by Jeremiah Townly Chase and John Francis Mercer. For more on the election and handbill, see Daniel Carroll to James Madison, 28 May (RCS:Md., 824–25).]

John Plummer to Ann Pemberton
11 April 1788 (excerpt)¹

. . . We Have Had a Very Warm Election this Weak on the Federal Government, four for & four Against it, the Latter Was Elected by a few Voates. It is yet Expected that the Federal Government Will be Ratified by ~~this State~~ as it is Said that Most of the other Counteys are Unanimous in favour of it. . . .

from thy Affectionate

Charles Carrol	}	Federallists
James Carrol		
John Hall		
Brice Wotherington ²		
Sam & Jery Chase	}	Anty Federals
Coln. Mersor		
Ben Harrison		

1. RC, Pemberton Family Papers, PHi. The letter lacks a place of writing, but it was postmarked "ANNAPOLIS, April 12." Ann Galloway (1750–1798) of Anne Arundel County, Maryland, married Joseph Pemberton of Philadelphia in 1767.

2. Brice Worthington.

Publius**Baltimore Maryland Gazette, 18 April 1788**

To a very great Majority of the Freemen of Baltimore-Town.

I most sincerely condole with you, on the unexpected apostacy of honest *David*, from the profession of his faith in October last; but I congratulate you on the persevering fidelity of our other Representative in General Assembly, who sticks to *his*, with the patience and steadiness of a Martyr.¹ Before Mr. C—— was appointed to represent you, his confidential friends, who never misled or imposed upon you, always asserted, that he was entirely *federal*, in your sense of the word, and for adopting the new Government, as it came from the hands of the Convention. His own repeated declarations, ever entitled to full faith and credit, exactly corresponded with their report of his principles, in consequence of which, this federal town judged him worthy of a seat in the legislature. You cannot have forgotten, what was often repeated, what you thought, on what evidence you founded your belief, and why you acted as you did, at the time aforesaid. Now, you may credit me, when I assure you he is still the same, without having undergone the smallest change in his political creed—if therefore you have the misfortune to be disappointed in his colleague, you have comfort in him, who never deceives. Nay, such is the zeal of his federalism, that it has transported him a little beyond the bounds of order and regularity, in his well-meaning proceedings. Knowing the town was safe, and would do right, he forsook the established constitutional road, hurried through another way, to offer himself a candidate in Ann-Arundel, and thereby increase the federal influence in Convention. To meet your wishes, and promote your interest, he undertook the journey, in a weak condition of body—to serve the good cause, he traversed the county, and attended the poll, at the hazard of his valuable life, till he was happily chosen; and we must soon hear of his unwearied endeavours on the same side, and how much Maryland shall be indebted to them, for becoming one of the adopting States.

An objection is made against this reasoning by some, taken from the design and circumstances of his last election, which was conducted on the avowed principle of opposition to the new Government. He was elected, say they, by the antifederal interest—now, as the antifederalists of that county are his constituents, in his conventional character, and as he always pays implicit obedience to the sense and instructions of his constituents, it is queried—how can he serve us, without betraying them? I answer by asking another question—how can he serve them without betraying us?—And if he cannot possibly do it, why shall we

suppose it will be done by him. Let them and him settle the matter between them as they please, but let us attend to our own affairs and see whether he faithfully discharges his duty to us, in this most essential point, wherever and whenever he has a convenient opportunity. Or, take it thus, suppose what is said to be true—may he not honestly and consistently fulfill his obligations to both, by opposing the new Government in Convention, according to the sentiments of the Arundelians, and then pass down to the House of Delegates, and there commence its eloquent advocate, in compliance with the opinion of the Baltimoreans? There will be a great deal to do in that House, when the ratification appears certain, as is now the case, towards reconciling the minds of opponents, and taking preparatory measures for introducing the new system. If neither of these replies is approved, I may safely leave the whole to be cleared up by the man himself, who will no doubt do it, to the entire satisfaction of the people, before next October, and then be entitled to, and receive every mark of confidence, which candor, consistency, propriety of conduct, federal affections and federal exertions can deserve.

April 17, 1788.

1. In October 1787 David McMechen and Samuel Chase were elected to represent Baltimore Town in the House of Delegates.

Maryland Journal, 18 April 1788¹

ANN-ARUNDEL COUNTY ELECTION.

For several Months past, Charles Carroll of Carrollton, James Carroll, and Brice Worthington, Esquires, had offered themselves as Candidates for this County, declaring that they were for ratifying the proposed national Government *without any Amendments*. On the Thursday preceding the Election, Jeremiah Townly Chase, John Francis Mercer, and Benjamin Harrison, Esqrs, *at the Solicitation of the People*, declared themselves Candidates on the *avowed* Principle of not agreeing to the national Government, unless such Amendments could be *previously* obtained, as would secure the great and essential Rights of the People.—At the opening the Election, John Hall, Esq; was polled with the Candidates in favour of the *national*, falsely called the *Federal*, Government; and Samuel Chase, Esq; of Baltimore-Town, was polled without his Knowledge or Intention, in the Room of Governor Smallwood, who was solicited to stand, but being at his Seat in Charles County, the Letters did not reach him in Time.—His Excellency came up on Monday Evening last; the Arrangement being made, and the Election so far

advanced, it was too late to open a Poll for him.—Mr. Chase, on hearing of the Opposition, went, at the Request of the Inhabitants on Elk-Ridge, to give them Information, and his Opinion of the national Government; he then came to Annapolis for the same Purpose, and on his Arrival, found the Election begun, and his Name on the Polls.—The Propriety of adopting the Government was fully debated before the People—and on Thursday Afternoon, the Polls were closed *by Consent*, and Jeremiah Townly Chase, Samuel Chase, John Francis Mercer, and Benjamin Harrison, Esquires, were elected.—With Information, the People in every County would act in the same Manner, and reject a Government that, unless considerably altered, will, most probably, enslave them and their Posterity.

April 17, 1788.

1. Reprinted: Philadelphia *Independent Gazetteer*, 26 April, and *New York Journal*, 1 May.

John Carroll to Don Diego de Gardoqui 19 April 1788¹

. . . Our Convention for the ratification of the new Govt. meets on the 21st. inst. We have every reason to expect a happy issue, & that there will be in favr. of federalism, a majority of 64, against only 12 antifederalists—but I cannot help regretting, that the exertions of the latter prevailed in one of the Counties, where some of my relations expected to be chosen—

1. FC, John Carroll Papers, Letterbook, Archives of the Archdiocese of Baltimore. Printed: Thomas O'Brien Hanley, ed., *The John Carroll Papers* (3 vols.; Notre Dame, Ind., 1976), I, 297–98. Gardoqui (1735–1798) was a special envoy sent by Spain to the United States in 1785 to negotiate a treaty. (See CC:46.) He remained until 1789.

Horatio

Baltimore Maryland Gazette, 22 April 1788

To PUBLIUS.¹

You have been pleased to address the inhabitants of Baltimore-town with the evident intention of exciting suspicions of their representatives, and creating prejudices against them, with a view to the general election in October next. You have openly dared (and in my opinion most impudently and falsely) to arraign and condemn their honor and faith, their veracity and fidelity.

You charge, *Publius*, one of the delegates for this town with an “unexpected *apostasy* from his profession of *faith* in October last.”²—This is a *general* allegation and wants *facts*, and *proofs* to support them, before

any man of integrity and honor will give the least credit to the assertion.—Produce, *Publius*, your evidence, afford the gentleman accused an opportunity for defence, and no doubt he will explain and justify his conduct to his constituents. Confidence long reposed, is not to be shaken by the blast of an anonymous scribbler.

Your attack, *Publius*, on Mr. Chase, the other representative for this town, is explicit, and attended with the *facts* on which you ground your accusation, and therefore, as it affords the means of defence, it merits the acknowledgment of that gentleman, and his friends.—It is the *right* of every *constituent* to examine the *public* conduct of his *representative*, and if he violates his honor or faith, or deceives or betrays the trust and confidence reposed in him, it becomes a *DUTY* to drag him before the tribunal of the public, and there detect and expose him to the indignation and resentment of his constituents. His guilt being proved, contempt and infamy should light on his name, and he should be discarded from his trust with every mark of disgrace, by his virtuous and deluded countrymen—But remember, *Publius*, that justice demands, that the *constituents* should be fully convinced of the truth of the *facts* alledged, before they pass judgment against the honor, veracity, or fidelity of their *representative*.

The first reflection that occurs to the considerate and impartial mind, on reading your accusation, *Publius*, will be this—that the charge may be false, and may proceed from some mistake or misconception, or it may be false, and may flow from design and malice;—that you, *Publius*, may be a good citizen, and actuated by worthy motives and patriotic principles; or that you may be the servile scribbler and base tool of a discontented and restless PARTY in this town.—Whether your head or your heart is in fault will be decided after an examination into your charges against Mr. Chase.

For the love of truth and justice I wish, *Publius*, that the inhabitants of Baltimore-town would enquire into the *facts* you state as charges against the honor and *fidelity* of Mr. Chase. This gentleman has filled the most important stations of TRUST in this country for a great number of years; though often accused his enemies never could maintain any one charge against him that could in any manner effect his honor, veracity, candour, or integrity. Mr. Chase has been a representative of the people for five and twenty years, and you, *Publius*, are the FIRST person that ever called in question his *fidelity* to his *constituents*. It is possible, *Publius*, for a man by deception and cunning to obtain the good opinion and confidence of his county for many years, but it is not probable. A long life of public and private probity affords a presumption in favour of the accused, but *facts* when established, must

prevail against this presumption. If, *Publius*, you can support your charges against Mr. Chase, you will merit, for your patriotism and manly spirit, the approbation and thanks of your fellow-citizens, but if it should appear, that you have falsely and maliciously traduced his character, you will deserve the contempt, and, if discovered, you will incur the resentment of every virtuous inhabitant in the State.—Reputation, *Publius*, to a good man, is as dear to him as life itself, and the man who robs another of his good name would steal his purse if he could do it with safety. I shall with freedom, and I hope with candour, examine your accusations against Mr. Chase.

You allege, *Publius*, “that *before the last election*, the *confidential friends* of Mr. Chase, *always* asserted, that he was ENTIRELY FEDERAL, and for adopting the *new government as it came from the hands of the convention.*” You state this fact, *Publius*, to induce the public to believe, that the friends of Mr. Chase made this declaration of his sentiments to procure votes in his favour at the last election, and that the voters of this town were deceived by this conduct of his friends.—Is your assertion, *Publius*, true or false? You publish it with the impudence of a *New-Gate Solicitor*, and with the gravity of a *Divine*. It would be painful to give the direct lie to a *gentleman*, but no terms are too gross to contradict so infamous a falsehood published by an *anonymous* writer, who is not entitled to the forms and ceremony, which politeness has established in the intercourse between gentlemen. The fact, *Publius*, you[r] charge is, from its nature, of public notoriety, and evidence cannot be wanting to ascertain it if *true*.—Produce your proof, *Publius*, of *such* declarations by any one of Mr. Chase’s friends to any person in the world, or stand recorded as a vile slanderer, with the wicked intention of destroying the reputation of your neighbours. Mr. Chase has too much knowledge and experience of the world to have *many* confidential friends; and the *few* he has are gentlemen of too much integrity and honor *to say the thing that is not*. If, *Publius*, you could produce any one to prove your allegation you would nevertheless miss your mark, as no reflection would fall on Mr. Chase, unless you could also prove, that *such* declaration was made with his knowledge and consent.

You assert, *Publius*, “that Mr. Chase’s *repeated* declarations *exactly* corresponded with his friends reports of his *principles*, that he was *entirely federal*, and for adopting the *new government, as it came from the hands of the convention*; and that in consequence of *these* declarations the inhabitants of Baltimore-town judged him worthy of a seat in the legislature.”—Blush, *Publius*—blush, if possible, for publishing so impudent, so notorious a falsehood, in the open day.—You read the decalogue, *Publius*, perhaps you *teach* it—“Thou shalt not bear false

witness against thy neighbour.”³ “Oh! why has priesthood *privilege* to lie?”⁴ There is not one inhabitant of this town, not you yourself, *Publius*, who believes your assertion. You have not the least ground for suspicion, not even a loop to hang a doubt upon, that you speak the truth. If you could suborn wretches to swear it, they would not be credited by sensible and impartial judges.—You make the allegation, *Publius*, and reason and common sense declare, that the proof lies on you, for every man is presumed innocent until his guilt appears, and no man is obliged to prove a negative, that he did *not* act, or speak, as asserted.

The following state of facts, in the knowledge and remembrance of many hundred inhabitants of this town, will convict you, *Publius*, of publishing a wanton and malicious untruth. In the beginning of the month of September last, Mr. Chase offered himself as a candidate for this town, and an opposition immediately commenced by a party, but soon died away. About 21st of September the *new* form of government for America arrived here, and the party in opposition to Mr. Chase were for adopting it without any attempt to obtain *any alteration or amendment*. Some of them were so foolish as to propose *before* it was published, to demand of Mr. Chase, whether he was *for* or *against* it.—From the impenetrable silence observed by Mr. Chase with regard to the proposed constitution, his adversaries concluded that he was opposed to the adoption of it by this State. There is not one person who can truly say, that he ever knew Mr. Chase’s sentiments before the election, nor, as I have been well informed, did he ever disclose his opinion until he delivered it in the House of Delegates, *after* he had moved and carried the resolution for the legislature “to *recommend* to the people of this State to submit the proceedings of the federal convention to a convention of the people, for their full and free investigation and decision.”⁵ Some of the *leaders* among Mr. Chase’s enemies in this town had ignorantly taken up an opinion, that our *legislature* were to decide some questions that might defeat the adoption of the new government by this State; and under this impression they raised a clamour against Mr. Chase, and objected, that he ought not to be elected, because he was *antifederal*^(a) (an appellation as improperly as artfully applied to every person opposed to the new government) and that therefore he would not vote for a *convention*.—Mr. Chase at a public meeting at the Court-House, on 26th September, and by hand-bills of 27th and 29th of the same month (which the inhabitants of Baltimore must remember) declared, “that he always had been, and then was, a friend to a permanent and stable *federal* government; that our legislature could have nothing to say to any question, respecting the proposed plan of

constitution for the United States—but *only* whether they would *recommend* a convention to consider and decide on the subject; that he had *not* made up his opinion, whether the plan of government proposed ought to be accepted, without *any amendment or alteration*; and he engaged to use his endeavours to procure, early in the next session, a *recommendation* by the General Assembly to call a convention, and to appoint the election, as soon as the convenience of the people would permit, and that, in his opinion, the election ought to be in the spring, in the month of March or April at farthest.”⁶ I call on you, *Publius*, to come forth like a man and not skulk behind the curtain, and point out (if you can) any *other* declaration, engagement, or promise, by Mr. Chase, in public, or private, in writing, or verbally, to any person. From these facts, which cannot be controverted, I assert, *Publius*, that you have sacrificed every sense of shame and decency, and all regard to truth and justice, on the altar of party and faction.

If, *Publius*, you have entrusted your *real* name to your confederates, they must feel for your dishonorable and disgraceful conduct. When you enter into company, your guilty conscience, *Publius*, will tell you that each circulating whisper points you out as a mean and despicable wretch, without veracity or honor. Discover your *real* name, *Publius*, and the boys in the streets will hoot the LIAR as he passes.

April 21, 1788.

(a) The term *antifederal* is applied by the advocates of the *new* government for America, by way of reproach to all those who oppose it. Words are often misunderstood and as often misapplied. The government proposed is truly a *national*, and not a *federal* government. A *national* government is a supreme authority pervading and ruling over the *people* of a country: Its advocates therefore may, with propriety be called *nationals*; and its opponents *anti-nationals*.—A *federal* government is an union or league of independent States, for mutual protection and defence; and its advocates are truly *federal*. This town is called *federal* by *Publius*.—The following anecdote will shew how the term is misapplied, and that it is only used to deceive the common people. It being objected, to the new government, that in its effect and operation, it would annihilate the *State* governments and *State* legislatures, a busy, meddling, factious Priest, of this town, a quaint, smooth, true son of Calvin, that sins against his reason, replied, “That the sooner the *State* governments were abolished the better.” Proh pudor!⁷ and yet this man boasts of his *federalism*, and his party are the friends of the people.

“For *Churchmen*, tho’ they *itch* to govern *all*,
are silly, woeful, awkward *politicians*.”⁸

1. For “Publius,” see Baltimore *Maryland Gazette*, 18 April (above).
2. David McMechen.
3. Exodus 20:16.
4. John Dryden and Nathaniel Lee, *Oedipus: A Tragedy* . . . (London, 1679), Act III, scene 1, p. 42.
5. This motion was made in the House of Delegates on 23 November. Chase was present that day, but on the next day the House excused Chase for “absenting” himself “without leave of the house” (RCS:Md., 70, 98n).
6. See “Samuel Chase: On Calling a State Convention,” 28–30 September 1787 (RCS: Md., 9–13n).
7. Latin: For shame.
8. Edward Bysshe, *The Art of English Poetry* . . . (London, 1702), 293.

Publius

Baltimore Maryland Gazette, 25 April 1788¹

To a very great Majority of the Freemen of Baltimore-Town.

The late election has abundantly proved, that you apprehended one of your representatives had fallen from his former opinion, concerning the proposed federal government, and which our State will speedily ratify in due form.

Attempts may be made to injure the federal reputation of this gentleman’s colleague, though, I presume, they are not likely to succeed. The proceedings in last October are too recent—the impressions they occasioned were too deep to be yet removed. You cannot have forgotten your federal opinions, how important you esteemed it to chuse federal representatives, and what laudable pains were used to prevent imposition. To assert, you are federal now, but were not so then, would contradict every feeling and recollection of your breasts. To suppose you could voluntarily elect an antifederal delegate, to serve in the General Assembly, would be an inconsistency too glaring to deserve a moment’s attention. You well know, what you then thought on the *grand* question, what you verily believed the new candidate also thought concerning it, and on what all-sufficient proof your belief rested. By this knowledge, therefore, and by the distinct remembrance of these transactions, you should try all declarations and assertions, touching the part you acted, and the motives of your conduct, rejecting those that differ from them, or are not supported by them. And as you are conscious of no alteration in your own sentiments, do not imagine any has happened in those of your representative, unless the fullest testimony establish the fact. Guard against every endeavour to excite uncharitable suspicions in this respect, especially when conducted under the

mask of friendship. Some affect a sincere regard for his federal character, while, at the very time, they most wickedly describe him a determined opponent to the federal government, the adoption of which you conceive essential to the union, the safety and prosperity of the United States. In pursuance of their bad designs, they further strive to rob you of your *good* name, for they are ashamed of their own, calling themselves *federal*, because they are for *rejecting* the excellent constitution framed by our general convention, and you *antifederal*, because you are for *receiving* it. Mr. Martin told us early in the debate, that such was, and should be, the true meaning and acceptation of these words²—succeeding writers and speakers on his side of the controversy, have often repeated his information, but all to no purpose. In open defiance of their authority, people call persons and things by their *proper* names, and the signification of *federal* and *antifederal* cannot be altered.

As you should take care not to be deceived by ensnaring arts, it is moreover necessary to make generous allowances for the peevishness, weakness and illiberality, into which our antagonists may be betrayed, in their feeble attempts to support an expiring opposition. Disappointment sours the spirits, and hurries men into an intemperance of passion, which spares no character, however fair, unoffending, or reputable. The greatest American the world can boast, has been unfeelingly traduced by the advocates of antifederalism;³ but all the mischief has recoiled on themselves and their cause. To defeat, leagued with envy, superior merit will ever furnish plentiful and painful employment. When their efforts are aimed against us, seeing they are perfectly harmless, let us pass them by as objects of pity, and overcome indecency and anger by urbanity and temper.

April 23, 1788.

1. For an earlier essay by "Publius," see Baltimore *Maryland Gazette*, 18 April (above), and for a response to it by "Horatio," see Baltimore *Maryland Gazette*, 22 April (immediately above).

2. See *Genuine Information* IV, Baltimore *Maryland Gazette*, 8 January (RCS:Md., 160).

3. For examples of Antifederalist criticism of George Washington, see Luther Martin's *Genuine Information* I and III, Baltimore *Maryland Gazette*, 28 December 1787 and 4 January 1788 (RCS:Md., 133, 149).

BALTIMORE COUNTY

George Lux to Charles Ridgely Chatsworth, 13 January 1788¹

Since seeing you yesterday, I have been chatting a long time with Mc.Mechan, who you know, is your Friend, and informed him you had

agreed to serve in Convention if elected, but did not mean to make exertions—he said, you were very wrong, & ought to take advantage from him, who had kept his ground by *never hitting his head against a Post*, by standing as an Elector of the Senate, or a Convention Man, therefore he excited no jealousy, for People were accustomed to consider him as an Assemblyman & only that, & you ought to remember, what ground you lost by standing the Poll in person, as an Elector, by exciting jealousy, as the People get jealous of seeing a Man in more than one Office at a time—he also observed, as you were now in competition for political existence with Mr. Gough, you would have a great advantage in combating him from behind others, as a fence, who opposed him on the broad basis of having no Assemblyman, Salary Officer, or Certificate Holder in Convention, especially one like him, who had *Officially* given his opinion in Assembly, and was even against receiving information from the Delegates,² and that we could not consistently [run?] you, because you were an Assemblyman, & uncle to a Salary Officer, on our plea of having impartial Men—I find, that more of your Friends are with me & Cradock, than against us, & have wrote word to my Friends in the County, and particularly to the two Cradocks, that I considered you now rather in the light of a Friend—Now if you have not embarked beyond a retreat with honor, I could wish you not to stand, but I wish you & your Friends to fix on some fourth Man between you & the Gunpowder Falls, who is not an Assemblyman, to cement the different parts of the County, because if *you* stand, how can we consistently avoid opposing you & Gough equally—Now the arrangement of Cradock, Charles, Hall & Myself was on a broad bottom, having no reference to electioneering parties, & not like Owings, Cockey, & Worthington in one Neighbourhood—We were fixed on by Men, a large majority of whom were your political Friends, who took it for granted you would not stand—I saw 2 or 3 of the Stinchicombs, who are sorry you stand, though your warm Friends, and being embittered against Gough, are anxious for you & your Friends chiming in with the principle of having no Assemblyman &c & thereby moving on firm ground to wound him deeply—

I went up to Blackhead & got him to consent to stand, on *that* principle, who expressed to me his wishes, *you* would not stand, for if you did, every tie of friendship & gratitude would induce him to run with you, & he wished you to throw your great interest into our scale, & that of Hall, Gittings or some other Man, who would run in that quarter, in order to give Gough a compleat defeat—Now I made to Gough himself the objections of his standing for the Convention, & he was the first Man, I informed of My, Cradock, Blackhead & Halls standing, so

by starting he has acted with almost as much ingratitude to me, as my Friend Howard to you, so were not my objections applicable to any Assemblyman, you may be sure I would prefer you to him, for *you have broke no ties of gratitude*—When the last election was holding, and the contest was evident between you & Cradock, Mr. Paca told John at Grants, he wished *you* to carry it, because the County must send you, if they knew your own interest, for you were a capital hand in matters of taxation & industrious in carrying County points beyond any Member he ever knew, but added, I wish, Dr. you would stand for the Convention, & there I would prefer you to him, for legislation & taxation is his forte & not discussing plans of government—John observed, you might oppose him there, & Mr. Paca undertook to pledge himself, you would not, nor even stand at all—Now Dr. Goodwin has frequently mentioned, he was clear you would not stand at all—during the election, when the push came between you & Cradock, I heard a good many say, Ridgely is the Man for Assemblyman, & Cradock for the Convention—Now you see, most of your stiffest Friends are averse to your standing, and your Enemies are for it, for several of them say, they will score you, if you do, and republish your letter to Gough, & your resignation as a Committee Man, & observe, that you cannot be a proper hand to canvass forms of government, until you learn to spell better—Now your letter to Gough does you credit, as to matter, though not as to Orthography, & shews you solicitous to pay him in Articles when specie was not to be procured—Deye & Worthington expressed to me their fear, *you* would not stand, in order to defeat you—Deye blames Gough for standing, & when I informed Sam Tom & John Worthington together of Goughs standing, all three exclaimed warmly, Gough is wrong, Gough is wrong, & will break himself up by it, by grasping at every thing, & nothing can save him but Captn. Ridgely's standing also—Sam Owings also said, upon my telling him, why What a Fool he is, wont one place suit him? Thus you see, he is incited to stand by his own ambition & Mr. Carrolls pressing, & not by the Arrangement party, so they will not put themselves out of the way to push him—they insist, you & your connexion will be pointed against me & Cradock but I deny it from present appearances—One of that party, when I told them of Hall, Cradock, Blackhead & Myself, said you would go crazy, to see carried in Convention 3 men of classical education, one a Brother in Law to Wat [S?]olley & 2 his bosom Friends—Dr. Warfield of Elkridge observed to me, Blackhead would go, but Cradock and Myself would not, as Baltimore County made a point of sending no Man of education to represent them—Dr. Rush of Phila. says the same in his letters of the County, & Rezin Hammond of Anne Arundel told me, he expected,

you would stand, on purpose to oppose me & Cradock, a language used to me by several in the County, so you see if you stand, it will be difficult to prevent your Enemies from forcing a decided opposition between you & us, for on my principle that no Salary Officer or Assemblyman should be sent you & Gough will be obliged (if you act consistently) to join, and as Deye does not stand, he can combat you, as behind a fence—Another consideration should govern you, that you swam & Blackhead sunk last election, but his forces, reinforcing yours, saved ~~him~~ you, and you ought to exert yourself to make him triumph over his enemies, as your leading, indeed principal, object—

I did not think, the Black List could possibly be brought to operate as an electioneering stroke respecting the Convention, but from the report I told you, that you, Charles & Nicholson for the County, Dr. Goodwin & Sam Sterret for the Town, were to stand as Anti Federals, because you dont want the General Government to pass Laws relating to treaties, you see it is to be struck—I know Blackhead would not have agreed to stand, had he expected this, but now his word is given—Great Numbers throughout the County, know he was early applied to to stand, & you have never been spoke of as a Candidate, till lately, therefore if you do not come forward, That can be represented in the Papers, but if you do, why the cry will be, you see two black List Men are stepping forth—Thus have I wrote you as freely as to a Brother and were I in your place, I would say that I would not stand because a number of my Friends think *one* Public Post is enough for a Man at one time, & therefore as an Assemblyman, I wished not to go. Now the Black List will be settled in May, & then your Enemies cannot start it once more against you—Philips, Snowden, & the young Browns tell me, all their Neighbourhood are so warm for us 3, that even Tom Worthington could not hurt us—Old Mr. Winchester writes me so, of his Neighbourhood, & all of them are against sending any Assemblyman—Philip agreed to run a Man from the Fork, but I think Deyes pulse beats for Sam Worthington, who as well as Tom & John, have promised us 3 their Votes & interest—They seem disposed for Gittings, but are violent against Col. Howard—

I shall leave this with Dr. Goodwin to send you & will call on you soon, when you have had time to consider this—Your Brother in Law Mr Burke also wishes you not to stand—

[P.S.] I took for granted, as I consider you as a General of the first wate [i.e., weight], that you would not stand, and every Different Person thought the same, so you ought not to forfeit your reputation for Generalship—

1. RC, Ridgely Papers, MS 692, MdHi. See also Lux's addresses to the inhabitants of Baltimore County, *Maryland Journal*, 25 March (extra) and 4 April (both below).

2. For Harry Dorsey Gough's vote in the House of Delegates on 23 November 1787, see RCS:Md., 70.

Election Notice, 31 January 1788¹

☞ NOTICE IS HEREBY GIVEN, to the Inhabitants of Baltimore County, that agreeable to a Resolution of the House of Delegates, there will be an ELECTION held on the *First Monday* in *April* next, at the Court-House in Baltimore-Town, in order to choose FOUR PERSONS to serve in the STATE CONVENTION, for the Purpose of taking under Consideration the proposed PLAN of GOVERNMENT for the UNITED STATES.

PHILIP GRAYBELL, Sheriff.

Baltimore, January 31, 1788.

1. Printed in the *Maryland Journal*, 1, 5 February.

A Farmer

Baltimore Maryland Gazette, 8 February 1788

To the good People of Baltimore-County.

Having rode about the county lately, and hearing Messrs. G—— L——, J—— C—— and C—— R——, of W.¹ talked of as candidates for the Convention, I must beg leave to guard you against them as improper men, not that I have any thing to say against their honesty, or tax them with ignorance—No, gentlemen, I freely admit their literary and acquired knowledge, I only object against their *youth*.—Men so young as 35 or 40 w'ont do for us in these hard times—We ought and must have those two faithful old servants of the people, Captain D—— and Captain R——,² and try if we cannot find out two more sedate old fellows turned of 50 like them.—I want no boys to represent us.

1. George Lux, John Cradock, and Charles Ridgely of William (d. 1810).

2. Thomas Cockey Deye and Charles Ridgely (1733–1790).

Harry Dorsey Gough to Thomas Worthington

Perry Hall, 12 February 1788¹

I have enclosed the Plan of the Federal Government submitted to the Consideration of the United States, and the Proceedings of our General Assembly upon that subject:² It is a Question of very great Concern and upon which every Freeman is at Liberty to form his own Sentiments; for my part as one of the People, I entertain an Opinion

in it's favour, from a firm Belief, that it is better calculated to promote the general Interest of the Union, than the present System: It also appears to me, that our Commerce will be rendered more Respectable and of course the Property and Produce of this Country more Valuable, than it hath been for sometime past: If a Majority of the Inhabitants of Baltimore County should coincide with me in Opinion, I will most Chearfully serve them in the Convention to be elected on the first Monday in April next, and most thankfully receive any Assistance you may give me in favour of my Election—

Your friend &c.—

1. RC, Miscellaneous Vertical File, #1118, MdHi. Gough (1745–1808), a large slave owner, a merchant, and a land developer and speculator (mostly in Baltimore Town), lived on his estate “Perry Hall,” located in northeastern Baltimore County. He represented that county in the House of Delegates, 1787–88, 1790–92. A convert to Methodism, Gough opposed the American Revolution on moral grounds. Worthington (1739–1821), a native of Anne Arundel County, lived in St. Thomas Parish, Baltimore County.

2. Gough refers to the three-page broadside of the report of the Constitutional Convention and the resolutions of the Maryland legislature calling a state convention to consider the Constitution. Two thousand copies of this broadside were printed by the state printer, Frederick Green. See “The Publication and Circulation of the Constitution in Maryland,” 22 September–December 1787, and “Resolutions Calling a State Convention,” 1 December (RCS:Md., 7, 99–100).

A Decided Federalist

Maryland Journal, 14 March 1788¹

Mr. GODDARD, The supineness of the Town and County of Baltimore, respecting the Federal Constitution, is altogether unaccountable; for from all accounts, there will not be an hundred people in from the county to vote for members of Convention, so that a rich intriguing antifederal character will send whom he pleases, by means of the numerous hands he employs, and the inhabitants of the precincts, a knot always under his command, and ready to obey his orders—Our salvation depends on embracing the government, and every friend to it should stir in support of Mr. Gough, and three more known federalists, and to keep out all on the Black List, men fearful the new government will never agree to tax the county to pay their debts—What will they now think of their favourite Mr. M. for depriving the states of all power in regulating treaties?² Honest independent men should be alarmed at seeing them, the speculators and all the applicants to the Chancellor, laying their heads together in opposing the government, to create confusion and foment discord.

One candidate³ not an hundred miles from the precincts, has displeased his well-wishers by courting the interest of such men, though

at former elections he has felt the effects of the hatred and opposition of the whole family most dipped in the Black List, and will again if he trusts to them, whatever fair promises they may give him, not being a man to suit their views—he should act a manly open part, and not be trimming between the two parties to secure an election, pretending to talk of an impartial representation, but take his side at once, for his extensive historical knowledge and general acquaintance throughout the continent, qualify him for the Convention better than most in the county, if he will only avow himself.

March 1, 1788.

1. The editor reported on 11 March that “A Decided Federalist” had been received and would be printed in the next issue.

2. In the Constitutional Convention on 17 July 1787 Luther Martin moved that laws enacted by Congress and treaties should be “the supreme law of the respective States as far as those acts or Treaties shall relate to the said States” (Farrand, II, 22, 28–29). This became the supremacy clause in Article VI of the Constitution.

3. George Lux in the *Maryland Journal*, 25 March 1788 (Extra) (immediately below), identified himself as the candidate criticized by “A Decided Federalist.”

George Lux

Maryland Journal, 25 March 1788 (Extra)¹

To the INHABITANTS of BALTIMORE COUNTY.

Gentlemen, A Writer in yesterday’s Paper, under the signature of “A Decided Federalist,”² so plainly describes myself by the expression of a “candidate not an hundred miles from the precincts,” at the same time charging me “with trimming to secure an election,” that justice to my own feelings requires my clearing myself from the charge of duplicity (a weakness I have endeavoured to avoid, and detested in others) by a minute explanation of my own conduct and sentiments. I choose to come forward in my own name, rather than have recourse to an anonymous signature; for if the Decided Federalist, or any other person, means to answer me, he must do the same, or expect no credit; controversial disputes are disagreeable.

When the federal constitution first came out, the partiality of several of my friends induced them to solicit me to become a candidate for the convention, from an opinion, that my having acted as secretary to the foreign committee of Congress, during their stay in Baltimore-Town, in the beginning of 1777, would enable me to form a faint idea of our situation with the European nations, and because my having several years ago proposed, though unsuccessfully, Annapolis as the permanent residence of Congress, probably gave rise to the project of

a federal town—I consented, and determined, if elected, to act conscientiously, disinterestedly, unbiassed by party clamours, and not to form a conclusive opinion too hastily.—Falling in company, a week or two afterwards, with a cluster of about a dozen freeholders from different parts of the county,³ who had been talking of the new government, and proper men to represent them, they informed me of their being against all assemblymen on the republican principle, that one post was enough for one man at a time, and fixing upon Dr. *John Craddock*, Mr. *Charles Ridgeley*, (of William) myself, and either Mr. *Benjamin Nicholson* or Mr. *Thomas Jones*—My opinion being asked, I pointed out the indelicacy and impropriety of one candidate’s presuming to propose or object to another, it being his duty to serve freely and confidentially with such colleagues as the people chose to give him; yet as a *voter*, and especially on this important occasion, I hesitated not to avow my approbation of the two gentlemen first named, and my disapprobation of the others, though men of honour and constitutional information, both on the republican principle advanced by them, and because their judicial employments, with permanent salaries, rendered them personally interested in opposing any abridgment of the state governments, however necessary and beneficial to the union in general—I pointed out several characters in permanent executive and judicial stations, both in Philadelphia and New-York, who were industriously represented, by federal writers, as endeavouring to inflame the people against the proposed constitution, before it had even made its appearance, and their conduct imputed to selfish motives, while anti-federal publications held up monied men, and persons holding great quantities of final settlements, as furious advocates for any plan, however repugnant to freedom, precluding future paper emissions and tender laws, and laying the foundation of funding all certificates at their nominal value; therefore no person should officially vote for the adoption or rejection of the federal government, for the members ought not only to act from public motives, but not even, if possible, be suspected of interested views—My anxiety for an *impartial representation*, and avoiding the heats and animosities too prevalent in other places, would induce me to vote for the candidates, in my opinion, most disinterested and capable of judging, without reference to their sentiments in regard to the constitution—The company fell into the same way of thinking, and Messrs. *Aquila Hall*, *James Gittings*, and *William Gwynn* being proposed, the preference was generally given to the former, because enabled by his profession to form a proper judgment of the judicial part of the constitution.

I observed, if none of the assemblymen offered, the arrangement now proposed was well calculated to conciliate our different local interests and electioneering parties, because dispersed through the different parts of the county, Mr. *Ridgely* being highly esteemed in the district between the Reister's-Town road and the Patapsco Falls, Dr. *Cradock* between there and the road leading by Towson's, Mr. *Hall* in the Fork, and I flattered myself with not being obnoxious to my precinct and other neighbours; three of us could not be unacceptable to Messrs. *Deye* and *Gough*, nor Mr. *Ridgely* to his cousin, and although I had never been his partizan, yet the circumstance of my residence among a body of men, who had twice secured his election, might soften any opposition from him—I mentioned that, when the contest evidently rested last fall between him and Dr. *Cradock*, a late chief magistrate of this state happened to be then in Baltimore-Town, and expressed a wish for the success of the former, because assiduous, a capital hand in taxation, local matters and manœuvring among the members—I informed him of my being originally desirous of Dr. *Cradock*'s election, but finding the assembly were not to determine the question of the new government, I had forborne making any further interest, from an opinion he could be more useful in the convention, to which he assented, because in discussing forms of government, a theoretical knowledge, derived from books, was absolutely necessary, the want of which could not be compensated for by the most consummate practical experience—I observed, that not a single federal assemblyman would serve in the Convention of Pennsylvania, on account of having *recently* sworn to support their state constitution, in its present form;⁴ and although, in conscience, an old oath was as binding as a new one, yet delicacy pointed out the propriety of entrusting the fate of the new constitution to other instruments—The late worthy General *Buchanan*, and the Hon. *John Smith*,⁵ after the commencement of the late troubles, had declined acting as magistrates from repugnance to the oath of allegiance, although they had often taken it in times of tranquility; but resumed their stations, when empowered to qualify, by taking only the oath of office, and omitting that of allegiance, agreeably to the recommendation of Congress, preparatory to the declaration of independence.

They took for granted Col. *Cockey* would not stand, from his having never shewn a predilection for public life, and been originally drawn into it by unmerited ill treatment from our executive, but that Messrs. *Deye*, *Ridgely* and *Gough* possibly might, from love of popularity; and one of them upbraided me for having so warmly supported the election of

Mr. *Gough*, though a nonjuror; to which I answered, that the expediency and necessity of obliterating political dissensions (when the cause of them was removed) and uniting every heart and hand in promoting the public good was proved by history and the experience of other nations, for which reason, since the conclusion of the war, I had been a strenuous advocate for relieving the nonjurors, and incorporating them with their fellow-citizens, and rejoiced in Mr. *Gough's* success, because a nonjuror from religious scruples, not from disaffection, and his well known integrity, affable deportment, and immense property among us, would conciliate his brethren and ensure his fidelity in our service; yet I wished not to see him in Convention, because an assemblyman, and too long estranged from public affairs, and to give no cause of jealousy either to the hot Whig Antifederalists, who assert, that the nonjurors are generally friends to the new constitution from aversion to a genuine republican government, or to the Whig Federalists, who charge them with wanting to throw us into confusion, and thereby pave the way for our reunion with Great-Britain; besides many moderate men are pleased at seeing them officially assist in supporting a government, already formed, who wish not to see them co-operate, except as private citizens, in it's formation.

I thought neither Mr. *Deye* or Mr. *Ridgely* would stand, because uniform supporters, when members of the Convention for forming our government in 1776, of the doctrine, that one post was enough for a man at a time, even to the extent of precluding Senators and Delegates from acting as justices of the peace, and remarked, that the former, near two years ago, for that reason, and to act consistently, declined attending the polls as an elector of the Senate, and only forbore complying with my solicitation to give way to Col. *Howard*, because a number of his friends had been at the trouble of making interest without previously consulting him; my objections to delegating assemblymen to choose the Senate, in order to preserve the necessary and mutual independency of the two legislative branches, have been uniformly and openly avowed—I undertook to apply to Messrs. *Hall* and *Ridgely*, and know whether they would serve or not, it being unnecessary as to Dr. *Cradock*, he having already consented.

The above statement will delineate the grounds upon which I originally became a candidate, and that I reserved the liberty of voting for or against the new constitution, as upon serious reflection should appear most conducive to the public good, because it was my duty, on this momentous occasion, to avoid forming a conclusive opinion too precipitately, for which reason, and not from electioneering motives, I

have cautiously declined an indiscriminate communication of my sentiments on the whole of the federal constitution, and confined myself to comments on particular parts, when among my friends.

I have paid court to no man, not even to Messrs. *Deye* and *Ridgely*, the men of the people, sent no riders among you, and even forborne customary visits to friends in the country all winter, to obviate the suspicion of a canvass, because determined, if chosen at all, to owe my election to your unbiassed suffrages, which ought not to be sacrificed at the shrine of private friendship, undue influence, solicitation, intrigue or cabal.

Mr. *Hall*'s removal to Harford County alone prevents his offering himself, and Mr. *James Gittings*, a gentleman of character and a warm advocate for an *impartial representation*, consents to serve, if elected, in order to facilitate a harmonious union of the different neighbourhoods in the county. I found Mr. *Ridgely* determined to avoid any public station, until after the decision of the General Court respecting the payments of British debts into the treasury, which he had tried to procure last October, and hoped would be pronounced next term; but upon my warm solicitation, he reluctantly consented at last to serve if elected, if by so doing he could be an instrument of conciliation rather than of irritation, but would not make any exertions, after the popular clamour against him last fall about the British debts—I observed, the Black List could not now be made an electioneering stroke, as our state has declared the treaty to be the law of the land, and repealed all laws repugnant thereto;⁶ however, if Captain *Ridgely* should stand, very probably the popular jealousy might be renewed, as the idea of the black list was habitually connected with the mention of *two Ridgelys*; he answered, that every one knew his affection for his kinsman, and high opinion of him as a legislator, but he was neither anxious of being in Convention, or of seeing him there, because having been too industrious a man to study much, discussing forms of government would be out of his element.

On mentioning the above circumstances to several acquaintances, they averred Messrs. *Deye* and *Ridgely* would yet step forth in opposition to the government, because apprehensive of losing their personal importance, as leaders of the county, by an abridgement of the state powers, more especially the latter, if only to keep out Dr. *Cradock* and myself, in remembrance of former electioneering contests; it was then supposed the black list men might not be contented with only one member, a body presumed Antifederal from private interest, because of the clause whereby all treaties and laws framed in compliance thereof were

to be binding, however contradictory to the constitution and laws of any particular state.⁷—I remarked, that Captain Ridgely, so far from making a payment into the treasury, had some years ago given a considerable sum to be exonerated from the British debts of an house in which he was a partner, and not a single person, who originally proposed his cousin for the Convention, was on the black list; that such of his country friends as I had conversed with, seemed more for, than opposed to, Dr. *Cradock* and myself, and a recollection of the unexpected opposition I had met with, when a candidate in October 1782, from him and all his connexions, would equally prevent my courting their support, and unnecessarily provoking their enmity.

When I next saw Mr. *Ridgely, of William*, he made objections to several parts of the Federal Constitution, yet admitting it's preference, with all it's defects, to a continuation of our present situation, and that foreign affairs should be altogether regulated by the general government; had he acrimoniously reprobated the clause relating to treaties, notwithstanding my high opinion of his head and heart, my idea of an *impartial representation*, and desire of sending no man, *even supposed* to be federal or antifederal from hasty prejudice or private interest, would have rendered me his political enemy on this occasion.—Hearing soon afterwards of Captain *Ridgely's* being in town, and a report of his standing for the Convention, I was fearful it might injure his cousin's election, and tend to renew old political differences between him, Dr. *Cradock* and myself, (which ought to be buried in oblivion) by exciting a suspicion of it's being done for the express purpose of striking at us, among our friends—I waited on him, owning freely my fears and objections to sending any Senator or Assemblyman to the Convention, and naming some of his old friends, who were of the same way of thinking; and he declared his resolution to make no interest against Dr. *Cradock*, myself, or any other person, either directly or indirectly, at the same time entreating me to disbelieve any flying reports which might be propagated to embroil us with each other; he said, a sense of duty would induce him to serve the people, if called upon, but he was not anxious of being returned, and therefore should make no exertions to secure an election, or stimulate others; because all candidates for the Convention were on an equal footing, whereas an old Assemblyman would struggle hard to prevent being turned out, when conscious of having acted uprightly.

Mr. *Deye*, being soon after in town, informed me, he should not stand for the Convention, nor wished to be elected, because unwilling to engage in a new duty, which might interfere with one he has already

undertaken, and being content with his present station, he panted not for an accumulation of public honours; although his opinion respecting an *impartial representation* squared with my own so far as that the most able and disinterested characters should be chosen, and left at liberty to vote their real sentiments, yet as an old friend, he freely condemned me for carrying my notions of exclusion too far, for he thought the fittest men should be sought for in every station of life, at the same time admitting, that *no Senator or Assemblyman ought now to be returned, if four other men of equal ability and integrity could be found*; because probably the Assembly and Convention would be sitting at the same time, and if the latter should happen to continue for several weeks, as in Pennsylvania, he wished, at least, a quorum of both branches to be reserved to transact the business referred over from the last session, to prevent the state from being saddled with the expence of paying a number of attending members, without any prospect of forming an house; upon the whole, he would not be averse to sending fifteen or twenty of the most capable Assemblymen, and five or six Senators, if the residue would but give diligent attendance.—I notified my fixed determination to solicit neither his or Captain *Ridgely's* interest, because determined to stand on independent ground, and not move as an echo to a party, or a satellite to any planet—I have not seen Mr. *Gough*, or Dr. *Cradock*, as well as I remember, since the last election.

In answer to the ungenerous insinuation respecting the unlimited subserviency of the precincts to Captain *Ridgely*, I can safely aver they supported his two last elections, because of his property among them, and efforts to keep them clear of the town taxes; had they been altogether under his command, surely so many of them would not have voted for Mr. *Gough*, who has also property among them; however, on this occasion, they will individually think for themselves, having no local points to carry, and some of them are against vesting in any man trusts incompatible with each other.

Can any man impute to trimming my avowal of an intention to vote both against Mr. *Gough* and Captain *Ridgely*, because Assemblymen, although one of them is a staunch friend to the new constitution, and the other as decidedly against it; and for Messrs. *Cradock*, *Ridgely of William*, and *Gittings*, all of whom, combined together, have less influence among you than either of the others, because not in the Assembly, and from their conduct, during the war, less liable to the suspicion of deviation from genuine revolution principles? Policy would certainly prescribe my becoming all things to all men, were I inordinately anxious for a seat in Convention.

In order entirely to eradicate all suspicion of political cowardice, or an intention to deceive you, although still thinking the question should not be asked of any candidate, I scruple not to announce my wishes for the adoption of the Federal Constitution *in the first instance*, and then as a subsequent step, for proposing amendments, as was done in Massachusetts,⁸ to be taken up in the mode pointed out in the Constitution, when once set in motion, and serve as standing instructions to our future members, for procuring, at proper seasons, an alteration of those parts from experience found defective—Ever since the publication of General *Washington's* celebrated circular letter,⁹ I have anxiously looked forward, as an object rather to be wished than reasonably expected, for a General Convention, to correct the defects of our present languid confederation, and combine the resources of the union in cases of domestic dissension, or foreign invasion, by vesting exclusively in an energetic general government all commercial regulations, foreign affairs, and the settlement of disputes between different states, and thereby prevent the horrors of anarchy, and our division into two or three independent confederacies, probably jealous of, and hostile to, each other, like England and Scotland formerly; into a parcel of petty jarring republics or principalities, with only a nominal inefficient Diet at their head, as in Germany and ancient Greece, and ready to cut each other's throats upon the slightest provocation, when instigated by the intrigues of foreign powers; or, as the least evil, enabling the larger states to compel the small ones to receive law from them at the point of the bayonet.—Upon serious deliberation, I think the good parts of the Constitution far outweigh the bad, and surely when we cannot obtain all we wish, patriotism requires our acquiescence in as large a portion of it as can be procured; besides, how can the different states ever expect to agree together, unless disposed, like affectionate brethren, mutually to concede lesser points to each other, rather than to act like enemies making a bargain? The plan of federal representation, offered to us, appears to me the most masterly compromise of contending interests recorded in history, numbers being represented in the popular branch, to preclude a combination of the smaller states from oppressing the large ones, while the equality in the Senate effectually guards against the lesser ones being borne down by the increasing population of our frontiers.

Although for some time an advocate for another General Convention, from a wish of altering the parts most exclaimed against, to the satisfaction of the discontented, a careful perusal of the antifederal publications, in the different states, has induced me to alter my opinion, because, were the reforming of the new constitution committed

entirely to it's opponents, the diversity of sentiment among them would prevent their coming to any agreement. Messrs. *Mason* and *Gerry* object to the equality of representation in the Senate, one of whom wishes the insertion of a navigation law in the constitution, to which the other is opposed; Mr. *Martin* lays the chief stress upon the inequality of representation in the popular branch, although he makes many other objections—The New-York Delegates are opposed to any consolidation of the states, and the Minority in Pennsylvania most pointedly reprobate the want of a bill of rights, still taking care, on thorough opposition principles, virulently to declaim against every paragraph of the proposed plan—Some antifederal writers view the President as a monarch under a republican title, while others consider him as a mere puppet of the Senate. It would be unsafe to risk another Convention amidst such discordant sentiments, therefore I dread losing the firm united ground we now stand on, and like Governor *Randolph*, of Virginia, am for clinging to the union of all the states as the rock of our political salvation,¹⁰ fondly hoping the apprehended evils will eventually prove equally imaginary with those predicted from the British union, from which the bigotted Episcopalians of England dreaded the downfall of the Church, and the rigid Covenanters of Scotland, the restoration of lawn sleeves among them.¹¹

It now rests only with yourselves, whether or not to honour me with your approbation; and be the event as it [at least one line of text is cut off from the only extant copy of this issue at the Library of Congress] having acted only from public principles, however erroneous.—On this important crisis, you are in duty bound, if you value your own rights and those of your posterity, to attend the election, and give your suffrages to men you think most worthy of them.

I am your humble Servant,

Chatsworth, March 15, 1788.

1. For another address to the inhabitants of Baltimore County by George Lux, see the *Maryland Journal*, 4 April (immediately below).

2. See the *Maryland Journal*, 14 March (immediately above).

3. See George Lux to Charles Ridgely, 13 January (RCS:Md., 554–58n).

4. Every officer was required to take the following oath under Section 40 of the Pennsylvania constitution of 1776: "I — do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the convention" (Thorpe, V, 3090).

5. William Buchanan and John Smith were Baltimore County justices, 1772–75. (Buchanan served until at least 1778.)

6. On 21 March 1787 Congress resolved that the Treaty of Peace (1783) "being constitutionally made ratified and published they become in virtue of the confederation part of the law of the land and are not only independent of the will and power of such

legislatures but also binding and obligatory on them.” Congress then resolved that each state should pass one general act stipulating that all of its laws in repugnance to the treaty should be considered “repealed” and that the state courts should act accordingly (JCC, XXXII, 124–25). On 15 May 1787, the Maryland General Assembly provided that the treaty was “the supreme law within this state” (*Laws of Maryland . . .*, April 1787 Session [Annapolis, 1787] [Evans 20485], Chapter XXV).

7. See “A Decided Federalist,” *Maryland Journal*, 14 March, note 2 (immediately above).

8. For the nine recommendatory amendments proposed by the Massachusetts Convention on 6 February, see CC:508 or RCS:Mass., 1469–70.

9. For George Washington’s circular letter to the state executives in June 1783, see “A Federalist,” Baltimore *Maryland Gazette*, 11 January 1788, note 8 (RCS:Md., 169).

10. See CC:385, p. 134.

11. “Lawn sleeves” is a reference to the ostentatious attire associated with Anglican bishops and is used in this instance to refer to the restoration of bishops, who had been viewed as antagonists of “Covenanters,” proponents of a Presbyterian, or Reformed, model of church governance.

George Lux

Maryland Journal, 4 April 1788

To the ELECTORS of BALTIMORE COUNTY.

GENTLEMEN, I lately addressed you,¹ and stated my reasons for being a candidate next Monday, and the conduct I have pursued—I also declared my resolution, if elected, to vote for the adoption of the Federal Constitution, and then, as a subsequent step, to propose amendments, as in Massachusetts-Bay;² from a confidence, if the states in general were for them, they would take place, and if not, the local interests, prejudices or passions of any one of them, ought not to be put in competition with the welfare of the whole—We must have an energetic general government, or else a civil war will ensue between the different states in less than ten years, and in my conscience and judgment, the proposed Federal Constitution contains but very few exceptional clauses.

When I first declared, it was from an hope, that, if elected, my sentiments on the Constitution would not have been required, and that your suffrages would have been given from a good opinion of me; for it is my real opinion the members of convention should neither be shackled by instructions or promises; I would never have consented to stand, had I expected to be called on to declare my sentiments, for a child of five years old could lisp out *yes* or *no*, as well as the most sensible man in the state—Some of my warmest friends have notified their determination to vote against me, because of my being for the new government, and others, from whom I never expected support, have promised me their interest for that reason; it is no great gratification to hold a seat, if a man is debarred from the exercise of his own judgment, and compelled to dwindle into a mere machine or echo.

Col. *Cockey*, and Mr. *Nathan Cromwell*, have lately declared themselves candidates, who are against adopting the new Constitution, so that probably the *violent Antifederalists* will vote for them with the two *Ridgelys*, while the *warm Federalists* of course will be for Messrs. *Gough*, *Cradock*, *Gittings*, and myself, all of whom are Federalists; moderate, dispassionate men will probably vote for the four whom they most approve of, without reference to their political sentiments—I shall neither intrigue, coax, beg or manœuvre any of you for your suffrages, at the same time confessing my desire of obtaining them—I am sure that there will be a large majority for the federal government in our Convention, let you return members ever so decid[ed]ly against it, and therefore have only to observe, that I can have no right to complain, if not returned, and to express my wishes, that the election may be conducted with temper, and not disgraced by virulence, passion, abuse, or *yelpism*.

I am Gentlemen, your humble servant,

April 2, 1788.

1. See *Maryland Journal*, 25 March (immediately above).

2. For the nine recommendatory amendments proposed by the Massachusetts Convention on 6 February, see CC:508 or RCS:Mass., 1469–70.

Maryland Journal, 4 April 1788

A Voter of Baltimore County (but little acquainted with the Science of Politics) wishes to be informed—that should any Person be elected to serve in the proposed Convention, whose near Relations may really believe unequal to the arduous Task, whether the *GUARDIAN*, or *TRUSTEE*, of such Person may, with Propriety, be permitted to vote in his Stead.

April 1, 1788.

Baltimore Maryland Gazette, 11 April 1788 (excerpt)¹

The election in Baltimore County produced two different results. One result, printed here, had the four Federalist candidates winning the most votes. The other had the Antifederalist candidates as the victors. (See *Philadelphia Independent Gazetteer*, 17 April, Elections, Harford County [RCS:Md., 593–94].) The differences in the vote totals for each candidate were the result of Federalist residents of the Baltimore Town who did not vote in the town, voting instead at “Mr. Dewitt’s Tavern” in Baltimore County. Two anonymous pieces in the Baltimore *Maryland Gazette* (15 and 22 April, Elections, Baltimore Town [RCS:Md., 585–89, 589–90]) try to make sense of the vote totals in both Baltimore County and Baltimore Town. (See also Samuel Smith to Tench Coxe, 13 April, Elections, Baltimore Town [RCS:Md., 584–85].)

Daniel of St. Thomas Jenifer suggested that Federalists in the state Convention might contest this “Double return” (to George Washington, 15 April, Elections, General Commentaries [RCS:Md., 611]). Because Federalists in the Convention did not need these four votes, the winners certified by the county sheriff—Charles Ridgely (676 votes), Charles Ridgely of William (673), Edward Cockey (639), and Nathan Cromwell (626 or 627)—were seated. The sheriff’s totals for the losing Federalists were Harry Dorsey Gough, 192; James Gittings, 183; John Eager Howard, 172; and John Craddock, 171.

... “At the close of the Polls, for Baltimore-County, at the Court-House, and Mr. Dewitt’s, last night, there appeared 787 votes for Harry Dorsey Gough, Esq. John Craddock, Esq. 774; James Gittings, Esq. 773; John Eager Howard, Esq. 771.

“Capt. Charles Ridgely, 682; Charles Ridgely of William, Esq. 678; Edward Cockey, Esq. 645; Nathan Cromwell, Esq. 630.”

1. Reprinted: *Pennsylvania Packet*, 15 April; *Pennsylvania Journal*, 16 April; *Pennsylvania Gazette*, 16 April; *New York Independent Journal*, 19 April; and *Charleston Columbian Herald*, 12 May. For the beginning of this item, see under Elections and Baltimore Town (RCS:Md., 582–83).

Baltimore Maryland Gazette, 15 April 1788

[See points 9 and 10 of this item under Elections, Baltimore Town (RCS:Md., 587–88).]

Solon

Baltimore Maryland Gazette, 15 April 1788¹

——— *Nec lex æquior ulla*

Quam necis artifices arte perire suâ.—OVID.²

Mr. HAYES, I choose to convey my sentiments on the question which at present divides the town and county of Baltimore, through the medium of your paper in preference to the *Journal*, because you were not deterred, by partial considerations, intirely to suppress the honest exertions of your fellow-citizens in support of their rights. I am not conversant in the language of panegyric; nor, of course, much inclined to extol the barren detail of the numbers polled at Mr. Dewitt’s and at the Court-house, which you barely ventured to insert in the *Gazette*.³ You have scarce discharged your duty to the public. An impartial and diligent printer—and no other should be supported in a free government—would have stated the facts with the causes that evidently produced them.

“What’s *Hecate* to you, or you to *Hecate*?”⁴—A man looks into a newspaper to catch the current incidents of the day; and what a shame! that

every naughty boy in the streets of Baltimore could, on last Friday morning, give a more satisfactory account of the proceedings of the county election, than a paper published on the spot by a person whose purpose is to communicate casual occurrences! If the public transactions at a county election cannot be fairly stated in an American paper, adieu to the liberty of the press forever.

When the enlightened and virtuous citizens of this town had providentially discovered the deep-laid scheme which was planned by a modern Machiavel, and with a spirit that shall immortalize their name, had effectually defeated its pernicious tendency, they looked back with terror at the destruction they just escaped, and determined to blast by one political countermine, in open day, a plot that lay rankling for months in the bosom of treachery and deception. They could scarcely believe their eyes, when the light which at first appeared only through chinks and chasms, at length burst upon their minds with meridian splendor. They saw the Cecils of the day apostatizing from the usual and prescribed modes of election, and soliciting the suffrages of a deluded people in distant counties: they saw their country likely to become the prey of the ravages of exotic candidates. As in the day of battle every true American was a soldier, so when the rights for which they fought and bled, were at stake, what friend to his country should look on with cool indifference? To hesitate would be to surrender their dearest rights into the hands of a desperate junto, who ceasing to hope for success at home where they were known, obtruded themselves on electors not fully aware of their intentions. In this moment of danger and confusion, when there was little time for deliberation, the patriotic citizens of Baltimore said to each other: "Surely if these gentlemen can be legally elected, if they be entitled, like *true birds of passage*, to bask in the sunshine of a more favourable clime, cannot we with equal propriety gloriously offend, and 'snatch a grace beyond the reach'⁵ of vulgar rules?"

Such was the language of hurry and virtuous indignation. The two gentlemen, who on the first day of the election for the town stood unrivalled, perceiving that the mine was sprung, retired on Thursday morning with an air of as much composure and dignity as detected dissimulation could possibly assume: they went off the stage protesting their innocence, unwilling however to give direct answers to a few plain questions, which no sophistry could elude. Their precipitate retreat opened a new and interesting scene. By it many citizens were deprived of an opportunity of shewing their marked aversion to a conspiracy which they abhorred. Such is the proness of our nature to self-gratification, that when we are really in earnest, we soon fall upon the means of indulging a favourite passion. On the present occasion honor fortunately coincided

with inclination; and as the virtues mutually aid each other, truth and patriotism conspired to give their sanction to the resolution of these citizens, who had not voted for Messrs. McHenry and Coulter: they borrowed the thought from their adversaries, and proceeded to throw their weight into the scale of the federal candidates for the county.

Mr. Chase is a lawyer of considerable note and distinction. He both repeatedly declared, and the declaration does honor to his ingenuity, that the house of assembly had nothing to do with the late election but to recommend it; and that no particular State was competent to prescribe rules for electing delegates for the Convention. Every inhabitant of Maryland, otherwise qualified, had a right to vote within the State for whom and wheresoever he pleased. If a man residing, for instance, in Harford-county, had been detained last week in Baltimore upon his lawful business, or otherwise, I defy the most quibbling attorney to point out a law, which should prevent him from voting, in the Court-house, even for the ingenious *Nathan Cromwell*, Esq. And consequently an inhabitant of the town of Baltimore, who had not voted for a member for the town, had a strict right to poll for a member to represent the county in which he resides.

This, Sir, may appear to be extraordinary doctrine to those, who have not considered the political revolution which is about to take place in America. The people with regard to the new Constitution, are absolutely in a state of nature. The plan is of their own construction; for the preamble of it is: *We, the people of the United States, &c.* As well, then, might the English parliament dictate a mode of electing delegates for the American Convention, as the house of assembly of Maryland, or of any other State, to whom such a power never had been delegated. At the instigation of the people, some of themselves met and published at Philadelphia, certain articles of confederation, to be adopted by a majority of delegates chosen by each State of the Union. Listen to the only part of their resolutions which hath any connection with the question, so much talked of in all the political circles of Baltimore: "Resolved, that it is the opinion of this Convention, that it (the constitution) should be submitted to a Convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification," &c. Observe, Sir, that the delegates were to be *chosen in each State by the people thereof*, according to Mr. Chase's clear conception of this clause, as specified in the above paragraph; and that the election was to proceed *under the recommendation*, but not under the control of any individual State.

These are stubborn facts that cannot be controverted; and the conclusion from them is inevitable: that the gentlemen who had the greatest number of votes, freely given by electors living in the State of Maryland,

whether in, or out of, the town of Baltimore, are the true representatives of the people.

14th April.

1. "Solon" responds to the Baltimore *Maryland Gazette*, 11 April (RCS:Md., 570–71). For a response to "Solon," see "Casca," Baltimore *Maryland Gazette*, 18 April (immediately below).

2. Latin: Nor is there any law more just than that he who plotted death shall perish by his own plot (Ovid, *Artis Amatoriae*, Book I, lines 655–56).

3. See Baltimore *Maryland Gazette*, 11 April (RCS:Md., 570–71).

4. Perhaps a reference to Shakespeare's *Macbeth*. See Act III, scene 5, for Hecate's monologue.

5. Alexander Pope, *An Essay on Criticism* (London, 1711), 11.

Casca

Baltimore Maryland Gazette, 18 April 1788

To SOLON.¹

Hæc, [per deos immortales!] utrum esse Vobis Consilia siccorum, an Vinolentorum Somnia: et utrum Cogitata Sapientum, an Operata fusiosorum, videntur?
Cicer. contra Rullum.²

Do your proceedings or opinions, flow from sobriety, or the dreams of inebriation, from the deliberations of wisdom, or the ravings of phrenzy?

You have thought proper, *Solon*, to publish your sentiments in justification of an election held for Baltimore-county, at Mr. Dewitt's Tavern, by Mr. Isaac Grist, CORONER, as *Judge*, and by Mr. Thomas Elliott, and Mr. Jeremiah Johnson, two Justices of the county; summoned, I presume, by the Coroner, to *keep the peace at his election*. Your reasons, *Solon*, for preferring one newspaper to the other, are foreign to the subject you undertake to discuss; and your reflections, *Solon*, on the Printer of the *Journal*, are without foundation, and only merit a contemptuous silence.—

You assert, *Solon*, that the inhabitants of Baltimore-town, who had a *right* to vote for Delegates to represent the *town* in the *State Convention*, and who did *not* vote at the *town* election, had a *right* to vote for Delegates to represent the *county*, in the *State Convention*. This position, *Solon*, is only worthy of notice, because there are some good, but ignorant men, like yourself, who weakly entertain the same absurd and ridiculous opinion.

I will endeavour, *Solon*, to collect into one view the reasons you have scattered through your publication in support of this doctrine; and if, *Solon*, I omit any, be assured it will not be from design.

The *first* reason, *Solon*, you assign is this, "That some Gentlemen have been elected in counties, in which they did *not* reside;" and thence,

Solon, you conclude, if a man can be *legally* chosen in a county, where he does *not* reside, that a person, *qualified* to vote in one county, has a *right* to vote in any other county he pleases.

The *second* reason, *Solon*, you adduce is this, “that the General Assembly had nothing to say to the election of Delegates to the *State Convention*, but only to *recommend* an election, and the Legislature could not prescribe the *qualifications* of the *Electors*;” and thence, *Solon*, you infer, that a person, *qualified* to vote in Baltimore-town, had a *right* to vote in Baltimore-county.

The *third* reason, *Solon*, you offer is this, “that the people of Maryland, *with regard to the NEW Constitution*, are *absolutely* in a STATE OF NATURE;” and thence, *Solon*, you draw the same conclusion of the *right* of the inhabitants of Baltimore-town to vote at the *county* election.

The *fourth* and last reason, *Solon*, you bring forth is this, “That the Convention, at Philadelphia, gave their *opinion*, that the Delegates to the State Conventions should be chosen by THE PEOPLE of each State;” and therefore, *Solon*, you decide that Electors in any part of the State may vote in any county they please.

View the GROUP, *Solon*. To men of understanding and reflection, who trace causes from effects, and deduce conclusions from premises, the mere state of your reasons, and the inferences you draw, would be sufficient to expose their futility and your ignorance. Violent and rash in your natural disposition, without judgment or experience, you, *Solon*, were hurried by your youthful passions, and an intemperate zeal for the party you have espoused, to address the public on a subject of which you are wholly ignorant and uninformed; and you have presumed, *Solon*, to censure and abuse characters with whom you are unacquainted and of whose principles and motives of action you are no judge.—Your arguments, *Solon*, may have some weight with such of the inhabitants of Baltimore-town, as are agitated by the present *political phrensy*, and flushed with their late conquest; but believe me, *Solon*, they will not bear the test of reason.—Your party, *Solon*, will soon discover their imbecility and folly in listening to frothy declamation, and *whip syllabub* speeches; and they must condemn, though they may not acknowledge their indiscretion and rashness in adopting councils suggested by over weaning arrogance and self-conceit.

I beg your patience, *Solon*, while I waste a few remarks on the reasons you have offered in support of your doctrine. As to your *first* reason, *Solon*, that some Gentlemen were elected for counties in which they did *not* reside, I would observe, if they were *improperly* chosen that no argument can be drawn from the fact; and if *properly* elected, your conclusion, *Solon*, is not just, that *therefore* an Elector will have a right to

vote in any county in the State.—Can you, *Solon*, demonstrate, if the premises be admitted, that *non-residents* of a county may be *Delegates*, that *therefore* it will follow, that an *Elector* of Delegates may vote in any county?—Suppose, *Solon*, we examine the question by *reason and common sense*, the only faculties of the mind by which the truth or falsity of any proposition can be tried.—Attend, *Solon*.—The people of Maryland are called on to determine, whether they will change the Government under which they live, and adopt a *new* Government; and they are *requested* to send persons to *represent* them, and to deliver their *determination* on this question. I admit, *Solon*, that there is, that there can be no *positive political rule* to confine the people in their choice. If there is no rule of positive institution, reason and common sense alone, can decide the question, whether the people ought to be restrained in the choice of the persons they may think proper to elect to speak their sentiments.—The change of Government for proper causes, *Solon*, is a *natural* and *civil* right, that every free people possess.—If it was practicable, *Solon*, all the people of the State have a *right* to assemble, and *personally* to declare, whether they will accept or reject the proposed form of Government; and this *right*, *Solon*, may be called a *civil* right, or a right derived from society. From this *civil* right, *Solon*, I infer that the people may chuse whom they please to represent them, and to deliver their decision.—You will observe, *Solon*, that the people by the *exercise* of the right of appointing whom they chuse to trust, will not *violate* or *infringe* the *rights* of any other of their fellow-citizens.—You ought to know, *Solon*, that *natural* and *civil* law forbids one man to *destroy* or *impair* the rights of another; and that no right can be founded on an injury to another.—The people of one county, *Solon*, cannot *possibly* injure the people of another county, by electing whom they please to represent them in the *State Convention*; and therefore, *Solon*, they have a *right* to elect a *resident* of another county; but if the people, *Solon*, of one county have a right to vote in another they will injure the rights of their fellow-citizens, because they will have Representatives in their own, and also in another county.—Do you not see, *Solon*, that by this means they will be *doubly* represented?—If the inhabitants of Baltimore-town, *Solon*, have this right, it is much to be lamented that they did not close their own polls early on the first day, and march a body, of five hundred, to Ann-Arundel, Calvert and other counties, “to throw their weight into the scale of the *federal* (or with more propriety the *national*) candidates in those counties.”

I proceed, *Solon*, to examine your *second* reason, “that the General Assembly had nothing to say to the election of Delegates to the *State Convention*, but only to *recommend* an election, and the Legislature could

not prescribe the *qualifications* of the *Electors*." I admit, *Solon*, the truth of this position in its fullest extent.—You had no occasion, *Solon*, to cite any authority to prove it; nor did it require any ingenuity to discover it.—Our legislature, *Solon*, is the *creature* of our Constitution, and our Legislature, *Solon*, can only exercise such *legislative* acts as the Constitution authorises.—I will go further, *Solon*, than you do, I will venture to assert, that our Senate and House of Delegates had no *right*, in their *legislative* capacity, even to *recommend* a Convention. A *recommendation* is no act of legislation. The object and duty of a *Legislature* is to make *laws*, and they are *obligatory*; but a *recommendation* may be complied with or rejected without a breach of any moral or social duty. But, *Solon*, if the Legislature had no right to *prescribe* the qualifications of voters how will you prove, that *therefore* the inhabitants of Baltimore-town had a right to vote for Delegates for Baltimore-county? At what school, *Solon*, did you study logic, or the art of reasoning.—You speak, *Solon*, of the *qualifications* of voters, and yet I do not think, that you annex any meaning to the words you express. If the Legislature had no right to *prescribe* the qualifications of voters, and we are (as you assert) *in a state of nature*, with regard to the *new* Constitution, no qualification can be necessary, *all* persons, males and females, without regard to age or complexion (white, black and yellow) would be equally entitled to vote for Delegates to the Convention. Do you see, *Solon*, the absurdities you utter, and the difficulties in which you are involved? There are, *Solon*, certain qualifications necessary for voters, though you, *Solon*, cannot trace by what authority they are required.

Your *third* reason, *Solon*, "that the people of Maryland, with regard to the *new* Constitution, are *absolutely* in a STATE OF NATURE," is one of the most extravagant and wild ideas, that ever entered into the mind of a rational creature. Can you suggest one argument, *Solon*, for this *new* doctrine? Is our government dissolved? Are we without civil law, or the law of the land, and Courts of Justice? Is the law of nature or reason our only rule of conduct? What do you mean, *Solon*, by our being in a *state of nature* as to the *new* Government, and not to any other purpose; on what principle will you maintain this distinction?

Your last reason, *Solon*, "that the Convention at Philadelphia, gave their opinion that the Delegates to the State Convention should be chosen by the PEOPLE of each State," is almost as ridiculous as your *third* reason. Is the *opinion* of the Philadelphia Convention binding on the people of Maryland? If binding, then *all* the people without any distinction as to sex, age, property, or residence would be Electors.

The bombast and fustian parts of your performance, *Solon*, are beneath notice; but some passages require an explanation. You speak,

Solon, of some deep-laid scheme planned by a modern Machiavel, and *providentially* discovered by the citizens of Baltimore. You talk of a plot rankling for months in the bosom of treachery and deception. You alarm us with a conspiracy against the liberties of our country. Speak out, *Solon*, and tell us what scheme, what plot, what conspiracy you mean! Inform us who are the persons you intend “by the *Cecils* of the day, who solicited the suffrages of a deluded people in *distant* counties?” Who are the persons you meant to point out “by *exotic* candidates preying and ravaging the country?” Who are these vultures and cormorants! Who are the characters you are pleased to brand with the appellation “of a *desperate junto*; and *birds of passage*, who ceasing to hope for success at home, where they were known, *obtruded* themselves on Electors not fully aware of their intentions?” I solicit you, *Solon*, to throw off your masque and appear before the tribunal of the public in your proper character. It is well known, that only three Gentlemen have been chosen out of the county of their residence, and you, *Solon*, can only allude to those characters.—Are you not ashamed, *Solon*, of such illiberal and base calumny? Under the assumed character of the Athenian Lawgiver,³ you have descended to traduce and vilify the reputations of your superiors. Concealment is your only refuge from the scorn and contempt of every honest man.

APRIL 17, 1788.

1. For “Solon,” see Baltimore *Maryland Gazette*, 15 April (immediately above). For a response to “Casca” by “Solon,” see Baltimore *Maryland Gazette*, 25 April (Mfm:Md. 64). For “Casca’s” rejoinder, see Baltimore *Maryland Gazette*, 9 May (Mfm:Md. 107).

2. Latin: By the immortal gods! do such ideas appear to you to be sober men’s plans or the dreams of men drunk with wine? (Cicero, *De Lege Agraria Oratio Prima Contra P. Servilium Rullum Tr. Pleb. in Senatu*, I, 1).

3. A reference to the Athenian statesman Solon (c. 638–c. 558 BC), who gave his city-state a more humane code of laws.

BALTIMORE TOWN

Freeman

Maryland Journal, 19 February 1788

To the FREEMEN of BALTIMORE-TOWN

You have had time to consider the proposed Federal Government sufficiently, and determine with yourselves, whether, you are upon the whole, for it or against it. You should, without delay, fix on two persons, the fittest in your conceptions, to represent you in the convention, which is to be elected the first Monday of next April. Do not excuse yourselves from taking an active part, under a notion that the rest of

the state are able and disposed to perform whatever may be necessary, without your assistance. The sentiment is illiberal, unjust and dangerous. A common cause demands common exertions, in proportion to its magnitude, wherein every individual should contribute his share. Touching the qualifications requisite, in your conventional representatives, some mistakes are entertained, which I shall endeavour to remove.

When the subject is talked of, you often hear it said, "We should choose men capable of judging for us, on the new Federal Government." This, I conceive, is a capital error, an entire misconception of their duty. The right of judging rests not with *them*, but altogether with *yourselves*;—*they* are merely to report, to maintain and vote the judgment *you* frame. Their office is very different from that of Delegates to the General Assembly, who have a variety of unforeseen business to transact, and who are left to the exercise of their own sentiments, during the term for which they were appointed. *Here* the reverse prevails in all respects; one simple question only remains to be decided, about which the people themselves are the *sole* and *final* deciders. Before *them* the proposed Federal Government is to be tried—by *them* it is to be approved or condemned, and *their* sentence is to be executed by their delegated servants in the Convention, who should act merely in an official or ministerial character. If "all government of right originates from the people," as every principle of liberty declares,¹ nothing more need be offered in support of so clear a position—Exercise then your own undeniable independent right—consult your own minds, whether you be *for* or *against* this government—and promote Candidates who will do all they can to carry your resolution into effect.

It is again said, "Let us not choose any Members of the late General Convention, because *they* have already prejudged the cause, and to lay it before them again, would not be shewing it fair play." This error springs out of the former, is like it, and answerable by the same arguments. It comes not before them for adjudication—it would, in that view, be before an improper tribunal. To vest a Convention with such power, in this instance, would be worse than an ignominious surrender of conscience and private judgment in spirituals, or an implicit faith in religion, and can never be exercised by people who deserve the character or the reward of freemen—Nay, the gentlemen, who have served in General Convention, are, on many accounts, the fittest we can employ, according as we design to ratify or renounce the production of that body. *They* have studied the subject with the utmost attention—*they* are masters of the arguments urged by many very able men on both sides—*they*, therefore, possess peculiar advantages to which others

cannot pretend, that must recommend them powerfully to our notice, on the first Monday of April.

Lastly it is said, "Though there be many excellent things in the plan, it is not perfect, and we should choose men qualified to propose amendments." This, in fact, amounts to an entire rejection of the whole, because there is no provision made for taking up such a proposal, or rendering it of any effect. By making amendments, we shall have a *new* plan, which will require a *new* invitation to the States to appoint a *new* General Convention to consider the same. Should it pass through them in any form, of which there is abundant reason for more than doubt, it must reach the people next for *their* examination, who are afterwards to choose *new* Conventions, some of which may again propose fresh amendments, so that it will remain in a train of always proceeding, but never coming to an end.—More need not be offered to destroy a proposition of such overflowing extravagance.

If my reasoning is just, it may be replied, "there is no occasion for wisdom or eloquence in our Representatives, seeing ordinary persons can, without either, distinctly report the *yea* or *nay* of their Constituents." Did all the Electors view the matter in this, its true light, I freely confess, that we would require nothing more in those, who shall represent us, than sufficient security, that they would vote just as we directed them. Out of reverence for the subject, and from a respect for our fellow-citizens, it would, nevertheless, appear consistent and suitable to delegate persons of respectability, though political and oratorical talents might not be required or regarded. But seeing a contrary opinion has gone forth, and may be acted upon, it is likely there will be members of Convention, to whom their Constituents have tacitly or explicitly given authority to decide for them, which will open a fair field for debate, and afford an excellent opportunity to find employment for the greatest abilities of the greatest statesmen, the Town can appoint. Such then should be sought for and promoted; no matter whether they have or have not served in General Convention—or whether they have or have not any office or employment, sacred, civil or military. We, who are *federal*, should vote for, and support with all our might, two able upright Federalists, whom we know to be *decidedly federal*, upon the most permanent and fixed principles. We will vote for and support them, and them alone, because we want to preserve union, and to secure liberty and property, under a wise, well-constructed and vigorous Federal Government. You, who have the misfortune to be *antifederal*, will display your zeal on the side of *Antifederalism*, which is a cause rapidly declining every where—you will lend your feeble aid to

antifederal Candidates, who see their advantage in jobbing and speculating under weak inefficient government, in confusion, disunion and disorder, who can only obtain consequence, or retain it in such a frail, confused, perplexed state of things, as prevails at present. In similar contests, much underhand dealing has been used—low and lurking pains have been taken to mislead the ignorant and credulous; and it seems wonderful how far their mean arts sometimes succeed. That they may be tried at the ensuing election is probable; but they are not likely to be attended with success; and I cannot believe that Baltimore-Town will incur the singular guilt of being the only sea-port on the Continent, that will disgrace a Convention by an antifederal Representative.

Baltimore, February 18, 1788.

1. Quoted from Article 1 of the Maryland declaration of rights (Appendix I, RCS:Md., 771).

Election Notices for Baltimore Town, 13–24 March 1788

Original Clerk's Notice (Correct Date Variant), 13 March 1788¹

NOTICE.

NOTICE IS HEREBY GIVEN, that the COMMISSIONERS of BALTIMORE-TOWN, agreeable to their Resolve of the Twelfth of March, will on MONDAY the Seventh Day of APRIL next, open the Polls for the Purpose of electing TWO MEMBERS to represent this Town in the CONVENTION for ratifying and confirming the newly proposed CONSTITUTION, or PLAN of GOVERNMENT, agreeable to an ACT of ASSEMBLY for that Purpose made.

By Order,

R. MOALE, Clerk.

Baltimore, March 13, 1788.

Original Clerk's Notice (Incorrect Date Variant), 14 March 1788²

NOTICE.

☞ Notice is hereby given, that the Commissioners of Baltimore-Town will, agreeable to their Resolution of the 12th of March, on Tuesday the 1st Day of April next, open the Polls for the purpose of Electing TWO MEMBERS to represent this Town in the Convention, for Ratifying and Confirming the newly proposed Constitution, or Plan of Government, agreeable to an Act of Assembly for that purpose made.

By Order,

RICHARD MOALE, Clerk.

Baltimore, March 14, 1788.

*Revised Clerk's Notice, 13 March 1788*³

NOTICE.

☞ Notice is hereby given, that the Commissioners of Baltimore-Town, agreeable to a Resolve of the General Assembly will, on the 1st Monday in April next, open the Polls for the Election of TWO MEMBERS to represent the Town in the State Convention, for the purpose of considering the proposed plan of Government for the United States.

By Order,

RICHARD MOALE, Clerk.

Baltimore, March 13, 1788.

*Commissioners Meeting, 24 March 1788*⁴

At a Meeting of the Commissioners Present

JNO MOALE	WM GOODWIN	DAN BOWLEY	} Esqrs. Comrs.
WM SMITH	RD. RIDGELY	THOMAS ELLIOT	

Resolved that Public Notice be given in both the News papers that on Monday the first day of April next the Polls will be opened by the Commissioners of Baltimore Town agreeably to an Act of Assembly for the purpose of holding an Election for delegates to represent this Town in the Convention to be held at the City of Annapolis for the purpose of considering the newly Proposed Constitution or Plan of a Federal Government—

1. This version of the clerk's notice appeared in the *Maryland Journal* on 14 March.
2. This version of the clerk's notice appeared in the Baltimore *Maryland Gazette* on 14 March.
3. This revised version of the clerk's notice was printed in the Baltimore *Maryland Gazette* on 18, 21, 28 March, and 1, 4 April, and in the *Maryland Journal* on 18, 25 March.
4. Printed: *First Records of Baltimore Town and Jones' Town, 1729–1797* (Baltimore, 1905), 65.

Baltimore Maryland Gazette, 11 April 1788 (excerpt)¹

⟨“The election for two members to represent the town of Baltimore in the Convention, to meet at Annapolis the 21st instant, to decide on the NEW CONSTITUTION, was closed on Thursday morning, when the Poll stood as follows:

JAMES MCHENRY, Esq.	962
JOHN COULTER, ² Esq.	958
SAMUEL STERETT, Esq.	385
DAVID McMECHEN, Esq.	380)

“There is no instance, we remember, in which the town discovered more unanimity than on this occasion. Mr. MCHENRY, and Doctor

COULTER, were not put in nomination till the second day of the election; but it being well known that they were decidedly of opinion, that the ratification of the Constitution ought to *precede* any amendments, or alterations, and that it must be injurious, to our common interests, to delay its ratification, in the hope of obtaining them in any other manner, than prescribed by the Constitution, procured for these Gentlemen, the general suffrages of their fellow-citizens.—On the same day the ship-builders, the tradesmen, concerned in navigation, the merchants, the manufacturers, and several thousand inhabitants, walked in procession through the different streets of the town, preceded with a flag of the United States, and a decorated ship, supported by sailors. The countenance which this procession received in every quarter of the town, while it marks the spirit and wishes of its citizens, must serve as an additional motive, with the members, to use their utmost endeavours to hasten the adoption of the Constitution.” . . .

1. Also printed in the *Maryland Journal*, 11 April, and reprinted in fourteen other newspapers by 12 May: Mass. (2), R.I. (1), Conn. (2), N.Y. (2), Pa. (5), Va. (1), S.C. (1). The text in angle brackets was reprinted in the *Massachusetts Centinel*, 3 May. The *Centinel* added a sentence after the words “as follows:” “The two first is the federal ticket.” For a response to this report, see the Baltimore *Maryland Gazette*, 15 April (below). For the last two paragraphs of this item, see Elections, Baltimore County (RCS:Md., 570–71).

2. In recommending Dr. Coulter, a resident at Fell’s Point, for health officer for the port of Baltimore under the new federal government, James McHenry stated that “Without his assistance and popularity we could not have prevented two antifederals from being sent to our State Convention” (to George Washington, 6 January 1791, Washington Papers, DLC). Robert Ballard also praised Coulter: “in our hard Struggle to obtain our happy New Constitution he was conspicuously usefull—he was the only Man to be fallen on that could blend the Point interest with that of the Town, so as to defeat the Antife[de]ral Party—he chearfully agreed to serve and was honorably elected, sacraficing his Practice during a long Session and making a number of enemies who otherwise were his friends” (to Washington, 28 December 1790, Washington Papers, DLC).

Maryland Journal, 11 April 1788¹

Paragraph from another Correspondent.

“On the Conclusion of the Election for this Town, Yesterday Morning, a very numerous and respectable Body of Citizens appeared under the Banners of FEDERALISM, and marched in Procession through our principal Streets, testifying their Approbation of the late Choice of TOWN-DELEGATES by reiterated Acclamations of Joy.—The *new* Ship FEDERALIST, ‘with Streamers waving in the Wind,’ formed a Part of this exulting Display—and such was the *Mildness* of our *Clime*, that during her whole *Voyage*, she met not a single *Antifederal Blast*, to ruffle her Sails.”

1. Reprinted: *Pennsylvania Mercury*, 17 April; *Winchester Virginia Gazette*, 23 April; and *Charleston City Gazette*, 15 May.

Samuel Smith to Tench Coxe
Baltimore, 13 April 1788¹

It is with pleasure I can Inform you that this Town has escaped a deception deeply laid by the Antifederalists—About a fortnight before the Election of Delegates for the Convention Mr Saml Steritt & Mr David McMechen offered themselves as Candidates—Some doubts had arisen[,] to Clear which they called a meeting at Fells point & there declared themselves in the most unequivocal manner to be Federal—That is, said both “We will to the utmost of our abilities promote the adoption of the new Constitution without previous amendments—and we will oppose any adjournment unless by agreeing to adjourn we shall prevent a total rejection of the Government”—Similar Sentiments they declared to many of the most respectable characters in Town—& every Man placed such Confidence in their Honor that not a doubt remained until Sunday when the departure of Mr S Chace to offer himself for Anne Arundel County—& Messrs Paca & Martin for Harford County together with the apparent acquiescence of the warmest Antifederalists gave an alarm—& the propriety of questioning the Candidates was mentioned & on Monday Morning was generally talked of—At 3:30 OClock a very respectable Body of Citizens assembled, when Mr. McMechen professed himself, Federal, but, that he could not accept the Constitution without Amendments—this declaration together with a very petulant Speech from Mr. Steritt wherein he called the Meeting a party & refused any Satisfaction convinced the people they *meant* to deceive—The Poll was adjourned & a meeting held at Mr. Starcks where Doctr McHenry & Doctr Coulter were nominated to be poll’d for unless the other Gentlemen should satisfy the Town more fully next Morning—A Committee waited on them next morning with the necessary Question, to which (Being Confident they had lull’d us into such Security that we could not Injure their Election) they gave a most Insolent printed answer wherein they avowed their Sentiments—The Duplicity of such Conduct & their Insolence, roused all ranks of people & to their & our great Surprise the Doctors gained their Election with ease—The Poll was closed on Thursday Morning—It was Imm[ediately] Conceived that if Mr. Chase & others could with propriety go out of their County (Contrary to the Resolve of the Legislature & the Constitution of Maryland) to others as Delegates—That the same reasoning gave the Citizens of Baltimore (who had not already voted) a Just Claim

to Vote in the County & application was made to the Sheriff who refused to accept such Votes—The Coroner & two Magistrates In Consequence opened a Poll & before 9 O Clock at Night 600 votes were taken for the County Federal Members which gave them a Majority—If it should answer no other purpose it will prove the Federalism of Baltimore. Not more than 10 of those who voted for M & S but were deceived by their declarations & thought them truly federal.

Baltimore Harford & Anne Arundel Counties have returned Antifederalists—In all the State I do not believe there will be found [any other?] Members of that description—Those Coun[ties] [were?] unfortunately under the Influence of Men [with?] British Debts in Continental paper & of Course dislike the Complexion of the Federal Courts—Such people have been at Infinite pains to disseminate the most artful falsities—however you may be assured there is not a State in the Union more truly Federal than Maryland—Letters from good authority in Virga. give us every assurance that a Majority of Federalists are chosen to their Convention—

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

**Jeremiah Yellott to Levi Hollingsworth
Baltimore, 14 April 1788 (excerpt)¹**

. . . The Antifederalists have been defeated in this Place and I believe we have a Desided Majority in favour of the Constitution in this State. . . .

1. RC, Paschall and Hollingsworth Papers, PHi. Yellott (1749–1805), a native of England, arrived in Baltimore in 1774. He was a ship captain and merchant.

Baltimore Maryland Gazette, 15 April 1788¹

When a *party* relates what is false, or conceals what is true, it must be imputed to a design of endeavouring to impose on the public.

It is asserted in your last paper,² that on the election for two members to represent the town of Baltimore, in the State convention, James McHenry, Esq. had 962 votes; John Coulter, Esq. 958; Samuel Sterett, Esq. 385; and David McMechen, Esq. 380; and that the avowed opinion of the two first named gentlemen, that the ratification of the constitution ought to PRECEDE any amendments, procured them the GENERAL suffrages of their *fellow-citizens*. It is also asserted, that at the close of the polls for Baltimore-county, *at the Court-house*, and *at Mr. Dewitt's*, there appeared 787 votes for Harry Dorsey Gough, Esq; John Craddock, Esq. 794; James Gittings, Esq. 773; John Eager Howard, Esq. 771; and for

Capt. Charles Ridgely, 682; Charles Ridgely, of William, Esq. 678; Edward Cockey, Esq. 645; and Nathan Cromwell, Esq. 630; these facts are announced to the public, to induce a belief, that almost *three for one* of the VOTERS of Baltimore-town, are for adopting the NATIONAL government, *without any previous amendments*, and that a majority of the legal votes taken for Baltimore-county, were also in favour of the NEW government.

The following facts, which are incontrovertibly true, are laid before the public, that they may form a proper judgment on the subject.

1. Before the revolution, the town of Baltimore was NOT entitled to send delegates to the General Assembly:—On the establishment of the *present* government, the constitution enabled the inhabitants of the town to elect *two* delegates, and declared, “That all *freemen* above *twenty-one* years of age, *having property in the State, above the value of thirty pounds, current money*, and residents of the town, one whole year next preceding the election, should have a RIGHT of *suffrage*, in the election of delegates for said town.[”] The constitution directed that the commissioners of Baltimore-town, or any three of them, should be the judges of the election for Baltimore-town; that the Sheriff of each county should be the judge of the election for his county; that every judge of an election before he proceeded to receive any vote, should take an oath, or affirmation, that he would PERMIT all persons to vote who should offer to poll, who should in his judgment, according to the form of government, be entitled to poll; and that he would NOT ADMIT any person to poll, who before his voting, should be objected against by any three of the electors; if such person should not in his judgment be qualified to vote, according to the form of government; that he would execute the office of judge, according to the best of his knowledge, without *favour* or *partiality*. The constitution declared, “That the inhabitants of Baltimore-town, should NOT be entitled to vote for delegates for Baltimore-county.”

2. The proposed national government declares, that the *House of Representatives* shall be chosen by the people of the several States; and that the *electors*, in each State, shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

3. The General Assembly of this State, in their session in November last, recommended to SUCH of the inhabitants of Baltimore-town, *as were entitled to vote for delegates for the said town in the General Assembly*, to choose two persons to represent the said town in the State convention; and that the said election should be conducted, agreeably to the mode, and conformably with the rules and regulations, prescribed for electing members to serve in the House of Delegates.

4. The number of persons in Baltimore-town, *qualified to vote for delegates, for the said town in the General Assembly*, does NOT exceed 1050, or, at most, 1100.

5. The commissioners of Baltimore-town determined that they would NOT take any oath, or affirmation, as judges of the election for delegates to serve in the State convention; and they did NOT take any oath, or affirmation, as judges of the said election.

6. The commissioners of Baltimore-town determined, that all *freemen* above twenty-one years of age, and residents of the said town, one year, *without any property*, should have a right of suffrage, in the election of delegates to represent the said town in the State convention; and they admitted many persons who had not resided in the town a year, and some who had not resided *six months*, and some not *six days*, among them, subjects of Great-Britain, Ireland, France and Holland.

7. That above four hundred of the persons, who polled for James McHenry, and John Coulter, Esquires, are NOT entitled to vote for delegates for the said town.

8. That above three hundred and fifty persons, entitled to vote for delegates for the said town, did not poll at the election; the far greater part of whom were in favour of Samuel Sterett, and David McMechen, Esquires.

9. That *after* the polls for the town were closed, the advocates for the adoption of the *national* government, *without any amendments*, and the supporters of James McHenry, and John Coulter, Esquires, determined that all the inhabitants of Baltimore, qualified to vote for delegates to represent Baltimore-town in the convention, and who had *not* voted in the town election, were entitled to vote for delegates to the convention for *Baltimore-county*, and some of them went to the Court-house and demanded of the Sheriff of the county, to receive their votes, which he peremptorily refused, on which they went to Mr. Dewitt's house, and there Mr. Jeremiah Johnson and Mr. Thomas Elliott, two of the Justices of the county, and Mr. Isaac Grist, Coroner of the county, opened a poll, for *Baltimore-county*, swore their Clerk, and admitted above 550 persons, many of them not inhabitants of the town, or citizens of the State; many of them having no property in the world, some of them apprentice boys, servants and slaves, to vote for Harry Dorsey Gough, James Gittings, John Eager Howard, and John Craddock, Esquires, as delegates to the convention for *Baltimore-county*.

10. That the Sheriff of *Baltimore-county*, received 676 votes for Capt. Charles Ridgley; 673 for Charles Ridgley of Wm. 639 for Edward Cockey; 626 for Nathan Cromwell; 192 for Harry Dorsey Gough; 183 for James

Gittings; 172 for John Eager Howard; and 171 for John Craddock; and the Sheriff returned the four first named gentlemen as duly elected for *Baltimore-county*.³

11. On Wednesday, the third day of the election, a very large number of men, among them a great number of *foreign* sailors, and servants, many of them armed with *bludgeons*, took possession of the polls, and terrified and prevented many of the peaceable and reputable citizens, chiefly Germans, from coming to the polls, and they did not vote at the election.

12. On Monday the first day of the election, the commissioners of Baltimore-town, after taking about five votes, adjourned *without the consent* of the candidates to Tuesday morning; they adjourned on that day from one to three o'clock, and in the evening until Wednesday morning. On Wednesday, at one o'clock, there being great confusion, fighting and riot, at the polls, the commissioners were requested by one of the candidates, and several voters, to adjourn until the afternoon, that a place might be provided during the adjournment to enable the peaceable voters to come to the polls, which the commissioners refused; some time after they adjourned for half an hour; by this conduct the voters for Dr. McHenry, and Dr. Coulter, had an opportunity of polling, and the voters for Messrs. Sterett and McMechen were prevented.

From the above facts the impartial must conclude,

1. That the election was not fair, full, or free.
2. That the sense of the inhabitants of Baltimore-town, entitled to give their opinion as to what government they wish to live under, has not been fairly or fully collected.
3. That persons having no property in the State, or any common interest in, or attachment to, the government were admitted to vote.
4. That the *rights* of the citizens of Baltimore-town have been violated.
5. That fellow-citizens have sacrificed the most invaluable *privilege* that *freemen* enjoy to carry an election by influencing *transient foreigners*, sailors and others, not natives or residents to vote.
6. That James McHenry, and John Coulter, Esquires, were not *duly* and *fairly* elected, and are not the *real* representatives of Baltimore-town, and had not, as asserted, *the general suffrages of their fellow citizens*.
7. That the conduct of the *commissioners* is very exceptionable and censurable.
8. That the election was the most irregular, disorderly and riotous that ever happened in the town or State.
9. That as the election was conducted, votes were taken above *double* the number of *actual* votes belonging to the town.

James McHenry, Esq., polled	962
Samuel Sterett,	385
Polled for county above,	550
Unpolled,	350
	<hr/>
	2247

Real votes in the town, not above 1100.

10. That the *rights* of the voters of *Baltimore-county*, were attempted to be violated from ignorance and party rage.

11. That Captain Ridgely, Charles Ridgely, of William, Edward Cockey, and Nathan Crowmell, Esquires, were duly and legally elected delegates for *Baltimore-county*.

1. Reprinted: Philadelphia *Independent Gazetteer*, 24 April.

2. See Baltimore *Maryland Gazette*, 11 April (RCS:Md., 570–71, 582–83).

3. For more on the issues raised in points 9 and 10, see Baltimore *Maryland Gazette*, 22 April (immediately below). “Memnon” also commented on this part of the Baltimore County and Town elections: “You have been told, that the Convention-election at De-Witt’s occasioned the removal of the county elections from town; but I heard a leading member in the House of Delegates declare, last October, if he found the report to be true, that you were altogether governed by official influence, and *town-constables* made a practice of soliciting votes, and heading parties at the county elections, he should be for removing it to some place out of their reach, where the poorer people should not be overawed by the dread of warrants, or induced to swear too precipitately, through the phrenzy of party; he has said since, the county election for Convention-men convinced him of the precincts being too much governed by local official influence, and of the propriety of fixing our elections in a more impartial and unbiassed neighbourhood” (*Maryland Journal*, 3 October 1788 [Mfm:Md. 161]).

Baltimore Maryland Gazette, 22 April 1788

Mr. HAYES, The facts stated in your paper of the 15th instant, respecting the late election in this town,¹ have not been contradicted.— In confirmation of the facts there stated, respecting the number of *legal* votes in this town; the number *not* entitled to vote, and who did vote for *James McHenry* and *John Coulter*, Esquires; and the number who did *not* poll for either side; be pleased to insert the following facts.

- | | |
|---|------|
| 1. The number of persons <i>assessed</i> for <i>property</i> above £.30, and for <i>poll-tax</i> , in Baltimore-town, <i>including</i> residents, and <i>non-residents</i> , males and females, of all ages, amounted, in 1786, | 1334 |
| to | |
| 2. From this number is to be deducted for non-residents, females and infants, appearing on the list of <i>assessment</i> , | 367 |
| 3. From this number is to be deducted persons assessed for <i>poll-tax</i> , | 70 |

- | | |
|--|------|
| 4. Real votes in Baltimore-town, in 1786, according to <i>assessment</i> , | 897 |
| 5. Add for supposed increase of voters since 1786, and for voters omitted to be assessed, | 150 |
| 6. The <i>whole</i> number of <i>legal</i> voters at the late election by this estimation will be, | 1047 |
| 7. Voters for James McHenry and John Coulter, Esquires, who appear on assessment list of 1786, | 175 |
| 8. Voters for Samuel Sterett and David McMechen, Esquires, who appear on the same list, | 121 |
| 9. Persons who voted that do not appear on the said assessment list, | 1053 |
| 10. Persons who appear on the said assessment list who did <i>not</i> vote, | 671 |
| 11. Persons not entitled to vote by assessment list in 1786, who voted for James McHenry and John Coulter, Esquires, | 787 |
| 12. Persons not entitled to vote by same list, who voted for Samuel Sterett and David McMechen, Esquires, | 264 |
1. See Baltimore *Maryland Gazette*, 15 April (immediately above).

CECIL COUNTY

Samuel Glenn & Son to Levi Hollingsworth Broad-Creek, Cecil County, 8 April 1788 (excerpt)¹

. . . Our Elect[i]on Began yesterday for convention men, it is not yet over, but we poll'd none but foedaeral men. . . .

1. RC, Hollingsworth Family Papers, PHi. Samuel Glenn was appointed seven times justice of the peace for Cecil County, the first on 26 July 1780 and the last on 10 January 1793.

Henry Hollingsworth to Levi Hollingsworth Elkton, 9 April 1788 (excerpt)¹

Dear Brother

yesterday being the Second Tuseday of April (and the Market House being Removed to the Lot fronting Jacob Hollingsworths) came on the first quarterly as well as weekly Market at this place it being the week of our Election for Delegates to Convention made it a strong week with us, the Market was opened very cleverly I took a Stall and Sold a Veal in the weekly Market, and have several articles for Sale in the quarterly

Market so that your native vilage is now become a market Town, and on this evening the poles were closed for Delegates to Convention when Joseph Gilpin Colo. Evins Capt. Heron and myselfe were Elected for that purpose our Convention meeting is on the 21 of this Inst. at Annapolis when I have not the Least doubt but a Ratification with some nessesary recommendations will take place. . . .

1. RC, Hollingsworth Family Papers, Phi. The letter was sent "pr Stage."

Pennsylvania Mercury, 15 April 1788

Extract of a letter from Cecil county, Maryland, April 10, 1788.

Our election for members to the State Convention closed yesterday, when the Honorable Joseph Gilpin, Esq. Colonel Henry Hollingsworth, Colonel Samuel Evans, and James G. Heron, Esqrs. were duly chosen,—all federal. I have no doubt but a large majority of the members chosen to represent this state in Convention, will be for the full adoption of the new government. There are some counties, that have shewn a disposition to paper-money, which may be antifederal; but, I trust, their numbers will be small in comparison of the state at large.

CHARLES COUNTY

John Hoskins Stone to Walter Stone Annapolis, 29 March 1788 (excerpt)¹

. . . As to Politicks I have really things of more consequence to me to engross my attention at this time, and I have been pretty tired already of that business, and as yet I never had my own consent whether I wou'd serve as a Delegate in the convention, and under present circumstances it will not be in my power, several reasons operate with me in this business independent of my private affairs, and none less than that three Brothers shou'd be Candidates for one office (as I am told you stand)²—I know too well the result of these transactions and that it wou'd terminate in injury to all—If I had determined and was anxious to be in the Convention, I shou'd long agoe have taken more decided measures and such as cou'd not have been diverted by any low influence in Charles County. . . .

1. RC, Stone Family Correspondence, Arents Tobacco Collection, New York Public Library.

2. Another brother, Michael Jenifer Stone, was one of the four delegates elected.

FREDERICK COUNTY

From Thomas Sim Lee

Forest of Needwood, 29 March 1788 (excerpt)¹

... the people of this County have requested my promise to serve them in the Convention to be held next Month, and I am so thoroughly Impressed with the necessity of having an efficient Government, that if the people think proper to Elect me, I shall most Assuredly make a point of Attending the Meeting. . . .

1. RC, Emmet Collection, New York Public Library. No addressee is indicated, but at a later date someone wrote "MR. CHARLES O'NEILL./WASHINGTON." where an inside address usually goes. Lee (1745–1819), a planter, was a member of the Executive Council, 1777–79, governor of Maryland, 1779–82, 1792–94, and a delegate to the Confederation Congress, 1783. He was one of the directors of the Potomac Company, 1785. Lee was appointed as a delegate to the Constitutional Convention on 23 April 1787, but resigned on 24 May. He voted to ratify the Constitution in the state Convention.

Maryland Chronicle, 9 April 1788¹

At an election held in this town for Frederick-county, on Monday the 7th inst. the following gentlemen were unanimously elected Delegates to the ensuing Convention, to wit, the hon. Tho. Johnson, Tho. Sim Lee, Richard Potts and Abraham Faw, Esqrs. We are happy to inform the public that those gentlemen have manifested a particular friendship for the new System of Government.

1. The *Maryland Chronicle* for 9 April 1788 is not extant. The text of this item was reprinted under the dateline "FREDERICK-TOWN, APRIL 9" in both of the Winchester, Va., newspapers: *Virginia Centinel*, 15 April, and *Virginia Gazette*, 16 April. The transcription was taken from the former.

Maryland Journal, 11 April 1788¹

Extract of a letter from a Gentleman at Frederick-Town, dated the 3d Instant.

"Messrs. JOHNSON, LEE, POTTS, and FAW, will be elected without any Opposition, as Delegates to Convention. Each has explicitly declared himself decidedly in favour of the proposed Constitution; and for the Honour of the Country be it spoken, I never knew the Inhabitants so unanimous in favour of any public Measure as they are for adopting the proposed Federal Government. Indeed I have heard of but one Man in the County who has opposed it; and although it is said he has made unwearied reiterated Efforts, I have not heard of his making any Converts."

1. Reprinted seven times by 3 May: Mass. (1), Conn. (1), N.Y. (3), N.J. (1), Pa. (1).

**John Abert to Horatio Gates
Frederick, 14 April 1788 (excerpt)¹**

. . . the Following Gentlemen were Elected last week as members to the Convention for this County without Even the least sign of opposition viz. the Hoñbles Th. Johnson Tho. Sim Lee, Richard Potts Esqrs. & Abraham Faw—you will no doubt Join with me in the opinion that if your Friend Doctr. Thomas had been chosen in the Room of this Last, the Representation would have been complete & truly venerable—However that Faw being a German and as this kind of people forms a very numerous & industrious part of the community, it is well enough I think & not inconsistent with policy, that they should be indulged in having one of their own class for to represent them. . . .

1. RC, Gates Mss. (Collected by Emmet), New York Public Library. Abert (1752–1826), a native of France who came to America with General Rochambeau in 1780, at one time owned a tavern in Alexandria, Va.

HARFORD COUNTY

Philadelphia Independent Gazetteer, 17 April 1788¹

Extract of a letter from Maryland, dated April 11.

“The election for four members to represent the county of Harford in the convention, to meet at Annapolis on the 21st inst. to decide on the new constitution, was closed yesterday about five o’clock in the afternoon, when the poll stood as follows:

William Paca, esquire, late governor of the state	414
John Love, esquire	413
William Pinckney, esquire	410
Luther Martin, esquire, Attorney General	410
B. Rumsey, esquire, chief judge of the court of appeals	61
Aquila Hall, esquire	65
John Archer, esquire	60
B. E. Hall, esquire, one of the senators	53

The first four candidates pledged themselves to the electors, that if chosen they would never assent to the proposed constitution unless such amendments as are necessary to secure and preserve the rights of the respective states and of their citizens shall be *previously* obtained; the others declared themselves for adopting the system and endeavouring *afterwards* to procure the necessary amendments: the poll was kept open four days to give these last four gentlemen an opportunity of discovering how many of their county-men concurred with them in opinion.

Mr. Martin only arrived in Harford county on Saturday evening before the election, and meeting the electors on Monday morning at the place where the election was held, N. D. McComass, esquire, one of the candidates, with a liberality of sentiment which will ever do him honor, *declined*, in order that Mr. Martin might be elected for that county.

On yesterday evening also the election ended for Baltimore county at the close of which the poll stood as follows:

Charles Ridgley, esquire	676
Charles Ridgley, of William, esq.	673
Edward Cockey, esquire	639
Nathan Cromwell, esquire	627
Harry Dorsey Gough, esquire	192
James Gettings, esquire	183
John Eager Howard, esq.	172
John Cradock, esq.	171

The same opposition of sentiment existed and was declared between the candidates for Baltimore county, as between those of Harford. The great and decided majority, in each county, in favour of the candidates who declared in opposition to the new constitution, must evince to the world, in the strongest manner, the sense of those two counties. I am also this moment informed by good authority, that the friends of the proposed system have received a total defeat in Anne Arundel county, and that on the close of that poll there was a majority in favour of Jeremiah Townley Chase, Samuel Chase, John F. Mercer, and Benjamin Harrison, esquires, who firmly concur in sentiment with the members for Baltimore and Harford counties.”

1. Reprinted: *New York Journal*, 24 April; *Boston American Herald*, 5 May; and Portland, Maine, *Cumberland Gazette*, 15 May.

MONTGOMERY COUNTY

A Citizen of Maryland

Maryland Journal, 28 March 1788¹

To JOHN MASON, Esquire.²

SIR, Your late services at a meeting of the people at the upper end of Montgomery County, for the purpose of investigating the proposed system of Federal Government, are too important not to merit an acknowledgment from the grateful citizens of Maryland.

While at this momentous crisis, it was a subject of regret to every

advocate of his country's happiness, that so respectable a part of the community should remain in ignorance on a question that is to decide the political fate of this great continent, the appearance of Mr. MASON, to disperse those gloomy clouds, and to elucidate a subject of so all-important a nature, could not but have excited the warmest effusions of gratitude and approbation.

Your leaving your native state, where the merits of the new government are *too well understood* to need an expositor, in order to *dictate* to the *unenlightened* citizens of a neighbouring commonwealth, argues that patriotic fervour, and unlimited desire of promoting the *truest* interests of your country, which have long since distinguished the illustrious orators of antiquity. Surely, the citizens of Maryland, will never cease to applaud this *disinterested* token of *good-will!*

What must be the feelings of that gentleman, who, on the late occasion, attempted, by a public speech, to frustrate the effects of *so much benevolence!* How must the hitherto distinguished DORSEY, feel his rising influence checked and defeated, by the superior energy and splendour of your transcendent genius!—Alas! he little thought how fatal it would prove to this object of his ambition, so far to mistake the plain dictates of reason and common sense, as to *imagine* he should succeed—in the CAUSE of FEDERALISM!—The *unanimous* plaudits that attended *your* address to the people, manifestly demonstrates the superiority of your cause, as well as of your genius, and must have given you that secret satisfaction which great and intelligent minds esteem the highest reward, and are alone susceptible of.

It would not be doing justice to that *merit*, which, I think, every good citizen of this state ought at least to *acknowledge*, were I to conclude this address without making some remarks that were on the late occasion obviously striking to every beholder. Perhaps, Sir, we may on some future occasion, *reward* your assiduity to oblige us, by *again employing* you for our orator.

In the harangue you delivered to the people, the most obvious perspicuity—the strongest chain of reasoning—and, above all, *the originality* of each conception, were clearly discernible. Every person present, perceived that all you said was the spontaneous production of your *own* great mind, and admired that wonderful fertility of genius, that could, of itself, give origin to such a variety of striking and independent sentiments. The charms of novelty attended your whole discourse, and every sentence was closed with some objection against the government, *never heard of before.*

But the most remarkable excellence you displayed on this occasion,

I have reserved for the conclusion of this address, to wit, the *power of declamation*. ALL were asto[nished]³ at your irresistible elocution!—The rapid current of your discourse, bore down every thing before it, and conviction followed, as certainly, as light succeeds to darkness. It was allowed, on all hands, that on that day, you eclipsed every modern orator; and the celebrated orations of CICERO and DEMOSTHENES, every person agreed, would remain only as a mark to point out to posterity, *how far yours surpassed them*.

March 25, 1788.

1. For a response to “A Citizen of Maryland,” see “Mentor,” *Maryland Journal*, 4 April (immediately below).

2. Mason (1766–1849), the seventh child of Antifederalist George Mason of Virginia, had recently entered into a mercantile partnership with Marylanders Joseph and James Fenwick. Mason would soon sail for Bordeaux, France, to serve as the firm’s agent.

3. The line ends “asto-.” The editor forgot to put the remainder of the word on the next line.

Mentor

Maryland Journal, 4 April 1788

Mr. GODDARD, I do not understand for what purpose the attention of the Public is attempted to be drawn to a late occurrence in Montgomery County.¹ It is *universally* agreed that *very few* understand the *nature* and *principles* of government, or what *form* of government will secure the personal liberty of *individuals*, and protect them in their property; and at the same time obtain safety and prosperity to the whole community. What *kind* of government is best calculated for these purposes, the only proper and great objects of society, has perplexed and divided the best and wisest of mankind. The most ignorant of the human species can tell whether government is *good* or *bad*, *from its effects*; but the *mode* to procure the *one*, and to avoid the *other*, is the question that has puzzled and distracted mankind, from the time that society was first introduced and established in the world.—Of a sudden, and when least expected, *the people at large* of all the Thirteen States, are called on to give their opinion on the adoption or rejection of a *new* form of government for the United States.—Common sense, and daily experience, must convince every man of the impropriety, and of the cause of this appeal to the people. It was well known that their passions, their present distresses, and their love of novelty and change would all operate in favour of the new government. The application to the people is flattering to their vanity and pride, and complimentary to their power and understanding; but, I fear, will lead them to their destruc-

tion. In my judgment, our legislature, or a convention, chosen after long deliberation, and with full power to adopt, reject or amend, would be best qualified to decide a question, which, all agree, involves the future happiness of millions.—Many very sensible men, and I doubt not some of them of virtuous and patriotic principles, maintain sentiments directly opposite on the question. The *advocates* of the proposed government admit it to be defective, but contend that, on the whole, it is sufficiently guarded to secure the rights of the several states, and the natural and civil rights of the people, and to promote their welfare and happiness; and that it is well calculated to promote and maintain the dignity, prosperity and power of the United States.—The *opponents* assert that the system is a scheme of a few wealthy and ambitious men, to govern, and to aggrandize themselves and their families, connexions and dependants; and if adopted, that it will, in a little time, annihilate the state legislatures, and deprive the people of their power and influence in government, and in the event finally overturn their liberties. These *opponents* say, that Congress will have power to lay taxes, to any amount, on our trade, our lands, and Negroes, and on the *POLLS* of ourselves and our slaves, according to our number of representatives, and they call a *poll-tax* the most partial and oppressive of all taxes; these *opponents* allege that Congress will have power to lay an *excise* on wines and all spirituous liquors imported, or *home made*, and that the *excise-officers* will have power, *on suspicion*, to enter and examine our *private* houses, to prevent any evasion of the duties; and they positively assert, that if *excise*, or other Congress officers, abuse any of us, our wives, or children, under pretence of authority, that we can have no redress in our *state* courts; but must sue in *Congress* courts, in which there will be no jury to give damages, as was the case even under the old *BRITISH* government. These opponents also tell us, that Congress will have a right to keep an army in time of peace, without number; and to quarter soldiers in our *private* houses; they say, that Congress will have authority over our militia, and may, if they please, march any of us, without any regard to scruples of conscience against bearing arms, to any part of the continent; and they make many other objections, which they say will endanger our rights and prejudice our interests; as the power to regulate our trade by navigation acts; and to make commercial treaties with the powers of Europe; and the exclusive jurisdiction of the *subordinate confederal* courts in controvercies between citizens of *different* states, and in controvercies between citizens of any of the states, and the citizens or subjects of *foreign* states; by which, on appeal to the *supreme federal court*, a citizen may be obliged to prosecute, or defend his rights

at a most inconvenient distance from his residence, with a certain ruinous expence.—Under these very different representations, the inhabitants of Montgomery County were at a loss what conduct they should adopt, and whose advice they should pursue.—The merchants and traders of George-Town exerted all their influence to persuade the planters and farmers of the county to agree to the *new* government, and to elect delegates to ratify it *without any alterations*. They were assisted by Mr. W. Dorsey of that town, who is of the profession of the law, and being blessed with, what the common people call, THE GIFT OF THE GAB, he harangued and made speeches, on all occasions, in favour of the *new* government. Without abilities to convince, he raised doubts and puzzled and perplexed many of his hearers.—At the particular request of several characters, as respectable as any in the county, John Mason, Esq; of Virginia, attended a public meeting of the people, and at their desire delivered his sentiments respecting the proposed constitution, in modest, polite, and respectful language. For this neighbourly and friendly conduct Mr. Mason has provoked some contemptible *scribbler* to make his remarks in your Journal.² His feeble effusions of wit, and clumsy attempt at irony, might have escaped without observation or censure. His positive declaration that Mr. Mason attended the people to DICTATE to them, is contrary to the fact; the invitation to Mr. Mason, and his whole behaviour at the meeting, give the direct contradiction to this assertion, and consigns the author of the falshood to the contempt of a generous public. His intention to rouse the pride of the citizens of Maryland against their brethren of Virginia, is mean and despicable. If he possessed understanding and candour, he would know and acknowledge that the *real* interest of *the people* of Virginia and Maryland are inseparably the same. Their climate and commerce, soil and produce, exports and imports; laws, manners and customs are alike, and if they are wise, they will ever act in concert, on any question that involves their general and mutual interests.

The contrast that *our scribbler* has endeavoured to draw between Mr. Mason and Mr. Dorsey, can only impose on those who are unacquainted with the two characters.—Young men should be extremely cautious of their first step in public life. It gives a stamp to their characters that no time can efface. The friends of Mr. Mason observe, with infinite pleasure, that he inherits his father's patriotism and love for his country.³—His penetrating understanding and solidity of Judgment, would do honour to the hoary head. Persevering in the course he has begun, he will be dear to his country, and gain the respect and esteem of all lovers of virtue, and friends of freedom.—We who know

the *George-Town orator* are not to be informed, that he is wholly unacquainted with the principles of government, and that he never employed his time but to acquire knowledge in his profession—It would distress his friends, and admirers if he has any, to adduce an instance, in which he ever manifested any attachment to the rights of the people. His great object is to make bread by his profession, and he considers the traders and inhabitants of George-Town as the best means to assist him.—I am unwilling to believe that he is actuated by motives of self-interest. I am convinced that he mistakes the real interests of his country, and I am sorry that he exercises his abilities in a cause he does not understand. From the gentleman who directed his studies, he could not have learnt the political principles and opinions he now publicly maintains; and it must grieve his generous patron to hear, that his pupil has apostatized from his precepts and example, and employs the talents, he endeavoured to cultivate, to destroy our constitutional fabrick of civil and religious liberty, which he had risked every thing to obtain.

March 29, 1788.

1. See "A Citizen of Maryland," *Maryland Journal*, 28 March (immediately above).

2. See note 1 (above).

3. See "A Citizen of Maryland," *Maryland Journal*, 28 March, note 2 (immediately above).

Maryland Journal, 18 April 1788¹

*Extract of a Letter from a Gentleman in Montgomery County,
to his Friend in Baltimore, dated April 11, 1788.*

"On Thursday Evening last, the Election for Members to represent Montgomery County in Convention, was concluded, when the State of the Poll appeared as follows:—Thomas Cramphin, 896—Richard Thomas, 895—William Deakins, 894—Benjamin Edwards, 894—Edward Burgess, 313—Lawrence O'Neal, 312—William Holmes, 312—Henry Griffith, 311.—The Four first Gentlemen had uniformly declared themselves in favour of the new Constitution.—The unsuccessful Candidates openly avowed their Opposition. The Voters, free from every Influence of personal Regard, were actuated solely by their respective Wishes to ratify or reject the proposed Government. By the Mode we have pursued, the Sense of the People immediately appears; and if a Majority of the Counties have conducted themselves in the same Manner, our Convention can spend but little Time in Discussion and Deliberation. It is to be lamented, that Gentlemen of popular Talents, who have used

such Exertions to obtain Seats in Convention, will have no Opportunity to display those wonderful and irresistible Talents, which have so often 'made the worse appear the better Cause.' ”

1. Reprinted: Philadelphia *Independent Gazetteer*, 26 April; *New York Journal*, 1 May; and *New York Packet*, 2 May. At the request of “A FREEHOLDER./Montgomery County, April 10, 1788,” the *Maryland Journal*, 15 April, printed a shortened form of the results from Montgomery County. Only one significant difference appeared. The 15 April version listed Benjamin Edwards’ total at 891 instead of 894. See Mfm:Md. 48, for the *Maryland Journal*, 15 April, version, which was reprinted in the *Pennsylvania Mercury*, 22 April, and *New York Packet*, 29 April. The *Journal’s* totals also appeared in the *Carlisle Gazette*, 23 April.

Virginia Journal, 18 April 1788¹

*Extract of a letter from a Gentleman in George-Town
to his Friend in this town.*

“On Thursday evening last the election for members to represent Montgomery county in convention was concluded, when the following gentlemen were elected by a majority of 583 votes, viz. Benjamin Edwards, Richard Thomas, William Deakins, & Thomas Cramphin. These gentlemen have uniform[ly] declared themselves in favour of the proposed Federal Government. They were opposed by four others, who disapproved of it. The voters in giving their suffrages, were solely actuated by their attachment to, or aversion from the government submitted to their consideration. It was not a little pleasing to minds which delight in concord and harmony, to observe the unsuccessful candidates declare in the most explicit terms, their acquiescence with the voice of the majority, and readiness to assist and support the government, if agreeable to the greater part of the state. As most of the other counties in our state have conducted themselves in a similar manner, it is expected that our convention will spend but little time in discussion and deliberation.—*Vox Populi, Vox Dei.*”²

1. The *Virginia Journal* for 18 April is not extant. The transcription was taken from the *Pennsylvania Packet*, 24 April, which reprinted the “Extract” under an “ALEXANDRIA, April 18” dateline. The “Extract” was also reprinted in the *Pennsylvania Journal*, 26 April; and the *Charleston City Gazette*, 15 May.

2. Latin: The voice of the people is the voice of God.

TALBOT COUNTY

James Earle to William Tilghman

Talbot Courthouse, 20 January 1788 (excerpt)¹

. . . Very little new Business—We are beginning to warm a little, or rather to stir in the Election of Convention Men—M. Tilghman, Judge

& Howes Goldsborough, Uncle Hayward, Saml. Chamberlaine, Jno. Stevens, Colo. Lloyd, W. Perry and S. Sharpe are mentioned—Which will ultimately be fix'd upon is now more than can be told, but, I believe my two Uncles & the two Goldsborough's—What Opposition is there likely to [be] with you, and around you? I am pleas'd with Mr. Randolph's Anxiety for the ~~Convention's pointing out~~ Amendments;² but this Liberty is not allowed the Convention's, tho' the time (had it been agreed to) for a grand Convention to have considered and made all that could have been, might have proved a happy healing to the Discontents that are afloat.

I hope to hear you are all well

1. RC, Tilghman Papers, PHI. The letter was addressed to Tilghman in Chestertown and docketed as answered. In 1794 Earle (d. 1814) married a daughter of Colonel Peregrine Tilghman, a member of the Maryland Senate (Eastern Shore) and a cousin of William Tilghman.

2. See "Aristides: Remarks on the Proposed Plan of a Federal Government," 31 January–27 March, notes 15 and 16 (RCS:Md., 264n–65n).

WASHINGTON COUNTY

Carlisle Gazette, 27 February 1788 (excerpts)¹

The following letter was received from a gentleman of veracity in Hager's Town, by a person in this Borough, dated 18th February.

"I have the pleasure of informing you that (in consequence of some exertions made by two gentlemen of our county, to stir up the minds of the common people against the new constitution, by misrepresenting several of the sections and clauses thereof to them), we called a meeting of the inhabitants last Saturday, to have the matter fully investigated before them, and the subject clearly discussed; in order that no such artifices may be made use of in future, to prejudice the minds of the people against a plan, so evidently calculated to promote the general welfare of the union, and ensure domestic tranquility, liberty and happiness to ourselves and posterity. A numerous concourse of people of all ranks accordingly assembled at Mr. Beltzover's tavern. After some debates on the subject, a perfect unanimity reigned among all the people, not a dissenting voice was heard from adopting the constitution, and the word, 'Federalist' rang throughout the whole assembly. It was unanimously resolved, and agreed to, that Messrs. Henry Shryock, Elie Williams, Henry Snavelly, and Jacob Young, (gentlemen truly of patriotic principles, and whose interest is not separate from this country), should be nominated and appointed a committee to frame advertisements, and have them sent to different parts of the county, in order to

convene a general meeting of the inhabitants thereof, at the Court-House, on the first day of March next, as well that a free and full investigation of the principles of said constitution may take place in the said meeting, as for the purposes of taking it into their consideration, and devising the most effectual means of electing such men at the ensuing election to represent them in Convention, on this most important occasion, as will prefer their country's good to any private self-interested views, and endeavour therein, to promote the ratification of this so much admired form of government. It must reflect honour on the members that composed this assembly, that, though several of them (before the meeting) were opposed to the opinions of the more numerous part, yet the whole business was conducted with the utmost coolness, and social friendship on both sides; and by these means, all considered themselves equally interested in the common welfare, and were brought to one way of thinking. . . . I intend to transmit you a full account of the proceedings of the second and more general meeting, as soon as opportunity will serve after their sitting."²

1. Reprinted in full by the *Pennsylvania Gazette*, 12 March; *Pennsylvania Packet*, 13 March; *New York Morning Post*, 15 March; *Massachusetts Gazette*, 25 March; and *Virginia Independent Chronicle*, 26 March. The first part of the excerpts printed here was reprinted in the *Pennsylvania Mercury*, 13 March; and *Pennsylvania Journal*, 15 March. The deleted portion of the Hagerstown letter deals with the unrest in western Pennsylvania after the state Convention ratified the Constitution.

2. For the 1 March meeting, see *Carlisle Gazette*, 19 March (immediately below).

Carlisle Gazette, 19 March 1788

A letter from Hager's town, dated March 1

Dear SIR, Agreeably to promise, I proceed to give you an account of our second meeting in this town, for the purpose of having the "Federal Constitution" explained to the people. As I informed you in a former letter,¹ that certain gentlemen were appointed to give general notice of the meeting by advertisements, it only remains with me now (relating to them) to let you know, that they discharged their duty with a zeal for their country's cause, becoming men of such worthy principles, as they are generally known to be actuated by: from this faithful discharge of that trust, so justly delegated to them, the people of this county (considering the shortness of the time) had a pretty general notice of the meeting, and accordingly assembled, at the court house, to a very considerable number: about one o'clock, the doors were opened and the populace entered with a decency of behaviour, becoming the most polite class of our citizens: Colonel Thomas Sprigg was chosen chairman; Elijah Gaither, Esquire, was appointed to read and

explain the constitution in the English language; and Abraham Faw, Esquire, (a gentlemen from Frederick county, and one of their representatives in the assembly of this state, who honoured us with his presence in this meeting) at the request of the chairman, read and explained it in the German language; so that from the abilities and obliging dispositions of these two gentlemen, the populace had the satisfaction and advantage of hearing the constitution read and explained in that language they understood best, and by these means were able to judge for themselves, and of consequence not so liable to be imposed upon hereafter, by such misrepresentations as heretofore took place. These gentlemen very coolly and ably read and explained the plan, section by section, and clause by clause, to the general satisfaction of all present, the chairman, at intervals, calling on the populace, if any among them had objections to any of the articles, sections, clauses, or provisions, to state them, in order that they might be answered, and the doubts cleared up, but, contrary to my expectations, (knowing that some of the gentlemen were in the assembly, that heretofore had made such extraordinary exertions to prejudice the minds of the common people against the plan, by misrepresentations:) not one objection was offered, or a dissenting voice heard, so unanimous did the people all appear to be.—The conduct of the gentleman that filled the chair was such, as deserves our warmest acknowledgment, for that able, manly, and impartial discharge of his duty, as president of the meeting. The whole of the assembly broke up in a decent friendly order, and shewed a behaviour on this occasion becoming a free people, who were consulting and advising the most effectual means of uniting themselves to each other, by the strongest ties of social friendship, and securing, to themselves and posterity, this lasting memorial of that spirit of liberty that now glows in the breast of every true American. May these sons of freedom not be disappointed, under this new government, in the expected blessings of living happy under wholesome and salutary laws, calculated to promote the general welfare of the union, and still preserving their liberties inviolate; blessings which they imagine they already anticipate.—May they never be disappointed at any future period, if necessity shall require it, or any innovations take place, that may seem dangerous to their liberties, of finding a band of sages, patriots, and statesmen, headed by a Washington, launch forth and boldly assert their country's right.

I am sorry to hear, that, though six states have already ratified the constitution, and the greatest probability of the other seven getting into the measure; yet a number of the inhabitants of Cumberland county, as well as some more of the upper counties of Pennsylvania, are still

refractory;² it is amazing they have not seen their error before this time. I cannot conceive, that if any man of them was to reflect coolly on the above circumstance, but he would yield his opinion, like the minority of Massachusetts,³ (to their honour let it be mentioned) to the opinion of the more numerous part of his fellow citizens. How apt are men to err on points of such magnitude, even some of the greatest characters; but then, a great man will always acknowledge such error, as soon as reason convinces him of the contrary, whilst the pedant actuated by a spirit of inconsistent zeal, and arrogant obstinacy, never will acknowledge that he was in the least degree liable to such fallibility. Now in the name of common sense, what can induce such numbers of people in these counties, to place such an implicit confidence in the virtue and abilities of twenty-three men, who voted against the constitution, and at the same time, reject the opinions and abilities of twice that number, of at least as great and virtuous men, that voted for it? Is not one man more liable to err than two other men of the same abilities?—And consequently, twenty three men were more liable to err, than forty six of the same or perhaps superior abilities.⁴—But to reject any conclusion drawn from the proceedings of the convention of Pennsylvania; is it not sufficient to satisfy these infatuated people, that this plan of government has been ratified by five of their sister states, without a dissenting state as yet? Or do the people of these few counties mean to put up their opinions in competition to the opinion of majorities of the greatest men in so many states, or perhaps to the whole union? How extravagant a thought! However, I apprehend that a great deal of their stubbornness and inflexibility, was occasioned by the conduct of the other class of citizens, who style themselves Federalists, in being too ready to abuse and ridicule them for their political opinions, and, although I rank myself as one of the same class, I cannot by any means countenance such proceedings, for we know it is almost impossible, that men should all agree on the different points or subjects of such magnitude: it is only the opinion of a majority of the wise and virtuous that should govern us on such occasions, and we ought to remember, that, even after these sages assert their opinions, it is hard to convince several, that it is the result of such patriotic virtue; and therefore, cool demonstrative, and persuasive arguments, should be made use of to convince them, instead of ridicule, threats, or menaces. Hence we can plainly see, that nothing can be sufficient to justify one party in ridiculing or abusing the other on these occasions, unless it be a willful perversion of something evidently calculated for the public good; and even in such instances, in some cases, it would be better avoided than practised. I hope, after some short time, we will all be unanimous in

our opinions, and as soon as nine states shall ratify, (which I have no doubt but such ratification will take place before the first of July next, as it is allowed, there will be little or no opposition in the convention of this state) I hope we will be all unanimous in rejoicing on the joyful event, and burying all discord and animosity in oblivion, with the old articles of confederation.

I remain, Dear Sir, &c.

1. For the "former letter" from this Hagerstown gentleman, see the *Carlisle Gazette*, 27 February (immediately above).

2. For the unrest in western Pennsylvania after the state Convention ratified the Constitution, see "The Carlisle Riot and Its Aftermath," 26 December 1787–20 March 1788, RCS:Pa., 670–708.

3. For the acquiescence of the Antifederalists in the Massachusetts Convention, see RCS:Mass., 1487–88, 1494, 1645–57.

4. A reference to the minority of the Pennsylvania Convention, which was defeated by a vote of 46 to 23.

Maryland Journal, 15 April 1788¹

Washington County, State of Maryland, April 9, 1788.

At the Close of the Poll for Delegates to the State Convention, the Numbers stood as follows, viz.

Col. THOMAS SPRIGG,	657	} Federalists.
Col. JOHN STULL,	657	
Col. MOSES RAWLINGS,	657	
Col. HENRY SHRYOCK,	657	
JOHN CELLERS, Esquire,	25	} Antifederalists.
JACOB FUNK, Esquire	24	
Col. ANDREW BRUCE,	21	
Col. NORMAND BRUCE,	14	

The above State sufficiently characterizes the Inhabitants of this County, for their great Zeal and Public-Spirit, in rendering their distressed Country all the Service in their Power. The vast Disproportion, which appeared in the Event of this Election, between the Federalists and Antifederalists, was no less pleasing to the former, than astonishing and mortifying to the latter. It is remarkable, that, out of 507 Votes taken the first Day, there were but 21 Votes against the Constitution. It is generally allowed, that had any thing like a respectable Opposition taken place in the Election, 1500 Federal Votes would have been taken on this Occasion, as the Inhabitants, even in the remotest Parts of the County, held themselves in Readiness, had their Assistance been requisite; but the Unanimity of the People in the more central Parts, rendered such Assistance entirely unnecessary.

1. Reprinted: *Pennsylvania Mercury*, 22 April; *Virginia Independent Chronicle*, 23 April; *Carlisle Gazette*, 23 April; *New York Packet*, 29 April; and Lansingburgh, N.Y., *Federal Herald*, 5 May (excerpt). The *Mercury*, *Packet*, and *Herald* reprintings were headed: "Extract of a letter from Washington county, state of Maryland, April 9, 1788."

GENERAL COMMENTARIES

John Eager Howard to Jeremiah Wadsworth Baltimore, c. 24 March 1788¹

I am happy to inform you that upon my arrival in Maryland I found the prospect of the Constitution being adopted was fully equal to my expectations.—The elections will take place in a fortnight when we shall be able to decide what will be the conduct of this State.—At present, appearances are very flattering, of eighteen Counties not more than four will return members unfriendly—In many Counties not the least opposition will be made—in three or four there will be contested elections which I count unfavorable, but others think that even in these Counties there will be Majorities on the right side.—You need not be under uneasiness on account of us for a Majority is certain, and it is not improbable but we shall be almost unanimous—I wish I could give as favorable accts. of Virginia—We have not yet received such accts. of their elections as to be able to determine what part they will act.—We are in doubt, but have great reason to believe that there will not be such an opposition as Mr. A. Lee represents.²—

I have written to you several times about the Post office.—Great complaints are made and an opinion prevails that there is a combination to prevent a free communication of intelligence which injures our cause—I am informed that some papers respecting the office have been forwarded to me at N. York—If there are any please to open them and make what use you think necessary of them—

1. RC, Wadsworth Papers, Connecticut Historical Society. The letter has no place or date of writing. The letter is docketed "Colo Howard/Baltimore—/March 1. 1788," but might be postmarked "BALTIMORE MARCH 24." The letter was written "a fortnight" before the elections began on 7 April, which would be about 24 March. Howard (1752–1827), a planter and large landowner, was a resident and major developer of the town of Baltimore. He was an officer in the Continental Army, 1776–83, rising to the rank of lieutenant colonel. Howard served in Congress for a little more than a month in 1788, and later that year he was elected governor, serving until 1791. After 1791, he held such prominent offices as Maryland senator (Western Shore), U.S. senator, and militia major general. Wadsworth (1743–1804), a Hartford merchant, was a member of the Connecticut House of Representatives, 1780–81, 1785–89, 1795, and delegate in the Confederation Congress, 1788. He voted to ratify the Constitution in the Connecticut Convention in January 1788.

2. On 7 March 1788 the Philadelphia *Independent Gazetteer* reported that Arthur Lee, on his way from Virginia to New York City, had said “that four-fifths of the people of Virginia are opposed to the new constitution.” The *Gazetteer*’s report was reprinted ten times, including twice in Maryland (*Maryland Journal* and Baltimore *Maryland Gazette*, 14 March). See CC:602.

William Tilghman to Tench Coxe
Chestertown, 6 April 1788¹

I thank you for your letter & Pamphlets, which were given me by Mr. Warder at Cecil Court, some considerable time after you wrote—The constant sitting of different Courts from that time to this, will account for my silence—I have just returned from the General Court which adjourned during the time of the Elections—they commence to morrow, & will last four days. You shall hear how they go—I have good reason to think that at least six of the eight Eastern shore counties will send Federal members to the Convention, & the accounts from the western shore are favorable—This county [i.e., Kent County] is something doubtful—But upon the whole, my Expectations of this State’s adopting the Government, are stronger than ever—

I have recd. your’s mentioning the shipping of my Father’s wine for Baltimore—Let me know what you paid for the debates of the Pennsylv. convention²—you shall soon hear from me again—

Your’s very affy.

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. The letter was taken to Coxe in Philadelphia by “Mr. Milligan.”

2. See “Advertisement for Debates of the Pennsylvania Convention,” 7 February (RCS: Md., 284–85).

Thomas & Samuel Hollingsworth to Levi Hollingsworth
Baltimore, 10 April 1788 (excerpt)¹

Dear Levi

. . . Our election came on a Tuesday, the Contest was considerable between the Fœderal & Anti-Fœderal parties—The Fœderals will carry their Men Doctr. McHenry & Doctr. Caulter for the Town by a large Majority.

But for the County the Antifœderals will be carried by as great a Majority or nearly so Vizt. The Two Charles Ridgelys Cradock &c—

In Annaps. Judge Hanson & Nicks. Carroll are carried both Fœderal, but their County Election is not yet over

In Harfd. County Lutr. Martin Pinkney, Love & Peca all Anti-Fedl. Men. . . .

1. RC, Hollingsworth Family Papers, PHi. The letter was signed "Your Fr[ien]ds & Br[other]s." Thomas (1747–1815) and Samuel (1757–1830), half brothers of Levi, were merchants.

Alexander Contee Hanson to Tench Coxe
Annapolis, 11 April 1788¹

I have just received your last favor; and the arrangements of the post office make it necessary for me, either to write in great haste, or wait till the next post day—I prefer the former.

I am now enabled to give you perhaps more certain information, than was contained in my last letter,² respecting the state of opinions in this state—

Our elections throughout the state began on Monday last whilst I was attending a general court on the E. S. [i.e., Eastern Shore]. These elections are expected to continue 4 days, wherever there is an opposition. Unfortunately, on that shore, the people are far too little concerned on this very singular occasion. The fact is, that very little opposition having been made to the adoption of the government, it is taken for granted almost that the meeting of convention will be little more than a formality. The contest does not lie betwe[en] federalists and antifederalists, and I fear, that some persons, opposed in their hearts to the federal government, will be elected on a supposition of their electors, that they are friendly to the government, and will prove enemies in the end. I have that opinion of all the antifederalists, with whom I am acquainted, that I believe them capable of any steps short of a breach of a solemn engagement to their constituents—I therefore suspect, that on the E. S. where in only one county there are candidates declared antifederalist there will be chosen perhaps 10 or 12 Delegates of this last description, out of 32 which make up the complement of that shore.

On my return home, yesterday I found the poll just closing for the county [i.e., Anne Arundel County], after a hard conflict between 4 Pro's and as many Con's. At length it is decided in favor of the latter. S. Chase (a resident of B. Town[]) was elected contrary to the proposed regulations of the legislature, which require a previous residence of a twelve month. His cousin J. T. Chase, and Colo. Mercer, (by some thought also ineligible) and Benjamin Harrison are his three colleagues. In Harford county also there are chosen 4 antifederalists. In Baltimore county there is confidently said to be a similar choice.

Perhaps it may gratify your curiosity to see a list of objections published at the opening of poll in Ann Arundel county—The following is an exact copy of a hand bill published in large capital letters

Bill of rights.	No direct
Liberty of conscience.	taxation
Trial by jury.	without
No excise.	previous
No poll tax.	requisition
No standing army in time of peace, without limitation.	} Signed J. T Chase J. F. Mercer
No whipping militia, nor marching them out of the state without consent of the general assembly	

2d. sheet

On these topics S. Chase and Colo. Mercer harranged four days. They were opposed by Charles Carrol only, who greatly distinguished himself and had the consolation of reflecting that he had acquired the applause of his sober, honest, and discerning countrymen, and by employing Mr. Chase so long, had prevented him from doing mischief else where—

In Annapolis, there was an opposition made to the election of Mr. Nic. Carroll and me; but it was feeble indeed. I was elected in my absence by about the proportion 12 votes for 1, and the election closed the second day. I have the honor to be a marked object of Mr. S. Chase, to say nothing of several others. I pray God, that I may [be] enabled nevertheless to acquit myself like a citizen, and a man. I am conscious of a vast disadvantage, which I labor under—Altho I have discharged the office of a judge, for more than 10 years, I am little used to public speaking; of which there will undoubtedly be more than is requisite to inform the mind—

In B. Town, the election of two members was extraordinary indeed as we hear—Two gentlemen, on the first day, obtained a number of votes, on an idea taken up too hastily by their electors that they were declared advocates for an unconditional adoption of the government. Being then called on for an explicit declaration, to satisfy certain doubts, that had been raised—behold! they are for the constitution with previous amendments—On this two decided federalists are proposed and they carry their election—

To sum up then, as it were—18 counties are to send each 4 members; & 2 cities are to send each 2 members—Total 76. Out of these are 12 certain enemies to the government. There are I apprehend at least 48 certain supporters of the government and I will suppose

all the [— — —] to be already antifederal or [— — —] gained by that party—So that [— — —] the very worst, I conceive there must be on the ultimate decision a majority of near 2 for 1—and I trust confidently that there will [be] a majority of near 4 for 1.

I have neither time nor paper to add

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. In the left margin of the second page of the letter Hanson wrote, “There has been published a supposed state of the returns in Virginia which gives a majority in favor of about 14 or 15 counties.”

2. See Hanson to Coxe, 27 March (RCS:Md., 262–63).

William Tilghman to Tench Coxe
Chestertown, 11 April 1788¹

I wrote you a few days ago by Milligan,² & have now the pleasure of informing you that the elections, which were closed last night, are on the Eastern shore, very favorable to the federal Government. On this Shore there are 8 counties—From good accounts, I have no doubt but 7 of them, (perhaps the eighth too) have chosen such men as we wish—In this county [i.e., Kent County] we had a much greater majority than I supposed—Considering that there was an avowed opposition, the *antis* made a very paltry figure—their highest man had not a fourth of the number of Votes of our lowest. On the western shore, we hope too for a considerable majority—Chase is endeavouring to be elected out of the county where he resides, contrary to the resolves of the Legislature—

The people here did me the honor of placing me first on the return, so that I must turn my thoughts on a subject to which I have not hitherto devoted much study—I must however return immediately to the General Court which I hope will adjourn in a few days—On Sunday week I shall go to Annapolis, & in the mean time I shall wish to hear from you. Your mind has been a good deal engaged in this business, & it may be of great service to me if you will apply a leisure Evening, in shortly marking out the principles which have struck you as being most forcible, either in support of the Governments, or by way of answering the objections urged against it—I have many of the publications on this subject, but you may have hit upon some reflections not yet given to the public—

Yours very affectionately

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

2. See Tilghman to Coxe, 6 April (above).

**Daniel of St. Thomas Jenifer to George Washington
Annapolis, 15 April 1788¹**

It affords me great pleasure to have it in my power to inform you that our Elections are now over, & in general in favor of the New Constitution. But three Counties in the State have chosen Members Anti-federal to wit Ann Arundel Baltimore & Harford & the Elections of these three will be controverted. as to three Members towit Mr Saml Chase for Ann Arundell on account of being a Non resident. the same objection to Mr Paca & Luther Martin in Harford. Baltimore a Double return 4 for & 4 against the Constitution—tho' I am opinion when the ultimate decision happens that M Paca will vote for the proposed plann as it stands & recommend amendments—rather than risque a new Convention—

1. RC, Washington Papers, DLC. Washington replied to this letter on 27 April (RCS: Md., 523–24).

Pennsylvania Packet, 15 April 1788¹

Extract of a letter from Baltimore, dated April 10.

“Our election for members of the State Convention commenced on Tuesday last; the federalists were likely to be taken by surprize; but Dr. McHenry and Dr. Coulter have carried by a great majority for the town, both federal. The two Charles Ridgelys for Baltimore County. Luther Martin for Hartford County, though it is supposed he is not eligible. Judge Hanson and Nicholas Carrol for Annapolis, federal. The hon. Joseph Gilpin, Col. Hollingsworth, Col. Samuel Evans and James G. Heron, esq; for Cecil County, all federal. So far as returns have come to my knowledge there will be a large majority of this state convention federal.”

1. Alternative versions of the extract appeared in the Philadelphia *Federal Gazette* and *Pennsylvania Mercury* on 15 April. Thirteen reprintings of one of the three versions of the extract appeared by 10 May: N.H. (1), Mass. (4), R.I. (1), Conn. (2), N.Y. (2), Pa. (2), S.C. (1). See Mfm:Md. 50 A–B, for the two alternative versions.

Philadelphia Federal Gazette, 17 April 1788¹

Extract of a letter from Baltimore, dated 13th inst.

“We know it will give you pleasure to learn, that great part of the counties in this state return federal members. The following is a list of those, whose elections are determined.

Federal—Worcester 4, Somerset 4, Dorset 4, Talbot 4, Caroline 4, Queen Anne 4, Cecil 4, Baltimore town 2, City Annapolis 2, Montgomery 4, Frederick 4, Washington 4, Prince Georges 4, St. Mary's 4.

Anti federal—Hartford 4, Baltimore county 4, this election will be disputed, Ann Arundel 4. 52 federal, to 12 anti-federal.”

1. Also printed in the *Pennsylvania Mercury* on 17 April. Reprinted in six other newspapers by 7 May: N.H. (1), Mass. (2), R.I. (1), Conn. (1), N.Y. (1).

John Relfe to Tench Coxe

Chestertown, 18 April 1788 (excerpt)¹

. . . I mean to cross the Bay on Sunday next on my way to Virginia with Mr. Tilghman who then goes to our Convention—there will be a great majority in the convention in favor of the new federal constitution tho' a very warm minority opposes it. Chase, Martin & Paca are chosen in county's that they do not reside in, whether they will be permitted to sit or no is not known. . . .

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

James Tilghman to Tench Coxe

Chestertown, 19, 28 April 1788 (excerpts)¹

. . . [P.S.] There is not one antifederal man chosen on the Eastern shore in the late Elections and but 12 on the Western shore and some of their seats disputable if it were worth while to dispute them

28th . . . It is expected the adoption of Constitution will take place to day

1. RC, Coxe Papers, Series II, Correspondence and General Papers, Phi. The address page was postmarked “CHESTERTOWN. APRIL 21,” but the letter “came back on Saturday [26 April] as it went.” Tilghman retrieved it from the post office, wrote the P.S., and re-sent it by “a private opportunity.” A retained copy of the 19 April portion of the letter is in the Tilghman Papers (MS 2821) at the Maryland Historical Society.

William Tilghman to Tench Coxe

Chestertown, 20 April 1788¹

I go to morrow to Annapolis You have probably seen the returns in the different counties, in the Baltimore papers—We suppose that 15 counties, & the towns of Baltimore & Annapolis have sent Federal representatives,—three Counties (Baltimore, Anne Arundel, & Harford) antifederal—On this calculation the majority will be 64 to 12—Allowing largely for accidents, I have no doubt but we shall have a very

respectable majority—Chase, Paca, & Martin, were in my opinion unduly elected, not being resident in the counties for which they were chosen—But it is worth considering whether it will not be better to wink at this—These men have no chance of success, but by throwing things into a ferment should they be refused a seat, it might raise discontents among the people who chose them, & the whole antifederal party would exclaim that they were excluded lest they should shew the intended form of Government in it's proper colors—

It is impossible to say yet, how long this business will detain us—The opposition will probably push first for an adjournment till the determination of Virginia is known—If they fail in that, they will endeavour to perplex the matter by introducing amendments—Their speakers are Chase, Martin, Mercer, Pinkney, & I suppose Paca; tho' it is said that both in Philadelphia & Maryland he has talked in a different Stile—I cannot conceive how he should be elected for Harford, but upon the Idea of his being averse to the Government—and to tell you the truth, I was surprized at being told what sentiments he expressed in Philadelphia—The Violence with which he urged an emission of paper here, made me conclude that he was averse to every thing like regular government—*this, entre nous*²—as he is a good tempered man, & we are upon terms of civility—I hope to hear from you during the sitting of the Convention, & beg that you will communicate any observations or intelligence which may appear interesting—You shall hear how we go on—

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

2. French: Between ourselves.

Philadelphia Federal Gazette, 22 April 1788¹

Extract of a letter from the head of Chesapeake, April 15th, 1788.

“The election for deputies to the convention of this state is closed, and I am happy to inform you, that the reputation of Maryland stands high for federal patriotism.—All the counties I have heard of, excepting three, have returned members who are warm and decided friends to the new constitution—Those for this county [Cecil County] are worthy federal characters—In Baltimore the federalists were likely to be taken by surprise, but they took the alarm in time, and by a majority of nearly three to one have elected the noble-spirited doctor McHenry and doctor Coulter—In Hartford, Luther Martin and Mr. Paca are chosen, the former knew his whole strength lay in that county, and has been for some time past canvassing in every part of it.—But as neither he nor Mr. Paca reside in that county, their election will be disputed.

“The return from the Eastern Shore, I trust, will discover to the world the falsehood of those numerous paragraphs in some of the Philadelphia papers, which have endeavoured to make you believe the people of the Eastern Shore were opposed to the constitution²—Is it not surprising that the anti-federalists will follow such practices as can be so soon and so decidedly proved to be foundationless deceptions?”

1. This item was also printed in the *Pennsylvania Mercury* on 22 April and reprinted in the *New Hampshire Spy*, 6 May (excerpt), and the *New Hampshire Gazette*, 7 May.

2. For example, see the Philadelphia *Independent Gazetteer*, 26 February (RCS:Md., 324).

Pennsylvania Gazette, 23 April 1788

*Extract of a letter from a gentleman in Maryland
to his friend in Philadelphia.*¹

“According to the promise which I gave you in my last, I am now able to send you a complete list of the Delegates for the *Convention* of this state, by which it will appear that your CENTINEL, depending probably on Mr. Martin’s exertions or intelligence, has deceived himself, and been striving greatly to deceive the public, in respect to the politics of Maryland.

*LIST of Delegates in the Convention of Maryland,
which meets on Monday, April 21, 1788.*

WESTERN SHORE.

St. Mary’s county. Col. George Plater, Richard Barnes, Charles Shelton, R. L. Sewell.

Charles county. Dr. George Brown, Michael Stone, Zephaniah Turner, Dr. Parnham.

Calvert county. Col. Wilkinson, Charles Graham, John Chesley, William Smith.

Prince George’s county. George Digges, Fielder Bowie, Osburne Sprigg, Benjamin Hall.

Montgomery county. Benjamin Edwards, Richard Thomas, Thomas Cramphin, William Deakins.

Frederick county. Thomas Johnson, Thomas Sim Lee, Richard Potts, Abraham Faw.

Washington county. Thomas Sprigg, Col. Rawlings, John Stull, M. Shryack.

City of Annapolis. Alexander Contee Hanson, Nicholas Carrol.

Baltimore town. Dr. James McHenry, Dr. Coulter.

EASTERN SHORE.

Cecil county. Col. H. Hollingsworth, Joseph Gilpin, James Gordon Heron, Samuel Evans.

Kent county. William Tilghman, Donaldson Yates, Isaac Perkins, William Granger.

Queen Anne's county. James Tilghman, James Holliday, John Seney, William Hemsley.

Caroline county. William Richardson, Joseph Richardson, Matthew Driver, Peter Edmonson.

Talbot county. Col. Banning, Robert Goldsborough, jun. Edward Lloyd, John Stevens.

Dorset [i.e., Dorchester] county. Robert Goldsborough, Nicholas Hammond, James Shaw, Dr. Sullivan.

Somerset county. George Gale, John Gale, John Stewart, Henry Wagaman.

Worcester county. John Done, Peter Chaille, James Martin, William Morrice.

Note. All the above, consisting of 64 members, were elected by *Fœderalists*, and are said to have declared themselves such at the time of election.—The following three counties, which complete the list, are said to be antifœderal, and to have elected most of their Delegates, twelve in number, upon the principles of opposition to the Fœderal Constitution, viz.

Anne Arundel county. Jeremiah Townley Chase, Samuel Chase, Col. Mercer, Benjamin Harrison.

Baltimore county. Charles Ridgely, Charles Ridgely, jun. Edward Cockey, Mr. Cromwell.

Hartford county. John Love, William Paca, William Pinckney, Luther Martin.

“It is supposed the Convention will not sit above ten days. The final question of adoption will probably be carried by *sixty-five* against *eleven*.”

The prophecies of the enemies of the fœderal constitution in regard to Maryland having been founded on mistaken facts, have proved very erroneous. It appears that above four fifths of the respectable Convention just chosen are open friends of the government, and were elected in the places of their respective residence, while several of the opponents, contrary to the rules of the constitution in the election of their house of representatives, and in violation of the resolutions of the legislature, have resorted to places where they do not live, to obtain their seats. 'Tis expected that the known candour of some of the gentlemen chosen by counties, of which a majority were anti-fœderal, will lead them to give a final vote in favor of the constitution.

How inconsiderable, says a correspondent, is the impression—how few are the converts made by the long speeches and publications of Luther Martin, Esquire, when the very town in which he lives [i.e., Baltimore] first passed him by, then rejected two candidates that were

opposed to the constitution, and finally voted in two others by a large majority, one of whom had joined in forming it, and both of whom had declared openly in favour of it. The considerate citizens of America, when they are examining Mr. Martin's papers, will not find it unimportant, that the inhabitants of his own town and the citizens of his own state do not appear to have relied on the statement he has given of facts, or the objections he has so laboriously urged.²

1. The extract was reprinted in the New York *Daily Advertiser*, 26 April. Excerpts from the letter without any listing of the delegates appeared in the *Pennsylvania Mercury*, 24 April; *New Jersey Journal*, 30 April; *Connecticut Courant*, 2 May; *New Jersey Brunswick Gazette*, 6 May; Poughkeepsie, N.Y., *Country Journal*, 6 May; and *New Hampshire Spy*, 6 May.

2. These last two paragraphs were reprinted in the Philadelphia *Federal Gazette*, 24 April; *New York Packet*, 25 April; and *Massachusetts Gazette*, 6 May.

Pennsylvania Gazette, 30 April 1788 (excerpt)¹

Extract of a letter from Baltimore, dated April 24, 1788.

“We had our elections a fortnight ago, and 64 fœderalists are chosen out of 76, if all keep the promises made at the hustings. Baltimore and Harford counties alone are clearly antifœderal, in which are many powerful and popular men, who have speculated deeply in British confiscated property, and for that reason are alarmed at shutting the door against *State Paper Money*. The same men, their relations and particular friends, are more violently antifœderal, because they paid considerable sums into the treasury in a depreciated continental currency, and are scared at the sweeping clause—“All treaties made and to be made, and laws enacted in pursuance thereof, shall be the law of the land, however repugnant to the constitution and laws of any particular state,”—which may bring about a due execution of the treaty between Great-Britain and America, to their loss. All those men are unanimous against the fœderal government; they are here called the *Black List*, by way of emphatical distinction. Anne-Arundel county, though naturally fœderal, have elected four anitfœderalists, owing to the popular electioneering talents of Mr. Chase, who has represented *them* for twenty years. I am sorry he kept out Mr. Carroll, of Carrollton, one of our first rate characters. Messrs. Paca and Martin were obliged to go to Harford to be chosen, for neither they nor Mr. Chase could possibly have been chosen in their own places of residence. Dr. McHenry was chosen by a large majority of votes for this town, because of his fœderalism, altho' opposed by Messrs. McMechan and Sterett, two very popular men, but unfortunately on the wrong side of the question. Mr. Chase is antifœderal, both from ambition, because he cannot expect to be so powerful

in the general government as he is in the state, and because his shattered circumstances render him interested in discord and a civil war. Not a single antifederalist is chosen from the whole eastern shore, or any other county except the three abovementioned. You can have no conception of the low arts made use of in those three counties to poison the commonal[i]ty—Standing armies, whipping the militia, and all the other inflammatory reasons so copiously held up to public view in the dissent of *your* turbulent Minority.² . . .”

1. The penultimate paragraph deals with the Maryland Convention (Mfm:Md. 76), while the last paragraph (only two sentences) deals with the favorable Federalist convention elections in Virginia and South Carolina.

2. For the “Dissent of the Minority of the Pennsylvania Convention,” see “A Marylander,” Baltimore *Maryland Gazette*, 4 January, note 2 (RCS:Md., 154n–55n).

V.
The Maryland Convention
21–29 April 1788

Introduction

The Maryland Convention assembled in Annapolis on Monday, 21 April. Three prominent Antifederalist delegates were not present—Samuel Chase, Luther Martin, and William Paca did not arrive until 24 April. The attending delegates agreed to meet daily from 9:00 A.M. to 3:00 P.M. After electing officers and adopting rules, the delegates on 23 April resolved to debate the Constitution as a whole rather than clause by clause and to take only one vote, on whether “this Convention do assent to and ratify” the Constitution. Among themselves the Federalist majority agreed not to respond to any Antifederalist objections.

On Thursday, 24 April, the newly arrived Samuel Chase spoke at length during the morning session. When no one followed Chase, the delegates adjourned until 4:30 P.M., at which time William Paca, a Harford County delegate, indicated “that he had great objections to the constitution proposed, in its present form, and meant to propose a variety of amendments, not to prevent, but to accompany, the ratification.” Paca, who had only arrived that afternoon, was not ready to present his amendments, and the Convention adjourned until the next morning. When Paca attempted to present his amendments on 25 April, Federalists prevented their introduction, insisting that they “‘were under an obligation to vote for the government’” and that they had no authority to propose or consider amendments on behalf of their constituents who had not given them any instructions concerning amendments. For the rest of the day and until the afternoon of the next day, 26 April, Antifederalists continued to object to the Constitution. Federalists remained silent and finally called the question, at which point the Convention ratified the Constitution 63 to 11. Paca, who had voted to ratify, was finally permitted to read his amendments. By a vote of “66 members for, and not more than 7 against,” the Convention agreed to create a committee of thirteen, consisting of nine Federalists, three Antifederalists, and Paca himself, to consider amendments. Paca’s amendments were referred to the committee. According to Alexander Contee Hanson, a committee member, Federalists felt that amendments were needed only as an “accommodation” to the minority; they were not necessary to correct alleged defects in the Constitution. Furthermore, if worded appropriately, amendments would serve

to instruct future congresses in their interpretation and implementation of the Constitution, thereby preventing implied powers from being too broadly interpreted.

On Monday, 28 April, the sixty-three ratifying delegates signed the Form of Ratification, and the next day the Convention instructed Governor William Smallwood to transmit the document to Congress. After considerable wrangling among the members of the committee of thirteen, committee chairman Paca informed the Convention on 29 April that the committee “could come to no Agreement to make any Report.” The Convention then thanked its president and adjourned.

Believing that the form of government proposed in the Constitution was “very defective” and “the liberty and happiness of the people” would be endangered if the Constitution was not amended, Paca and the eleven non-ratifying delegates prepared an address to the people of Maryland for publication. They laid before the people the thirteen amendments agreed upon by the committee of thirteen and the fifteen amendments that the Federalist majority on the committee rejected. The Antifederalists indicated that they had offered “not only [to] cease to oppose the government, but [to] give all their assistance to carry it into execution so amended” if the committee would only submit the first three rejected amendments to the Convention for a vote. The minority related how their offer was rejected 8 to 5, one Federalist voting with them. When the committee refused to make a report, all amendments were lost. In the address the Antifederalist minority presented the amendments to the public “for your consideration, that you may express your sense as to such alterations as you may think proper to be made in the new constitution.” Committee member Alexander Contee Hanson wrote the Federalist response to the minority address detailing the proceedings of the committee. Responding to a request made by Daniel Carroll, Hanson sent a manuscript copy of his narrative to James Madison, but Hanson suggested that it was unnecessary to publish it because the minority address seemed to be ineffectual.

In the Virginia Convention some Antifederalists made passing references to the Maryland amendments. On 9 June delegate Patrick Henry contended that sixty members of the Maryland Convention had supported amendments and that the Convention had “instituted a committee to propose amendments” (RCS:Va., 1053, 1056). On 25 June delegate Benjamin Harrison asserted that “In Maryland there is a considerable number who wish amendments to be had” (RCS:Va., 1517). In a letter written midway through the Virginia Convention, Theodorick Bland, another Antifederalist delegate, suggested that a majority favored previous amendments similar to those recommended

by the Massachusetts and South Carolina conventions and comparable to “the main points [of the amendments] of the committee of Maryland” (to Arthur Lee, 13 June [RCS:Va., 1617]).

Because the Federalist delegates had agreed not to respond to Anti-federalist criticism of the Constitution, no Federalist speeches on the substance of the Constitution were delivered in the Convention. However, two Federalist speeches intended to be delivered have survived. Before the election in Ann Arundel County, Charles Carroll of Carrollton prepared a speech, only to find that he and three other Federalist candidates were defeated. An unidentified Federalist delegate prepared a speech but did not deliver it. Almost three months after the Convention had adjourned, “A Private Citizen” wrote to William Goddard, the printer of the *Maryland Journal*, saying, “I have lately been favoured with the perusal of a written speech intended to have been delivered in our convention. It was not delivered, because it was agreed among the members of the majority not to waste time or protract the decision by arguments in favour of the system.” “A Private Citizen” had suggested to the author of the speech that it should be published. The author agreed and supplied “a copy of the speech corrected, with a permission to insert it in your [Goddard’s] paper.” It was printed in five installments in the *Maryland Journal* (25, 29 July, and 1, 5, 8 August 1788). These two undelivered speeches are printed below as Appendix VI and Appendix VII.

Sources for the Maryland Convention

Convention Proceedings

The Maryland Convention sent a copy of its journal to Congress along with the state’s Form of Ratification. This copy of the Convention journal intentionally included only the Convention’s proceedings through the vote to ratify the Constitution on 26 April. The only surviving copy of the journal, this copy, is in the National Archives. The proceedings for 26 April, following ratification, and 29 April printed in the newspapers are more complete accounts of action in the Convention than the very brief account of what happened on 28 April. Two letters and several brief newspaper items describe the proceedings on 22 April when the Convention decided not to debate the Constitution clause by clause.

Convention Debates

Maryland Federalists hired Thomas Lloyd to take shorthand notes of the Convention debates and print them. Once Federalists decided not

to respond to the Antifederalist speeches in the Maryland Convention, there was no need to publish Lloyd's debates. (See Appendix VIII for more on Lloyd's debates.) Six documents printed in this volume give a picture of what was said or might have been said in the Convention debates. The first item (printed under 24 April [below]) is the notes that Samuel Chase might have used for the lengthy speech he delivered on the mornings of 24–25 April (New York Public Library). Two newspaper pieces (also printed under 24 April [below]) designed to influence voters in the October 1788 state elections also regard Chase's Convention activities. Charles Carroll of Carrollton, who expected to be elected a delegate to the state Convention, prepared a speech to be delivered in that body before he lost in the April elections (Maryland State Archives). A manuscript containing notes that Carroll might have planned to use for a speech or speeches at the Convention is in the Maryland Historical Society. (Both Carroll items appear as Appendix VI [below].) The final item (printed as Appendix VII [below]) is an undelivered speech prepared by a Federalist Convention delegate that appeared in five issues of the *Maryland Journal* in July and August 1788.

Form of Ratification and Amendments

The Maryland Form of Ratification and the governor's letter transmitting it to Congress are in the National Archives. William Paca proposed that the Maryland Convention adopt recommendatory amendments to accompany the Form of Ratification. The Federalist majority in the Convention thwarted Paca's attempt to attach amendments. Paca's amendments were printed in two Maryland newspapers on 29 April and widely reprinted. The wrangling over amendments in the Convention on 24–26 and 28–29 April is discussed in detail in the Address of the Minority of the Maryland Convention and a narrative written by Federalist Alexander Contee Hanson. The Address was printed in the Annapolis *Maryland Gazette* on 1 May, and Hanson's manuscript, a copy of which he sent to James Madison, is in the Library of Congress. A broadside appeared in Baltimore in the fall campaign for seats in the House of Delegates in which Samuel Chase discussed his, James McHenry's, and James Coulter's actions in the Convention on amendments. All three of these documents shed additional light on the proceedings of the Convention.

Convention Expenses

The Maryland State Archives has a manuscript journal of accounts that contains records of the amount paid to each delegate for his attendance at and travel to and from the Convention.

Delegates to the Maryland Convention

The roster lists all of the delegates elected to the Maryland Convention. The vote given for each delegate is the 26 April vote to ratify the Constitution, which carried 63 to 11. A “Y” indicated a vote to ratify the Constitution; an “N” a vote against ratification; and an “A” a delegate that was absent. Anti-federalist William Paca voted to ratify. Robert Goldsborough, Sr., of Dorchester County, who died in December 1788, probably was too ill to attend. Illness had affected his attendance in the state Senate in 1783 and 1784. Jeremiah Banning (Talbot County), the other absent delegate, was also said to be sick and received no payment for attendance at the Convention.

OFFICERS

PRESIDENT	EXTRA CLERK
George Plater	Henry Whetcroft
CLERK	MESSENGER
William Harwood	Cornelius Mills
ASSISTANT CLERK	DOOR KEEPER
Archibald Golder	Charles Hogg

DELEGATES

CITY OF ANNAPOLIS	CECIL COUNTY
Nicholas Carroll (Y)	Samuel Evans (Y)
Alexander Contee Hanson (Y)	Joseph Gilpin (Y)
ANNE ARUNDEL COUNTY	James Gordon Heron (Y)
Jeremiah Townly Chase (N)	Henry Hollingsworth (Y)
Samuel Chase (N)	CHARLES COUNTY
Benjamin Harrison (N)	Gustavus Richard Brown (Y)
John Francis Mercer (N)	John Parnham (Y)
BALTIMORE COUNTY	Michael Jenifer Stone (Y)
Edward Cockey (N)	Zephaniah Turner (Y)
Nathan Cromwell (N)	DORCHESTER COUNTY
Charles Ridgely (N)	Robert Goldsborough, Sr. (A)
Charles Ridgely, son of William (N)	Nicholas Hammond (Y)
BALTIMORE TOWN	James Shaw (Y)
John Coulter (Y)	Daniel Sulivane (Y)
James McHenry (Y)	FREDERICK COUNTY
CALVERT COUNTY	Abraham Faw (Y)
John Chesley, Jr. (Y)	Thomas Johnson (Y)
Charles Grahame (Y)	Thomas Sim Lee (Y)
Walter Smith (Y)	Richard Potts (Y)
Joseph Wilkinson (Y)	HARFORD COUNTY
CAROLINE COUNTY	John Love (N)
Matthew Driver (Y)	Luther Martin (N)
Peter Edmondson (Y)	William Paca (Y)
Joseph Richardson (Y)	William Pinkney (N)
William Richardson (Y)	

KENT COUNTY

William Granger (Y)
 Isaac Perkins (Y)
 William Tilghman (Y)
 Donaldson Yates (Y)

MONTGOMERY COUNTY

Thomas Cramphin, Jr. (Y)
 William Deakins, Jr. (Y)
 Benjamin Edwards (Y)
 Richard Thomas, Sr. (Y)

PRINCE GEORGE'S COUNTY

Fielder Bowie (Y)
 George Digges (Y)
 Benjamin Hall (Y)
 Osborn Sprigg (Y)

QUEEN ANNE'S COUNTY

William Hemsley (Y)
 James Hollyday (Y)
 John Seney (Y)
 James Tilghman (Y)

SAINT MARY'S COUNTY

Richard Barnes (Y)
 Charles Chilton (Y)
 George Plater (Y)
 Nicholas Lewis Sewall (Y)

SOMERSET COUNTY

George Gale (Y)
 John Gale (Y)
 John Stewart (Y)
 Henry Waggaman (Y)

TALBOT COUNTY

Jeremiah Banning (A)
 Robert Goldsborough IV (Y)
 Edward Lloyd (Y)
 John Stevens (Y)

WASHINGTON COUNTY

Moses Rawlings (Y)
 Henry Shryock (Y)
 Thomas Sprigg (Y)
 John Stull (Y)

WORCESTER COUNTY

Peter Chaille (Y)
 John Done (Y)
 James Martin (Y)
 William Morris (Y)

The Maryland Convention
Monday
21 April 1788

Convention Proceedings, 21 April 1788¹

Monday the twenty first Day of April seventeen hundred and eighty eight; being the Day recommended by the General Assembly for the meeting of a Convention of the Delegates of the People of this State for the purpose of considering and determining on the proposed Plan of a Federal Government transmitted to the General Assembly through the Medium of Congress—

Men present

For Saint Mary's County

Mr. Richard Barnes
Mr. George Plater
Mr. Charles Chilton
Mr. Nichos. Lewis Sewall

Kent County

Mr. William Tilghman
Mr. Donaldson Yates
Mr. Isaac Perkins
Mr. William Granger

Anne Arundel County

Mr. Jerh. T. Chase
Mr. Jno. F. Mercer
Mr. Ben. Harrison

Calvert County

Mr. Joseph Wilkinson
Mr. Charles Grahame
Mr. Jno. Chesley Junr.
Mr. Walter Smith

Baltimore Co[un]ty

Mr. Charles Ridgely of Wm.

Charles County

Mr. Gustavus Rd. Brown
Mr. Jno. Parnham
Mr. Zephaniah Turner
Mr. Michael J. Stone

Somerset County

Mr. Waggaman

Dorchester County

Mr. Nicholas Hammond
Mr. Daniel Sulivane
Mr. James Shaw

Cæcil County

Mr. Joseph Gilpin
Mr. Henry Hollingsworth
Mr. James Gordon Heron
Mr. Samuel Evans

Prince George's County

Mr. Fielder Bowie
Mr. Osborn Sprigg
Mr. Benjamin Hall
Mr. George Digges

Worcester County

Mr. Peter Chaille
Mr. Jas. Martin
Mr. Wm. Morris
Mr. Jno. Done

Frederick County

Mr. Thos. Johnson
Mr. Abraham Faw

Washington County

Mr. Thos. Sprigg
Mr. Jno. Stull
Mr. Moses Rawlings
Mr. Henry Shryock

Montgomery County

Mr. Richd. Thomas Senr.
Mr. William Deakins
Mr. Ben. Edwards

City of Annapolis

Mr. Nichos. Carroll
Mr. Alex. Contee Hanson

The Convention proceeded to the choice of a President and the Honorable George Plater Esquire was unanimously elected

The Convention appointed Mr. William Harwood Clerk Ordered that he Qualify as such by taking an Oath that he will honestly faithfully and diligently discharge the Office of Clerk to the Convention

Mr. Cornelius Mills was appointed Messenger and Mr. Charles Hogg Door keeper, Ordered that they be qualified

Mr. Archibald Golder was appointed assistant Clerk to the Convention, Ordered that he qualify by taking an Oath that he will honestly faithfully and diligently discharge the Office of assistant Clerk to the Convention—

Resolved that a Committee of Elections be appointed and that they be directed to inspect the returns and make report thereof, and Mr. Johnson, Mr. Barnes, Mr. Jeremiah Townly Chase Mr. Done and Mr. Faw were appointed a Committee for that purpose—

Resolved, that this Convention will sit from nine oClock in the Morning till three OClock in the Afternoon for considering the proposed Plan of Federal Government

The Convention Adjourns till to Morrow Morning 9 OClock

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA. The Annapolis *Maryland Gazette*, 24 April, printed a brief account of the meeting of the Convention and the election of George Plater as president. The last sentence read, “There is a very large majority of this respectable body in favour of the proposed Constitution” (Mfm:Md. 61).

The Maryland Convention Tuesday 22 April 1788

Convention Proceedings, 22 April 1788¹

Tuesday April 22nd 1788 Convention met
Present the same Members as on Yesterday
The Proceedings of Yesterday were read

Mr. Thomas Sim Lee and Mr. Richard Potts Delegates returned for Frederick County[;] Mr. George Gale Mr. John Steuart and Mr. John Gale Delegates returned for Somerset County; Mr. James Tilghman Mr. John Seney and Mr. James Hollyday Delegates returned for Queen Ann’s County; Mr. Edward Lloyd and Mr. John Stevens Delegates returned for Talbot County; Mr. Joseph Richardson Mr. William Richardson Mr. Matthew Driver and Mr. Peter Edmondson Delegates returned for Caroline County; Mr. Charles Ridgely a Delegate returned for Baltimore County and Mr. James McHenry a Delegate returned for Baltimore Town appeared and took their Seats in the Convention

Resolved that the following Rules be observed during the sitting of this Convention.

That when the President assumes the Chair the Members shall take their Seats—

That at the opening of the Convention each Day, the Minutes of the preceding Day shall be read, after which any Business addressed to the Chair may be proceeded to.

That a Motion made and seconded shall be repeated by the President. A Motion shall be reduced to Writing if required by the President or any two Members. A Motion may be withdrawn by the Member making it before any Decision is had thereon.

That no Member speaking shall be interrupted but by a call to Order by the President, or by a Member through the President.

That no Member be referred to in Debate by Name.

That all Questions of Order be decided by the President, without Debate, but the President may refer such Questions to the House, which shall decide also without Debate.

That every Member attending the Convention shall be in his place at the Time to which the Convention stands adjourned or within half an Hour thereof.

That during the sitting of this Convention the Doors shall be open.—

Mr. Johnson from the Committee of Elections brings in and delivers to Mr. President the following Report.

By the Committee of Elections—

Your Committee beg leave to Report, That by the Certificates of the several Sheriffs, it appears that the following Persons are duly elected and returned for their respective Counties—to wit For Saint Mary's County—Richard Barnes, George Plater, Charles Chilton and Nicholas Lewis Sewall Esquires; For Kent County—William Tilghman, Donaldson Yates, Isaac Perkins, and William Granger Esquires—For Anne Arundel County Jeremiah Townley Chase, Samuel Chase, John Francis Mercer and Benjamin Harrison Esquires: For Calvert County Joseph Wilkinson Charles Grahame, John Chesley Junr. and Walter Smith Esquires: For Charles County—Gustavus Richard Brown, John Parnham, Zephaniah Turner and Michael Jenifer Stone Esquires: For Baltimore County Charles Ridgely, Charles Ridgely son of William, Edward Cockey and Nathan Cromwell Esquires: For Talbot County Jeremiah Banning, Robert Goldsborough, Edward Lloyd and John Stevens Esquires For Somerset County George Gale, Henry Waggaman, Jno. Steuart and John Gale Esquires: For Dorchester County Robert Goldsborough, Nicholas Hammond, Daniel Sulivane, and James Shaw Esquires: For Cæcil County: Joseph Gilpin, Henry Hollingsworth, James Gordon Heron, and Samuel Evans Esquires: For Prince Georges County—Fielder Bowie, Osborn Sprigg, Benjamin Hall and George Digges Esquires: That by the Certificate of the Aldermen of the City of Annapolis it appears, that Nicholas Carroll and Alexander Contee Hanson Esquires are duly elected and returned Delegates for the said City. For Queen Anns County, James Tilghman, John Seney, James Hollyday and William Hemsley Esquires: For Worcester County, Peter Chaille, James Martin, William Morris and John Done Esquires: For Frederick County Thomas Johnson, Thomas Sim Lee, Richard Potts and Abraham Faw Esquires: For Harford County, William Paca, John Love, William Pinkney and

Luther Martin Esquires: For Caroline County, Joseph Richardson, William Richardson, Matthew Driver, and Peter Edmondson Esquires That by the Certificate of the Commissioners of Baltimore Town it appears that James McHenry and John Coulter Esquires are duly elected and returned Delegates for said Town—For Washington County Thomas Sprigg, John Stull, Moses Rawlings, and Henry Shryock Esquires: For Montgomery County, Thomas Cramphin, Richard Thomas Senr. William Deakins and Benjamin Edwards Esquires

By Order

A. Golder Ck

Which was read the first and second Time and concurred with.

The Convention adjourns till to morrow Morning 9 oClock

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA.

Newspaper Reports of Convention Proceedings, 22 April 1788

*New York Daily Advertiser, 30 April 1788*¹

Extract of a letter from Philadelphia, dated April 28, received by last post.

“A gentleman in this city has received a letter from Baltimore, dated the 24th instant, from which the following is an extract:—

“Our Convention has met at Annapolis. The Antifederalists wished to debate the New Constitution by paragraphs, but the Federalists declared off (say 58 against 5); and to-morrow we expect to hear of its being ratified without a dissenting voice, except 8 or 10.”

—“So you see *Luther* will have no chance of giving any more *genuine* information.”

1. Reprinted five times by 8 May: R.I. (1), Conn. (3), N.Y. (1). The *Norwich Packet*, 8 May, did not print the last paragraph.

New York Independent Journal, 30 April 1788

By a gentleman from Maryland we are informed, that the Convention of that State assembled at Annapolis on Monday the 21st instant.—That on motion “that the Constitution, proposed by the General Convention be read and considered paragraph by paragraph,” the House divided, and there appeared for the motion, *five*, against it, *fifty-seven*.—That a resolution had passed for the reading of the Constitution; and that the question be put *that the same be adopted*.—That the Constitution had been twice read before our informant came away; and that it was expected to be adopted on Saturday.—That the people of that State had generally attended the polls at the election of their Delegates; and

that the friends of the New Constitution were to its enemies as 64 to 12, according to the most accurate accounts of those who had the best means of information.

(The authenticity of the above paragraph may be depended on.)

1. Reprinted without the editorial comment in parenthesis: *New York Packet*, 2 May; *Massachusetts Spy*, 8 May; *Newport Herald*, 8 May; and *Hartford American Mercury*, 12 May. For an alternative version of this account with a different editorial comment, see the *New York Journal*, 1 May (Mfm:Md. 82).

Pennsylvania Packet, 30 April 1788¹

Extract of a letter from a gentleman in Baltimore, dated April 24.

“Our Convention is now convened at Annapolis—They made a house the very first day, and chose Mr. Plater for President. The question was put, whether they should take up the consideration of the new Constitution, and argue it by paragraphs, or *in toto* as it stood. It was determined by a great majority, to take it up as it stood, for it would only delay time to enter into long debates about it. They also determined that no member should speak more than twice to any point, and at each time not more than half an hour, which defeats *Chace*, *Martin*, *Paca* and *Mercer*, in their plan of anti-federal measures.

“There is not a doubt but the new constitution will be adopted in this state, and I believe the convention will rise in a very few days. It is said they mean to bring on the question very soon. We are preparing here for a grand procession on the occasion, and the 1st of May is mentioned as the day.

“The above questions were carried by a majority of 58 to 5.”

1. The *Pennsylvanian Journal* printed this extract minus the last paragraph on the same day. The *Packet's* version was reprinted in the *New York Journal*, 3 May; *Poughkeepsie Country Journal*, 6 May; and *Pittsburgh Gazette*, 17 May. The *Pennsylvanian Gazette*, 30 April, printed a slightly different extract from another 24 April letter from Baltimore (Mfm:Md. 76).

Private Commentaries on the Convention, 22 April 1788

Richard Butler to William Irvine

*Carlisle, 27 April 1788 (excerpt)*¹

. . . The Anti-Federal people here are yet very ill-natured, & threaten to oppose, even should nine States adopt, *but this is all wind*. Mr. John Smith arived yesterday from Baltimore, & tells me that on the 22d a motion was made by one of the anti-party in the Convention, for taking up the Constitution & debating it by paragraphs. He was answered by a Federalist, that he was of opinion every member of the Convention was perfectly master of the subject, having had sufficient time to study

it & make up his mind on it before he came there; if not, he was unfit for the appointment. On which it was proposed that a vote should be taken on the motion, which was done, when only five appeared for it. He further adds, that unless there is a proposal, & committee formed to propose amendments after adoption; that the business is settled yesterday in favor of the new plan. . . .

1. Copy, Draper Collection, William Irvine Papers, Wisconsin Historical Society. Another excerpted copy with some textual variations is in the Bancroft Papers in the Massachusetts Historical Society. Butler (1743–1791), a native of Ireland, rose in rank from captain to brevet brigadier general in the Continental Army, 1776–83. He helped negotiate several treaties with various Indian tribes, 1784–86, and in 1786 was appointed Superintendent of Indian Affairs for the Northern District.

John Montgomery to William Irvine
*Carlisle, 27 April 1788 (excerpt)*¹

. . . Maryland state Convention met last monday on tuesday a motion was made to take up the new Constitution and Debate them by paragraphs on the Quistion after a prety long Debate 58 agt 5² for it so that we realy affirm that the Constitution will be adopted in that state we are assured that thire is 64 in favr of it and only 12 oposed all the Delagates was not present when the above vote was taken . . .

1. RC, Irvine Papers, PHi. For the complete letter, see Mfm: Pa. 662. Montgomery (1722–1808), a native of northern Ireland, was a militia colonel, 1777; a member of the Pennsylvania Assembly, 1781–82; and a delegate to the Confederation Congress, 1782–84.

2. Samuel Smith said the vote was 58 to 4 (to Tench Coxe, 28 April [RCS:Md., 690]).

The Maryland Convention **Wednesday** **23 April 1788**

Convention Proceedings, 23 April 1788¹

Wednesday April 23rd 1788 Convention met
Present the same Members as on Yesterday
The Proceedings of Yesterday were read

Mr. John Coulter a Delegate returned for Baltimore Town and Mr. William Pinkney a Delegate returned for Harford County appeared and took their Seats in the Convention—

⟨The proposed Plan of Federal Government for the United States was read the first Time and thereupon, Resolved, That this Convention

will not enter into any Resolution, upon any particular part of the proposed plan of federal Government for the United States; But that the whole thereof shall be read through a second Time, after which the Subject may be fully debated and considered. And then the President shall put the Question, that this Convention do assent to and ratify the same Constitution, On which Question the Yeas and Nay's shall be taken)²—The proposed Plan of Federal Government was read the second Time agreeably to the above Resolution—The Convention adjourns till to morrow Morning 9 oClock

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA.

2. The Annapolis *Maryland Gazette*, 24 April, printed the text within angle brackets. This account was reprinted in the Baltimore *Maryland Gazette*, 29 April, and in twenty-one other newspapers by 22 May: N.H. (2), Mass. (7), R.I. (2), Conn. (2), N.Y. (3), N.J. (1), Pa. (4).

The Maryland Convention Thursday 24 April 1788

Convention Proceedings, 24 April 1788¹

Thursday April 24. 1788. Convention met
Present the same Members as on Yesterday

The proceedings of Yesterday were Read—

Mr. William Hemsley a Delegate returned for Queen Anns County; Mr. Edward Cockey and Mr. Nathan Cromwell Delegates returned for Baltimore County, Mr. Robert Goldsborough a Delegate returned for Talbot County, Mr. Samuel Chase, a Delegate returned for Anne Arundel County Mr. Luther Martin and Mr. John Love Delegates returned for Harford County, appeared and took their Seats in the Convention—

The Convention adjourns till half after four oClock
Post Meridiem.²

The Convention met

Mr. Thomas Cramphin a Delegate returned for Montgomery County and Mr. William Paca a Delegate returned for Harford County appeared and took their Seats in the Convention—

The Convention adjourns till to Morrow Morning 9 oClock—

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA.

2. In his narrative of the Convention, Alexander Contee Hanson wrote that “The object of meeting a second time on the same day was to prevent further procrastination, and to have the business concluded immediately” (RCS:Md., 674).

Samuel Chase: Objections to the Constitution, 24–25 April 1788

Samuel Chase arrived in the Maryland Convention on Thursday, 24 April. After speaking for a long time that morning, Chase indicated that he was exhausted but that he had more to say. When no other speakers followed, the Convention adjourned to 4:30 p.m. When reconvened, the newly arrived William Paca addressed the Convention. Presumably, Chase finished his comments the next day.

A copy of Chase's undated objections to the Constitution is in the Bancroft Transcripts in the New York Public Library. In February 1877, Chase's granddaughter, Mrs. C. Chase Oldfield, loaned the original manuscript to historian George Bancroft, who, at the time, was preparing his *History of the Formation of the Constitution of the United States of America* (2 vols.; New York, 1882). Oldfield, who wanted the original manuscript returned, thought Chase's objections “may be of some importance, or they may not.” Copied by Austin Scott, presumably one of Bancroft's assistants, Chase's objections appear on fifty-four, odd-numbered pages from 45 to 151. Pages 47, 59, 123, and 139 are blank. For some duplication of text and information by Chase, see notes 1, 12, 14–15, and 24–26 (below). The material in parentheses are comments and corrections made by Bancroft's copyist. James A. Haw edited the document as “Samuel Chase's ‘Objections to the Federal Government,’” *Maryland Historical Magazine*, 76 (1981), 272–85.

Samuel Chase Esq.

objections to the Federal Government.

Papers. 1. As to characters of Convention.

2. As to no Government if new are not adopted.

See Oswald Independent Gazetteer Nov. 14. Brutus Junr.

3. Trial by Jury. Democratic Federalist.

4. Bill of Rights. Old Whig 4 and 5.

5. Trial by Jury. Columbian Patriot.

6. Objections answered by Aratus.¹

Authority of Delegates to Convention.

1. Act of appointment.

No authority from legislature to annihilate Confederation and form a Constitution for the United States. Legislature could not grant such power.² Deputies acted as mere individuals and not in official or delegated capacity. Express object of delegates to *revise* Confederacy. Act done—a General or *National* Government is formed—the separate sovereignty and independence of each state, and their union by a Confederate league is destroyed and they are melted down and Consolidated into one *National* Government. In Confederation—*We the States*—

in proposed Constitution—*We the People*—the first is a true *federal government of states* and has no power over the *individual citizens* of any of the states—the latter a national one by express Compact of all the people; it establishes a supreme power over the *individuals* of the states. It annuls the confederacy. See Art. 13.³

It swallows up the state Governments and states legislatures—it alters our Constitution and annuls our Bill of Rights in many of its most essential Parts—How justify this Convention on the Principles of Aristides—People no right to interfere, etc. Aristides p. 9. Amendment in Parliamentary language means striking out the *whole*.⁴ Convention has only advised—and so might an individual. Wilson—Convention did not act upon the Powers given them by the States but they proceeded upon *original Principles*. Independent Gazetteer, 29. Nov.⁵

McKean.—State Convention no right to inquire into Power of late convention, or to alter or amend their work. Sole question whether to ratify or reject the whole system.⁶ Could convention lessen the *rights* of the people? their right to lessen never surrendered to Convention. People must have a *right* to judge of the Government Proposed. No man can controvert the right of Proposing amendments. Whether proper and necessary the only question. Aristides 30.⁷ Ist. Question. Whether a federal or national government proper for America. S. C. (i.e. Samuel Chase) for the former. Because an extensive country (like United States) on democratical principles only by a confederation of small republics exercising all the powers of *internal* government, but united by league as to their *external* foreign concerns.—A national or general government however constructed over so extensive a Country as America must end in despotism.—If instituted on principles of freedom, not competent to the local wants and concerns of the remote parts of the empire. Montesquieu Vol. i. ch. 16. Brutus No 1. Cato No. 3.⁸

2nd. Question—If *national* whether the one proposed ought to be ratified without any previous amendments. 1. The question is the most important that ever came before an assembly for decision. It involves the happiness or misery of millions yet unborn. The decision requires all the consideration that the utmost exertion of the powers of the mind can bestow.

The present and future generations will bless or execrate us. We (are) at a solemn crisis—and the magnitude of the subject requires that it should be deliberately considered and fully considered with temper and moderation.—

1. People will *not* choose representatives.
2. Congress to alter place!

Senate—never heard of the resolve of Senate. Resolves of Senate adopted before those of House of Delegates.

3d. Wednesday of January—Election.

1st. Monday in March—proposed an earlier day of meeting.⁹
Representation.

1. A fact—the continent will be governed by 65. Six northern states—35—seven southern states. 30.¹⁰

2. I do not object that the states have not an equal representation in the second branch or House of Representatives.

3. I object because the representatives will not be the representatives of the people at large but really of a few rich men in each state.

A representative should be the image of those he represents. He should know their sentiments and their wants and desires—he should possess their feelings—he should be governed by their interests with which his own should be inseparably connected.

The representatives of so extensive a country—consequently such numbers should be numerous.—A few men cannot possibly represent the *opinions*, wishes and *interests* of great numbers. It is impossible for a few men to be acquainted with the sentiments and interests of the United States which contains many different classes or orders of people—Merchants, farmers, planters, mechanics and gentry or wealthy men. To form a proper and true representation each order ought to have an opportunity of choosing from each a person as their representative; this is impossible from the smallness of the number—65. Can six men be found in Maryland¹¹ who understand the interests of the several orders of men in this state and are acquainted with their situation, wants and would act with a proper sense and zeal to promote their prosperity—If such could be found will they be chosen by the people? No—but few of the merchants and those only of the opulent and ambitious will stand any chance. The great body of farmers and planters cannot expect any of their order—the station is too elevated for them to aspire to—the distance between the people and their representatives will be so very great that there is no probability of a farmer or planter being chosen.—Mechanics of every branch will be excluded by a general voice from a seat—only the *gentry*, the *rich* and well born will be elected. Wealth creates power—the wealthy always have a number of dependants—they always favor each other—it is their interest to combine and they will consequently always unite their efforts to procure those of their own order or rank to be elected and they will generally succeed. The station is too high and elevated to be filled but by the *first men* in the state in point of fortune and influence. In fact no

order or class of the people will be represented in the House of Representatives—called the Democratic branch—but the rich and wealthy. They will be ignorant of the sentiments of the middling (and much more of the lower) class of citizens, strangers to their ability, unacquainted with their wants, difficulties and distress and need of sympathy and fellow feeling.

4. (The members are too few. It is to consist at first of 65—and cannot exceed 1 for 30,000 inhabitants—whites and $\frac{3}{5}$ slaves—a majority, a quorum 33—ergo 17 may make a law—liable to bribery and corruption.)¹² G. B. and F. (i.e. Great Britain and France) will endeavor to obtain an influence to procure treaties of commerce, and alliances offensive and defensive—they will practice the means—Holland is a proof.

This objection applies to the Senate—at first 26. 14 a majority [which makes a quorum] 8 may make a law—liable to same bribery and corruption. Madness to vest 25 men with absolute power—no free people ever reposed power in so small a number. The Executive will corrupt them—they are not excluded from office.

The last House of Commons above 500 members. Number of inhabitants about 8 millions—1 for little above 14,000—The members in the Democratic branches in 13 states amount to 2,000. The numbers should be too great to be corrupted and not so great as to be a mob.

5. (The House of Representatives will *not* be chosen by the people. Art. 1. Sect. 2.

Maryland is to choose 6 representatives—every person qualified to elect members of our House of Delegates is to be entitled to vote. Our legislature is to prescribe the time, place and manner of electing representatives. Art. 1. Sect. 4. Aristides 9.¹³ Either the people at large of the whole state must choose the six representatives, or the state must be divided into six Districts for each to elect one man.—Say 2 on Eastern and 4 on Western shore.)¹⁴

If the whole people choose they will meet in their counties on the same day; this is proposed by some—consider such an election.

If in districts the inconvenience—and the last who vote will elect—and choice like as if all chose. Suppose our delegates chosen in this manner. On the whole I am convinced, 1st. That the representatives will be merely nominal from the persons and the members elected; 2nd. That the right of electing is nugatory and cannot be effectually exercised—it is only a *fallacious participation* by the people at large in the National legislature.

6. There is no security even for this nugatory right.

7. I have said the *Senate* are too few in number.

8. (The *Senate* are a perpetual BODY and never die a civil death (as in this State) although $\frac{1}{3}$ is to be chosen every second year, because after the *first six* years there will always be $\frac{2}{3}$ of the body in existence— $\frac{1}{3}$ of which $\frac{2}{3}$ will always have served 2 years: and the other $\frac{1}{3}$ will have served 4 years and after the first rotation every Senator may serve six years)¹⁵—The body is permanent—will act by system— $\frac{1}{3}$ at end of every second year may be different men if legislature pleases.

9. In classing, the Senator who pleases will not be put in the class to go out before six years. Vide Boston Debates. 73.¹⁶

(The following sentence at the head of one of the papers is struck out;—I have long since determined that I would not accept a seat in the Convention unless gentlemen whose political principles I approved would offer their services to the people.) I am a friend to our present State government because it is wisely calculated to secure all the civil and *religious* rights of the people and fully adequate for *all internal State* purposes, and our *State* Constitution and laws afford security to property and ample protection to the poor from abuse by the officers of our State government and from any oppression of the poor by the rich and powerful. *There is no injury for which our present laws do not provide a remedy.*—There are some few, and not very capital, defects in our form of government and they may at any time be amended with prudence and sense without any division or commotion—in a word; We might be happy under our present State government, if we knew our own good, and would be contented. I am opposed—averse from the proposed national government, because it *immediately* takes away the power from our *State* legislature to protect the *personal* liberty of the citizen, and I am convinced in my judgment that it will in a few years entirely absorb and swallow up the State legislature.

Our Bill of Rights which is part of our constitution provides¹⁷—Sect. 2. that the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

Sect. 3. That the inhabitants are entitled to the Trial by Jury according to the course of common law, not only in criminal cases but in all cases between Government and its officers—Cause etc.

Sect. 17. Every freeman for any injury to person or property ought to have remedy by the law of the land.

Sect. 18. Trial of facts where they arise is one of the greatest securities of the lives, liberties and estate of the people.

Sect. 23. All warrants without oath to search, etc.

Sect. 13. Laying taxes by the poll is greivous and oppressive and ought to be abolished.

Sect. 25. Militia proper and natural defence of a ~~people~~. free government.

Sect. 26. Standing armies.—27.—28. No Soldier to be quartered in any house *in time of peace* without the consent of the owner, and in time of war in such manner only as the legislature shall direct.

Sect. 38. The liberty of the press ought to be inviolably preserved.

Sect. 33. Securing religious rights of conscience.

By our present form of government, the legislature is not supreme but bound by the constitution.

The National Government will in its operation and effects annihilate the State Governments.

1. National Government has unlimited power, legislative, executive and judicial, as to every object to which it extends by the Constitution.

2. The powers of the National legislature extend to every case of the least consequence—it may make laws to affect the lives, liberty and property of every citizen in America, nor can the Constitution of any State prevent the Execution of any power given to the National legislature.

3. The National legislature may impose every species of taxes external and internal (except only on exports) *excises land tax*, poll tax, Stamps etc. to *any extent*, and may raise and collect them as they please, without any previous requisition to the State legislatures who have nothing to say to the laws for imposing or collecting taxes—

4. The power to impose and collect taxes is the most important of all powers a people can grant—it absorbs all other powers. Maxim—Money finds Men (Troops) and Troops will find money—The power of taxation is the highest object of legislation—it is the necessary means of protection and safety to the people in a *good* government and it ever has been and will be the instrument of oppression and tyranny in a *bad* government.

5. No state can emit paper money—nor without consent of Congress lay any duties on Imports or *Exports* or Tonnage except for executing its inspection laws, and in such cases the net produce is for the use of the United States—Therefore no state can pay its debts—or support its government but only by *direct* taxes on property—Congress can lay all indirect taxes, and also *direct* taxes when they exercise this power in all its extent. The state legislatures will find it impossible to raise money by *direct* taxes to pay their debts and support their governments—the consequence is certain—without money they will be as Congress is now; without power, or respect and despised—they will sink to nothing, and be absorbed in the general government. The people will not bear the expense of two governments. The state governments may come in for some time to carry into execution the National Government—even this

may be taken away. Art. 1. Sect. 4. See Aristides 37. Impost 38. Farmer's Letters 9. p. 37.¹⁸ Will impost pay interest of *national foreign and domestic debt* and expenses of new government?

6. The power of the national legislature to raise troops in *peace* (as well as war) without any limitation as to number, or with consent of more than a majority in Congress (I say not less than 9 of 13 and in same proportion) or a majority of the State legislatures and to levy money for their support for two years—to control the militia will also (?tend) to swallow up the State governments—

7. The supreme and inferior federal courts will have the same effect by absorbing the state courts—One must be in each state.

8. The power to make laws (Art. 1. Sect. 8).—e.g. the state lays a direct tax to pay its debts or to support its government. Congress thinks proper to lay tax on *same property* and as both cannot be paid cannot Congress repeal the State law, or will not their judges declare it void. Will not this conduct deprive the State of all support?

9. (8. repeated in orig.) The little power reserved to the states will be an object of jealousy to Congress. The whole Constitution breathes a jealousy of the states—its judges and juries. Truth confirmed by experience of ages that every *individual*, and all bodies of men invested with power, always attempt to increase it, and never part with any of it but by force. It is the very nature of Man. The National Government will possess this desire and having the means it will in time carry it into execution. I think the people themselves will assent and may be persuaded to call for the abolition of the state governments. It is at this moment the wish of many men in America and some in this state.

Liberty of Conscience—Old Whig No. 5-4. Brutus No. 2¹⁹

Bill or Declaration of Rights.

Liberty of Press.

1. The Constitution gives no power to Congress *express* or *implied* to abridge or take away the liberty of the press.

2. Art. 1. Sect. 8. Congress have power to promote Science and it is impossible to promote Science and at same time destroy the liberty of the press—under this clause may write what they please about government. There is no Bill or Declaration of rights to restrain Congress—They will have the power and it remains in their discretion when they will exercise it.

Expenses of National Government.

Civil List—President—Vice-President—Senators—Representatives—Ambassadors—Judicial Department—Judges, Justices, Chancellors, Clerks, Sheriffs, Excise officers, Naval officers—Locusts—Policy to institute a number of lucrative new offices to increase their influence in the States—Army will provide for many expectants.

I am opposed to the new government;—

1. Because it gives Congress a power without any limitation to lay any kind of taxes that the invention of Man can suggest—indirect and direct. I particularly object to the power to lay taxes on our lands without any limitation and according to our numbers including $\frac{3}{5}$ of our slaves. Also to an Excise and the power to excise officers to enter and search and no remedy by such in State Courts—and *Verdict by a Jury*; as under the British government. Clayton's Rep. 44. Woman's shift.²⁰ Also to a poll tax which Congress is *expressly* authorized—Art. 1. Sect. 9.—to lay on all our whites and $\frac{3}{5}$ of our slaves—the most fatal and oppressive of all taxes. N. B. a favorite tax with Congress and R.M. (i.e. Robt. Morris)²¹

2. Because Congress will have a *right* to keep an army in time of peace without number.

3. Because Congress will have a right to quarter soldiers in our *private* houses, not only in time of war, but also in time of *peace*. Bill of Rights 28.²²

4. Because Congress will have authority over our Militia, and may if they please, march any of them without regard to scruples of conscience against bearing arms, to any part of the United States.

5. Because the inferior federal courts will have the exclusive jurisdiction—Art. 3. Sect. 2. of every controversy between the citizens of the different states—and no trial by Jury.

Blackstone 3. c. 33.²³

6. Because these courts will have the same jurisdiction in controversies between our citizens and subjects of Great Britain or any other foreign state—Tobacco shipped. N.B. An appeal in both cases.

7. Because the Senators or Representatives may be appointed to civil offices under the United States not created or the emoluments increased during the time for which he was elected.

8. Because Congress are to ascertain their own salaries. Art. 1. Sect. 6.

9. Because the Senate are too few in number—only two from each State. 26 at present—a Majority, a quorum—14—ergo 8 may make a law—liable to corruption—?by France, Great Britain.

10. (Because the Senate are a perpetual body and never die a civil death, although $\frac{1}{3}$ is to be chosen every second year—because after first six years there will always be $\frac{2}{3}$ of the body in existence— $\frac{1}{3}$ of which $\frac{2}{3}$ will always have served two years and other four years and after first rotation every Senator may serve 6 years.)²⁴

11. Because $\frac{2}{3}$ of the Senate *present* and the president may make treaties of commerce, and the treaties are to be the supreme laws of the land.

12. (Because the Representatives are too few in number—1 for 30,000—whites and $\frac{3}{5}$ slaves—65 at present—a majority, a quorum 33.—ergo 17 may make a law—liable to corruption.)²⁵

13. (The House of Representatives will not be chosen by the people. Art. 1. Sect. 2.

Maryland is to choose 6 representatives—Every person qualified to elect members to our House of Delegates to be entitled to vote—our legislature is to prescribe the *time*, *place* and *manner* of electing representatives. Art. 1. Sect. 4.—Either the people at large of the whole state must choose the six representatives—or the state must be divided into six districts—say 2 on Eastern and 4 on Western shore.)²⁶

14. Because Congress may alter the *time*, *place* and *manner* of choosing representatives. Art. 1. Sect. 4. proceedings Boston 47.51.(?60)²⁷

15. Because Congress may alter the time and manner of choosing Senators—the place where is not to be altered.²⁸

N.B. Treaties supreme law. Sect. 6.²⁹

See Aristides p. 11.³⁰

Massachusetts propose to restrict this power to cases expressed.³¹

16. Because the *president* will *not* be chosen by the people *immediately*—that is by electors chosen by the people—as pretended. Art. 2. Sect. 2. The legislature are to direct *who are to be* electors, but the number is fixed to be equal to the whole number of Senators & Representatives—e.g. in this state 8—in all 91. Congress are to determine the *time* of choosing electors and the *day* on which they shall elect the president which shall be the same day in all the states.

The electors are to choose by ballot *two* persons. The person having a *majority* of all the electors to be president and if no person has a majority—which is most improbable, except in first instance³² then from the *five* highest on the list the House of Representatives to choose the president—each State to have a vote.

17. Because the powers of the President are dangerous. Power of nominating to office. Of pardoning *before* conviction.

18. Because he is eligible for life and he ought to be ineligible after a given number of years.

19. Because the *Judicial* power extends to controversies between citizens of different states and between citizens of the states and subjects of foreign states and in such cases the trial by Jury is taken away.

20. It is said by the advocates for the new government that we are without a government. Ans. They mean a general or national government—not a state government. The former is wanted to make the *states* do their duty, and pay this quota to discharge the debt contracted during the war—and to protect the states against the Powers of Europe

(There is a power to decide differences between the States in the Federal Congress) and to regulate trade. If admitted—yet no necessity much less wisdom to do more than is necessary to answer these objects—powers for these purposes can be given without surrendering up our liberties.

21. The new government will take the burthen from the farmer and planter, and the poor people and place it on trade—because duties on imports and tax on *excise* will be adopted. Ans. Why cannot state governments do the same?—In truth it is only changing *in part* the mode of taxation—explain it. *Why poll tax* is not for the benefit of the poor.

22. Regulations of trade and treaties of commerce will bring in money—employ our merchants—shipbuilders. Ans. if true, give those powers but not those granted.

23. The people can't be worse.

Ans. Why are they distressed?—many from their *private debts*—some from taxes—all from the scarcity of money. Will new government pay private debts? Will it lessen taxes? It will make our Continental debt specie—it is now at 8 for 1. £200,000 would pay the proportion of this state—it was proposed by *an emission*—Consider the expenses of National government.

24. The government is calculated for a few rich and ambitious men—and speculators in Certificates—

25. Merchants are for it.

Ans. Consider them. Birds of passage.

26. General Washington et al. for it.

27. May amend afterwards.

Ans. The amendments proposed prove that these are capital defects.

Should amend before adoption—1. because it is easy to grant power and very difficult to recall power which from its nature is ever encroaching. 2. No wise people ever gave power over their liberties with a view of getting back the power. 3. it is now in the power of five states to obtain amendments³³—afterwards there must be nine.—4. a bad government becomes more feared every day by its officers. 5. why not *another convention*? Who is violent for it—Ans. Rich men and speculators and office hunters.

Call on friends to give reasons for new government.

(On the margin of this paper the following;)—Why call on people at large? Haste—no delay—Senate for Jany.—

The greatest happiness of a people is to govern themselves. Their greatest misery to be governed by others;—

Our *state* government is fully competent to all *internal state purposes*.

For the safety and happiness of the people of this and the other states, *external* objects, or such for which the state governments are not competent are to be provided for.

1. To provide a form to regulate commerce among the states and to preserve peace between the states—resort against domestic enemies, with Indian tribes, and to coin money and to regulate the value thereof, and of foreign coin and to fix the standard of weights and measures—to establish post offices and post roads—may be called a *general internal or continental object*.

2. To preserve all the states from injury or violence from the foreign powers of Europe and to shield them against foreign hostility may be called a *general external or foreign object*.

3. To regulate the trade of the states with foreigners, by Acts of Navigation and by treaties of commerce with the powers of Europe may be also called a general external or foreign object.

I am for the establishment of power in Congress for all the above or similar purposes.

The 1st.—to preserve peace between the states etc. may be provided for without much difficulty (and about which there never has been nor can be much difference in opinion) by establishing a supreme power to decide all controversies ~~to coin money, etc. etc.~~ between the states, to coin money, etc. etc. and by a Bill of Rights declaring what the states shall *not* do—as, e.g. not to enter into any treaty, keep troops, coin money, or do any of the above or other acts which the supreme power of all the states are authorised to do.

The 2nd.—to preserve all the states etc.—This necessarily includes the power of war;—and the means to carry it on—i.e. to raise money, to maintain troops and to provide a navy: and it includes the jurisdiction of piracies and felonies on the high seas and of all offences against the law of nations. This also includes the payment of the debt contracted by the United States.

This power is necessary, not immediately pressing—Consider the situation of Confederation—but attended with some difficulty. It requires a legislative, an executive and a judicial authority.

Every legislative power should be vested in two, if not three Branches,³⁴ and they ought to be the *real*, and not the *fictitious* representatives of the people. Their numbers ought to be sufficient to know the wants and the wishes of those they represent—too numerous to be corrupted and not so great as to be a mob.

The *Executive* of the states ought to be in a supreme magistrate or president—ineligible after a limited time with a Council of short duration and responsible for their advice.

The *Judicial* should be confined to the decision of cases arising on treaties. (The clause “on treaties” is substituted for—“under the constitution and laws”—erased.) The great question is in what manner the legislative of the states shall raise taxes on the people of the several states.

I would not give this power—only on default of a state to raise its quota as required. If neglected, I would authorise the legislative to lay and collect imposts and duties on tonnage without limitation, provided they be uniform in all the states; also taxes not exceeding limited sums on enumerated articles of exports, and stamp—and post office duties. If they (be) not sufficient, an excise. Provided they be the same in all the states and that Congress officers be held to account for abuse of authority in the states—and if all (be) not sufficient, a tax on land not exceeding 1/2 d. per acre.

I would (~~?Query? not~~) give the above power of taxation without requisition being first made to the states. It is difficult to say what taxes the legislative may lay, but some limitation is necessary.

The Third—to regulate trade—

I am against giving this power—but if it is given let it be to ⅔ of the Senate.³⁵

(Earlier in the original ms. we find erased—“The 3d.—to regulate trade etc.—This I would agree to”—the sentence being left unfinished.).

1. The listing of sources was repeated at the end of Chase’s notes. The references are “Brutus, Junior,” reprinted in the Philadelphia *Independent Gazetteer* on 14 November 1787 from the *New York Journal*, 8 November (CC:239); “A Democratic Federalist,” *Pennsylvania Herald*, 17 October (CC:167. See also RCS:Md., 21.); “An Old Whig” IV and V, Philadelphia *Independent Gazetteer*, 27 October and 1 November (CC:202, 224); “A Columbian Patriot,” a pamphlet written by Mercy Otis Warren and published in Boston in February 1788 (CC:581); and “Aratus: To the People of Maryland,” post-2 November 1787 (RCS: Md., 30–45n).

2. For the appointment of and instructions to the Maryland delegates to the Constitutional Convention, see Appendix II (below).

3. Article 13 of the Articles of Confederation provided that amendments to the Articles had to be proposed by Congress and ratified unanimously by the state legislatures (CDR, 93).

4. “Aristides” (Alexander Contee Hanson) in his *Remarks*, 31 January 1788, maintained that the Constitutional Convention had not exceeded its powers. The congressional resolution of 21 February 1787 provided that the Convention amend the Articles of Confederation. Aristides wrote that “striking out the whole, and substituting something in its room” was a form of amendment (RCS:Md., 232).

5. A reference to James Wilson’s speech of 26 November 1787 in the Pennsylvania Convention as printed in the *Pennsylvania Herald*, 28 November, and reprinted in the Philadelphia *Independent Gazetteer*, 29 November. Wilson stated that “The Federal Convention did not act at all upon the powers given to them by the states, but they proceeded upon original principles, and having framed a Constitution which they thought would

promote the happiness of their country, they have submitted it to their consideration, who may either adopt or reject it, as they please" (RCS:Pa., 368).

6. A reference to Thomas McKean's speech of 24 November 1787 in the Pennsylvania Convention as printed in the *Pennsylvania Herald*, 28 November, and reprinted in the Philadelphia *Independent Gazetteer*, 29 November. McKean stated: "we have no right to inquire into the power of the late Convention or to alter and amend their work; the sole question before us is, whether we will ratify and confirm, or, upon due consideration reject, in the whole, the system of federal government that is submitted to us" (RCS:Pa., 337).

7. "Aristides" (Alexander Contee Hanson) argued that it was correct to require a vote on the entire Constitution as opposed to ratifying individual parts that would yield partial results (*Remarks*, 31 January 1788 [RCS:Md., 247–48]).

8. Montesquieu, *Spirit of Laws*, I, Book VIII, chapter 16, 177–78. See also "Brutus" I, *New York Journal*, 18 October 1787 (CC:178, pp. 417–18), and "Cato" III, *New York Journal*, 25 October (CC:195, p. 474).

9. On 26 November 1787, the Maryland Senate resolved that the election of the state ratifying convention should be held on the third Wednesday in January 1788 and the convention should meet on the first Monday in March. The House of Delegates voted on 26 November to hold the elections on the first Monday in April. The following day the House voted that the convention would meet on 21 April. On 1 December the Senate agreed to the lower house's resolution. See RCS:Md., 72–73, 74, 76–77, 98.

10. Article I, section 2, specified that the first U.S. House of Representatives would consist of sixty-five members. The seven Northern States (N.H., Mass., R.I., Conn., N.Y., N.J., and Pa.) were allotted thirty-five representatives, while the six Southern States (Del., Md., Va., N.C., S.C., and Ga.) were allotted thirty.

11. Maryland was apportioned six representatives in the first U.S. House of Representatives (Article I, section 2).

12. The information in angle brackets is duplicated at note 25 (below).

13. For comments by "Aristides" (Alexander Contee Hanson) on how the U.S. representatives should be elected, see *Remarks*, 31 January 1788 (RCS:Md., 232, 257).

14. The information in angle brackets is duplicated at note 26 (below).

15. The information in angle brackets is duplicated at note 24 (below). The entire Maryland Senate was elected every five years.

16. In the Massachusetts Convention on 19 January 1788, Rufus King, a former delegate to the Constitutional Convention, defended the six-year term for U.S. senators, stating that the "classing" of senators in the first federal Congress to two-, four- and six-year terms reduced their average term to four years. Chase apparently answered King by arguing that a "Senator who pleases" will get the longer terms (*Debates, Resolutions and Other Proceedings, of the Convention of the Commonwealth of Massachusetts . . .*, [Boston, 1788] [Evans 21242], 73; and RCS:Mass., 1257).

17. For the Maryland declaration of rights (1776), see Appendix I (below).

18. See Article I, section 4, of the Constitution which allows Congress to regulate the election of U.S. representatives and senators. See the comments by "Aristides" (Alexander Contee Hanson) on the demise of the state legislatures (*Remarks*, 31 January 1788 [RCS:Md., 253]). Similarly John Dickinson expressed concern that the object of the Townshend Acts was not to raise a revenue, but "to supersede that authority in our respective assemblies, which is essential to liberty" (*Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* [Philadelphia, 1768] [Evans 10875], Letter IX, especially pp. 43, 46, 47). "Impost 38" might be a reference to the pamphlet *The Resolutions of Congress, Of the 18th of April, 1783: Recommending the States to invest Congress with the Power to Levy An Impost . . . By a Republican. . .* (New York, 1787) (Evans 20783). On p. 62 "A Republican"

states: “It is MONEY, and not POWER, that ought to be the object;—the former will pay our DEBTS—the latter might destroy our LIBERTIES.”

19. See “An Old Whig” IV and V, Philadelphia *Independent Gazetteer*, 27 October and 1 November 1787 (CC:202, pp. 500–502; CC:224, pp. 538–41); and “Brutus” II, *New York Journal*, 1 November (CC:221, pp. 526–28), for comments on a bill of rights.

20. John Clayton, *Reports and Pleas of Assises At Yorke . . .* (London, 1651), 44. “Wards Case” was an “Action of Battery against a Constable who had made a search in the Plaintiffs house for stollen goods by vertue of a Justices of Peace his warrant to search in all suspicious places.” The evidence showed that “the Defendant in the search did pull the clothes from off a womans bed [she being] then in her bed, to search under her Smock, and this was holden to be a misdemeanor in the Constable, and all with him & did make al[] their proceedings in the place illegall from the beginning.” This case was cited by “A Democratic Federalist,” which was reprinted in the Baltimore *Maryland Gazette*, 26 October 1787 (see note 1, above).

21. On 29 July 1782 Superintendent of Finance Robert Morris submitted a report to Congress that called for land, poll, and excise taxes that would supplement the revenue expected from the Impost of 1781 (JCC, XXII, 429–46).

22. For this provision in the Maryland declaration of rights (1776), see Appendix I (RCS:Md., 773).

23. Blackstone, *Commentaries*, Book III, chapter XXIII, discusses trial by jury.

24. The information in angle brackets is duplicated at note 15 (above).

25. The information in angle brackets is duplicated at note 12 (above).

26. The information in angle brackets is duplicated at note 14 (above).

27. Chase is referring to the debates in the Massachusetts Convention on 16 January 1788 concerning the power of Congress to regulate the elections of U.S. representatives and senators. Antifederalist Phanuel Bishop’s speech appears on page 47 of the Massachusetts *Debates*, and Federalist Theophilus Parsons’ speech appears on page 51. A summary of what several gentlemen said on 17 January appears on page 60. (See RCS:Mass., 1214, 1217–18, 1228–29. For the full citation to the debates, see note 16 [above].)

28. See Article I, section 4, of the Constitution.

29. Article VI of the Constitution provides that treaties are part of the supreme law of the land.

30. For the views of “Aristides” on p. 11 concerning Article I, section 4, see *Remarks*, 31 January (RCS:Md., 233–34).

31. The Massachusetts Convention proposed nine recommendatory amendments. The third amendment specified “That Congress do not exercise the powers vested in them by the 4th sect. of the 1st art. but in cases when a state neglect or refuse to make regulations therein mentioned, or shall make regulations subversive of the rights of the people, to a free and equal representation in Congress, agreeably to the constitution” (CC:508, p. 68).

32. A reference to the likelihood of George Washington being elected the first U.S. President.

33. Nine states were needed to ratify the Constitution. If five states insisted on previous amendments, either the Constitution would not be ratified or at least nine states would have to agree to ratification with previous amendments.

34. A reference to the House of Representatives, Senate, and President with a partial veto.

35. Ever since the sectional explosion over John Jay’s instructions in his negotiations with Don Diego de Gardoqui over the right of Americans to navigate the Mississippi River, the Southern States wanted a veto power over the ratification of treaties and the enactment of navigation acts. A two-thirds voting requirement would allow the Southern States to block such legislation and the ratification of treaties (CC:46).

Reminiscences of Samuel Chase's Statements in the Convention 24 April 1788

In the campaign preceding the October 1788 elections for the state House of Delegates, Maryland Federalists tried to show that the new government under the Constitution would be endangered if Antifederalists gained control of the state legislature. At the Baltimore town meeting held on or before 25 September Robert Smith addressed voters and criticized Antifederalists, Samuel Chase, in particular. Smith attributed to Chase a statement that Chase supposedly made in the state ratifying Convention. Chase responded to Smith. In Chase's estimation, Smith misconstrued what Chase had said during the Convention debates.

Smith's speech was printed in the *Maryland Journal* on 30 September at the request of "Q. S." (Mfm:Md. 160). Chase's response appeared in the *Maryland Journal* on 3 October (below).

*Robert Smith: Speech to the Voters of Baltimore Town
Maryland Journal, 30 September 1788 (excerpts)*¹

. . . Is it not well known, that he [Chase] entertains the same sentiments of the constitution that have been expressed by all the declared enemies of the government. In my hearing, and to my amazement has he said,^(a) that every person who should be instrumental in introducing the new federal government would be guilty of *high-treason*, and that the time might come when he should so find it.—At another time have I heard him say, that he regretted that the revolution had ever taken place—that he lamented our separation from Great-Britain—and that had he foreseen the consequences of the revolution, he would have been the greatest Tory in all North-America. . . .

(a) *As Mr. Chase has found it expedient to deny this, it may be necessary to refer some readers to the following certificate:—*

I do hereby certify, that I was in company with Mr. Samuel Chase, and Mr. Robert Smith, some short time after the election of members to the late convention appointed to ratify the new federal government, and that I distinctly heard Mr. Chase say, "That every man who should be instrumental in introducing the proposed federal government, would be guilty of high-treason, and that the time may come when he should so find it.—

WILLIAM CALHOUN.

September 25, 1788.

*Samuel Chase: Denial of Statements
Maryland Journal, 3 October 1788*

Mr. GODDARD, A Correspondent has sent you what he says is *the Speech* delivered by Robert Smith, Esq; at the town-meeting; and I imagine

with his consent.—The language is greatly *corrected* and *changed*, additions made, and personal reflections on characters, as respectable as any in America, omitted. The declaration alleged to have fallen from me, “that every person, who should be instrumental in introducing the new government, would be guilty of high-treason,” &c. is misunderstood. The assertion that I made in the Convention was, in *substance*, that in an established government, if any *body* of men assembled to CHANGE such government, the act would be high-treason, if they failed; but a *revolution* if they succeeded: that the *object* of the meeting constituted the *crime*. I appeal to the Members of the Convention, and to Mr. Lloyd, who took down the debates,² if I have not related the substance. I do not recollect I ever expressed this sentiment but in the Convention; and I am satisfied I never delivered myself in the manner stated by Mr. Smith. Ignorance has misunderstood, or malice misapplied my expressions.—Mr. Smith declared, that he heard me say (among other things) “that had I foreseen the consequences of the revolution, *I would have been the greatest Tory in all North-America.*” I most solemnly declare, that I do not believe, that I ever used such, or similar expressions, because they convey sentiments contrary to my principles, and the conduct of my whole life: There must be some mistake.—General reflections, or sarcastic observations by Mr. Smith, are unworthy of notice.

SAMUEL CHASE.

Baltimore-Town, October 1, 1788.

1. Smith (1757–1842), a native of Carlisle, Pa., and a Baltimore lawyer, was a 1781 graduate of the College of New Jersey (Princeton). He was a presidential elector in 1788, and after 1789 he served in both houses of the Maryland legislature. Smith was President Thomas Jefferson’s Secretary of the Navy and Secretary of State under President James Madison.

2. See Appendix VIII (below).

The Maryland Convention Friday 25 April 1788

Convention Proceedings, Friday, 25 April 1788¹

Friday April 25th. 1788 Convention met
Present the Same Members as on Yesterday
The Proceedings of Yesterday were read

The Convention adjourns till to Morrow Morning 9 oClock—

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA.

**The Maryland Convention
Saturday
26 April 1788**

Convention Proceedings, Saturday, 26 April 1788¹

Saturday April 26th. 1788 the Convention met

Present the same Members as on Yesterday

The Proceedings of Yesterday were read—

The Question was put, that the Convention assent to, and ratify the proposed Plan of Federal Government for the United States and the Yeas and Nays being taken appeared as follow

Affirmative

The Honble. the President

Mr. Barnes	Mr. Jno Gale	Mr. Done
Mr. Chilton	Mr. Hammond	Mr. Johnson
Mr. Sewall	Mr. Sulivane	Mr. Lee
Mr. Wm. Tilghman	Mr. Shaw	Mr. Potts
Mr. Yates	Mr. Gilpin	Mr. Faw
Mr. Perkins	Mr. Hollingsworth	Mr. Paca
Mr. Granger	Mr. Heron	Mr. J Richardson
Mr. Wilkinson	Mr. Evans	Mr. W: Richardson
Mr. Grahame	Mr. Bowie	Mr. Driver
Mr. Chesley	Mr. O. Sprigg	Mr. Edmondson
Mr. Smith	Mr. Hall	Mr. McHenry
Mr. Brown	Mr. Digges	Mr. Coulter
Mr. Parnham	Mr. Carroll	Mr. T. Sprigg
Mr. Turner	Mr. Hanson	Mr. Stull
Mr. Stone	Mr. J Tilghman	Mr. Rawlings
Mr. Goldsborough	Mr. Seney	Mr. Shryock
Mr. Lloyd	Mr. Hollyday	Mr. Cramphin
Mr. Stevens	Mr. Hemsley	Mr. Thomas
Mr. Geo Gale	Mr. Chaille	Mr. Deakins
Mr. Waggaman	Mr. [James] Martin	Mr. Edwards
Mr. Steuart	Mr. Morris	63.

Negative

Mr. J. T. Chase	Mr. Ridgely	Mr. Love
Mr. S. Chase	Mr. Ridgely of Wm.	Mr. Pinkney
Mr. Mercer	Mr. Cockey	Mr. L. Martin
Mr. Harrison	Mr. Cromwell	11. ²

So it was resolved in the Affirmative

Geo. Plater Presidt.

Attest.

William Harwood Clk.
Ad. Golder, Assist. Cl.

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA.

2. The names of the delegates who signed the Form of Ratification (and previously voted to ratify) were printed in the *Pennsylvania Packet*, 3 May, and reprinted five times by 15 May: Mass. (1), N.Y. (1), Pa. (3).

Newspaper Reports of Convention Proceedings, 26 April 1788

Maryland Journal, 2 May 1788¹

*Extract from the PROCEEDINGS of the CONVENTION, held at ANNAPOLIS.
SATURDAY, April 26, 1788.*

The Question was put, that the Convention assent to and ratify the proposed Plan of Federal Government for the United States, and the Yeas and Nays being taken, appeared as follow:

[Here is printed the 63-11 roll-call vote to ratify the Constitution. For the vote, see Convention Proceedings, 26 April (immediately above).]

After this Determination, the Convention passed the following Resolution, the Honourable Mr. Paca having previously read from his Place a Number of emendatory Propositions to the Constitution:

RESOLVED, that a Committee be appointed to take into Consideration and report to this House, on Monday Morning next, a Draught of such Amendments and Alterations as may be thought necessary in the proposed Constitution for the United States, to be recommended to the Consideration of the People of this State, if approved of by this Convention.

In consequence of this, the Convention raised a Committee of Thirteen, to whom were referred the Propositions for Alterations read to the House by the Honourable Mr. Paca.—

Pennsylvania Packet, 2 May 1788²

Extract of a letter from Annapolis, dated 28th April.

“The Convention of this state on Saturday determined the final question, and ratified the Federal Constitution—yeas 63, nays 11—and this day at 3 o’clock it is agreed to sign the same. Mr. Paca, a delegate from Hartford county, was among those who voted for the constitution, (but previously he spoke as follows: ‘As to the line of conduct which I shall

now pursue, I thus publicly declare, that exceptionable as this government is, and liable to all these objections, (which he in an eloquent speech had before enumerated) I hope and trust, that its defects may hereafter be corrected: but under our present circumstances and embarrassments, my *inclination leads me to take this government as it is.*' This declaration did him the highest honor. The two Mr. Chases also declared their intention to submit like good citizens to the opinions of a majority of their fellow citizens. Mr. Mercer behaved with equal manliness and candour.—Indeed the conduct of the whole minority was such as merits the highest encomiums, not like the *restless* spirit which actuated the minority of Pennsylvania.)³ There are two gentlemen, who from indisposition have been unable to attend their duty in this truly respectable body—Mr. Goldsborough and Colonel Banning, both federalists—these would have made the majority nearly 6 to 1; and it is expected they will be in town to sign the ratification.—Mr. Paca, after the decisive vote was taken, laid upon the table a list of amendments, which will be considered by the gentlemen, and those that are approved of by them, in their capacity as citizens, and not as members of convention, will be recommended to the people for their consideration, to be recommended by them to the legislature, who may, if they think proper, instruct the delegates to the first Federal Congress to press their adoption. This business will probably engage a discussion, which may last three or four days; after which they will return home with the most heart-felt satisfaction, and admit the plaudits of a grateful and enlightened people.

“By the best and latest information from Virginia, there is a majority of 40 voices in favour of adopting the Federal Constitution; and by letters from Charleston we are assured it will be received in South Carolina without much opposition. Thus will America be a second time rescued from desolation and confusion, by the united exertions of her heroes, philosophers, and patriots—And it will not be in vain that the best blood of America has been immolated at the altar of Freedom.”

1. Reprinted in whole or in part eleven times by 29 May: Mass. (3), Conn. (1), N.Y. (1), Pa. (4), Va. (2).

2. Reprinted fifteen times by 22 May: Mass. (3), R.I. (3), Conn. (1), N.Y. (4), Pa. (3), S.C. (1). The reprint in the Boston *American Herald*, 12 May, omits the second paragraph, while the first paragraph in the reprint in the Providence *United States Chronicle*, 22 May, is incomplete.

The *Salem Mercury*, 20 May, reprinted the text in angle brackets after beginning with the statement “Governour Paca voted for the Constitution.” The Northampton, Mass., *Hampshire Gazette*, 28 May, and *New Hampshire Gazette*, 29 May, reprinted the *Mercury*’s version.

3. See “The Dissent of the Minority of the Pennsylvania Convention,” *Pennsylvania Packet*, 18 December 1787 (CC:353).

Private Commentary on the Convention, 26 April 1788

*Henry Hollingsworth to Levi Hollingsworth
Annapolis, 27 April 1788¹*

Dear Brother

yesterday 3 oClock came on the grand question on the Federal constitution which was desided at 4, By a division of 63 agst. 11, fifty two Majority, the Amendments are now under the Consideration of a Very able Committee, which will be brought forward on Monday, when we are to Ratify the Constitution, and consider the amendments soon after which I Expect to return Home, and shall then attend to your Last Letter I am of opinon we shall publish amendments for the Consideration of the people

1. RC, Hollingsworth Family Papers, PHI. The letter is addressed "Mr Levi Hollingsworth/Mercht./Philadelphia" and was sent "by Chester Town Stage."

Amendments Proposed by William Paca, 26 April 1788¹

*Late last Night the following Particulars were delivered to
the Editor, for Publication in this Day's Paper.*

The Convention on Saturday last determined to ratify the proposed Plan of Federal Government, Yeas 63, Nays 11—and then appointed a Committee of Thirteen Members, to consider and report Amendments to be recommended to the People.—The following Amendments were proposed by a Member, and referred to the Committee, who are now sitting; and it is hoped that the great and essential Rights of the People will be declared and secured.

Proposed Amendments.

That it be declared that all Persons entrusted with the Legislative or Executive Powers of Government, are the Trustees and Servants of the Public, and as such accountable for their Conduct:

WHEREFORE, whenever the Ends of Government are perverted, and public Liberty manifestly endangered, and all other Means of Redress are ineffectual, the People may, and of right ought, to object to, reform the old, or establish a new Government—That the Doctrine of Non-resistance against arbitrary Power and Oppression is absurd, slavish, and destructive of the Good and Happiness of Mankind—That it be declared, That every Man hath a Right to petition the Legislature, for the Redress of Grievances, in a peaceable and orderly Manner—That in all criminal Prosecutions every Man hath a Right to be informed of the Accusation against him, to have a Copy of the Indictment or Charge in due Time (if required) to prepare for his Defence, to be allowed

Council, to be confronted with the Witnesses against him, to have Process for his Witnesses, to examine the Witnesses for and against him, on Oath, and to a speedy Trial, by an impartial Jury.

That no Freeman ought to be taken, or imprisoned, or deprived of his Freehold, Liberties or Privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his Life, Liberty or Property, but by the lawful Judgment of his Peers, or by the Law of the Land.

That no Power of suspending Laws, or the Execution of Laws, unless derived from the Legislature, ought to be exercised or allowed.

That all Warrants, without Oath, or Affirmation of a Person conscientiously scrupulous of taking an Oath, to search suspected Places, or to seize any Person, or his Property, are grievous and oppressive; and all General Warrants, to search suspected Places, or to apprehend any Person suspected, without naming or describing the Place or Person in special, are dangerous and ought not to be granted.

That there be no Appeal to the Supreme Court of Congress in a Criminal Case.

Congress shall have no Power to alter or change the Regulations respecting the Times, Places, or Manner of holding Elections for Senators or Representatives.

All Imposts and Duties laid by Congress, shall be placed to the Credit of the State in which the same be collected, and shall be deducted out of such State's Quota of the common or general Expences of Government.

No Member of Congress shall be eligible to any Office of Trust, or Profit, under Congress, during the Time for which he shall be chosen.

That there be no National Religion established by Law; but that all Persons be equally entitled to Protection in their religious Liberty.

That Congress shall not lay direct Taxes on Land, or other Property, without a previous Requisition of the respective Quotas of the States, and a failing, within a Limited Time, to comply therewith.

In all Cases of Trespasses, Torts, Abuses of Power, personal Wrongs and Injuries done on Land, or within the Body of a County, the Party injured shall be entitled to Trial by Jury, in the State where the Offence shall be committed; and the State Courts, in such Cases, shall have concurrent Jurisdiction with the Federal Courts; and there shall be no Appeal, excepting on Matter of Law.

That the Supreme Federal Court shall not admit of Fictions, to extend its Jurisdiction; nor shall Citizens of the same State, having Controversies with each other, be suffered to make collusive Assignments of their Rights, to Citizens of another State, for the Purpose of defeating the Jurisdiction of the State Courts; nor shall any Matter, or Ques-

tion, already determined in the State Courts, be revived or agitated in the Federal Courts; that there be no Appeal from Law, or Fact, to the Supreme Court, where the Claim, or demand, does not exceed Three Hundred Pounds Sterling.

That no standing Army shall be kept up in Time of Peace, unless with the Consent of Three Fourths of the Members of each Branch of Congress: Nor shall Soldiers, in Time of Peace, be quartered upon private Houses, without the Consent of the Owners.

No Law of Congress, or Treaties, shall be effectual to repeal or abrogate the Constitutions, or Bill of Rights, of the States, or any of them, or any Part of the said Constitutions or Bills of Rights.

Militia not to be subject to the Rules of Congress, nor marched out of the State, without Consent of the Legislature of such State.

That Congress have no Power to lay a Poll-Tax.

That the People have a Right to Freedom of Speech, of writing and publishing their Sentiments, and therefore that the Freedom of the Press ought not to be restrained, and the Printing-Presses ought to be free to examine the Proceedings of Government, and the Conduct of its Officers.

That Congress shall exercise no Power, but what is expressly delegated by this Constitution.

That the President shall not command the Army, in Person, without the Consent of Congress.

True Extract from the Minutes of the Convention, of the State of Maryland,

WILLIAM HARWOOD, Clk. Con.

Done in Convention, April 26, 1788.

1. Paca's proposed amendments were printed in the *Maryland Journal* and the Baltimore *Maryland Gazette* on 29 April. The transcription printed here is taken from the *Maryland Journal's* account. One or the other version was reprinted forty-four times by 9 June: N.H. (3), Mass. (8), R.I. (3), Conn. (6), N.Y. (8), N.J. (2), Pa. (8), Va. (4), S.C. (1), Ga. (1).

The Maryland Convention Monday 28 April 1788

Newspaper Report of Convention Proceedings, 28 April 1788¹

Monday the 28th Inst. being the Day appointed by the Honourable the Convention of this State, for the Ratification of the Federal Government, that solemn, and happy Event accordingly took place at Three

o'Clock in the Afternoon. The Members present at this awful² Ceremony amounted to Seventy-four, of which Number the Names of Sixty-three were subscribed to the Instrument of Ratification.³

This great and important Business being completed, the Members, preceded by the Honourable the President of that Body, in consequence of an Invitation from the Citizens of Annapolis, retired to Mr. Mann's Tavern, where an elegant Entertainment was provided, at which were also present many Strangers of Distinction, and several respectable Inhabitants of the City. The Company consisted of nearly Two Hundred Persons. The Cordiality, and Festivity that appeared in the Countenance, and Conduct of each Guest, were the strongest Testimonies of the general Satisfaction felt on this happy Occasion. After Dinner the following Toasts, with a Discharge of Thirteen Cannon to each, were given:

1. The United States and Congress.
2. Louis the XVI King of France, and the friendly Powers in Europe.
3. The State of Maryland and the present Convention.
4. The late Federal Convention.
5. General Washington.
6. Marquis La Fayette.
7. To the Memory of the brave Officers and Soldiers who fell defending America during the late War.
8. May Agriculture, Manufactures and Commerce flourish in the United States.
9. Success to useful Learning and the Arts and Sciences.
10. The late American Army and Navy.
11. The Count Rochambeau, and the French Army and Navy which served in America.
12. May our Public Councils ever be actuated by Wisdom and Patriotism.
13. May all the States of America join heartily in adopting and making effectual the proposed Federal Government.

When the Fifth Toast was proclaimed by the President, a Portrait of the Hero, in respect, and in honour to whom that Toast was announced, and which had been artfully concealed behind a Curtain at the Head of the Room, was suddenly displayed.⁴ The Powers of the Pen, or the Pencil, are inadequate to the Description of those Feelings that animated the Hearts, and glowed in the Countenances of the Spectators. A general Burst of Applause testified at once the strong Remembrance of past Services, and an ardent Gratitude for present Endeavours, and patriotic Perseverance.

The Entertainment was concluded with a Ball at the Assembly-Room, at which the Ladies appeared to partake of the general Joy in an equal

Proportion with the Gentlemen. In a Word, all Classes of People gave the strongest Proofs of their Satisfaction on this joyful Event.

The Labours and Patriotism of Mr. Peale ought not to be forgotten on this Occasion. His transparent Picture representing the Horrors of Anarchy, and Confusion, and the Blessings of Order, and Government, deserves the highest Encomiums. In this Representation is happily, and justly pourtrayed the certain Advantages of one, and the unavoidable Evils of the other. A Composition worthy of the Artist, and the Patriot.⁵

1. Printed: *Maryland Journal*, 2 May. The *Journal's* account was prefaced: "We are indebted to an obliging Correspondent, at Annapolis, for the following Particulars. ANNAPOLIS, April 30." Reprinted without the prefatory statement fifteen times by 29 May: Mass. (3), Conn. (3), N.Y. (2), N.J. (1), Pa. (4), Va. (2). The *New York Journal*, 15 May, and *Massachusetts Spy*, 29 May, did not reprint the last paragraph. The Pittsfield, Mass., *Berkshire Chronicle*, 22 May, reprinted the first two paragraphs and second last paragraph.

2. "Awful" in this context means solemnly impressive or sublimely majestic.

3. The *Pennsylvania Packet*, 2 May, reported: "The Convention of Maryland ratified and signed the New Constitution for the United States on Monday the 28th ult.

"No amendments were recommended by the Convention, who adjourned on Tuesday, sine die." This item was reprinted eleven times by 19 May: Mass. (2), R.I. (2), Conn. (2), N.Y. (3), Pa. (2).

4. Probably Charles Willson Peale's full-length portrait of Washington commissioned by the Maryland legislature and completed by Peale in late 1784. It was displayed in the statehouse in Annapolis.

5. Charles Willson Peale's autobiography has the following account of his transparency:

Peale was painting portraits at Annapolis when the convention of Maryland adopted the new constitution of the confederated States, and at his own expense painted a transparent picture on a canvas of 9 feet square, the subject was—a female figure to represent the genius of America, she was dressed in deep blue ornamented with stars [stars], a band on her forehead on which was written, *Perseverence*, with her right hand she pointed to agriculture Commerce, arts & sciences—and the various consequences of good government in the cheerful prospects of bussy and improved Sciences

With her left hand she put back as disagreeable to her Nature, anarchy or Confusion, in the want of good government, designated by murders & cruelties in scourging the weak and helpless, also by a monster whose many heads depicted *envy, hatred & jaulecy* &c.

Above was the figure of fame with 2 trumpets as proclaiming far and near the glad tidings, on the banners was written the NEW CONSTITUTION. after this transparency was exhibited at Annapolis it was carried to Baltimoretown, as there was intended to for the transparency had given so much satisfaction, that Peale was requested to have it exhibited at Baltimore as the Citizens were preparing to make public rejoisings on the same occasion, that the committee of arrangement would pay the cost of the picture. It was exhibited in the front of the Court House facing Calvert street. But Peale did not apply to the committee untill after the exhibition had been concluded, then he was told, that their expences had exceeded their subscriptions 200\$, but as they had desired to have the painting brought

there for public exhibition they paid two Guineas. Had he applied sooner doubtless his reward would have been more liberal.

(Lillian B. Miller and Sidney Hart, eds., *The Selected Papers of Charles Willson Peale and His Family* [5 vols.; New Haven, Conn., 1983–2000], V, 127–28.) After the Baltimore procession Peale gave the transparency to Otho Holland Williams as a gift (*ibid.*, I, 520–21).

Maryland Form of Ratification, 28 April 1788¹

[The United States Constitution appears here.]

In Convention of the Delegates of the People of the State of Maryland, 28 April 1788.

We the Delegates of the People of the State of Maryland having fully considered the Constitution of the United States of America reported to Congress by the Convention of Deputies from the United States of America held in Philadelphia on the seventeenth Day of September in the Year Seventeen hundred and eighty seven of which the annexed is a Copy and submitted to us by a Resolution of the General Assembly of Maryland in November Session Seventeen hundred and eighty seven do for ourselves and in the Name and on the behalf of the People of this State assent to and ratify the said Constitution.

In Witness whereof we have hereunto subscribed our Names—

[The signatures of the 63 delegates who voted to ratify the Constitution on 26 April appear here.]

Attest Wm Harwood Clk.

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA. The Form of Ratification was first printed in the *Annapolis Maryland Gazette*, 1 May. It was reprinted in the *Maryland Journal*, 2 May, and the *Baltimore Maryland Gazette*, 6 May, and in the May and August issues of the *Philadelphia American Museum* and in eighteen out-of-state newspapers by 9 June: Vt. (1), N.H. (1), Mass. (5), R.I. (2), Conn. (1), N.Y. (3), Pa. (4), Va. (1).

The Maryland Convention Tuesday 29 April 1788

Newspaper Report of Convention Proceedings, 29 April 1788¹

RESOLVED, that the Proceedings of this Convention to the Vote for assenting to and ratifying the proposed Plan of Federal Government for the United States, and the Yeas and Nays be fairly engrossed, signed by the President, and attested by the Clerk and Assistant-Clerk: And that the President request the Governor and Council, to transmit the same Proceedings, together with the Ratification of the same Federal

Government, subscribed by the Members of this Convention, to the United States in Congress assembled.²

The Committee [considering amendments] were now called upon to report, when the House was informed that, although the Committee had acceded to several of the Propositions referred to them, nevertheless they could come to no Agreement to make any Report.

Upon this a Vote of Thanks was moved to the President, and carried.

It was then moved “that this Convention adjourn without Day.[”] The Yeas and Nays appear as follow:

AFFIRMATIVE. The Honourable President; Messrs. Barnes, Chilton, Sewall, W. Tilghman, Yates, Granger, Chesley, Smith, Brown, Turner, Stone, Goldsborough, Stevens, George Gale, Waggaman, Steuart, John Gale, Sulivane, Shaw, Gilpin, Hollingsworth, Heron, Evans, O. Sprigg, Hall, Digges, Hanson, J. Tilghman, Hollyday, Hemsley, Morris, Lee, Potts, Faw, Jos. Richardson, Edmondson, McHenry, Coulter, T. Sprigg, Stull, Rawlings, Shryock, Cramphin, Thomas, Deakins, Edwards. (47)

NEGATIVE. Messrs. Perkins, J. T. Chase, S. Chase, Mercer, Harrison, Wilkinson, Grahame, Parnham, Ridgely, Ridgely, of William, Cockey, Cromwell, Lloyd, Hammond, Bowie, Carroll, Seney, Chaillé, [James] Martin, Done, Johnson, Paca, Love, Pinkney, L. Martin, W. Richardson, Driver. (27)

1. Printed: *Maryland Journal*, 2 May. Reprinted eight times by 29 May: Mass. (2), Conn. (1), Pa. (4), Va. (1). Only three of the reprintings included the names of the delegates who voted on the resolution to adjourn.

2. See “The Transmittal and Preservation of the Form of Ratification,” 1–8 May (immediately below). Maryland was unique in sending Congress a manuscript copy of the Convention journal.

The Legislature and the Convention, 1–22 May 1788

The Transmittal and Preservation of the Form of Ratification 1–8 May 1788

On Saturday, 26 April, the Convention voted 63 to 11 to ratify the Constitution. At 3:00 on Monday afternoon, 28 April, the delegates signed the Form of Ratification.

On Tuesday, 29 April, the Convention resolved that the signed engrossed Form of Ratification, which contained a copy of the U.S. Constitution, and a copy of the Convention journal be transmitted by the governor and Council to Congress. On Thursday, 1 May, the governor and Council having received the Form of Ratification and Convention journal ordered Archibald Golder to deliver these documents covered with linen and affixed with the state seal. On the same day Governor William Smallwood wrote a letter to the president of Congress forwarding the documents. The letter was received and read in Congress on 8 May (JCC, XXXIV, 149n).

Governor Smallwood also sent copies of the same documents to the Maryland Senate, which on 21 May passed a resolution requesting that the governor “take charge of and preserve” the documents. On the same day, the Senate sent this resolution to the House of Delegates. The House approved the resolution on 22 May and returned it to the Senate. The Senate then ordered its clerk to transmit the Convention documents to the governor.

*Proceedings of the Governor and Council of Maryland, 1 May 1788, P.M.*¹

P. M. The Council met according to adjournment

Present.

His Excellency William Smallwood Esquire

The Hoñble	{	Jeremiah Townley Chase James Brice John Kilty John Davidson Benjamin Harrison	}	Esquires
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Agreeably to the request of the late Convention of this State made by their President, the Board appointed Mr. Archibald Golder to repair to Congress with the Proceedings of the said Convention and their Act ratifying the Plan of Government proposed for the United States, and they were accordingly delivered to him covered with linen and sealed; together with a Letter to the President of Congress on the Subject—Mr. Golder is referred to the General Assembly for Compensation for this service²—

The Council adjourned ’till Saturday next—

1. MS, Proceedings of the Governor and Council, Md–Ar.

2. Golder received £20 (RCS:Md., 686).

*Governor William Smallwood to the President of Congress
Annapolis, 1 May 1788*¹

In Council

We have the honour to transmit to your Excellency by Mr. Archibald Golder a person of trust, a copy of the proceedings of the Convention appointed by the people of Maryland to consider and decide on the Constitution for the United States of America reported to Congress by the Convention of Delegates from the said United States; as also the Act of the aforesaid Convention of this State, assenting to and ratifying the Constitution so reported, and submitted to their decision

1. RC, RG 360, PCC, Item 70, Maryland and Delaware State Papers, 1775–89, 557, DNA. Docketed: “Letter May 1. 1788/Council of Maryland/with a ratification/of the Constitution recom-/mended by the genl Convention/of 1787./read 8 May 1788.” Two

other manuscript copies of the letter are in the Maryland State Archives in the Letterbook of Maryland Governor and Council and the State Papers, Box 1788, Letters of Governor and Council (Folder 142). Cyrus Griffin was the president of Congress at this time.

*Senate Proceedings, Wednesday, 21 May 1788, P.M. (excerpts)*¹

. . . The following message was read and agreed to.

BY THE SENATE, MAY 21, 1788.

Gentlemen, We send you an engrossed copy of the present form of government for the United States, with an annexed duplicate of the ratification of it by the late convention of this state, transmitted to this house by the executive. The convention have not directed in what manner it should be preserved. We think some provision necessary, and therefore send you a resolution, which, if agreed to by your house, will, we apprehend, be sufficient for that purpose.

By order,

J. DORSEY, clk. . . .

The following resolution was read, assented to, and with the above message, and the letter from the honourable George Plater, Esquire, president of the late convention, with the enclosure, and the engrossed copy of the proposed federal government, and an annexed ratification by the late convention . . . was sent to the house of delegates by John Henry, Esquire.

BY THE SENATE, MAY 21, 1788.

Resolved, That the executive be requested to take charge of and preserve the engrossed copy of the form of government proposed for the United States, with an annexed duplicate of the ratification of it by the late convention of this state.

By order,

J. DORSEY, clk. . . .

1. *Notes and Proceedings of the Senate of the State of Maryland. May Session, 1788*. . . (Annapolis, 1788) (Evans 21227), 34. The House of Delegates received and read the Senate's message and resolution on the same day (*Notes and Proceedings of the House of Delegates of the State of Maryland. May Session, 1788*. . . [Annapolis, 1788] [Evans 21225], 74–75).

*House of Delegates Proceedings, Thursday, 22 May 1788 (excerpt)*¹

. . . The resolution requesting the executive to take charge of and preserve the engrossed copy of the form of government proposed for the United States, was read the second time, assented to, and sent to the senate by Mr. Brown. . . .

1. *Notes and Proceedings of the House of Delegates*, 76.

*Senate Proceedings, Thursday, 22 May 1788 (excerpts)*¹

. . . Mr. Brown, from the house of delegates, delivers to the president the engrossed copy of the form of government, with the annexed ratification by the convention of this state, the letter and enclosure from the honourable George Plater, Esquire, and the resolution relating thereto, endorsed; “By the house of delegates, May 22, 1788: Read and assented to.

By order,

W. HARWOOD, clk.[”] . . .

On motion, ORDERED, That the clerk deliver to the executive the engrossed copy of the form of government, with the annexed duplicate of the ratification by the convention of this state, the letter and enclosure from the honourable George Plater, Esquire, and a copy of the resolution relating thereto. . . .

1. *Votes and Proceedings of the Senate*, 35.

House of Delegates and the Payment of Convention Expenses 21 May 1788

*House of Delegates Proceedings, Wednesday, 21 May 1788, A.M. (excerpt)*¹

. . . ORDERED, That the committee of claims be directed to make the same allowance for attendance and for itinerant charges to the members of the late convention, who met at Annapolis to consider the proposed plan of federal government, as the law allows to members of the general assembly, and that the clerk of the said convention, and other officers, the same per diem allowance as the clerk and other officers of this house. . . .

1. *Votes and Proceedings of the House of Delegates*, 72. For the actual amounts paid each delegate and officer, see RCS:Md., 684–86.

Amendments of the Minority of the Maryland Convention, 1 May–Pre-6 October 1788

Address of the Antifederalist Minority of the Maryland Convention, 1 May 1788

The address of the Antifederalist minority, signed by William Paca (who voted to ratify) and the eleven non-ratifying delegates, first appeared in Annapolis either in the *Maryland Gazette* of 1 May, or as a broadside published by the *Gazette’s* printers, Frederick and Samuel Green (Evans 45288). On 2 May the Baltimore *Maryland Gazette* and *Maryland Journal* announced that they

would print the address in their next issues, which they did on 6 May. The address was reprinted in the *Pennsylvania Packet*, 8 May; Philadelphia *Independent Gazetteer*, 8 May; *New York Journal*, 12 May; Philadelphia *Freeman's Journal*, 14 May; Boston *American Herald*, 22, 26 May; Charleston *City Gazette*, 2 June; and *Providence Gazette*, 7 June; and in the May issue of the Philadelphia *American Museum*.

The Antifederalist *New York Journal* prefaced its reprinting: "As the Citizens of New-York have yet had no regular Accounts of the *Proceedings* of the *Maryland Convention*, the Editor embraces this earliest Opportunity to lay before them the following Particulars, for which he is indebted to the *Maryland Gazette*, printed at *Annapolis*, May the 1st." The Antifederalist Boston *American Herald* prefaced its reprinting: "The Editor hereof conceiving it of the first importance to the publick, to have [even?] the most minute circumstance relative to the Federal Constitution, laid before them, embraces this his earliest opportunity of presenting his readers with the following particulars on that great subject, which occurred in the Convention of the State of Maryland, on the consideration thereof."

Both Antifederalists and Federalists in Maryland recognized the impact that the Maryland amendments might have on the convention of neighboring Virginia, scheduled to meet on 2 June. Daniel Carroll told James Madison that "It is thought the [minority] address will be of little consequence" in Maryland but might "be of some with you to hear both sides" (28 May, RCS:Md., 740). An anonymous Federalist member of the committee of thirteen, which had been appointed to propose amendments, promised to publish "another narrative" of the committee's proceedings to correct the misstatements and omissions in the address of the Antifederalist minority ("One of the Committee," *Annapolis Maryland Gazette*, 8 May [RCS:Md., 725]). An Antifederalist Convention delegate defended the minority and reviewed what had transpired in the Convention. He added that the majority refused to agree to amendments because their publication "might produce bad consequences in Virginia, and the other States, who had not ratified, where the opponents of the Government might be equal, or nearly equal, in number to it's friends" ("A Member of Convention," *Baltimore Maryland Gazette*, 13 May [RCS:Md., 732]). James McHenry, a Federalist member of the committee of thirteen, informed George Washington on 18 May that "The amendments were intended to injure the cause of federalism in your State, and had we agreed to them they were well calculated to effect it" (RCS:Md., 739). For another anonymous criticism of the Minority Report, see the *Annapolis Maryland Gazette*, 8 May (RCS:Md., 724–25).

Annapolis Maryland Gazette, 1 May 1788

To the PEOPLE of MARYLAND.

The following facts, disclosing the conduct of the late convention of Maryland, is submitted to the serious consideration of the citizens of the state.

On Monday, the 21st of April, the convention met in Annapolis, and elected the honourable George Plater, Esq; president. On Tuesday they established rules for the conduct of the business; and on the same day the following question was propounded to the convention:—

“When a motion is made and seconded, the matter of the motion shall receive a determination by the question, or be postponed by general consent, or the previous question, before any other motion shall be received.”

And the following question, viz.

“Every question shall be entered on the journal, and the yeas and nays may be called for by any member on any question, and the name of the member requiring them shall be entered on the journal.”

Which two questions the convention determined in the negative.

On Wednesday [23 April], the proposed plan of government was read the first time, and thereupon it was resolved, “That this convention will not enter into any resolution upon any *particular part* of the proposed plan of federal government for the United States, but that the *whole* thereof shall be read through a second time, after which the subject may be fully debated and considered, and then the president shall put the question, That this convention do assent to and ratify the same constitution? On which question the yeas and nays shall be taken.”

On Thursday [24 April], the members who were opposed to the ratification of the constitution, without such previous amendments could be obtained as they thought essentially necessary to secure the liberty and happiness of the people (being confined by the last resolution to consider in one view the whole of the plan of government) stated some of their objections to the constitution.—The convention met in the evening, when Mr. Paca, member from Harford, having just taken his seat, rose and informed the president, that he had great objections to the constitution proposed, in its present form, and meant to propose a variety of amendments, not to prevent, but to accompany, the ratification; but, having just arrived, he was not ready to lay them before the house, and requested indulgence until the morning for that purpose.—The proposal being seconded, and the house asked if they would give the indulgence, it was granted without a division, and they adjourned *for that purpose*.—On Friday [25 April], at the meeting of the house, Mr. Paca rose and informed the president, that, in consequence of the permission of the house given him the preceding evening, he had prepared certain amendments, which he would read in his place and then lay on the table, when was interrupted, and one member from each of the following counties, viz Frederick, Talbot,

Charles, Kent, Somerset, Prince-George's, Worcester, Queen-Anne's, Dorchester, Calvert and Caroline, and one member from the ^(a)city of Annapolis, and one from Baltimore-town, arose in their places, and declared for themselves and their colleagues, "*that they were elected and INSTRUCTED by the people they represented, to ratify the proposed constitution, and that as speedily as possible, and to do no other act; that after the ratification their power ceased, and they did not consider themselves as authorised by their constituents to consider any amendments.*"—After this Mr. Paca was not permitted even to *read* his amendments.—The opponents continued to make their objections to the constitution until Saturday noon. The advocates of the government, although repeatedly called on, and earnestly requested, to answer the objections, if not just, remained inflexibly silent, and called for the question, that "the convention assent to and ratify the proposed plan of federal government for the United States?" Which was carried in the affirmative by 63 to 11.

The vote of ratification having thus passed, Mr. Paca again arose and laid before the convention his propositions for amending the constitution thus adopted,¹ which he had prepared by leave of the house, declaring that he had only given his assent to the government under the firm persuasion, and in full confidence, that such amendments would be peaceably obtained, as to enable the people to live happy under the government;—that the people of the county he represented, and that he himself, would support the government with such amendments, but without them, not a man in the state, and no people, would be more firmly opposed to it than himself and those he represented. Sentiments highly favourable to amendments were expressed, and a general murmur of approbation seemed to arise from all parts of the house, expressive of a desire to consider amendments, either in their characters as members of convention, or in their individual capacities as citizens; and the question was put on the following motion:

"*Resolved*, That a committee be appointed to take into consideration and report to this house on Monday morning next, a draught of such amendments and alterations as may be thought necessary, in the proposed constitution for the United States, to be recommended to the consideration of the people of this state, if approved of by this convention; and Mr. Paca, Mr. Johnson, Mr. S. Chase, Mr. Potts, Mr. Mercer, Mr. Goldsborough, Mr. J. Tilghman, Mr. Hanson, Mr. J. T. Chase, Mr. Lee, Mr. W. Tilghman, Mr. McHenry and Mr. G. Gale, were appointed a committee for that purpose."

A division was called for on this resolution, when there appeared 66 members for, and not more than 7 against, it,

And then it was resolved, "That the amendments proposed to the constitution by the delegate from Harford county should be referred to the above committee."

The committee thus appointed, and the convention adjourned to give them time to prepare their propositions; they proceeded with every appearance of unanimity to execute the trust reposed in them.

The following amendments to the proposed constitution were separately agreed to by the committee, most of them by an *unanimous* vote, and all of them by a *great majority*:

1. That congress shall exercise no power but what is expressly delegated by this constitution.

By this amendment, the general powers given to congress by the first and last paragraphs of the 8th sect. of art. 1, and the second paragraph of the 6th article, would be in a great measure restrained: those dangerous expressions by which the bills of rights and constitutions of the several states may be repealed by the laws of congress, in some degree moderated, and the exercise of *constructive* powers wholly prevented.

2. That there shall be a trial by jury in all criminal cases, according to the course of proceeding in the state where the offence is committed; and that there be no appeal from matter of fact, or second trial after acquittal; but this provision shall not extend to such cases as may arise in the government of the land or naval forces.

3. That in all actions on debts or contracts, and in all other controversies respecting property, or which the inferior federal courts have jurisdiction, the trial of facts shall be by jury, if required by either party; and that it be expressly declared, that the state courts, in such cases, have a concurrent jurisdiction with the federal courts, with an appeal from either, only as to matter of law, to the supreme federal court, if the matter in dispute be of the value of _____ dollars.

4. That the inferior federal courts shall not have jurisdiction of less than _____ dollars; and there may be an appeal in all cases of revenue, as well to matter of fact as law, and congress may give the state courts jurisdiction of revenue cases, for such sums, and in such manner, as they may think proper.

5. That in all cases of trespasses done within the body of a county, and within the inferior federal jurisdiction, the party injured shall be entitled to trial by jury in the state where the injury shall be committed; and that it be expressly declared, that the state courts, in such cases, shall have concurrent jurisdiction with the federal courts; and there shall be no appeal from either, except on matter of law; and that no person be exempt from such jurisdiction and trial but ambassadors and ministers privileged by the law of nations.

6. That the federal courts shall not be entitled to jurisdiction by fictions or collusion.

7. That the federal judges do not hold any other office of profit, or receive the profits of any other office under congress, during the time they hold their commission.

The great objects of these amendments were, 1st. To secure the trial by jury in all cases, the boasted birth-right of Englishmen, and their decendants, and the palladium of civil liberty; and to prevent the *appeal from fact*, which not only destroys that trial in civil cases, but by *construction*, may also elude it in criminal cases; a mode of proceeding both expensive and burthensome, and also by blending law with fact, will destroy all check on the judiciary authority, render it almost impossible to convict judges of corruption, and may lay the foundation of that gradual and silent attack on individuals, by which the approaches of tyranny become irresistible. 2d. To give a concurrent jurisdiction to the state courts, in order that congress may not be compelled, as they will be under the present form, to establish inferior federal courts, which if not numerous will be inconvenient, and if numerous very expensive; the circumstances of the people being unequal to the increased expence of double courts, and double officers; an arrangement that will render the law so complicated and confused, that few men can know how to conduct themselves with safety to their persons or property, the great and only security of freemen. 3dly, To give such jurisdiction to the state courts, that transient foreigners, and persons from other states, committing injuries in this state, may be amenable to the state, whose laws they violate, and whose citizens they injure. 4thly, To prevent an extension of the federal jurisdiction, which may, and in all probability will, swallow up the state jurisdictions, and consequently sap those rules of descent and regulations of personal property, by which men now hold their estates; and lastly, To secure the independence of the federal judges, to whom the happiness of the people of this great continent will be so greatly committed by the extensive powers assigned them.

8. That all war[r]ants without oath, or affirmation of a person conscientiously scrupulous of taking an oath, to search suspected places, or to seize any person or his property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend any person suspected, without naming or describing the place or person in special, are dangerous, and ought not to be granted.

This amendment was considered indispensable by many of the committee, for congress having the power of laying excises, the horror of a free people, by which our dwelling-houses, those castles considered

so sacred by the English law, will be laid open to the insolence and oppression of office, there could be no constitutional check provided, that would prove so effectual a safeguard to our citizens. General warrants too, the great engine by which power may destroy those individuals who resist usurpation, are also hereby forbid to those magistrates who are to administer the general government.

9. That no soldier be enlisted for a longer time than four years except in time of war, and then only during the war.

10. That soldiers be not quartered in time of peace upon private houses, without the consent of the owners.

11. That no mutiny bill continue in force longer than two years.

These were the only checks that could be obtained against the unlimited power of raising and regulating standing armies, the natural enemies to freedom, and even with these restrictions, the new congress will not be under such constitutional restraints as the parliament of Great-Britain; restraints which our ancestors have bled to establish, and which have hitherto preserved the liberty of their posterity.

12. That the freedom of the press be inviolably preserved.

In prosecutions in the federal courts for libels, the constitutional preservation of this great and fundamental right, may prove invaluable.

13. That the militia shall not be subject to martial law, except in time of war, invasion or rebellion.

This provision to restrain the powers of congress over the militia, although, by no means so ample as that provided by magna charta, and the other fundamental and constitutional laws of Great Britain, (it being contrary to magna charta to punish a freeman by martial law in time of peace, and murder to execute him,) yet it may prove an inestimable check; for all other provisions in favour of the rights of men, would be vain and nugatory, if the power of subjecting all men able to bear arms to martial law at any moment, should remain vested in congress.

Thus far the amendments were agreed to.

The following amendments were laid before the committee, and negatived by a majority.

1. That the militia, unless selected by lot or voluntarily enlisted, shall not be marched beyond the limits of an adjoining state, without the consent of their legislature or executive.

2. That congress shall have no power to alter or change the time, place or manner, of holding elections for senators or representatives, unless a state shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases only congress may interfere, until the cause be removed.

3. That, in every law of congress imposing *direct* taxes, the collection thereof shall be *suspended* for a certain reasonable time therein limited, and on payment of the sum by any state, by the time appointed, such taxes shall not be collected.

4. That no standing army shall be kept up *in time of peace*, unless with the consent of two thirds of the members present of each branch of congress.

5. That the president shall not command the army in person, without the consent of congress.

6. That no treaty shall be effectual to repeal or abrogate the *constitutions* or *bills of rights* of the states, or any part of them.

7. That no regulation of commerce, or navigation act, shall be made, unless with the consent of two thirds of the members of each branch of congress.

8. That no member of congress shall be eligible to any office of profit under congress during the time for which he shall be appointed.

9. That congress shall have no power to lay a *poll tax*.

10. That no person, conscientiously scrupulous of bearing arms in any case, shall be compelled *personally* to serve as a soldier.

11. That there be a responsible council to the president.

12. That there be no national religion established by law, but that all persons be equally entitled to protection in their religious liberty.

13. That all imposts and duties laid by congress shall be placed to the credit of the state in which the same be collected, and shall be deducted out of such state's quota of the common or general expences of government.

14. That every man hath a right to petition the legislature for the redress of grievances in a peaceable and orderly manner.

15. That it be declared, that all persons intrusted with the legislative or executive powers of government are the trustees and servants of the public, and as such accountable for their conduct. Wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old, or establish a new government; the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

The committee having proceeded thus far, all the members who voted for the ratification declared, that they would engage themselves under every tie of honour to support the amendments they had agreed to, both in their public and private characters, until they should become a part of the general government; but a great majority of them insisted

on this express condition, that none of the propositions rejected, or any others, should be laid before the convention for their consideration, except those the committee had so agreed to.

The gentlemen of the minority, who had made the propositions which had been rejected, reduced to the necessity of accommodating their sentiments to the majority, through fear of obtaining no security whatever for the people—notwithstanding they considered *all* the amendments as highly important to the welfare and happiness of the citizens of the states, yet to conciliate, they agreed to confine themselves to the first three of those propositions, and solemnly declared and pledged themselves, that if these were added, and supported by the other gentlemen, they would not only cease to oppose the government, but give all their assistance to carry it into execution so amended. Finally, they only required liberty to take the sense of the convention on the three first propositions, agreeing that they would hold themselves bound by the decision of a majority of that body.

The first of these objections concerning the militia they considered as essential, for to march beyond the limits of a neighbouring state, the general militia, who consist of so many poor people that can ill be spared from their families and domestic concerns, by power of congress, who could know nothing of their circumstances, without consent of their own legislature or executive, ought to be restrained.

The second objection respecting the power of congress to alter elections, they thought indi[s]pensable. Montesquieu says, that the rights of election should be established unalterably by fundamental laws in a free government.

The third objection concerning previous requisition, they conceived highly important; they thought if money required by direct taxation could be paid with certainty and in due time to congress, that every good consequence would be secured to the union, and the people of the state thereby relieved from the great inconvenience and expence of a double collection and a double set of tax-gatherers, and they might also get rid of those odious taxes by ex[c]ise and poll, without injury to the general government.

They were, however, again proposed and rejected.

AFFIRMATIVE, Mr. Paca, Mr. Johnson, Mr. Mercer, Mr. J. T. Chase, Mr. S. Chase.

NEGATIVE, Mr. Lee, Mr. Potts, Mr. Goldsborough, Mr. J. Tilghman, Mr. W. Tilghman, Mr. Hanson, Mr. G. Gale, Mr. McHenry.

Previous to this, a motion was made on Monday the twenty-ninth, in the convention, while the committee were sitting, in the following words, to wit: “Resolved, that this convention will consider of no propositions

for amendment of the federal government, except such as shall be submitted to them by the committee of thirteen.”

The committee being sent for by the convention, the gentlemen of the majority in committee then determined, that they would make no report of any amendments whatever, not even of those which they had almost unanimously agreed to, and the committee, under those circumstances, attended the house. Mr. Paca, as chairman, stated to the convention what had passed in the committee, read the amendments which had there been agreed to, and assigned the reason why no report had been formally made. A member then rose and proposed a vote of thanks to the president, which had been once read before the attendance of the committee, should have a second reading; and upon the second reading thereof, the previous question was called for by the members who wished to consider the amendments agreed to by the committee, and such other amendments as might be proposed. The house thereupon divided, and the yeas and nays were called for by the minority, the sense of the convention was taken thereon, and a majority determined that the yeas and nays should not be taken, nor would they permit the vote to be entered on the journal, by which the yeas and nays were prohibited: to preclude the consideration of any amendments,

A motion was then made “that the convention adjourn without day,” on which the yeas and nays were taken and appeared as follow:

AFFIRMATIVE, The honourable the President, Messrs. Barnes, Chilton, Sewell, W. Tilghman, Yates, Granger, Chesley, Smith, Brown, Turner, Stone, Goldsborough, Stevens, G. Gale, Waggaman, Stewart, J. Gale, Sullivan, Shaw, Gilpin, Hollingsworth, Heron, Evans, O. Sprigg, Hall, Digges, Hanson, J. Tilghman, Hollyday, Hemsley, Morris, Lee, Potts, Faw, J. Richardson, Edmondson, McHenry, Coulter, T. Sprigg, Stull, Rawlings, Shryock, Cramphin, Thomas, Deakins, Edwards. 47

NEGATIVE. Messrs. Perkins, J. T. Chase, S. Chase, Mercer, Harrison, Wilkinson, Grahame, Parnham, Ridgely, Cockey, Cromwell, Lloyd, Hammond, Bowie, Carroll, Seney, Chaille, [James] Martin, Done, Johnson, Paca, Love, Pinkney, L. Martin, W. Richardson, and Driver. 27.

We consider the proposed form of national government as very defective, and that the liberty and happiness of the people will be endangered if the system be not greatly changed and altered. The amendments agreed to by the committee, and those proposed by the minority, are now laid before you for your consideration, that you may express your sense as to such alterations as you may think proper to be made in the new constitution.

We remain persuaded, that the importance of the alterations proposed, calculated to preserve public liberty, by those checks on power

which the experience of ages has rendered venerable, and to promote the happiness of the people by a due attention to their ease and convenience, will justify the steps we have taken to obtain them, to our constituents, and the world.

Having no interest that can distinguish us from the rest of the community, we neither fear censure, nor wish applause. Having thus discharged the duty of citizens and trustees of the public, we shall now submit to the people those precautions and securities which, after mature reflection on this momentous subject, we deem necessary for their safety and happiness.

May that all-wise and omnipotent Being, who made us masters of a fair and fruitful empire, inspire us with wisdom and fortitude to perpetuate to posterity that freedom which we received from our fathers!

WILLIAM PACA, SAMUEL CHASE, JOHN F. MERCER, JEREMIAH T. CHASE, JOHN LOVE, CHARLES RIDGELY, EDWARD COCKEY, NATHAN CROMWELL, CHARLES RIDGELY, of Wm.	}	Members of the committee.
LUTHER MARTIN, BENJAMIN HARRISON, WILLIAM PINKNEY,		
	}	Members of the convention.

(a) *The member from the city of Annapolis, did not give it as his opinion that he was not at liberty to consider amendments, but said he had consulted his colleague, and that his colleague had informed him, the citizens were against amendments.*

1. For the text of Paca's amendments, see under 26 April (RCS:Md., 650–52).

Alexander Contee Hanson: Narrative of the Proceedings of the Committee on Amendments of the Maryland Convention Annapolis, 2 June 1788

On 28 May Daniel Carroll sent James Madison (RCS:Md., 739–40) a copy of the address of the minority of the Maryland Convention and an address that some Federalist members of the committee of thirteen had wanted to affix to any amendments the Convention might recommend. According to Carroll, "This alone serves to give a different cast to the proceedings of the Committee than appears without it." Carroll also told Madison that Alexander Contee Hanson (a committee member) was in the process of preparing a narrative

“which will disclose some matters not mention’d in the [Minority] Address, & may give a different cast to those proceedings.” Carroll intended to forward a copy of Hanson’s narrative to Madison in Virginia when he received it. Hanson had hoped to get the four of his fellow committeemen who were then in Annapolis attending the General Assembly and the General Court to help draft the narrative. These potential co-signers, however, doubted the propriety of answering the Minority Address and were too busy to help Hanson draft a response. Hanson, nevertheless, wanted to complete a narrative and have it sent to Richmond in time for the meeting of the Virginia Convention. An illness delayed Hanson’s writing, and Daniel Carroll left Annapolis before the draft was finished. Hanson completed his draft on 2 June and on that day sent it directly to Madison. Coincidentally, the Virginia Convention convened on 2 June.

Alexander Contee Hanson to James Madison
Annapolis, 2 June 1788¹

Mr. Daniel Carroll, having understood, that I was about framing a narrative of the proceedings in our late convention, relative to amendments, requested me, some time ago, to furnish him with a manuscript copy, that he might convey it to you, as speedily as possible. I was indeed, at that time, engaged so far as my public employment would admit, in composing an address to the people of Maryland; in which I had an expectation of being joined by four other members of the committee, who were then at Annapolis, attending the general assembly and the general court. They were indeed doubtful as to the propriety of answering a narrative, which, they conceived, had made little impression on the people, either injurious to the common cause, or unfavorable to the convention and committee. They were also too closely occupied by business, to spare the necessary time. However, I was determined to complete my draught, and, if it should not be published in time to reach Richmond, before the meeting of your convention, I purposed to give Mr. Carroll a copy to be forwarded as he desired.

Unfortunately, I was seized by an illness, which disqualified me, for many days, from pursuing my intention; and Mr. Carroll left Annapolis before my recovery.—

I have just now completed my narrative; but have not had an opportunity of communicating it to my brethren of the committee. Only two of them are on the spot; and, from the dispersion of the rest I conceive, that, after so considerable a lapse of time, no address will be published by them.—

My anxiety for the common cause induces me to take a step, which perhaps cold prudence may condemn. I inclose you the draught of an

address, composed from minutes, taken the day after the convention, by three members of the majority in the committee. Those minutes have been approved as true by two other members of the majority, and the remaining three members being at a great distance from this place, and from each other, have not yet had an opportunity of seeing them.

You have both my consent and request to make any use of the inclosed narrative, which your own judgment may prescribe. But, unless you shall think the cause likely to be thereby promoted, I wish it not to be inserted in the public prints. I send it thus early, that it may not lose the only chance of rendering service in Virginia, either by giving spirits to the friends of the general government, or by discouraging it's enemies, who may look for countenance and support from the people of Maryland.

It will perhaps be suggested, in your convention, that the people of Maryland are dissatisfied with the absolute and unqualified adoption of the government by their representatives; and that they would cheerfully co-operate with Virginia in any plausible scheme, for obtaining a second general convention, either to consider and propose an entire new plan, or to propose alterations of the system, which has already been adopted by a majority of the states—I am persuaded, that such a suggestion would be destitute of rational grounds; and that the people of Maryland would spurn at a proposition, calculated to produce so much incurable mischief. You may rest assured, that they wish not to defeat, or even to delay, the execution of that plan of government, which, in 15 counties, they were almost unanimous for adopting, and which, I firmly believe, has more friends than enemies, in the other three. It is that plan, on which they consider, their political salvation almost entirely depends.

You will have the goodness to excuse the foulness of the inclosed copy. I was really pressed by the want of time.

[Enclosure]

To the people of Maryland

That the convention of Maryland has faithfully discharged its trust, and omitted nothing, which either its duty demanded, or powers authorized, is a truth, which sophistry cannot conceal or disguise. That it manifested a transient inclination to adopt improper means, for attaining a valuable end, is the only ground, on which by the most rigorous justice it might be condemned. Over this part of it's conduct both candor and patriotism might wish to draw a veil. It is not however on account of it's manifesting this inclination, that the convention is arraigned. It is in truth censured for not pursuing that inclination, and

for not exercising an assumed power, agreeably to the sentiments of a small minority and contrary to the known sense of the people.

The narrative of that minority, consisting of the whole^(a) delegation from three counties appears calculated to impress on the public mind an idea, that the convention were studious to conceal from the people of the several counties the conduct of their respective delegates; that they precluded themselves from the means of information, and ratified the proposed plan of government with an indecent and fatal precipitation; that a defective constitution is adopted, without making any provision for obtaining amendments; and an idea held out to the united states, that Maryland wishes no alteration of the system, notwithstanding the people expected amendments to be proposed, and the convention itself conceived amendments to be necessary; that a committee, appointed to consider and report amendments, after agreeing fully to a considerable number of propositions, declined making the report;— *by this conduct deceiving the minority, effecting a premature dissolution of the body, and abandoning the dearest rights of their people constituents to the will of an arbitrary power.*

The obvious design of all this was to make an impression on the citizens of other states, unfavorable to the proposed federal government; to stigmatize *eight* members of the committee; and to persuade you, that the proceedings of the convention ought not to be considered as either *conclusive*, or *binding* — —. When indeed a few members of a great representative body will not acquiesce in the fullest and most peremptory decision, there is no justification of their conduct, unless they can demonstrate, that the decision was irregular, or that no determinations of the representatives are binding on their constituents . . .² We could have wished these things to be asserted in explicit terms. To reduce their whole narrative to plain simple propositions, and to point out the inferences, which they did not chuse directly to draw, would be better than the most labored refutation—

We cannot for a moment apprehend, that an enlightened people will be induced by that narrative to violate the first leading principles of government; and we mean not to agitate the great question, already determined, first in effect by the people in their respective counties, and afterwards by their representatives, elected and convened for the express and only purpose.

Our main object in this address is to acquit ourselves from a gross and unwarrantable imputation. We are indirectly accused of duplicity, artifice, want of candor, and inconsistency. We mean not, in return, to impeach the minority of a wilful misrepresentation. But, in stating the transactions of the convention, and the origin and proceedings of the

committee, we shall presume to differ substantially from their account. We are far from alledging, that the slight errors in their statement are intentional; but these trifling mistakes, together with the total omission of some very material circumstances, have probably given birth to suspicions, injurious to our characters — —. We shall endeavor to place matters in the light, wherein we viewed them ourselves, and to exhibit them in their genuine complexion. It is not, however, in our power, nor is it necessary, to detail, every minute proceeding. We did not keep a private journal of every occurrence. Upon the rising of convention, our anxiety to return to our private affairs prevented us from doing more than minuting down, whilst fresh in our memories, every material circumstance, which, we conceived, it might possibly thereafter be necessary to disclose. Dispersed as we have since been, and occupied by public and private affairs, it is obvious, we must labor under some disadvantage. We are confident nevertheless, that we shall be able to state, with adequate precision, enough to convince you, and the world, that neither the convention, nor the committee, has been culpable otherwise than by not yielding sufficiently to the suggestions of the minority ~~contrary to the well-known sense of their constituents~~ or in carrying to excess their complaisance and indulgence.

On the day appointed for holding the convention [21 April] and before the body was formed, the members of the majority openly communicated their sentiments to each other, and agreed perfectly in the following propositions,—that they, and their constituents, had enjoyed abundant leisure and opportunity for considering the proposed system of a federal government; that it was not probable, any new lights could be thrown on the subject; that (even if it were) the main question had already, in effect, been decided by the people, in their respective counties; that, as each delegate was under a sacred obligation, to vote conformably to the sentiments of his constituents, they ought to complete that single transaction, for which they were convened, as speedily as was consistent with decorum — —. A prompt determination in this state, they conceived, might have a happy influence in other states; and they expressed a desire, that all argument in favor of an indispensable measure might be omitted. In short, they esteemed nothing wanting, except the mere forms of a ratification.—Not that each man expressly avowed these positions; but they were repeatedly declared, and, at the commencement of the session, there seemed no diversity of sentiment amongst the representatives of 15 counties and two cities.

In conformity to these ideas, every proposition in the convention, tending to bring about a discussion of the ~~constitution~~ system by parts, was rejected. On Wednesday, the third day [23 April], was passed the

resolve for putting the grand question, on the second reading of the constitution. But it was clearly understood, that, on this question, each member might be free to speak as often as he should think proper; and a rule, adopted, in the beginning, for preventing any member from speaking more than twice on any question, without leave, had been rescinded. It is worthy of remark, that the members of the minority did not all attend upon the first day.³ So far was the convention from an indecent precipitation, that the vote on that great question, which had already been substantially determined, was not taken until Saturday. Almost the whole preceding time had been consumed, either in waiting for absent members of the minority, or in the most patient attention to objections, which were familiar to almost every auditor—

On Thursday [24 April] morning appeared, for the first time, Mr. S. Chase. On the second reading of the constitution, he arose, urged a part of his objections, and sat down, declaring “he was exhausted, and would resume his argument on the following day.” The fixed hour of adjournment, which was 3 o’clock, not being nearly arrived, it was expected, that some other member of the minority would rise. But there seemed to be a studied delay. After waiting a competent time, it was proposed and agreed to adjourn ’till after dinner. The object of meeting a second time on the same day was to prevent further procrastination, and to have the business concluded immediately; in case the minority should not proceed with their objections. For, altho’ it might be proper to give each member an opportunity of declaring his sentiments, it could not be expected, that the whole body should await the pleasure of a few individuals—.—In the afternoon, Mr. Paca appeared. He arose, and said, “he had a variety of objections; that, altho he did not expect amendments to be made the condition of a ratification, he wished them to accompany it, as standing instructions to our representatives in congress; that under an expectation of obtaining amendments, he might vote for the constitution; that, with permission, he would prepare his propositions, and, in the morning, lay them on the table, for consideration of the members; that he wished them to be considered before the ratification; because he did not imagine, that, after it, the convention would remain a sufficient length of time.”

That the convention came to a decision on Mr. Paca’s application, has been erroneously affirmed. Mr. Johnson, indeed, expressed an opinion, that “the request was candid and reasonable; and that the gentleman ought to be indulged” He added that, “*in order that nothing further might be done*, he moved to adjourn ’till the morning.” An adjournment immediately took place; without any *express* determination of the house, or any thing said by the president, or any other member, with regard to a compliance with Mr. Paca’s request.

If from these circumstances any decision of the house might be fairly *implied*, it was this.—that the convention would adjourn to give time for reflexion on Mr. Paca's proposal.

On Friday morning [25 April], the question before the house being, as it had been the preceding day “that this convention do assent to and ratify the proposed constitution”; a member from each of 11 counties and the two cities declared to the following effect,—“that he and his colleagues were under an obligation to vote for the government.” The speakers did not all use the same precise form of words. Each man expressed himself in his own way; and almost all declared further, that “with respect to amendments they considered themselves as having no authority to propose, in behalf of their constituents, that which their constituents had never considered, and, concerning which, their constituents could, of course, have given no directions”—

Mr. Paca indeed arose on the subject of his amendments, and was interrupted by Mr. G. Gale, who had not been present on the preceding afternoon, and who justly supposed Mr. Paca to be out of order; the question before the house being still, “that this convention do assent to and ratify the proposed constitution”. Mr Paca remonstrated warmly against the indecency, wherewith he alledged, that he had been treated, “after obtaining permission to read his amendments, and lay them upon the table.” But he could not prevail to postpone the consideration of the grand question; and the minority proceeded to state their objections to the government . . .⁴ At length, at about 2 or 3 o'clock on Saturday [26 April], the question was decided, and the constitution adopted by 63 against 11. It was then resolved to ratify and sign it, on Monday at 3 o'clock; and a committee was appointed to report the form.—

That to all the arguments of the minority the friends to the government *without amendments* “remained inflexibly silent,” was simply (as we have already intimated) because no valuable purpose could be answered by protracting the mere formality of a ratification. If, on that most interesting occasion, the sentiments of the people were binding on their delegates, the minority was no more at liberty to vote for the constitution, than we were to vote against it. Besides, it is hardly to be conceived, that, at this late period, any arguments, contained in a public harrangue, could have flashed conviction on the minds of the minority.

The vote for ratification being passed, Mr. Paca again recurred to his amendments. He produced, and read, a paper containing a great number of propositions, which have since been laid before you.⁵ He declared that, “with an expectation of their future adoption, he had voted for the constitution; that, with them, his constituents would receive it; without them his constituents would firmly oppose it; he believed, they

would even oppose it with arms.”—It is stated by the minority, that, at one time, “a general murmur of approbation seemed to arise from all parts of the house, expressive of a desire to consider amendments, either in their character, *as members of convention*, or in their *individual capacities as citizens*.”—In what light the subject was viewed, and on what footing amendments were considered by the convention, and the committee, may best appear from the proceedings of each . . .⁶ No part of the proceedings of either can demonstrate, that a majority esteemed amendments *necessary to perfect the constitution*. An opinion was indeed taken up, by some gentlemen, that, altho’ they could not, in their conventional capacity, propose amendments to the future congress, in behalf of the people, they might, nevertheless, in their private capacities, to gratify the wishes of some of the minority, make certain propositions to the people themselves.

This novel distinction between the convention *acting in virtue of its delegated powers*, and its members, as a body, *acting agreeably to the common right of citizens*, was admitted without reflexion—. The members of convention did not, we acknowledge, by accepting an elevated trust, forego the common right of delivering their opinions and advice. But, assuredly, until the convention was dissolved, its members would not, nor could they, *whilst acting in a body*, be supposed *acting in their private characters*; and, if they meant propositions to go from them as private individuals, they should have made them after the dissolution of the body. They might indeed have done this, even during the time of the session, provided they did not make it the act of the *body*, but only of *so many individuals*, as should voluntarily associate for the purpose.

It was merely from not perceiving this matter in a true light, that the convention has erred. Happily, it did not persist in the error long enough to injure the common cause of America. The scheme of proposing amendments, for the consideration of the people of Maryland, originated from a desire of conciliation; and we proceed to shew, that the 13 propositions did not, in the manner stated by the minority, obtain the committee’s approbation.

After a short but perplexed debate, on several motions tending nearly to the same effect, the following proposition was reduced to writing and passed viz.

“That a committee be appointed to take into consideration and report to this house, on Monday morning, a draught of such amendments and alterations as may be thought necessary in the proposed constitution for the united states, to be recommended to the consideration of the people of this state, if approved of by this convention.”

The gentlemen appointed on this committee were

Mr. Paca	Mr. Hanson
Johnson	J. T. Chase
S. Chase	Lee
Potts	W. Tilghman
Mercer	McHenry
Goldsborough	G. Gale
J. Tilghman	

And to this committee were referred the propositions of Mr. Paca.

It would appear, from the address of the minority, that no less than 66 members out of 73 were of opinion, that amendments to the constitution were necessary, to protect the rights of the people; and that, inasmuch as the convention was not authorized to propose amendments, in behalf of the people, the members ought, either in their conventional, or private, capacities, to point out the necessary alterations and additions, for the consideration of the people themselves. But we contend, and an exact full detail of the proceedings would incontestibly shew, that the scheme of proposing amendments to the people originated merely from the principle of accommodation; and it was imagined by some gentlemen, that this scheme would effectually put an end to all opposition within the state of Maryland — —. For our parts, we were so far from thinking amendments either necessary to perfect the System, or proper on the principle of accommodation, that we regretted the embarrassment, into which the Convention was thrown. The majority of the Committee, before it met, communicated to each other their ideas. They considered the necessity of accommodating themselves to the disagreeable situation, resulting from an earnest, and perhaps unparalleled, disposition in a great representative Body to gratify and conciliate a few men opposed to the general sense of the state. It was, however, their decided Opinion, that nothing, to be contained in the propositions to the people, should hold out any idea of the propriety of changing the Constitution in any essential Point; altho' they might go so far, as to explain it, agreeably to what it's friends supposed the true Construction, and to restrain the Congress from doing those things, which, on a true Construction, it has not power to do; or which, if it had, it's own policy would not permit it to perform. They hoped that, by going thus far, the Convention might be extricated from it's embarrassment, and perhaps induce the Enemies of the Government to desist from their Opposition.

The Committee assembled, on Sunday morning [27 April], and proceeded to consider Mr. Paca's amendments. After two propositions had been acceded to, it was observed by a member of the majority, that "as they had met, on a principle of Conciliation he wished before they

went further, an explanation might take place. As there had been doubts entertained from general expressions in the plan of Government, which were supposed by some men to give congress discretionary powers, and, as some explanation of these might tend to quiet apprehensions, he should probably agree to such amendments as might have that effect, without endangering the constitution; provided they should go forth as the act of private individuals, and provided no others be attempted than should be agreed to in this committee. He wished it to be understood that he should agree to no more than the two already acceded to, expect *sub modo*⁷ &c.[”]

To this proposal of an explanation and compromise no direct decisive Answer was given, and the Author of it afterwards agreed to no other proposition of Amendment. Mr. S. Chase remarked, that “the Committee ought to proceed and endeavour to agree to the Amendments, which the Constitution requires; that, if they could not agree, each member would be at liberty to take, in the Convention, or any other place, the part, he might think proper.” It then seemed the wish of all to report something, which all might maintain in the Convention.—

On Monday [28 April] the second day of the Committee, in conformity to the ideas of the majority, the following rough draught of an Address was produced:

⟨“In Convention. Annapolis 1788.

“To the people of Maryland—

“When we signed and ratified, for ourselves, and on your behalf, the constitution of government for the U.S. we concluded our authority to have expired with that act: but, at the same time, when we reflected, how essential it is to the proper administration of the best government, that it should possess, as far as possible, the approbation of every part of the community, we have presumed to lay before you propositions, that may tend to quiet the apprehensions of those, who may have conceived additional securities and guards necessary, to prevent any abuse of it’s powers. We must however acknowledge, that we hold ourselves incompetent, until we shall have experienced the operation and inconveniences of the government, to ascertain its defects, with precision and certainty. Besides, if we could have ascertained them, we were not sufficiently informed, to take upon ourselves to say, what would please you, and remedy them, without too much weakening its authorities, or destroying some of it’s indispensable provisions. We moreover find embarrassment, from a contrariety of sentiment respecting the alterations, as well amongst its friends as opposers; which discourages us from giving a decided opinion on any one. All therefore, that seems left for us,

in such circumstances, is to point your serious attention and mature deliberation to the subject, attended with our wish, that should all, or any of the proposed alterations, meet your approbation, you will put them in a constitutional train, to make a part of the constitution[']—⁸

Not a syllable has been said, in the narrative of the minority, concerning this proposed draught of an address. But you will readily perceive it's importance, for explaining truly the conduct of the committee. We conceived an address to have a strict natural relation to the business of the committee; and that an address must, of necessity, accompany any propositions, that might be laid before the people; to explain the motives of the convention, and the footing, on which the people were to receive the propositions. The proposed draught therefore had been prepared and communicated to the majority, before the first meeting of the committee.

Mr. S. Chase objected to a part, which he marked with his pen. But nobody objected decidedly against reporting an address. He said, "altho' it was not regular, it was a matter of little importance; provided it should be so worded, as to give no offence, and cast no reflexion." On this day, he declared positively, "he should think himself at liberty to propose to the convention whatever he might esteem proper, in addition to the report, and to oppose any thing, it might contain." It then seemed to be generally understood, that each member of the committee should hold himself free to advocate, or oppose, the whole or any part of the report.

There is an ambiguity in the minority's narrative, which we think proper to clear. We deny, that all the Members (as they say) who voted for the ratification, declared *absolutely*, that "they would engage themselves, under every tye of honour, to support the Amendments, they had agreed to, both in their public and private Characters." Some of them indeed so declared; "provided it were understood, as an express Condition, that no proposition of Amendment be laid before the Convention, except such as might be contained in the Committee's Report."—We deny too, that this declaration was made after the whole 13 propositions were acceded to altho' we cannot ascertain the precise stage, at which it was made.

In the two first days of the Committee the 13 propositions mentioned in the narrative were acceded to; & many others were proposed, and rejected. Amongst the rejected were, *in substance*, the 3 propositions which are said to have constituted the minority's *ultimatum*.

On Tuesday [29 April], the last day of the Committee, those three propositions were offered for consideration, and the question, "whether they be now considered" was determined in the negative by 8 to 5

Mr. Potts	} Neg:	Mr. Paca	} Affirm:
Goldsborough		Johnson	
J. Tilghman		S. Chase	
Hanson		Mercer	
Lee		J. T. Chase	
W. Tilghman			
McHenry			
Gale			

The aforesaid 3 propositions, with which the minority of the Committee have declared they would have been content, were so repugnant to our sentiments, that the uncertain prospects we had of ending all Opposition, could not induce us to offer them in any shape to the people. Had an Agreement taken place in the Committee, there was still nothing to restrain the other members of the Convention from moving additional propositions—The acceding to 13 propositions was, on our parts a mere concession, and if in return for these, nothing certain was to be conceded by the minority, it would have been reasonable and proper, ~~to withdraw the concession~~ on that account to decline a report, and to rely on the good-sense of the Convention, after three days reflection, to perceive the futility of the distinction, and the weakness of the principle, on which the Committee had been appointed

But it was not our intention to withdraw the Concession, and our declining to report was owing to the Conduct of the minority in Committee. After rejecting the aforesaid 3 propositions, the forementioned draught of an address was proposed for consideration, to be reported with the 13 propositions. The minority objected that “no such matter had been referred”, and the Chairman suggested, that “The Committee might return to the House and apply for Authority”; meaning, as we apprehend, that the 13 propositions should be first reported. This did not meet the Committees approbation; as it might perhaps have defeated their purpose of making propositions merely for consideration of the people, without giving the weight of the Convention’s Opinion, that they were at all necessary, except on the principle of Conciliation.—Several of the majority declared, that “in acceding to any propositions, which had been made, they had constantly kept in view the address, which was to accompany them, for the purpose of explaining, that they were submitted on the principle of accommodation, & with a view of quieting apprehensions;—that they never once conceived amendments necessary, to perfect the plan of Government; and that they would not have voted for amendments to be held out in that light.”—“It was however insisted, that, as the committee had agreed

to a number of propositions, they ought to be signed and reported." On the other hand, it "was insisted, that, if any member had voted on a misconception of the footing, on which the propositions were to go to the people, he should, on finding his mistake, have an opportunity of retracting; and the propositions ought to be reconsidered.[""] It was suggested also, that "after going thro' them, one by one, it was proper to take a vote upon the whole together; that the committee did not before seem fully to comprehend each other; that, on the principle of accommodation, the expedient of submitting propositions to the people might be proper, provided an accommodation did really take place; that a great deal of mischief might result, if, after both sides had agreed to certain propositions, on that principle, other propositions were to be made, on which men would be divided; that, if, after the committee had concluded, the convention were to go on, without limitation, to consider amendments to every part of the constitution, nothing but confusion could follow; and it would be far preferable to abandon the scheme of accommodation, and make no report.[""]

Whilst the committee was thus debating, it was repeatedly called upon by members of the convention to return. A regular message also informed it of the impatience of the house and requested its attendance. Without taking regularly the sense of the committee whether the address be considered and reported, or whether without the address, the 13 propositions be signed and reported,—the chairman arose, declared, he would return to the convention; and thus was the committee broken up—

The chairman informed the convention, that the committee, after agreeing fully to 13 propositions, refused to sign the report. He notwithstanding read those 13 propositions, together with the three principal propositions, which had been just rejected by the committee. It is needless to narrate further. A vote of thanks to the president, and an adjournment without day, within a few hours, concluded happily the proceedings of the convention.

Conscious that on this great occasion we discharged the most sacred trust with punctuality and zeal, we apprehend not the censure of our intelligent and patriotic countrymen—. The reproaches of the malignant we shall ever despise.—

May the people of America always possess wisdom to discern their interests! May they ever prize, as they ought, the blessings of peace, order, and good government! May the genius of concord, mild toleration, diffuse amongst them its happy influence its gentle spirit amongst them! May true liberty[, the] source of every generous and humane

affection drive from this favored land ~~dissension and~~ licentiousness and anarchy, the it's deadliest to freedom foes! And may reason here establish its throne on the lasting foundations of justice—

(a) Mr. Paca a delegate from one of those counties may perhaps be improperly be considered as one of the minority. He voted for and signed the constitution, with an expectation of that ammendments would be proposed, and hereafter obtained

1. RC, Madison Papers, DLC.
2. The ellipsis is in the manuscript.
3. Antifederalist leaders Samuel Chase, Luther Martin, and William Paca did not arrive until 24 April, the fourth day the Convention met.
4. The ellipsis is in the manuscript.
5. For Paca's amendments, see under 26 April (RCS:Md., 650–52).
6. The ellipsis is in the manuscript.
7. Latin: Under a qualification; subject to a restriction or condition.
8. A copy of the text in angle brackets was included in a letter from Daniel Carroll to James Madison, 28 May (RCS:Md., 739–40).

Samuel Chase: On the Proposed Maryland Convention Amendments Pre-6 October 1788

Samuel Chase and James McHenry were two of the four candidates for seats in the House of Delegates from the Town of Baltimore in the elections that would begin on Monday, 6 October 1788. Chase's Antifederalism and McHenry's Federalism were issues raised during the campaign. Sometime before the election began a two-sided broadside was printed by William Goddard (Evans 45240). On one side appeared Chase's description of his, McHenry's, and John Coulter's actions in the state Convention on amendments to the Constitution. (Coulter was also a candidate.) This side of the broadside is printed here. For a facsimile of both sides of the broadside, see Mfm:Md. 162.

To the VOTERS of BALTIMORE-TOWN.

GENTLEMEN, Having several times asserted, in the presence of many of you, that Doctor James McHenry *opposed*, in convention, ANY amendments to the *new* constitution for the United States, I will lay before you the conduct of Dr. McHenry in the convention, and in the committee of convention; from whence I formed this opinion. If I should be mistaken in any of the facts, you will not impute my mistake to any intention of misrepresenting Doctor McHenry's conduct; and if I draw *improper* conclusions he will correct them.

Ist. Fact. On Friday, the 25th of April, Doctor Coulter rose from his seat, and read to the convention a paper, by which he declared for himself and his colleague Doctor McHenry, "That they were elected and *instructed* by the people they represented to *ratify* the proposed

constitution, and that as *speedily* as possible, and *to do no other act*; that *after the ratification* their power ceased, and they did not consider themselves as authorised by their constituents to *consider any amendments*.”

This fact was stated in a publication, signed by myself and eleven more, and was *never* contradicted in PUBLIC.¹

If Doctor McHenry considered himself speaking the sense of Baltimore-town in this declaration, it is evident that he could not, in his *conventional* capacity, consider, much less *propose any* amendments to the constitution, before or AFTER the ratification of it by the convention. If you elected and instructed him *only to ratify* and to do *no other act*, it necessarily follows, that when he had discharged that trust his power, *as your representative* ceased, and from that moment he changed his *public delegated character* to that of a private citizen; and if *afterwards* he *considered*, or joined in proposing *any amendments*; it could only be *as a private citizen*, and *not* in his *conventional* capacity. I never heard of any *instructions*, of any kind, from this town to Doctor McHenry and Doctor Coulter. If in writing they can be produced; if lost, or verbally, their *substance* can be established.—It was universally believed, that all of you were for amendments *after* ratification. The committee who waited on Mr. McMechen and Mr. Sterett informed them, “that it was the sense of a numerous and respectable meeting of the citizens, that *after* the ratification of the constitution, *amendments* should be RECOMMENDED, and every exertion made to obtain them, in the constitutional manner prescribed by the federal government”—Mr. McMechen and Mr. Sterett were *candidates* to the convention, and this declaration was certainly made to express the opinion of the meeting what was expected from them *if elected*. It could have no possible relation to their *private* conduct.

2d. Fact. That a committee of the convention agreed to 13 amendments;^(a) Doctor McHenry voting (I believe) for the whole. The committee differed only as to THREE other amendments.^(b) Doctor McHenry (with others of the committee) insisted as an EXPRESS condition, that NONE of the propositions *rejected*, or *any others should be laid before the convention for their consideration*, except only those the committee had agreed to; and Dr. McHenry also voted, in the committee, not to *report* to the convention *any amendments whatever*, not even those they had agreed to.

This fact also was stated in a publication signed by myself, and eleven more, and was *never* contradicted in *public*.

By this *unprecedented* conduct Doctor McHenry, with the majority of the committee, *precluded*, as far as they could, the convention from *considering ANY* amendments to the constitution.

3d Fact. Doctor McHenry in the convention voted “that the convention adjourn without day.”

This vote was published.²

Doctor McHenry by this vote, with the majority, prevented the convention from even *considering any amendments*.

I shall not trespass upon your time with any further remarks.

I am, gentlemen, With great respect and esteem, Your obedient servant,

SAMUEL CHASE.

(a) Of the *thirteen* amendments *twelve* were proposed by the *minority* of the committee.

(b) 1. That the militia, unless selected by lot or voluntarily enlisted, shall not be marched beyond the limits of an adjoining state, without the consent of their legislature or executive.

2. That congress shall have no power to alter or change the time, place or manner, of holding elections for senators or representatives, unless a state shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases only congress may interfere, until the cause be removed.

3. That, in every law of congress imposing *direct* taxes, the *collection* thereof shall be *suspended* for a certain reasonable time therein limited, and on payment of the sum by any state, by the time appointed, such taxes shall not be COLLECTED.

1. See the “Address of the Antifederalist Minority of the Maryland Convention,” 1 May (RCS:Md., 662).

2. See “Newspaper Report of Convention Proceedings,” 29 April (RCS:Md., 656).

Payment of Convention Expenses

The House of Delegates on 21 May 1788 authorized its Committee on Claims to pay the delegates to the state Convention at the same rate as members of the House of Delegates. The Convention’s clerk and other officers were likewise to receive the same per diem as their counterparts in the House. The committee kept a Journal of Accounts for 1788 from which the following table was created. The committee broke down the payments into those for attendance and those for travel (“Itinerant Charges” and “Ferriages”). The manuscript journal is at the Maryland State Archives. The delegates and convention officers were paid fifteen shillings for each day in attendance and travelling. The payments to them are expressed in pounds, shillings, and pence with each separated by a point.

Convention Delegates

Delegate	Days Attended	Amount Paid	Travel Days	Amount Paid	Ferriage
Jeremiah Banning					
Richard Barnes	9	6.15.0	6	4.10.0	
Fielder Bowie	9	6.15.0	4	3.0.0	
Gustavus Richard Brown	9	6.15.0	4	3.0.0	
Nicholas Carroll	9	6.15.0			
Peter Chaille	9	6.15.0	10	7.10.0	2.5.0
Jeremiah Townly Chase	9	6.15.0			
Samuel Chase	7	5.5.0	4	3.0.0	
John Chesley, Jr.	9	6.15.0	4	3.0.0	
Charles Chilton	9	6.15.0	6	4.10.0	
Edward Cockey	7	5.5.0	4	3.0.0	
John Coulter	7	5.5.0	4	3.0.0	
Thomas Cramphin	6	4.10.0	6	4.10.0	
Nathan Cromwell	7	5.5.0	4	3.0.0	
William Deakins	9	6.15.0	6	4.10.0	
George Digges	9	6.15.0	4	3.0.0	
John Done	9	6.15.0	10	7.10.0	2.5.0
Matthew Driver	9	6.15.0	8	6.0.0	2.5.0
Peter Edmondson	9	6.15.0	8	6.0.0	2.5.0
Benjamin Edwards	9	6.15.0	6	4.10.0	
Samuel Evans	9	6.15.0	8	6.0.0	3.0.0
Abraham Faw	9	6.15.0	6	4.10.0	
George Gale	9	6.15.0	10	7.10.0	2.5.0
John Gale	9	6.15.0	10	7.10.0	2.5.0
Joseph Gilpin	9	6.15.0	8	6.0.0	3.0.0
Robert Goldsborough, Sr. (Dorchester)					
Robert Goldsborough IV (Talbot)	6	4.10.0	6	4.10.0	2.5.0
Charles Grahame	9	6.15.0	4	3.0.0	
William Granger	9	6.15.0	6	4.10.0	3.0.0
Benjamin Hall	9	6.15.0	4	3.0.0	
Nicholas Hammond	9	6.15.0	8	6.0.0	2.5.0
Alexander Contee Hanson	9	6.15.0			
Benjamin Harrison	9	6.15.0			
William Hemsley	6	4.10.0	4	3.0.0	2.5.0
James Gordon Heron	9	6.15.0	8	6.0.0	3.0.0
Henry Hollingsworth	9	6.15.0	8	6.0.0	3.0.0
James Hollyday	9	6.15.0	4	3.0.0	2.5.0
Thomas Johnson	9	6.15.0	6	4.10.0	
Thomas Sim Lee	9	6.15.0	6	4.10.0	
Edward Lloyd	9	6.15.0	6	4.10.0	2.5.0
John Love	6	4.10.0	6	4.10.0	
James McHenry	9	6.15.0	4	3.0.0	
James Martin	9	6.15.0	10	7.10.0	2.5.0
Luther Martin	7	5.5.0	6	4.10.0	

John Francis Mercer	9	6.15.0			
William Morris	9	6.15.0	10	7.10.0	2.5.0
William Paca	6	4.10.0	6	4.10.0	
John Parnham	9	6.15.0	4	3.0.0	
Isaac Perkins	9	6.15.0	6	4.10.0	3.0.0
William Pinkney	8	6.0.0	6	4.10.0	
George Plater	9	6.15.0	6	4.10.0	
Richard Potts	9	6.15.0	6	4.10.0	
Moses Rawlings	9	6.15.0	6	4.10.0	
Joseph Richardson	9	6.15.0	8	6.0.0	2.5.0
William Richardson	9	6.15.0	8	6.0.0	2.5.0
Charles Ridgely	9	6.15.0	4	3.0.0	
Charles Ridgely, son of William	9	6.15.0	4	3.0.0	
John Seney	9	6.15.0	4	3.0.0	2.5.0
Nicholas Lewis Sewall	9	6.15.0	6	4.10.0	
James Shaw	9	6.15.0	8	6.0.0	2.5.0
Henry Shryock	9	6.15.0	6	4.10.0	
Walter Smith	9	6.15.0	4	3.0.0	
Osborn Sprigg	9	6.15.0	4	3.0.0	
Thomas Sprigg	9	6.15.0	6	4.10.0	
John Stewart	9	6.15.0	10	7.10.0	2.5.0
John Stevens	9	6.15.0	6	4.10.0	2.5.0
Michael Jenifer Stone	9	6.15.0	4	3.0.0	
John Stull	9	6.15.0	6	4.10.0	
Daniel Sulivane	9	6.15.0	8	6.0.0	2.5.0
Richard Thomas, Sr.	9	6.15.0	6	4.10.0	
James Tilghman	9	6.15.0	4	3.0.0	2.5.0
William Tilghman	9	6.15.0	6	4.10.0	3.0.0
Zephaniah Turner	9	6.15.0	4	3.0.0	
Henry Waggaman	9	6.15.0	10	7.10.0	2.5.0
Joseph Wilkinson	9	6.15.0	4	3.0.0	
Donaldson Yates	9	6.15.0	6	4.10.0	3.0.0

Other Payments

Officer	Days Attended	Amount Paid
William Harwood, Clerk	10	7.10.0
Archibald Golder, Assistant Clerk	9	6.15.0
Henry Whetcroft, Extra Clerk	8	6.0.0
Charles Hogg, Doorkeeper	9	6.15.0
Cornelius Mills, Sergeant at Arms	9	6.15.0

Archibald Golder was paid £20.0.0 for expenses and compensation for taking the Form of Ratification to Congress in New York City.

Stephen Clark was paid £7.8.9 for providing paper, quills, and other items to the Convention and General Assembly.

VI.
THE AFTERMATH OF RATIFICATION
IN MARYLAND
27 April–10 October 1788

Introduction

The delegates to the Maryland Convention ratified the Constitution on Saturday, 26 April, and they signed the Form of Ratification on the following Monday. The original items taken from newspapers, broadsides, and private correspondence that are printed below report that Maryland had ratified the Constitution, that South Carolina, New Hampshire, and Virginia had also ratified, and that celebrations for the ratification by these four states had taken place in Maryland. Other documents include brief discussions of what had occurred in the Maryland Convention, speculations about what Maryland ratification meant to Maryland and the nation, and speculations about the future of the United States under a new form of government.

Newspaper items printed in Part VI are overwhelmingly from Maryland and neighboring Virginia and Pennsylvania. About ten items are printed from each of Baltimore's two papers, the *Maryland Gazette* and *Maryland Journal*. Four items are from the Annapolis *Maryland Gazette*. Five Philadelphia papers have either one or two items in Part VI. A single item appears from the Virginia newspapers in Alexandria, Norfolk, Richmond, and Winchester. The remaining newspaper items are taken from papers in New York City and Boston.

Part VI contains about forty newspaper pieces, several of which are of substance: "One of the Committee" and an anonymous piece in the Annapolis *Maryland Gazette* (both 8 May), "A Member of Convention" and a comparison of provisions in the Constitutional Convention's Committee of Detail report to those in the actual Constitution in the Baltimore *Maryland Gazette* (13 May and 3 June), "Federalism" and "A Republican" in the *Maryland Journal* (9 May and 16 May), and "A Freeman" in the Philadelphia *Independent Gazetteer* (13 May). All of the remaining newspaper pieces are extracts of letters and news items, though some are intermixed with brief editorial commentary.

Maryland newspapers also continued to reprint items from other states. Again the focus was on news items, with articles on the convention election violence in Dobbs County, N.C., the prospects of ratification in those states which had not yet ratified the Constitution, the proceedings of the South Carolina, New Hampshire, Virginia, New

York, and North Carolina conventions, and the forms of ratification and amendments proposed by those states that had ratified. The Baltimore *Maryland Gazette* reprinted the nine Federalist essays by “Fabius” (John Dickinson) that first appeared in the *Pennsylvania Mercury* (see CC:677). The other major substantive pieces reprinted in Maryland were the two essays addressed to the members of the Virginia Convention by “An American” (Federalist essayist Tench Coxe) that had first appeared in the *Pennsylvania Gazette* (CC:751 and RCS:Va., 832–43n, 889–94n).

Maryland printers struck three broadsides/handbills during this period dealing with Maryland’s celebration of ratification or with Maryland’s celebration of other states’ ratification. All three broadsides are no longer extant but can be pieced together from newspaper reprints. The first gives the order of march for the 1 May federal procession in Baltimore, the second announces the arrival of news in Baltimore of South Carolina’s ratification, and the third announces the arrival in Baltimore of news of Virginia’s ratification. Besides Baltimore, the only account of a celebration of Maryland’s ratification that has been found is for Dorchester County. Reports exist for the celebration of New Hampshire and Virginia ratifications in Baltimore, Elkton, Frederick, Havre de Grace, and Talbot. An interesting document details the expenses of the federal procession in Baltimore on 1 May.

More than twenty-five private letters appear in Part VI. All but a few of the letters are from Maryland or neighboring Virginia and Pennsylvania. Nine letters were written from Baltimore, four from Philadelphia, and four from Mount Vernon. The rest of the letters are scattered throughout Maryland, except for single letters from New York City, Boston, and London, England. Twelve extracts of letters are printed in newspapers. Six of them are from Baltimore, with one each from Annapolis, Cambridge, Md. (Dorchester County), Elkton, Md., Philadelphia, Richmond, and Boston. They appeared in Baltimore, Boston, New York City, Norfolk, and Winchester, Va., newspapers.

**Thomas and Samuel Hollingsworth to Levi Hollingsworth
Baltimore, 27 April 1788 (excerpt)¹**

Dear Brother

. . . Our Conventn. has been sitting since Tuesday, the Reports of this day is that they have Ratified the New Government and that yesterday was employ’d in drawing up the amendments necessary to be recommended after its adoption—Great preparations are making here to

shew our expressions of Joy &c on the occasion—we expect it will not be any inferior to the *Boston Parade* of “*Yankee Doodle keep it up*”⁷²—The Minority in our Convention only co[n]sisted of 12 i e the representatives of Harford Baltimore & Annearundle Counties—When Business is dull Politicks may serve to fill the vacancies of the mind—

Your assd. Frds. & Brs. . . .

1. RC, Hollingsworth Family Papers, PHi.

2. See RCS:Mass., 1615–30, for the 8 February Federal Procession in Boston.

**George Washington to Daniel of St. Thomas Jenifer
Mount Vernon, 27 April 1788¹**

Accept my thanks for the obliging information contained in your letter of the 15th inst.²—The great, the important question must ere this, have received its first features in, if not the fi[n]al of your Convention.—

If they are decisive and favourable, it will most assuredly raise the edifice.—Seven affirmatives without a negative carries weight with them, that would almost convert the unerring Sister and yet,—but in place of what, I was going to add, I will say that, I am Dear Sir &c.

1. FC, Washington Papers, DLC.

2. See Jenifer to Washington, 15 April (Elections, General Commentaries [RCS:Md., 611]).

**James Buchanan to Tench Coxe
Baltimore, 28 April 1788 (excerpt)¹**

Full well knowing your anxiety for the *Public Weal*, tho’ by no means Suspecting you of inattention to your private concerns, I embrace the opportunity to tell you—We are Fœderal in our State Convention at Annapolis as 65 to 11. it is true the vote only shows 63 to 11, but two of our Stauncest Fœderalists did not think it worth their while to wait the Question—So Huzza for Maryland & the Fœderal Government; Chase, *Martin Luther*, & all such Fellows may now hang their heads or themselves if they please Mr. Paca has also fallen wt. them; I trust to rise no more—To morrow if the weather permitts we are to have great doings allamode de Boston. The oportunity that this goes by just Setting of[f] Mr. J: West. I cannot add one word more on Politicks. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Buchanan (d. 1821) was a Baltimore merchant in partnership with William Robb.

Daniel Carroll to James Madison
Georgetown, 28 April 1788¹

Y^r favor from G Town came to hand, likewise y^rs of the 10th. Instant I received a few days past. As I do not know of an opportunity of conveying this to you, it is probable you will see in the papers, the result of the proceedings of our Convention, before this reaches you—It is expected this day will close the important business, if it was not determin'd yesterday—Our Convention consists of 76 Members,—generally of very respectable characters—All present except 2 federalists (sick)—I conjecture the division will be 62 for the Constitution, 12 against it. If Mr. Paca adheres to his public declaration, that he shall vote for the Constitution, even if amendments cannot be obtained, the division will stand 63 & 11—Our acquaintance Mr Mercer I suppose will be one of the Minority—perhaps you will not be surprized at this, but I am sure it will give you concern as it does me—If the Annarundel County election had not taken the extraordinary turn it did, I may say with certainty there would not have been a show of opposition—perhaps the adoption wou'd have been unanimously—

I was fully under the impressions your Letter of the 10th. conveys, & had endeavoured to make the same on others—Some events have taken place at the elections, and in Convention, of which when I am more accurately informd, I shall communicate to you²—

[P. S.] I am just informd from good authority that the question was taken on Saturday evening [26 April]—The Constitution adopted by 63 against 11—No amendments will be proposed even in the Constitution manner—Great illuminations have taken place at Annapolis—The Members having given one Guinea for that purpose—

1. RC, Madison Papers, DLC.

2. See Carroll to Madison, 28 May (RCS:Md., 739–40).

Samuel Smith to Tench Coxe
Baltimore, 28 April 1788¹

Permit me to Congratulate you on the Ratification of the new Constitution by this State—The Convention met on Monday Last & form'd Rules for their Government—On Tuesday Mr. J. T. Chase Made a Motion to discuss the subject Paragraph by Paragraph, which was rejected 58 to 4²—The Question was Call'd for when the opposition Beg'd to be heard—which was granted—Messr. Chase, Paca, & Mercer spoke—But were not answer'd.—On saturday afternoon the Question was put & Carried for the Ratification 63 agt 11. Two federal Members were

Absent on the E. shore—This Day at 4 O’Clock—The Ratification will be publicly sign’d—A Committee of 13 was Appointed to frame Amendments which if Approv’d will be submitted to the Consideration of the Good People of Maryland—

A sloop will sail this Day for Charlestown but we think It will be of material Consequence that the Accot. should go there early.³—Should oppy. Offer from Philada. you will no doubt send an Accot. of the Ratification—Altho: 11 Members Voted against the Constitution—Yet I am well Convinc’d the Majority of their Constituents are federal

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHI. The letter was postmarked “BALTIMORE, MAY 5.”

2. For alternative vote totals, see “The Maryland Convention,” 22 April (RCS:Md., 627–29).

3. On 19 May the Charleston *Columbian Herald* printed an extract of a 28 April letter from Baltimore giving the news that the Maryland Convention had ratified the Constitution (Mfm:Md. 116).

William Smith to Otho Holland Williams Baltimore, 28 April 1788 (excerpt)¹

On Saturday the question was put, “will this convention accept the form of government, as proposed by the genl. convention at Philadelphia.[’]” Which was determined in the affirmative, 63 for, 11 against, Two federals, R Goldsborough & A Mr Cramlin,² Absent (Sick) which were the only absentees of the whole body, perhaps so punctual an attendance by any public body never before known. This day the new form of government will be ratified in due form, & great preparations are made for rejoycing on the occasion at Annapolis. We always counted on 12 Antifederals in convention, the converted member not yet certain, but Supposed to be our late Govr. P.³ from a Speech we are told he deliverd to the following purport, Viz That when the question was put, he would vote for accepting the government & wished time to be given to its enemies to say every thing they had to offer, which he hoped would prevent any protest from that quarter. Mr. C.⁴ Spoke 2½ hours & when he sat down a profound silence ensued for Some time when T. J.⁵ arose & observed, as there was nothing before the house, he moved they should adjour[n] for dinner. Martin, had a sore throat which disqualified him from holding forth, & Saved a great deal of time & money to the state. it seems the federals agreed to hear the minority patiently all they had to say but declined making any reply. On thursday the 1st. of May will be a day of rejoycing here, great unanimity & preparations are making. A Federal Ship will be exhibited in our Streets, with 13 men on board &ca, and all ranks & degrees of

trades & professions are to parade with the tooles of their respective professions. 50 Gammons of Bacon as many Rownds of beef bbls of Country beer &ca, are prepared for a cold collation. . . .

1. RC, Otho Holland Williams Papers, MdHi. The letter is dated “Monday Mornng” and was sent to New York City, where Williams, a resident of Baltimore, was at the time. Smith (1728–1814), a native of Pennsylvania and a Baltimore merchant, was a member of the Continental Congress, 1777, and a U.S. Representative, 1789–91. He was chairman of the merchant committee that presented the miniature ship *Federalist* to George Washington, 1788. Smith’s daughter Mary had married Williams in October 1785.

2. Robert Goldsborough, Sr. (Dorchester County) and Jeremiah Banning (Talbot County) were the absent delegates. Thomas Cramphin, Jr. (Montgomery County) voted to ratify the Constitution.

3. William Paca.

4. Samuel Chase.

5. Thomas Johnson.

James Buchanan to Tench Coxe
Baltimore, 29 April 1788 (excerpt)¹

. . . We are all mad—Fœderal mad here—

N:B: Please Show our Friend Doctor Rush the enclos’d Hand Bill² & oblige Me—

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

2. Perhaps the broadside listing the order of march for the Federal Procession that was to be held in Baltimore. See “Procession Committee Broadside,” Pre-1 May (RCS: Md., 697–99).

Maryland Journal, 29 April 1788¹

A Correspondent hath favoured us with the following Intelligence, which we cheerfully present to our Readers:—“That on Monday the 21st Inst. the Convention appointed by the Citizens of this State, for the Purpose of considering the Constitution proposed by the General Convention, for the Government of the United States, met at the City of Annapolis, and unanimously elected the Honourable GEORGE PLATER, Esquire, President, Upon the 23d, the Plan of Government was read the first Time, and a Resolution taken thereupon, that the Convention would not enter into a Decision upon any particular Part of the Plan; but that, after a Second Reading, the Subject at large might be fully debated and considered; after which the Question should be put, by the President, and the Yeas and Nays taken, upon the Ratification—Accordingly, upon the 26th, the Question was taken, when there appeared, for the Ratification, Sixty-three, against it, Eleven—Then a

Committee of Thirteen was appointed to state, and report such Amendments as they might agree upon, for the Consideration of that Honourable Body, the Convention.—These Amendments, if deemed necessary, to be proposed to the People, to be hereafter recommended only.[”]

The same Correspondent observes, that he is happy in assuring us, that the greatest Dignity, as well as Decorum, were exhibited upon this important Occasion. The Minority were heard with a candid and profound Attention.—Their Talents and Abilities were amply displayed; and, but from the clearest Impressions of the best of Causes, they might have been more successful.

The Elegance of Annapolis will be fully displayed upon this brilliant Event, and the Citizens of Baltimore-Town, are occupied in preparing an Exhibition, which promises a grand Demonstration of those exalted Advantages, which are inseparable from the Hopes and Expectations of United America.

The general Conduct of Maryland, connected with this noble Trait in her unblemished Character, must inspire the Mind with increasing Admiration!—Maryland,—independent in her Resources—superior by the Excellence of her political and civil Institutions, to the Rage of internal Commotion—Maryland, the informed, the benevolent and the wise, who can bestow Advantages without an Equivalent, but in the Consciousness of advancing Public Felicity—has opened her Bosom to the Embraces of her Sister States, has erected the SEVENTH PILLAR, upon which will be reared the glorious Fabric of American Greatness; and, in which Fabric, the Rights of Mankind will be concentrated as to their native Home!

“O! may the happy Moment soon arrive, when the august Temple of Freedom shall be supported by THIRTEEN PILLARS, with its Gates unfolded to every Part of the Creation—may its Duration be as permanent as Time, and its Period engulfed only in the Bosom of Eternity!”

1. Reprinted in full twelve times by 31 May: N.Y. (2), N.J. (1), Pa. (2), Va. (4), S.C. (2), Ga. (1). Four newspapers between 15 May and 3 June reprinted the last two paragraphs: N.H. (1), Mass. (2), R.I. (1).

New York Daily Advertiser, 30 April 1788¹

Extract of a letter from Baltimore, dated April 23.

“The Constitution will be adopted by a majority of 5 to 1. It is in agitation to have an illumination on Saturday next, before which time

it will be ratified, and I shall with the greatest pleasure light my candles on the occasion.”

1. Reprinted: *Connecticut Courant*, 5 May; *Poughkeepsie Country Journal*, 6 May; *Norwich Packet*, 8 May; and *New Haven Gazette*, 8 May.

Pennsylvania Gazette, 30 April 1788¹

By advice received yesterday afternoon from MARYLAND, we find that the CONVENTION of that state have adopted THE NEW FEDERAL CONSTITUTION, by a majority of 63 in favor and 11 against it, which is near six to one. Such are the effects of FULL DISCUSSION, and such their determination at the distance of seven months from the time of promulgation.

1. Reprinted fifteen times by 29 May: N.H. (2), Mass. (7), N.Y. (2), N.J. (1), Pa. (1), S.C. (1), Ga. (1). The *State Gazette of South Carolina*, 19 May, added a sentence at the end: “No amendments were recommended by the convention.” The *Gazette of the State of Georgia*, 29 May, reprinted the Charleston newspaper’s version.

Pennsylvania Journal, 30 April 1788¹

The *Seventh* PILLAR to the *New Constitution*.
Extract of a letter from Baltimore, dated April 28th.

“Our Convention have adopted the new government by a great majority—63 to 11.—Tomorrow it is to be ratified in form.”

1. This extract also appeared in the Philadelphia *Freeman’s Journal*, Philadelphia *Independent Gazetteer*, and *Pennsylvania Packet* on 30 April. It was reprinted in the April issue of the Philadelphia *American Museum* and the May issue of the Philadelphia *Columbian Magazine*, and in eighteen newspapers by 26 May: Vt. (1), N.H. (2), Mass. (7), R.I. (1), Conn. (2), N.Y. (2), Pa. (3). None of the other printings or reprintings included “The *Seventh* PILLAR” heading.

Samuel Hodgdon to Timothy Pickering Philadelphia, 1 May 1788 (excerpts)¹

. . . Maryland has caused *our* Bells to ring merrily, they have adopted the New Constitution by a great Majority—Vizt. 63 yeas 11 nays—*Chase* nor *Martin* did not appear, alled[g]ing that they were unwell—*Crop* sick² it is generally thought . . .

All friends are well and desire a kind remembrance—business dull,—everything waiting for the Operation of the New Government—Many families moving from the City to the We[s]tern Country. . . .

1. RC, Pickering Papers, Massachusetts Historical Society. Hodgdon (1745–1824), a Boston native who moved to Philadelphia after the Revolution, was commissary, deputy

commissary general, and then commissary general of military stores, 1777–84, and quartermaster of the U.S. army, 1791–92. He was an assistant to quartermaster general Pickering (1745–1829) and Pickering's business partner in the 1780s. Pickering, also a native of Massachusetts, was adjutant general of the Continental Army, 1777–78, and quartermaster general, 1780–85. After the Revolution he moved to Luzerne County, Pa., and became a farmer and large landowner. He voted to ratify the Constitution in the Pennsylvania Convention in December 1787.

2. Probably should be "*Croop* sick," which implies that Chase and Martin had some sort of diseases in their windpipes. William Smith told Otho Holland Williams in a letter on 28 April that Martin had a sore throat and could not speak at a point during the Convention (RCS:Md., 691).

The Antifederalist New York Journal and Maryland's Ratification of the Constitution, 1–5 May 1788

Detector

*New York Journal, 1 May 1788*¹

MR. GREENLEAF, We are told, that the Maryland convention, without a greater exception than eight or ten members, are for adopting the new constitution! *<Ha, ha, hah!>* This I eagerly revolved in my mind, being in some measure astonished—nor will I believe it until better authenticated. *<Ha, ha, hah!>* I remember a circumstance which took place at Boston! On the very eve of their convention's adopting the constitution, reports were busily circulated, and it was exultingly inserted in several of the Boston papers, that the convention of North-Carolina had ratified the constitution.² *<Ha, ha, hah!>* Without examining whether the convention was *in session* or not, full credence was given to this report; and after the adoption of the constitution, it was discovered, that the North Carolina convention *were not to set until July!* *<HA, HA, HAH!>* Judge ye, who will, of the intention of this report. Whether the reports from Maryland are designed to unduly bias the present election,³ I will not affirm, but I profess, that no other rational reason can be given, as it is known that a great number of the members in that convention are strongly opposed to the constitution, in its present form. *<Ha, ha, hah! Eleven only!>*

29th April.

Charity

New York Journal, 3 May 1788

TO DETECTOR.

As you appear to be one of the *unbelieving race*, *Christianity* induces me to lay before you the following piece of intelligence from Maryland, hoping it will have a happy tendency to ease your agitated mind from

doubt, sooth your feelings, prevent *astonishment*, and convince you “that a *great* number of the members in that convention are” *not* “strongly opposed to the new constitution, in its present form.”

Extract of a letter from Baltimore, April 28.⁴

“Our convention have adopted the new government by a *great* majority of votes, 63 to 11. To-morrow it is to be ratified in form.”

New York Journal, 5 May 1788

By Saturday’s mail a confirmation of the account, respecting the ratification of the new proposed constitution by the state of Maryland, was received; on which occasion the bells of the city rung, &c.⁵

MR. GREENLEAF, *As Anecdotes, and Bon Mots, are generally entertaining, you will oblige me by inserting the two following recent ones in your Monday’s paper.*

A SUBSCRIBER.

On Saturday last a gentleman observed to his friend, that the bells were ringing; his friend requested to know the reason; on which he replied,—that they rung “*for the funeral of the liberties of Maryland.*”

On the same occasion, another gentleman observed,—that *they were rung for joy, at the downfall of Anti-Fæderalism.*

1. “Detector” was reprinted on 13 May in the *Massachusetts Gazette*, under the heading “*The DOUBTING ANTI./From the NEW-YORK JOURNAL.*” The reprinting includes the text in angle brackets that does not appear in the original printing in the *New York Journal*. The insertions were placed within square brackets by the *Massachusetts Gazette*.

2. On 5 February, the day before the Massachusetts Convention ratified the Constitution, the *Massachusetts Gazette* announced with “great satisfaction” that North Carolina had ratified the Constitution. On 6 February the *Massachusetts Centinel* printed a similar report. (See CC:Vol. 4, pp. 507–9.) Neither item was reprinted in New York; however, on 14 February the *New York Journal*, while referring to the reports on North Carolina, noted that the North Carolina Convention would not meet until July (*ibid.*, 508).

3. The elections for the New York Convention to consider the Constitution were to be held for no more than five days from 29 April through 3 May.

4. This extract first appeared in the *Pennsylvania Journal* on 30 April (above).

5. The *Pennsylvania Packet*, 9 May, and *Pennsylvania Journal*, 10 May, reprinted this paragraph.

Baltimore Federal Procession, 1 May 1788

The Maryland Convention ratified the Constitution on 26 April and five days later Baltimore celebrated with a large parade, banquet, toasts, bonfire, and a grand ball which concluded the day’s festivities. The organizing committee had the order in which crafts would march printed as a broadside. (It

was reprinted in the *Pennsylvania Packet*, 3 May.) The Baltimore *Maryland Gazette*, 2 May, printed the first account of the actual event, while a more substantial coverage appeared in the *Maryland Journal*, 6 May. Both accounts were widely reprinted. Though the press run “greatly exceeded the usual Number,” demand for the account of the celebration exceeded expectation, leading the *Journal* to reprint its own account on 9 May.

Procession Committee Broadside, Pre-1 May 1788¹

Federal Procession and Order of March.
 at Baltimore, on Thursday, May 1, 1788,
 weather permitting.
 Mr. Boyer,² with his Band of Music in Front.
 Farmers.
 Millers and Inspectors of Flour.
 Butchers.
 Bakers.
 Brewers.
 Distillers.
 Blacksmiths.
 House-Carpenters.
 Painters and Glaziers.
 Bricklayers.
 Plaisterers.
 Cabinet-Makers.
 Coach-Makers.
 Wheelwrights and Turners.
 Coopers.
 Tanners and Curriers.
 Shoemakers.
 Saddlers and Harnessmakers.
 Leather-Dressers and Glovers.
 Hatters.
 Taylors.
 Stay-Makers.
 Comb-Makers.
 Barbers.
 Silversmiths and Watchmakers.
 Coppersmiths.
 Brass-Founders.
 Nailors and Gunsmiths.
 Tallow-Chandlers.

Printers.

Pilots.



Captains, Seamen, &c.³

Draymen.

Merchants and Traders, preceded by the Consuls.

Ship-Carpenters.

Ship-Joiners.

Carvers and Gilders.

Mast Makers.

Rope-Makers.

Riggers.

Block-Makers.

Sail-Makers.

Mathematical Instrument-Makers.

Ship Chandlers.

Boat-Builders.

Procession to close with Bench and Bar, Doctors and Clergy.

Place of Parade, Philpot's-Hill, adjoining the Play-house, ten o'clock.

Line formed and Order of March regulated by Captains Plunket and Moore.

Place of Refreshment *Federal Hill*, south side of the Bason, commanding a view of the town, shipping and river.

Artillery to be under the direction of Major Smith, to fire 13 guns on a signal made by the line when formed—The line to answer with three huzzas, and immediately after move in procession.

On passing the Court-house 13 guns.

On arriving at the place of refreshment 13 guns.

Toasts,⁴ &c. to be regulated by Mess Gilmor, Thoroughgood Smith, Samuel Smith and Col. Rogers.

Early in the evening a bonfire, fire-works, &c.

The different crafts are earnestly requested to make immediate returns of their principals, and the emblems intended to be displayed, to the committee.

The principals are requested to open a subscription in their respective crafts, for raising a fund to defray the expence of the procession. Not more than a dollar is expected from each—A return of the sum collected to be made to the committee.

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

HENRY JOHNSON,	}	Committee
DAVID PLUNKET,		
JOSHUA BARNEY,		
JOHN MCHENRY,		

1. This order of procession was probably first printed in a no longer extant broadside and then reprinted in the *Pennsylvania Packet*, 3 May, from which the transcription is taken. It was reprinted in twenty-three additional newspapers by 31 May: N.H. (1), Mass. (6), Conn. (1), N.Y. (1), N.J. (1), Pa. (6), Va. (4), S.C. (2), Ga. (1). The Winchester *Virginia Gazette*, 7 May, informed its readers that “The following is copied from a hand bill published at Baltimore, on the 28th ult. shewing the plan of the Federal procession and order of march, designed to be exhibited in Baltimore on Thursday last, on the ratification of the Federal Constitution, by the State of Maryland.” The reprinting in the Massachusetts *Salem Mercury*, 13 May, indicated that the information had arrived in the previous day’s mail as “a handbill.” The reprinting in the Philadelphia *Independent Gazetteer*, 5 May, excluded the first three lines and inserted the following preface: “The *Federal Hacks* it seems have had another GRAND PARADE—the following is the Order of Procession at Baltimore, May 1, 1788.” The reprinting in the Richmond *Virginia Gazette and Weekly Advertiser*, 8 May, was immediately followed by the thirteen toasts offered at the celebration. At the end of the *Pennsylvania Packet*’s reprinting of the order of procession, it printed the names of the Convention delegates (arranged by county) who voted to ratify the Constitution and signed the Form of Ratification.

2. In the version in the Baltimore *Maryland Gazette*, 2 May (immediately below), the words “Mr. Boyer” were omitted.

3. In the version in the Baltimore *Maryland Gazette*, 2 May (immediately below), the words on this line were preceded by: “Commanded by JOSHUA BARNEY, Esq.”

4. For the toasts, see the account of the procession in the Baltimore *Maryland Gazette*, 2 May (immediately below).

Baltimore Maryland Gazette, 2 May 1788¹

It is with the most pleasing alacrity we attempt to give our readers a *brief* description of the *truly grand Exhibition*, that was displayed yesterday in this town, in consequence of the ratification of the new Constitution, by the Convention of this State.—The short time we had between the exhibition and the publication of this paper, would not permit us to be as particular as we could wish, and nothing would give us greater pleasure than to do justice to the patriotic and manly exertions of our

citizens on this occasion, as we are persuaded that nothing for grandeur, brilliancy, decorum and unanimity, has ever equalled it since the first settlement of Maryland.

Philpot's-Hill, adjoining the Play-House, being appointed for the place of parade, the inhabitants who were to join in the procession, assembled there at ten o'clock in the morning—The line was then formed, and the order of march regulated by Captains Plunket and Moore; a signal being given, the artillery under the direction of Major Smith, fired seven guns, and the line answered with three huzzas and immediately after moved in procession. Having passed through Fell's-Point and several streets of the town, the procession moved up Hanoverstreet to Federal-Hill, on the south-side of the Bason, which commands a view of the shipping and river, when seven guns were again fired.—An excellent cold collation was prepared for the refreshment of the company, which could not consist of less than three thousand people.

After dinner the following Toasts were drank,
accompanied with discharges of cannon:

1. The Majesty of the People.
2. The late Convention.
3. Congress.
4. The Seven adopting States of the Federal Constitution.
5. A speedy Ratification by the remaining Six, without Amendments.
6. George Washington.
7. His Most Christian Majesty,² and our other Allies.
8. The virtuous Sixty-three of the Maryland Convention.
9. The Agriculture, Manufactories and Commerce of America.
10. The Memory of those who have fallen in Defence of America.
11. The worthy Minority of Massachusetts.³
12. May the American Flag be respected in every Quarter of the Globe.
13. A Continuance of Unanimity among the Inhabitants of Baltimore-Town.

The ship *Federalist*, decorated and compleatly rigged, made an elegant appearance, which, together with the flags and insignia of the different crafts, had a most pleasing effect on a vast concourse of spectators.

The Order of the FEDERAL PROCESSION, was as follows:

[For the listing of crafts, see "Procession Committee Broadside," Pre-1 May (immediately above).]

In the evening the rooms of Mr. *Starck's* tavern [the *Indian Queen*] were illuminated, and an elegant ball given to the ladies of the town;

in short, festivity and joy appeared in every part of Baltimore, which evidently demonstrated their great satisfaction at the completion of this auspicious and important event.—The whole was concluded with a large bonfire, on Federal-Hill, and a beautiful painting of transparent figures at the Court-House, emblematical and expressive of the happy union and prosperity, which we hope will soon take place in America.⁴

1. Reprinted without the order of procession six times by 21 May: Conn. (2), Pa. (3), N.Y. (1). Two Richmond newspapers—the *Virginia Independent Chronicle*, 7 May, and the *Virginia Gazette and Weekly Advertiser*, 8 May—reprinted only the thirteen toasts.

2. Louis XVI, king of France.

3. For the acquiescence of the minority of the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

4. For Charles Willson Peale's transparency, see "Newspaper Report of Convention Proceedings," 28 April, note 5 (RCS:Md., 654–55).

Maryland Journal, 2 May 1788¹

A Correspondent wishes us to insert, (according to his own Expressions) the following desultory Observations.

"The great Object of political Society is public Happiness.—To effect this, has been the unremitting Effort of wise Legislators, in every civilized Country, through all Ages—The Experience of Mankind, however, does not gratify Humanity upon this most important Subject.—Governments, in most Instances, have resulted from a Conjunction of unfavourable Circumstances, and the Tears of Distress have plentifully flowed at their Commencement, in their Aim, and during their Continuance.—Few, indeed, if any, have been the Instances, in which civil Communities have arisen to the exalted Condition of Nations, upon the concurrent Opinion of their Individuals. Federal Compacts have been formed; but, by rendering too great a Deference to former Examples, they have either been lost, or disappointed in their Object. The Force of Habit, impressed by the Authority of dictated Opinion, has generally checked the Sallies of the Mind, and removed, to an impracticable Distance, the Regions of free Inquiry. Human Nature assumes Variety in the Progress of Information; and a whole People can, voluntarily, embrace a System upon the Principles of Mediocrity only—A Completion of our best Wishes, therefore, must be expected in some future Stage of our Existence, when one brightened Link shall distinguish us in the Chain of Immensity.—To the United States of America, hath the great Architect of the Universe permitted the unawed, uninfluenced Experiment of Wisdom, in forming Institutions to guard the Avenues to Virtue and Happiness, against the Attempts of

unruly Passion.—To this Wisdom, displayed in every Section, in every Line of the New Constitution, are we indebted for the noblest, and, perhaps, for the last Exertion, to rescue Mankind from a State of Degradation, and exalt their Felicity upon the Basis of their dearest Rights. But, should this Exertion decline in the Pursuit, or be counteracted by unfriendly Interventions, all further Efforts in the Cause of Liberty may cease, and the boasted Tyranny of Kings and Despots complete its Dominion. Philosophy itself, however, must be relieved, if it can be supposed, that the New Constitution meets a Reception with the great Majority of Citizens, similar to its Embraces, on this Day, in Baltimore-Town.—In this elegant Place, upon an infinitely momentous Occasion, the American Character, emerging from Depression, was exhibited in all its Glories—The various Classes and Orders of the Inhabitants, demonstrated an astonishing Emulation, in displaying the Elevation of their Joy; and notwithstanding the observing Mind was enraptured in beholding and contemplating the separate Parts of this august Scene, it was absolutely absorbed in Admiration of the whole. Undoubtedly, the Editor of the Maryland Journal, will furnish a particular Description, when he shall have obtained the necessary Materials.² This will highly gratify the wise and the virtuous of other States, and, perhaps, of the World; but, to a Spectator, the most perfect Description will lose its Pleasure in the Reality of his Impressions.”

“O! may the happy Moment soon arrive, when the august Temple of Freedom shall be supported by THIRTEEN PILLARS, with its Gates unfolded to every Part of the Creation!—May its Duration be as permanent as Time, and its Period engulfed only in the Bosom of Eternity!”³

May 1, 1788.

1. Reprinted in the Charleston *Columbian Herald*, 22 May, without the prefatory first sentence.

2. Immediately below this item the editor, William Goddard, inserted the following notice:

☞ That Justice may be done, as far as we are able, to the grand and interesting Display of Yesterday, we must defer the Particulars till our next, (for the Want of Time and Room) as it would be doing manifest *Injustice* to the patriotic Zeal and Ingenuity of our Fellow-Citizens, as well as to our own Feelings, to give a partial Detail of Transactions which have so justly excited Admiration and Applause.

The *Maryland Journal's* account of the procession appeared in its next issue on 6 May (below).

3. The *Maryland Journal* had first printed this paragraph on 29 April (RCS:Md., 693).

New York Daily Advertiser, 3 May 1788¹

Extract of a letter from Baltimore, April 28.

“Referring you to my letter of 23d inst. (an extract of which appeared in our paper of Wednesday)² I advise you now, with great joy, that {our State has adopted the new Constitution by a great majority. Tomorrow we will have a grand procession on this happy event; after which we are to dine at a table of 1500 feet long;} and on this occasion we will be witnesses to the unanimity and joy visible in every countenance.

“There is no longer a doubt but Virginia will adopt it by a considerable majority.”

1. Reprinted ten times by 22 May (four without the text before footnote 2): N.H. (1), Mass. (3), R.I. (1), Conn. (4), N.Y. (1). The Newburyport, Mass., *Essex Journal*, 14 May, reprinted only the text in angle brackets, and the Exeter, N.H., *Freeman's Oracle*, 16 May, omitted the last paragraph.

2. See New York *Daily Advertiser*, 30 April (RCS:Md., 693–94).

Maryland Journal, 6 May 1788¹

As soon as it was known in Town that the Constitution for the United States of America, was ratified, and our Convention dissolved, the Joy of the People was extreme. Every Class and Order of Citizens, wishing to give some Demonstration of their Feelings, it was agreed to form a grand Procession, expressive of their Satisfaction, and the high Importance of the Occasion.—The Mechanics, anticipating, under the new Government, an Increase of their different Manufactures, from the Operation of uniform Duties, on similar Articles imported into the United States, vied with each other in their Preparations.—The Merchants, and those concerned in Shipbuilding, contemplating the Revival, Extension, and Protection of Trade and Navigation, and the Re[-]establishment of Credit, by securing an impartial Administration of Justice between Citizens of different States, were no less anxious to forward the Measure. In short, every Citizen, who wished to live under a Government, capable of protecting his Person and Property, united with the Farmers, Mechanics and Merchants, to form the most interesting Scene ever exhibited in this Part of the World.

At Nine in the Morning of the first Instant, the various Preparations being completed, the Procession, consisting of about Three Thousand People, was formed on Philpot's-Hill, under the Direction of Captains Plunket and Moore. At a Signal of Seven Guns, from Major Smith's and Capt. Furnival's Park of Artillery, which was answered by Three

Huzzas, the whole Line moved to Fell's-Point; and from thence, through the principal Streets of the Town, amidst the Acclamations of a prodigious Number of Spectators, to Federal-Hill, where they were received by a Salute of Seven Guns, and partook of an Entertainment provided for the Purpose.—They were seated at a circular Table of 3600 Feet, with the Devices and Standards of the respective Orders, displayed in the most regular Manner, exhibiting to the Town and Shipping in the Harbour, the Appearance of a most brilliant Encampment.—The Repast was elegantly disposed, and consisted entirely of the Productions of this Country. It was closed with Thirteen Toasts, (drank in the excellent Ale of Messrs. Peters and Company) accompanied by as many Federal Discharges.

[The thirteen toasts appear here. See the toasts as printed in the Baltimore *Maryland Gazette*, 2 May (RCS:Md., 700).]

The Business of the Day being thus far completed, the several Classes of Citizens returned, in separate Divisions, to their respective Stations, and continued their Rejoicings in a Variety of rational and elevated Pleasures.

ORDER OF PROCESSION.^(a)

FARMERS.^(b)

- 1st.—Foresters, with Axes, Mattocks, &c.
- 2d.—Two Sowers, Messrs. Stansbury and Smith.
- 3d.—A Plough ornamented, drawn by Two white Horses, and guided by Mr. Jonzee Selman—Motto, "Venerate the Plough."
- 4th.—An Harrow, drawn by Two black Horses.
- 5th.—A Number of very respectable Farmers from the Country, preceded by Messrs. Harry Dorsey Gough, James Gittings, John Egor Howard, and John Cradock, the Four Federal Candidates for the County, followed by Men with Sickles, Sithes, Rakes, Pitchforks, and other Implements of Husbandry.

6th.—A Cart, loaded with fresh-cut Grass.

MILLERS and INSPECTORS of FLOUR—in their proper Habit.

FRENCH BURR MILLSTONE-MAKERS—preceded by Mr. George James, with a decorated Millstone incessantly turning in the Air, on an Axis, by the Power of Four beautiful Continental Flags, which produced the Effect of Sails.

BUTCHERS—in white Frocks, uniformly neat, with the Arms and Implements of their Order—preceded by Messrs. Brown and Tinker, and closed by Messrs. Smith and Tonstill.

BAKERS—preceded by Messrs. Brown and Myers—A Flag, carried by Mr. Clopper, displaying Two Men Hand-in-Hand;—Thirteen Loaves;—

Thirteen Stars and Thirteen Stripes;—the rising Sun;—Sheaf of Wheat.—Motto, “May our Country never want Bread.”

BREWERS and DISTILLERS—preceded by Messrs. Peters and Johnnot.—A Still, Worm, Tubs, &c.

BLACKSMITHS and NAILERS—preceded by Messrs. McClellan, Johnston, and Lawrence.—A Travelling Forge, drawn by Horses:

Journey-men and Apprentices at work, in the different Branches;—Colours flying—Mottoes,

“May ev’ry Federal Heart,
Encourage Vulcan’s Art.

And

While Industry prevails,
We need no foreign Nails.”

HOUSE-CARPENTERS—preceded by Mr. Harbough.—A grand Tower,—supported by Seven Architects, with Thirteen Fronts, on which were suspended, Tools emblematic of the respective States—Thirteen Stories, Thirteen Pillars, Thirteen Arches, Thirteen Pediments, Thirteen Spires, with Flags displayed on Seven, and Thirteen Flutes.—In the grand Column, a Battery of Thirty-nine Guns, from which were answered the Salutes of the Park.—On the Column—portrayed, Andrew Palladio, and his Excellency General Washington, under the Flags of the Union.

PAINTERS, GLAZIERS and MANUFACTURERS of GLASS—preceded by Messrs. Carlisle and Kuhn.—A Figure of Peter Coeck, with his Pallet, Pencils, &c. painted on Canvas, and a *Michael*, with his Pallet and Pencils, taking Sketches on a Piece of prepared Canvas, Two Boys attending him; all in a Carriage, drawn by a Horse.—On the back Part of the Carriage; a Paint-Stone fixed, with a Painter grinding Colours, followed by Painters, with Heraldry-Books, Pallets and Guilding-Cushions, all decorated, proper—The Glaziers with a Sash fixed on a Staff, and glazed with Thirteen Panes—In the Center-Pane, a Portrait of General Washington—Glass Trumpets—and Fame descending.

MASONS—preceded by ———, habited in Aprons;—Trowels, Squares, Plumbs, Hods, &c.—The Grand Royal Temple elevated on Supporters.

STONE-CUTTERS—with their QUARRIERS—preceded by Mr. McGlathery.—Emblems, &c.

PLASTERERS—preceded by Messrs. Collins and Littlejohn.—A Flag, displaying a Whitewash Brush, Trowel, a Bundle of Laths, &c.

CABINETMAKERS, preceded by Messrs. Bankson and Lawson.—An Ensign, representing a Cabinet.—Motto, “May our Cabinet be enriched by an Union of the States.”

COACHMAKERS—preceded by Mr. Finlater.—Emblems, &c.

WHEELWRIGHTS and TURNERS—preceded by Mr. Emmit.—A Spinning-Wheel, supported on Five Columns, and decorated.—Motto, “Industry.”

COOPERS—preceded by Mr. Duncan.—Men at work in a Carriage drawn by Horses, under a golden Figure, representing Bacchus on a Cask, &c.

TANNERS and CURRIERS—preceded by Messrs. Brown and Jones.—Implements, &c.

SHOEMAKERS—preceded by Messrs. Wilson and Sloan.—A Flag, displaying King Crispin, in his Robes, with a Boot in his Hand.—A Boot and Crown.—Colours flying, Music, &c.

SADDLERS and HARNESSMAKERS—preceded by Messrs. Gordon and Coulter.—An elegant Horse, richly caparisoned, and led by Two Negroes, in white, with black Velvet Jockey-Caps, Silver Tassels, Half-boots, &c.

HATTERS—preceded by Messrs. Shields and J. Gray.—Skins and Hats displayed upon an Obelisk, at the Base of which appeared a Beaver and a Fox.—Mottoes, “With the Industry of the Beaver, we will support the Federal Constitution.”—“With the Eye of the Fox, we will watch and guard our Rights.”

TAILORS—preceded by Messrs. Speck, Martin and Burland.—A Flag displaying Adam and Eve in the Garden of Eden;—Thirteen Stars, &c.

STAYMAKERS—preceded by Mr. Bourchet.—A Flag, displaying a spread Pair of Stays;—Thirteen Stars, on a white Field.

COMBMAKERS—preceded by Mr. John Lenvill.—A large Comb elevated on a Standard.—Tools decorated, &c.

BARBERS—preceded by Messrs. Clements and Brydon.—Busts,—A Goddess, surrounded by Sons of Freedom:—a Figure presenting to the Goddess the new Constitution:—the Goddess inclining with a Smile of Approbation.—Motto, “May our Trade succeed, and the Union enrich us.”

SILVERSMITHS and WATCHMAKERS—preceded by Messrs. Lively, Clarke, and Rice.—A Flag, representing the different Articles of their Manufactures—Motto, “No Importation and we shall live”:—Under it, a Bee-Hive—Motto,—“If encouraged.”

COPPERSMITHS—preceded by Messrs. Clemm and Raburg.—A Still with Head and Worm complete, Scales, &c.—Motto, “May our Industry be rewarded.”

BRASS-FOUNDERS, Cutlers, Plumbers, Whitesmiths, and Gunsmiths—preceded by Mr. Wier, &c.—Three large Candlesticks, dis-

posed in a triangular Manner, supported by a Column, with Thirteen Stripes displayed.—Jack, Bell, Andirons, Fender, Grate, Shovel and Tongs, Rifles, Gunlocks, &c.

TALLOW-CHANDLERS—preceded by Messrs. Liston and Ellerton:—A Frame, bearing Seven Candles;—a Wedge of Soap in the Centre.—A Flag;—Thirteen Stripes; Seven Stars;—a Chandler, making Candles.—Motto, “Let your Light so shine.”

PRINTERS—Mr. Goddard and Mr. Hayes.—A Figure, Guttemberg—Compositors, &c. with Volumes, American Productions—Mercuries, distributing Copies of the new Constitution, *without Amendments*.

PILOTS—preceded by Captain John Pitt, with Lead and Line, sounding the Channel.

SHIP



FEDERALIST.

JOSHUA BARNEY, Esq; Commander,²

Mr. COOPER, First Lieutenant,

Completely officered and manned, rigged and sailed; borne on a Carriage drawn by Horses. She displayed the Flag of the United States, and was fully dressed. Being the Seventh Ship in the Line, and having weathered the most dangerous Cape in the Voyage, she lay to, under Seven Sails, during the Repast, on Federal-Hill, throwing out Signals, and expecting the Arrival of the other Six.

SEA-CAPTAINS and MARINERS—preceded by Captains John Winning and Henry Johnson.—Emblems, Quadrant and Compass.

DRAYMEN—preceded by Mr. Jeffers.—A Dray decorated, on which was a Hogshead of Beer, a Flag-Staff in the Bung-Hole, the Flag displaying Thirteen Stripes, &c. drawn by one Horse.

CONSULS.

MERCHANTS and TRADERS—preceded by the
Hon. William Smith, Esq;

VINTNERS—preceded by Messrs. Hepburn and Yeiser. A Bunch of Grapes, with a Flag—Motto, “We lead to Joy, Jollity, and real Independence.”—“Follow us to real Joy!—We alone dispense the Blessing.”

SHIP-CARPENTERS—preceded by Mr. Stodder.—A Shipyard,—One Ship on the Stocks; Thirteen Men at Work.—Draught of a Ship complete, decorated.—Carpenters, with Axes, Adzes, &c.

SHIP-JOINERS—preceded by Messrs. Joseph and James Biays.—Representation,—The Stern of the Ship Federalist;—Binnacle, Compasses, Planes, &c.—Thirteen Stars, and Thirteen Stripes.

CARVERS and GILDERS—preceded by Mr. Brown.—Emblem, Figure of his Excellency Governor Smallwood.

ROPEMAKERS—preceded by Messrs. Dugan and Smith.—A Spinning-Wheel, with Thirteen Whirls, drawn by Thirteen Labourers—Thirteen Workmen, with Hemp round their Waists, occupied.—Queen Catherine portrayed in the Field of a large Flag.

RIGGERS—preceded by Mr. Pine.—Implements of their Order: knotting and splicing.

BLOCKMAKERS—preceded by Mr. John McMyers.—A Machine.—Cleaver, with Blocks wedged in—A Person at work.—A Flag; Thirteen different kinds of Blocks, in the Field.

SAILMAKERS, with their Tools—preceded by Mr. William Jacobs.—A portable Sail-Loft; Duck, &c.—Men at work.

MATHEMATICAL INSTRUMENT-MAKERS—preceded by Mr. Dorsey.—Emblems,—Land-Compass, Spy-Glass, &c.

SHIP-CHANDLERS—preceded by Mr. Thomas Johnson, and others.—Half-Hour Glasses, Log-Reel and Line, Atlas, Compass, Scale and Dividers, Sea Chart, Tinder-Box, Lead-Line, Log-Board, Hand-Trumpet, Epitome, and Spy-Glass.

BOATBUILDERS—preceded by Mr. Davis,—A fore Frame of a Boat, &c.

SURGEONS and PHYSICIANS.

CLERGY.

BENCH and BAR.

MEMBERS of CONVENTION—Messrs. McHenry, Coulter, Hanson, Sprigg, Gilpin, Hollingsworth, Heron, Evans, Sulivane, Richardson, and Done. The Procession was attended by a Band of Music, under the Direction of the celebrated Performer, Mr. Boyer.

The Evening was ushered in by a splendid Bonfire on Federal-Hill.—An allegoric transparent Painting, finely illuminated, was exhibited by Mr. Peale, in the Front of the Court-House.³—Mr. Starck's superb Building [i.e., the Indian Queen tavern] was handsomely illuminated, where a grand Ball concluded the Festivities of the Day.

We exult in the Happiness of adding, that every Part of this variegated, pleasing and august Scene, was conducted with the most perfect Regularity, Order and Harmony. No unfortunate Accident interrupted

the general Joy—no gloomy Thought obstructed the finest Expansions of the human Mind!—Every Eye sparkled, every Heart glowed with Rapture, upon this brilliant Occasion.—The Happiness of each Order, the Happiness of each Individual, the Happiness of every Spectator, was increased by the Consciousness of heightening the Felicity of others.—Those Diffidences which make up Reserve, and check the Progress of social Intercourse, when local Character hath not assumed its proper Tone, retired at the Approach of mutual Confidence, and were absorbed in the Plentitude of Unanimity.—Every Citizen of the United States—every Citizen of the World, who was inspired by the general Sentiment, was embraced with the warmest Feelings of Benevolence, Hospitality and Friendship.—Beauty, Elegance and Taste were exhibited in all their Lustre, by the delicate Fair, whose irresistible Charms attract us to—A FEDERAL UNION—May the Infant Mind, in its first Impressions, receive the great Ideas of the present Moment,—may it be nurtured in the clearest Perceptions of their superior Utility;—and, when all human Institutions shall terminate in the Acquisition of their Objects, Virtue and Happiness,—may Heaven itself approve the Wisdom of *our* FEDERAL CONSTITUTION.

(a) *The Expence of this Procession amounted to Six Hundred Pounds, independently of what the different Orders expended in their Preparations.*⁴

(b) *In forming the Line of Procession, the distinct Orders were arranged promiscuously, Equality being the Basis of the Constitution.*⁵

1. Reprinted, sometimes with minor alterations, in thirteen newspapers by 12 June: N.H. (1), Mass. (4), R.I. (2), Conn. (1), N.Y. (1), Pa. (3), Ga. (1). Six additional papers reprinted selected paragraphs: Mass. (2), R.I. (2), Va. (2). The *Maryland Journal* printed its account a second time on 9 June with the following preface: "Although our Journals of Tuesday last, greatly exceeded the usual Number, they were not sufficient to supply the Demand of the Public—The Recognition of the late Celebration being particularly gratifying to our Readers, we are therefore induced to republish the same."

2. On 2 May the *Maryland Journal* reported

ARRIVAL.

The Ship FEDERALIST, JOSHUA BARNEY, Esq; (late of the HYDER ALLY) Commander, from *the Cape of Good-Hope*, last from *Fell's-Point*, to be employed in the Service of the United States.

Barney (1759–1818) was a lieutenant in the Continental Navy during the Revolution. In 1782 he commanded the Pennsylvania-outfitted privateer *Hyder-Ally* and captured the more powerful British warship *General Monk*.

3. For Charles Willson Peale's transparency see "Newspaper Report of Convention Proceedings," 28 April, note 5 (RCS:Md., 654n–55n).

4. This footnote was reprinted as a separate item in the *Massachusetts Gazette*, 23 May, and reprinted in the *New Hampshire Gazette*, 29 May.

5. See "Procession Committee Broadside," Pre-1 May (RCS:Md., 697–99, especially p. 699).

Massachusetts Centinel, 14 May 1788¹

The procession at Baltimore in celebration of the ratification of the Constitution, was a near imitation of the one in this town.² It was preceded by a band of musick—then followed farmers, 56 trades, a ship, &c. The consuls, the bench, bar, faculty and clergy also joined in the procession. Several discharge of artillery, a bonfire, fireworks, &c. were made, and the whole was conducted with a decency and propriety becoming federalists.

1. Reprinted: *New Hampshire Gazette*, 15 May; Northampton, Mass., *Hampshire Gazette*, 21 May; Portland, Maine, *Cumberland Gazette*, 22 May; *Newport Herald*, 22 May. Two short paraphrased reprints appeared in the *New Haven Gazette*, 22 May, and the Newburyport, Mass., *Essex Journal*, 28 May.

2. For the 8 February Federal Procession in Boston, see RCS:Mass., 1615–30.

Expenses for the Baltimore Federal Procession, 26 April–12 June 1788¹

Federal Expences

1788 April 26 to May 1

• To 560 lb Bacon Hams	@7½ d.	17.10.	–
Cask for d[itt]o		–	4. 6
• To 1025 lb Beef	6	25.12.	6
• To 770 lb Bread & 800 Loaves		14.10.	–
14 Casks for d[itt]o	1/3	–	17. 6
• To 8½ doz dishes 54/4 & 350 mugs	139/7	9.13.11	
• 50 doz plates 62/6 & 6 doz porrengers & potts	15/9	3.18.	3
• To 18 Setts Knives & Forks	4/	3.12.	–
• To 22 Beefs Tungs	3/9	4. 2.	6
• To 24 Baking dishes	8 d.	–	16. –
• To 199 lb Cheese	10 d.	8.	5.10
• To provisions for the Artillery Company			7. 6
• To 2 lb Candles			2. 4
• To 15 lb Butter	15 d.	18.	9
• To Veneson Hams		1.	2. 6
• To Fish			12 –
• To 6 Gal. Vinegar	2/6		15 –
• To 36 Bottles Mustard	1/3	2. 5.	–
• To 240 Gal. Cyder	10 d.	10. –.	–
• To 2 lb Pepper	3/9		7. 6

• To 30 Cocks	1/	1.10. –
• To Beef & Herbs		2. –. –
• To 10 Yds. Oznabrigs	1/	10 –
• To Carting provisions &c to Federal Hill		1.10. –
• To Beer Grog & Toddy at different times		3. –. –
• To Beer for the Committee		2. 6. 8
• To 9½ Gal. peach Brandy	6/6	3. 1. 9
• To 7½ Barrels Beer (Mr. Rolbrock)	45/	16.17. 6
To Gimblets & Hammers		5. –
To waiting and attendance at Table &c		5. 5. –
To 6 doz plates		– 7. 6
To 1 Keg for Peach Brandy & Cock		– 5. –
To 8 Bbs. Beer–(H. Lammot)	@47/6	19. –. –
		<u>£161.12. –</u>
4 Large Bags	@18d	– 6 –
		161 18 0
allowed Mr W Evans for his trouble &c}		<u>38 2 0</u>
		£200 0 0
Made up the above a/c		<u>37. 11 8</u>
Balance due Mr E		£162 8 4
[Payments]		
May the 14th		
Rcd of the [– – –] a/c		<u>17. 0. 4</u>
Pd to the 26th By Cash Rcd.		37.10. 0

By me Wm Goddard

26 Received Sixty dollars for Wm. Evans Geo Salmon

26 Paid Mr Evans Recd by me

Forty five pounds 57–Wm Goddard

June the 12 Rcd. forty Dollars for Wm. Evans £[15?.]0.0

Wm Goddard —

1. MS, Alfred J. O'Ferrall, Sr., Collection, MS1575, MdHi. This account, payable to William Evans, was processed by William Goddard, the printer of the *Maryland Journal*. Evans owned a tavern at the corner of Calvert and Bank streets, which also served as the stage office for the ferry/stagecoach line to Philadelphia.

The Ship *Federalist*, 3–24 June 1788

Maryland Journal, 3 June 1788¹

On the 1st Instant the beautiful little Ship *Federalist*, (the same the Merchants used in the late Procession) completely rigged and highly

ornamented, sailed for Mount-Vernon. Capt. Barney has the Honour to present her to the illustrious FARMER who owns that Spot, as an Offering from the Merchants, expressive of their Veneration of his Services and Federalism.

1. Reprinted thirty times by 16 July: N.H. (3), Mass. (7), R.I. (1), Conn. (3), N.Y. (5), Pa. (4), Va. (4), N.C. (1), S.C. (2). The Baltimore *Maryland Gazette*, 3 June, printed a variation which was reprinted in the Philadelphia *Independent Gazetteer*, 6 June, and the *New Jersey Journal*, 11 June; while another version appeared in the June 1788 issue of the Philadelphia *American Museum*. For both variations, see Mfm:Md. 129, 142.

*Alexandria Virginia Journal, 12 June 1788*¹

The Ship Federalist, Capt. Barney, a compliment from the patriots of Baltimore to his Excellency General Washington, arrived at Mount Vernon last Sunday evening [8 June].²

1. Reprinted in the Baltimore *Maryland Gazette* and *Maryland Journal*, 17 June, and in eight other newspapers by 10 July: N.J. (1), Pa. (4), Va. (1), S.C. (1), Ga. (1). The Richmond *Virginia Gazette and Weekly Advertiser*, 19 June, added a final sentence: "On her arrival she was saluted with eight guns, being one for every adopting state." Because the *Alexandria Virginia Journal*, 12 June, is not extant the text is taken from the Baltimore *Maryland Gazette*, 17 June, which reprinted the piece under the "ALEXANDRIA, June 12" dateline.

2. George Washington recorded in his diary on Monday, 9 June: ". . . Captn. Barney, in the Miniature Ship Federalist—as a present from the Merchants of Baltimore to me arrived here to Breakfast with her and stayed all day & Night . . ." (*Washington Diaries*, V, 339).

*Virginia Independent Chronicle, 18 June 1788*¹

On the 12th instant arrived in the port of Alexandria, the ship Fœd-eralist, Capt. Barney, and was saluted with 8 guns, being one for every adopting state, and came to anchor abreast of the town, where she now lies for the examination of the curious—(The above vessel is a present from the town of Baltimore to General Washington.)

1. Reprinted: New York *Independent Journal*, 28 June; *New Haven Gazette*, 3 July; and *Georgia State Gazette*, 30 August.

*Baltimore Maryland Gazette, 24 June 1788*¹

Perhaps at no period the affairs of this great continent have been in a more serious situation than at the present moment.—The ratification or rejection of the proposed Federal Constitution may involve consequences of the highest importance to our welfare and existence, as a free people—Hitherto, almost every arrival has announced to us the triumphs of federalism; and should the next news from Virginia prove

auspicious, and such as every patriotic heart would wish, it would be the crown of our rejoicing, and give us every reason to hope, for better times and a greater degree of national prosperity.

We are led to these reflections, on a perusal of the subsequent letter from our late much revered and beloved Commander in Chief, *General Washington*, and while we think ourselves happy in having it in our power to communicate its contents to our friends and the public, we gratefully acknowledge the politeness of those who have enabled us so to do.—The sentiments of this elegant epistle afford another specimen of the correct mind, benevolent heart, and patriotic wishes of this great friend of liberty and his country; and agreeably to his ideas, we most ardently wish, that the voice of the Convention of Virginia may coincide with that “of her nearly allied sister,” and be the happy means to brighten the great chain of Continental friendship, and unite us all in one heart and government, till time shall be no more.

Mount-Vernon, June 8th, 1788.

GENTLEMEN, Captain Barney has just arrived here in the miniature Ship called the *Federalist*; and has done me the honour to offer that beautiful *curiosity* as a present to me, on your part.—I pray you, Gentlemen, to accept the warmest expressions of my sensibility for this *specimen of American ingenuity*: in which the exactitude of the proportions, the neatness of the workmanship, and the elegance of the decorations (which make your present fit to be preserved in a cabinet of curiosities) at the same time that they exhibit the skill and taste of the artists, demonstrate that Americans are not inferior to any people whatever in the use of mechanical instruments and the art of ship-building.—

The unanimity of the agricultural State of Maryland in general, as well as of the commercial town of Baltimore in particular, expressed in their recent decision on the subject of a general government, will not (I persuade myself) be without its due efficacy on the minds of their neighbours, who in many instances, are intimately connected not only by the nature of their produce, but by the ties of blood and the habits of life.—Under these circumstances, I cannot entertain an idea that the voice of the Convention of this State, which is now in session, will be dissonant from that of her nearly-allied sister, who is only separated by the Potowmack.—

You will permit me, Gentlemen, to indulge my feelings in reiterating the heart-felt wish, that the happiness of this country may equal the desires of its sincerest friends; and that the patriotic town, of which you are inhabitants, (in the prosperity of which I have always found myself strongly interested) may not only continue to increase in the same

wonderful manner it has formerly done—but that its trade, manufactures and other resources of wealth, may be placed permanently in a more flourishing situation than they have hitherto been.

I am, with sentiments of respect, GENTLEMEN, Your most obedient and most humble servant,

G. WASHINGTON.

To WILLIAM SMITH, Esq. and the other Gentlemen Proprietors of the Ship Federalist.

1. Reprinted nine times by 17 July: R.I. (1), Conn. (2), N.Y. (4), Pa. (2). The *Maryland Journal*, 24 July, printed only the letter. The letter alone was reprinted in the July issue of the Philadelphia *American Museum* and in twenty-three newspapers by 24 July: N.H. (2), Mass. (6), R.I. (1), Conn. (3), N.Y. (1), N.J. (1), Pa. (2), Va. (4), N.C. (1), S.C. (2). The letterbook copy is in the Washington Papers in the Library of Congress. No significant differences appear in any of the copies. Washington recorded in his diary on 24 July that the ship became unmoored and sank in a hurricane (*Washington Diaries*, V, 366).

John Vaughan to John Langdon
Philadelphia, 2 May 1788 (excerpt)¹

I have the pleasure of enclosing you the Three last numbers of *Fabius*² which with the others hope will reach You & be of the Service we both wish, if attention is paid to making them known. I have the further pleasure of Congratulating you upon the accession of the State of Maryland. Much opposition had been expected from the Exertions & interest of certain leaders Martin, Chace, Paca, Ridgeley & others, but it is worthy remark that they could only get *themselves* into the house—The people having very generally rejected *their* friends & such as were likely to support them—*The Spirit* of the Country being against their Sentiments—When the business came before the Convention, it was quickly Seen that a very large majority were for the Adoption & that those who were against it would use every art to protract it.

The first step was to confine *the question* to the one grand point—The second to *clog* the intended Garrulity & long winded opposition of certain persons—

It was adopted in a few days by 63 to 11.—It is said M Paca joined the Majority.—

In no state has the subject been so fully canvassed out of doors as in Maryland, in no state the Delegates chosen with so much deliberation. The Election being open for some days.—& In no state did the Minds of the *people* & their representatives appear so satisfied.—Much has been written against it there, but it was the emanations of a very confind circle—

I participate the happiness you must feel at the prospect of your “labor’s not being in vain”³—

I remain with respect, Your friend & Servt. . . .

1. RC, Langdon/Elwyn Papers, New Hampshire Historical Society. Langdon (1741–1819), a Portsmouth, N.H., merchant, was a delegate to Congress, 1775–76, 1787; President of New Hampshire, 1785–86, 1788–89; and U.S. Senator, 1789–1801. He signed the Constitution in the Constitutional Convention and voted to ratify it in the New Hampshire Convention in June 1788.

2. For “Fabius” (John Dickinson) VII, VIII, and IX, *Pennsylvania Mercury*, 26, 29 April, and 1 May, see CC:710, 717, 722.

3. 1 Corinthians 15:58.

**George Washington to James Madison
Mount Vernon, 2 May 1788¹**

My dear Sir, Your favor of the 10th. Ult. came duly to hand, and the enclosure for Mr. D. Carroll was forwarded the next day by a direct & safe conveyance.²—That Gentleman, however, was not of the Convention.—But the body of which you supposed him to be a member, by a large and decided Majority (of Sixty odd to twelve) have ratified the New Constitution.—A thorn this in the sides of the leaders of opposition in this State.—Should South Carolina give as unequivocal approbation of the system, the opposition here will³ become feeble; for eight affirmatives without a negative carries *weight* of argument, if not of eloquence along with it, which might cause even the unerring sister to hesitate.—

Mr. Chace, it is said, made a display of all his eloquence.—Mr. Mercer discharged his whole Artillery of inflamable Matter—and Mr. Martin did something—I know not what—but presume with vehemence—yet no converts were made—no, not one.—so the business, after a very short Session, ended;—and will if I mistake not, render yours less tiresome.

With Sentiments of sincere regard & Affect[ion]s

1. RC, Special Collections, Signers of the Declaration of Independence, Amherst College Library. Washington’s letterbook (Washington Papers, DLC) has several differences. See notes 2 and 3 (below).

2. The letterbook has “opportunity” rather than “conveyance.” For Madison’s 10 April letter, see RCS:Va., 732–33. The enclosure, a letter from Madison to Daniel Carroll, which Madison asked Washington to forward, has not been found.

3. The letterbook has “must” instead of “will.”

New York Daily Advertiser, 3 May 1788¹

Extract of a letter from Philadelphia, dated April 30.

“The Maryland folks have ratified the Constitution: Yeas 63, Nays 11. Exclusive of the letters I have seen, I have also seen a gentleman from

Baltimore, who tells me that Mr. Chase was the principal speaker, having spoken on Tuesday, Wednesday, Thursday and Friday,² on which day he and his friends agreed to give out. They were told by the Federalists at the beginning, that they had come with their minds fully made up; and that no reply would be made to any thing that might be said on the other side. When the Governor³ found how matters went he declared he thought it improper (in himself particularly) to continue in opposition to so respectable a majority as seemed to appear. Luther says he shall be happy to have his name handed down to posterity as being the opposer of a measure which he thinks calculated to destroy the liberties of the people; but, since it is adopted, he will submit to it *as a subject*.—On Saturday a committee was appointed to report some amendments to be recommended. Our bells rung last evening and this morning.”

1. Reprinted eleven times by 22 May: Mass. (3), R.I. (2), Conn. (4), N.Y. (1), Pa. (1). The Connecticut *Litchfield Monitor*, 12 May, reprinted only the first sentence of the extract.

2. Chase did not arrive at the Convention until Thursday, 24 April.

3. Probably a reference to former governor William Paca.

Joseph Gilpin to Levi Hollingsworth

Elkton, 4 May 1788 (excerpt)¹

I am Just Returned from the Convention for this State Who have Ratified the federal Government 63 Contented to 11 against it and I Blive if it had Not Been for one Man the[re] would Not have Been a Dissenting Voice in the House But he has Been Long at the head of a faction in Government and Sum of his Partie Could Not Well Desert him the Monorrrity Proposed amendments to be Recommendd to the first Meeting of the Congress after the Manner of Boston² But the[y] Where thrown out by a Majority of 47 to 27 so the Ratification Stand without any Clog and as Maryland is the Middle State I am in hopes the [i.e., she] may be the Meens of Giving the Southeran States a Desiding Majority in favor of the New federal Sistom and will Give a Damp to the faction in your State . . .

Dear Sir I am your Ready friend

1. RC, Hollingsworth Family Papers, PHi.

2. For the recommendatory amendments proposed by the Massachusetts Convention on 6 February, see CC:508 or RCS:Mass., 1468–71.

Rinaldo Johnson to Stephen Collins

Aquasco, Prince George's County, Md., 4 May 1788 (excerpt)¹

. . . Money is very scarce and with difficulty can be procured, proceeding from the want of a Government in which Monied men, would

be safe in Lending out their Cash, this I hope will be the Case in a few Months, as we have a flattering prospect of the federal Government taking place, which God grant. . . .

1. RC, The Papers of Stephen Collins & Son, DLC. For the entire letter in which Johnson pleads for more time to pay his debt to Collins before a suit is brought against him, see Mfm:Md. 90. Johnson (c. 1755–1811), a lawyer, was a Prince George's County justice, 1782–1800, and represented the county in the House of Delegates, 1782, 1784. From 1785 until his death he was in constant financial trouble due to a large debt owed to the state as a surety for a tax collector who died in 1784. Stephen Collins (1733–1794) was a Philadelphia merchant.

Mark Pringle to John Holker
Baltimore, 4 May 1788 (excerpt)¹

. . . The Federal Government has been adopted by this State by the Voice of 63 to 11 and last Friday was devoted to the Celebration of that Event by a Procession of all Ranks of the Inhabitants of this Town, to the amount of upwards of Three Thousand. The respectable Majority in favour of the measure, it is expected, will have great influence in Virginia and the other States that have not yet taken up the Business, and I hope when the new Government is established, the Commerce and Prosperity of America will revive. . . .

1. RC, Franklin Collection, Holker Papers, Yale University. Holker (1745–1822), a native of France, was French consul general in Philadelphia during the Revolution. At this time he was a Philadelphia merchant.

Philadelphia Independent Gazetteer, 5 May 1788¹

The opposition to the new constitution in Maryland, says a correspondent, labored under many disadvantages, and the little exertion they made, early evinced that the others had stolen to the windward of them. In the first place, the press was not free till the people were generally prejudiced in favor of this mysterious system, by the artful management of its advocates; and when *Mr. Martin's* information was published, it was only in one newspaper at Baltimore² (the extremity of the state); which could be seen by few in the country. (We find it had effect in the town and in the counties adjacent.) In the next place, the *aristocratic* party in that state is considerable, and devoted to the nod of its leaders. And the very idea of *Mr. Martin's* being connected with the *opposition*, was sufficient to prejudice the *tories* (who are another considerable part of the state) in favor of the system; *Mr. Martin* being very unpopular among that class of citizens owing to the office he holds.³ Thus the *tories* and *aristocrats* united, together with the wish

of *all* to grant farther powers to Congress, the example of the other states in adopting the system, the industry of the advocates of it in circulating sophistical publications, and delusive and electioneering falsehoods among the people, and promising to recommend the necessary amendments with the adoption of it, procured the great majority they had in convention. And here again, they excluded all debate, fearing it would open the eyes of the deluded members; (does not this shew the badness of their cause?) And being thus deluded we find that this body of men as implicit to the direction of their leader (McHenry)⁴ as the majority of our packed convention was to *Mr. Wilson*;⁵ and does not the conduct of these *leaders* fully shew the *designs* of the junto on the continent, who are endeavoring to take from us our liberties? Have they not been amusing us with an idea of procuring amendments, and that, like Massachusetts, the states should recommend amendments with the adoption?⁶ But has the convention of Maryland (alias McHenry and his sticklers) recommended any amendments? No, they have not!⁷ This should teach those who have been annoyed with such fallacious hopes, that such ideas were only held out by the junto for the moment to carry their point; and that, like the Maryland convention, our new Congress once vested with unbounded sway, will never relinquish a single item, will never listen to the calls for amendments or the least security of our rights and privileges, which are intended to be laid at their feet! No, while they have a military force to back their despotic decrees, they may laugh at the people? But it is to be hoped this treachery in Maryland will be a lesson to the *six* remaining states, and teach them to *reject* and *then amend*. Secure your invaluable rights and liberties, and be not swayed by the insidious arts and practices of the designing or the mercenary cries of the deluded: the sons of Virginia, of the Carolinas, the honest sons of New-Hampshire and New-York; the blood of thousands of your virtuous brethren who fell in the late glorious cause of liberty, cry aloud to you, to preserve and hand down to your posterity those rights and privileges in defence of which they fell martyrs!

1. Reprinted: *New York Journal*, 14 May; *Newport Mercury*, 19 May.

2. Luther Martin's *Genuine Information* appeared in only one Maryland newspaper—the Baltimore *Maryland Gazette* (RCS:Md., 126n–27n).

3. Martin had been Maryland's attorney general since 1778.

4. James McHenry.

5. A reference to James Wilson in the Pennsylvania Convention.

6. For the 6 February amendments, see CC:508 or RCS:Mass., 1468–71.

7. For the failure of the Maryland Convention to recommend amendments, see "Amendments of the Minority of the Maryland Convention," 1 May–Pre-6 October (RCS:Md., 659–84).

**Henry Hollingsworth to Levi Hollingsworth
Elkton, 6 May 1788¹**

Dear Brother

you will observe by the Newspapers that we have addopted and Rاتفed the federal Sistim of Government I have not time to go into particulars as I am but jus Return'd home we had 74 Members in Convention 64 of which wer for the Constitution & 11 against Majorety 53 we were much Carress'd by the Cityzeans of both Balt[imore] and Annapolis, & Great Rejoising for which I Refer you to Mr. Goddard papr² it gave us great pleasure to se so much & General Joy defused in every Countinence I am of opinion that Baltimore must have Exceeded Boston in Exhlution and demonstrations of Joy, there was not Less five thousand people assembled on the occation and the Table I think must have Included ten Acers of Land 63 Gamons of Bacon 63 Rounds of Beef & 63 Rumps & Surloins were paraded on the Table besides 63 of other things; 63 Bbls. of Beer & 13 bbls. of Peach Brandy [but?] no foreign article admitted—many Indeavers were made for amendments but none could be agreed to Least they might have a tendency to Check the Wheels of Government in its infency which hath a remedy in it self for all evils that may arrise from its Experience Shall wright y[ou] on Business when I have time

1. RC, Hollingsworth Family Papers, PHi. The address page was marked: "Favrd by/ Mr. Bringhirst."

2. See the *Maryland Journal*, 6 May (RCS:Md., 703–10n).

Dorchester County Celebrates Maryland's Ratification, 6 May 1788

Maryland Journal, 16 May 1788¹

Extract of a Letter from Cambridge, Eastern-Shore, Maryland, May 12, 1788.

"On Tuesday, the 6th instant, between three and four hundred of the inhabitants of Dorchester County, assembled at Cambridge, to congratulate each other on the accession of Maryland, to the new Federal Constitution; and to testify to their countrymen, their approbation of the conduct of their Delegates in Convention. The spirit of harmony and concord that pervaded the whole assembly, and warmed, with the generous glow of friendship, each patriotic breast, afforded the highest gratification to those who had the happiness of partaking of the pleasures of the entertainment; and a striking instance of the urbanity and good neighbourhood that ought ever to regulate all public meetings. About 3 o'clock, the whole company was invited by the managers to a dinner, prepared for them on the commons of the Town, and free from

the riotous and disorderly disposition that is in some measure characteristic of popular assemblies, proceeded to the election of Col. John Eccleston, as president of the day. As soon as the repast was over, and the cloths removed, the President delivered to the company the following toasts, which were reechoed with universal huzzas and plaudits through the vaulted ceiling of the spacious room the company was convened in, and were succeeded by a discharge of seven pieces of artillery after each toast:

1. The United States.
2. The State of Maryland and late Convention.
3. General Washington.
4. To the Memory of Major-General Greene.
5. The Marquis de la Fayette.
6. To the Memory of the brave Officers and Soldiers who fell in the late American War.
7. The late General Convention.
8. The Minority of Massachusetts.²
9. The States that have ratified the Federal Constitution.
10. May there be a speedy and compleat Ratification.
11. The Farmers, Mechanics and all virtuous Citizens of America.
12. A faithful and punctual compliance with all public and private contracts.
13. May wisdom, justice and prudence direct all our councils.

About 8 o'clock in the evening, the illumination of the town commenced, the guns from the battery beginning and continuing to fire until the town appeared to be in a perfect blaze, with the lustre and brilliancy of the lights. As soon as the illumination was compleated, the streets were crouded by admiring spectators, who, after a full view of the illumination, retired to their respective homes, with anxious expectation that a speedy ratification of the Federal Constitution by all the sister states, would give them an opportunity of manifesting to their country, their zeal in support of the Federal Government.

O thou! by whose Almighty nod, the scale of empire rises, or alternate falls; send forth thy saving virtues round the land in bright patrol.³

1. Reprinted in full in six newspapers by 23 June: N.Y. (1), Pa. (2), Va. (1), S.C. (2). The New York *Independent Journal*, 31 May, printed a summary of the entire item (without listing the individual toasts). This abridgement was reprinted once in Massachusetts and twice in Pennsylvania by 25 June.

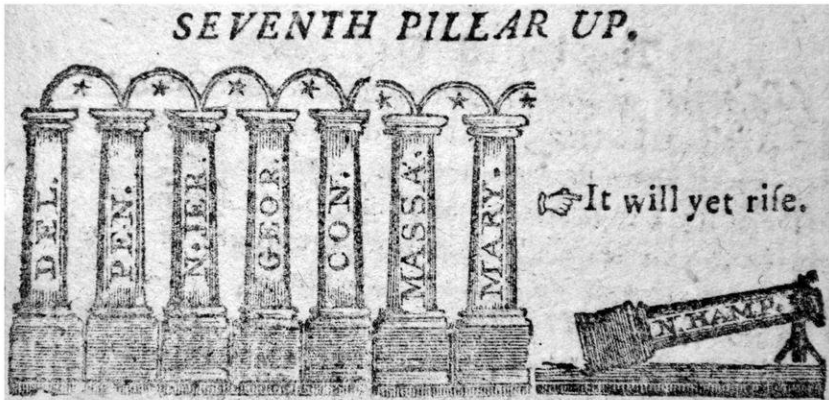
2. For the acquiescence of the minority of the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

3. James Thomson, *The Seasons, A Hymn, A Poem . . .* (London, 1730), “Summer,” p. 41, lines 653–56.

Baltimore Maryland Gazette, 6 May 1788

By the most authentic information, we are persuaded Virginia will follow our example—the convention of South-Carolina sets this week, and the latest advices from thence assure us of their federalism.—Little doubt can then remain of the completion of this interesting business, in which the happiness of millions yet unborn is involved.—Every liberal enlightened mind, every friend to this country will sincerely and ardently pray that the portals of the temple, we are now erecting to freedom may be thrown wide, as an asylum to mankind—that America may receive into her bosom, and comfort and cheer the oppressed, the miserable, and the poor of every nation and of every clime!

That the enterprize of extending commerce may wave her friendly flag over the billows of the remotest regions; and industry collect and bear to her shores all the various productions of the earth, and all by which human life and human manners are adorned and improved!

Massachusetts Centinel, 7 May 1788 (excerpts)¹*Ratification of the CONSTITUTION by the State of MARYLAND.*

Mr. CONYNGHAM, of the respectable house of *Conyngham & Nesbit*, of Philadelphia, arrived in town yesterday at two o'clock, in four days and an half from Philadelphia. By this gentleman we have received the important, pleasing and authentick intelligence, that on the 28th of April, the Convention of Maryland, by a majority of 63 out of 74 members, ASSENTED TO, and on the following day RATIFIED the CONSTITUTION proposed by the federal Convention. The names of the yeas and nays we must omit.² . . .

Mr. *Conyngham* brought with him to New-York, copies of the speeches made by Messrs. *Paca, Martin, Mercer, &c.* who were in the minority, and who, in imitation of the minority of Massachusetts,³ declared their intention of giving the Constitution every support in their power, as it appeared to be agreeable to so large and respectable a majority of the people of Maryland. These copies Mr. C. accidentally left at New-York.

Rejoicings at this event were exhibited in Philadelphia, New-York, &c. The citizens of this metropolis are never found wanting in demonstrations of joy on so important and pleasing an occasion—therefore, at four o'clock, by permission of the gentlemen Selectmen, the bells in the several churches in this town rang a peal, which was continued until sunset.⁴ And

On the intelligence being read at the Bunch-of-Grapes Tavern, the pleasure of the citizens was shewn by three huzzas, and a long roll from a corps of musick assembled for the purpose, who afterwards paraded through the principal streets, beating a federal march.⁵

The CONSTITUTION is ratified by five-sixths of the Convention of Maryland—*any thing in the Herald to the contrary notwithstanding.*⁶

1. The Boston *American Herald*, 8 May, Boston *Independent Chronicle*, 8 May, and *Massachusetts Gazette*, 9 May, printed (or reprinted) similar news of Maryland's ratification of the Constitution, but none as extensive as that in the *Massachusetts Centinel*. Both the Boston *Independent Chronicle* and *Massachusetts Gazette* printed a pillars illustration. The Newburyport, Mass., *Essex Journal*, 14 May, reprinted only the two "Mr. Conyngham" paragraphs. The *Salem Mercury*, 13 May, only reprinted the first Conyngham paragraph, adding the following at the end: "after being in session a week. The news of this interesting event being received at Philadelphia, New-York, Boston, and at other towns of distinction, the pealing of bells and other demonstrations of joy were manifested by the inhabitants.—Concurring circumstances assist in brightening the belief, that speedily we shall add another pillar—and shortly, another still, to render the whole a superb Federal Edifice." The *Worcester Spy*, 8 May, printed only its own version of this paragraph. The second Conyngham paragraph was reprinted by itself in the Exeter, N.H., *Freeman's Oracle*, 9 May, Northampton, Mass., *Hampshire Gazette*, 14 May, *New Hampshire Gazette*, 15 May, and Portland, Maine, *Cumberland Gazette*, 15 May.

The *Massachusetts Centinel* started its "Pillars" illustration series on 16 January with the inclined Massachusetts pillar being raised by the hand of God. The Boston *Independent Chronicle* printed the first illustration of six fully raised pillars on 7 February 1788. See RCS:Mass., 1603–7n.

2. Immediately after this paragraph, the *Massachusetts Centinel* reprinted three items from other newspapers: (1) the account of the Maryland Convention proceedings for 23 April, as printed in the Annapolis *Maryland Gazette*, 24 April (RCS:Md., 629–30, especially note 2); (2) an "Extract of a letter from Baltimore, dated April 28th" (*Pennsylvania Journal*, 30 April [RCS:Md., 694]); and (3) a paragraph starting "By advice received" from the *Pennsylvania Gazette*, 30 April (RCS:Md., 694).

3. For the acquiescence of the minority in the Massachusetts Convention, see RCS:Mass., 1494, 1645–57.

4. This paragraph was reprinted in the Boston *American Herald*, 8 May, Exeter, N.H., *Freeman's Oracle*, 9 May, and Portland, Maine, *Cumberland Gazette*, 15 May.

5. The *Freeman's Oracle*, 9 May, was the only newspaper to reprint this paragraph.

6. The *American Herald*, 5 May, had reprinted two items under a "New-York, April 28" dateline that suggested that Marylanders opposed ratification of the Constitution. Both items were first printed in the Philadelphia *Independent Gazetteer*, 17 April. The first (CC:Vol. 5, pp. 408–9) stated that "Maryland will, if they do not reject it immediately, adjourn the decision to June or July." The second item was an "Extract of a letter from Maryland, dated April 11" (Elections, Harford County [RCS:Md., 593–94]).

Norfolk and Portsmouth Journal, 7 May 1788

Extract of a letter from Richmond to a gentleman in Portsmouth,
dated Monday 29th April.

"Accounts by this night's stage say, that the Convention of Maryland are sixty two to twelve in favour of the New Constitution. Satisfied with the propriety of adopting the Fœderal system they say nothing but by their wishes in favour of it.—Chase and Mercer are most violent in opposition.—A correspondent remarks that the two last gentlemen, from a similarity of sentiments and circumstances, are evidently links in the chain of a certain celebrated Orator,¹ whose views have long since been pointed to disunion and separated confederations; the *nulla redemptum virtute* of Horace is a character that philosophers have doubted the possible existence of.² A dispassionate view of some characters in this junto would almost lead us to adopt the opinion of the Satyrist—*Cavete Romani.*[""]³

From unquestionable authority we can assure our Readers, that the Legislature [i.e., the Convention] of the State of Maryland have closed in with the Fœderal Union, by a considerable majority, This forms the seventh pillar to support the grand fabric of the American permanent constitution.

1. Probably a reference to Patrick Henry, who was often accused of favoring the creation of a Southern confederation.

2. Perhaps a reference to "monstrum nulla virtute redemptum a vitiis" (Juvenal, *Satire* IV, lines 2–3). Translation: "A monster whose vices are not redeemed by a single virtue."

3. Latin: "Beware of the Roman."

Winchester Virginia Gazette, 7 May 1788

A letter from a member of the Convention at Annapolis, dated April 28, says "the Constitution was ably opposed by some of its opponents, but all the resistance that could have been given, would not in any length of session, have shaken a member of the majority on the main question of an unconditional ratification. It was expected that the conduct of the majority would have put an earlier period to this business,

having, antecedent to the debate, expressed themselves under an engagement or obligation from the manner in which the elections were made, to ratify the government *unconditionally*. This appeared to be the sentiment of 15 counties, Annapolis, and Baltimore-town, without one dissenting voice. Ann-Arundel, Baltimore, and Harford counties, were in the negative, except Mr. Paca, who voted for the ratification, having first pointed out the most exceptional parts of the plan.

“To get through this business the most unwearied attendance hath been given; on one day the convention sat eight hours without intermission, during all which time our gallery was crouded with ladies, who by their countenances expressed as great anxiety on the question as the most determined friends to the constitution.”

Charles O’Neal to Horatio Gates

Delaware Mills on Antietam Creek, Washington County, Md.

8 May 1788 (excerpt)¹

. . . The Gentlemen in Hagar’s Town had a merry day on Saturday in consequence of our State’s Rattifying the Fedral system. Majority 13. . . .

1. RC, Gates Papers, NHi. The letter was addressed to Gates at his Virginia plantation, Travellers Rest. It was carried by “Mr. Kearsley.”

George Washington to James McHenry

Mount Vernon, 8 May 1788 (excerpt)¹

To a letter which I wrote to you some days ago,² I beg leave to refer you.—I congratulate with you on the happy decision of your Convention; having no doubt of its weight on those States which are to follow. . . .

1. RC (photostat), George Washington Photostats, Box 10, DLC. The letterbook copy is in the Washington Papers, DLC. Printed: Abbot, *Washington Papers, Confederation Series*, VI, 266–67n.

2. See Washington’s letter of 27 April (RCS:Md., 524–25).

Annapolis Maryland Gazette, 8 May 1788¹

TO THE PRINTERS.

In the address to the people of Maryland published in your last paper, there is a mistake, relative to the declaration of the member from the city. His meaning was, and he thinks his express words were, that upon consulting his colleague respecting amendments to the plan of federal government, he was of opinion, that the representatives of the

city were not *authorised* to consider, or agree to amendments, and not, that the citizens were *against* any, the expression used in the above address. His colleague observed, that the matter had never been submitted to their constituents, and they having made no express declaration, he did not consider the delegation of the city at liberty to act in this particular.² It may be remembered that this declaration of the member from the city was made at that period, when the idea was, that the amendments agreed to should accompany the instrument of ratification to New-York, and not in the latter stage of the business, when that idea was dropped, and it was proposed to refer them to the consideration of the people, from whom, if approved of, they were to pass to congress through the medium of the legislature.

Annapolis, May 7, 1788.

1. Reprinted: *Pennsylvania Packet*, 15 May, and the May issue of the *Philadelphia American Museum*.

2. See the address of the Maryland Convention minority, *Annapolis Maryland Gazette*, 1 May, at internal footnote (a) and internal footnote (a) (RCS:Md., 662, 669).

One of the Committee

Annapolis Maryland Gazette, 8 May 1788¹

TO THE PEOPLE OF MARYLAND.

It is conceived, that the address of a minority has not only mistated certain facts, but omitted some very material circumstances. Another narrative² therefore will be laid before you so soon as a communication shall have taken place between the members of the majority in the committee, who separated (*perhaps rather indiscreetly*) without drawing up an accurate statement of their proceedings as, at first, they intended.

For the present, you are prayed to suspend your opinions. You cannot, however, have failed to remark, that as the convention was dissolved, without proposing to you any amendments, it is not probable, that a large majority was sincerely disposed for that business. It is notorious, that they came together with no other avowed object, or wish, than to adopt the constitution without delay, and then retire peaceably to their homes[.]

May 6, 1788.

1. Reprinted: *Maryland Journal* and *Baltimore Maryland Gazette*, 9 May; *Pennsylvania Packet*, 15 May; and *Gemeinnutzige Philadelphiaische Correspondenz*, 20 May. For a response, see "A Member of Convention," *Baltimore Maryland Gazette*, 13 May (RCS:Md., 730–33n).

2. Alexander Contee Hanson's narrative of the proceedings of the committee appointed to draft amendments was never printed. A manuscript copy was sent to James Madison on 2 June (RCS:Md., 669–82).

Annapolis Maryland Gazette, 8 May 1788¹

An unjust and false report having been raised, and industriously propagated, by some malicious person, on Saturday afternoon, the 26th ultimo, that the governor refused to lend the citizens of Annapolis some of the public powder to celebrate the adoption of the new constitution by the convention, before it was ratified, urging, "That he did not consider himself at liberty to consume the public powder without the advice of his council," and we having heard the said report, incautiously mentioned the same in company, without further inquiry to ascertain the authenticity of the report, we therefore take this public method of declaring, that upon examination we found that the said report was unjust and utterly void of foundation, and that the governor, upon application on behalf of the citizens, previous to and after the said report had prevailed, without the least hesitation, always expressed the utmost readiness to lend the citizens such ammunition and ordnance as they might want, and to that purport gave orders to the armourer for the delivery without further reserve, than that he should take a receipt for the same; in justice therefore to his excellency's conduct upon this occasion, and his readiness to oblige the citizens, we think it our duty to contradict the said report, and to acknowledge, that on full inquiry we have found the same to be groundless, and void of truth.

JOHN DAVIDSON,²
JOHN WHITE.

Annapolis, May 7, 1788.

1. Printed for a second time in the *Annapolis Maryland Gazette* on 15 May and reprinted in the *Maryland Journal* on 13 and 16 May. For the Annapolis celebration with toasts and cannon fire, see "Newspaper Report of Convention Proceedings," 28 April (RCS:Md., 653-54).

2. Davidson (1754-1807) was a member of the Executive Council, 1783-1801.

Baltimore Maryland Gazette, 9 May 1788¹

The unanimity of the people of this State, on the late important, and interesting political question, together with the unanimity of our convention, is a most conclusive proof of their federalism. This agreement, in sentiment, was not the consequence of an hasty and partial investigation of the subject; but the result of mature deliberation:—All the necessary information was had to give the general government a fair trial, and in no instance has the State been less divided than in its adoption.—The unanimity in the convention superseded the necessity of debate, and upon a moderate computation, has saved to the public, the sum of *four thousand pounds!*

1. Reprinted: *Pennsylvania Packet*, 15 May; *New York Packet*, 20 May; *Gemeinnutzige Philadelphiaische Correspondenz*, 20 May; *Massachusetts Gazette*, 27 May; and *New Hampshire Spy*, 31 May.

Federalism

Maryland Journal, 9 May 1788¹

Every well-informed advocate for the union and prosperity of the United States, must be highly gratified by the act of our late Convention, assenting to and ratifying the new plan for a Federal Government, without amendments. This excellent plan was circulated extensively last fall, for the consideration of the people, who were not hurried or surprised into any steps respecting it, but permitted to examine coolly and maturely, that they might decide wisely. The News-Papers laid, impartially, before them the arguments urged by various authors on either side;—every one had a fair opportunity to speak and write whatever he thought fit to urge. After a full hearing, and abundant leisure to investigate the merits of the subject, the people were invited to declare the opinion they had fixed by their deputies to the Convention; and they chose, for this purpose, whomsoever they pleased, without being restrained by any recommendation from the Assembly, or regarding the qualifications demanded by our frame of government, in members of that body. The Convention, thus elected, declared in favour of federalism, by a majority of more than five to one; and it is well known, that while the majority delivered the unbiassed sentiments of their constituents, they, at the same time, honestly delivered their own; between which there was a perfect agreement. Wherever this takes place, business will be conducted to mutual satisfaction; but it will seldom, or never, be the case, where the contrary happens. It may seem extraordinary to find the plain common sense of our citizens inclining them so generally to the right side of an important question, whereon a great difference of opinion generally prevails, and concerning which the enemies of federalism through several states, entertain such discordant notions.—They agree to oppose the proposed government, but no two sets of objectors, nay, no two objecting individuals, who have not published their sentiments in concert, concur in making the same exceptions, or offering the same amendments, which shews how wretched our situation would be, were the present plan rejected, and its opponents assembled in convention to form a new one.

That the small minority here will imitate the folly of the Pennsylvania minority, is not apprehended;² nor is the least fear entertained of the consequence, if they should.—Amidst the tumult and disorder, produced by the opposition in that unfortunate state, the principles of

republicanism and federalism have been equally disregarded, and are in equal danger of perishing. Under a deceitful pretence of vindicating equal rights, and promoting the safety of the common people, they are actuated by a most destructive *aristocratic* spirit, which demands that the *many* should submit to the *few*—and *such a few!* humiliating thought!— Yet, whatever may be the subsequent conduct of those who opposed the ratification with us, and they had a right to exercise their own judgments, all that were for it should persevere, till the business be completed. They have hitherto behaved well; but more must be done by them, previous to the final establishment of their favourite government. It must prove extremely dishonourable to become careless or remiss, until the finishing hand be put to the noble work. Whoever recollects what the state legislatures have in their power, antecedent to the introduction of this government, will instantly perceive, that unless *they are federal*, they may still defeat it, notwithstanding conventional ratifications, either by an open refusal to perform their parts, or by artfully causing delays, or contriving absurd or impracticable regulations in things subject to their control. Two or three legislatures, perhaps even one, acting in any of these ways, might throw all into a scene of such confusion and disorder, as would totally destroy our sanguine hopes.—This most important truth, therefore, should be deeply impressed upon the heart of every federal elector in the state, that *unless our next House of Delegates be really and truly federal*, (concerning the Senate there remains no doubt) we may be a ruined and undone people—The wisest and best government ever devised by human ingenuity, may be at last rejected, and the whole continent delivered over to unspeakable and intolerable miseries—Let then all, who wish to prevent the terrible catastrophe, take their measures in due season, and resolve on choosing gentlemen to represent them, at the most interesting crisis that may ever happen, whose interest and desire it is, and must be, to have the most perfect government ever yet made, firmly established, and ably, steadily and impartially administered.—They may then expect to see the fallen glory of their country raised, public faith restored, public burdens lessened, the value of property increased, languishing industry invigorated, agriculture flourishing, manufactures encouraged, and, indeed, every blessing secured, that a wise and free people can desire.—Till that event be brought about, let an indispensable and essential qualification in their representatives be

May 8, 1788.

FEDERALISM.

1. For a response to “Federalism,” see “A Republican,” *Maryland Journal*, 16 May (below).

2. The minority of the Pennsylvania Convention published its objections to the Convention’s majority as a broadside and in newspapers (CC:353). Pennsylvania Antifeder-

alists resorted to violence to stop a Federalist celebration in Carlisle, mounted a petition campaign to the Assembly to undo their Convention's ratification, and called for a state convention to meet at Harrisburg to coordinate efforts in favor of amendments to the Constitution and the election of Antifederalists to the First Federal Congress. (See RCS: Pa., 617–725.)

**George McCall to Samuel Dickinson
Philadelphia, 10 May 1788 (excerpt)¹**

. . . What a Pity it is that convention of Maryland would not permit themselves to be edyfied, by Mr. [– – –] Speech; your mentioning this ci[rcumstance?] in your last Letter reminds me of [– – –] which I read in a News-Paper [– – –] days ago; and are as nearly as I can [recol?]lect as Follows—

Didn't the Devil appear to Martin
Luther in Germany for certain?
And cant the Devil if he please,
Come over to Maryland with ease,
This being admitted, then for certain
He has got into Luther Martin²—

With begging an Excuse for writing such a Scrawl I must conclude & Subscribe myself—

1. RC, "United States Letters, 1683–1830," Rutgers University Library. The letter was carried by "Mr. W. Hunt" to Dickinson in Trenton, N.J. McCall (1769–1799) was a Philadelphia merchant. Dickinson (1770–1837), who studied law with Edward Tilgham of Philadelphia, was admitted to the bar in 1792, but never practiced.

2. The poem was printed in the *Pennsylvania Mercury* on 22 April and reprinted in the *New Hampshire Spy* on 6 May. (See Mfm:Md. 57)

**George Plater to the Senate of Maryland
Sotterley, 10 May 1788¹**

Gentlemen, During my Attendance on the late Convention I was so severely attacked by the Gout as to render it very difficult to return home—it still continues, perhaps encreased, by that Journey with the Addition of a constant feverish Habit—from which Cause I am, at this Time, rendered totally incapable of attending the ensuing Session—shou'd I recover, I will most certainly join you before you rise, if I find that out of my Power I shall forward my Resignation, that you may appoint some Gentleman in my Place, as I deeme it highly improper for any Person to hold a Seat in the Legislature, who cannot give his personal Attendance—I am, with the highest Sentiments of Respect, Regard, & Esteem—

1. RC, Misc. Vertical File, #1118, MdHi.

Massachusetts Centinel, 10 May 1788

*Extract of a letter from a respectable mercantile house in Baltimore,
dated April 27, 1788.*

“Our Convention met at Annapolis the last week, and business there goes on to our wish. In all questions there has been 64 federal to 12 antifederal. The main question would have been determined ere this, but the majority mean patiently to hear the opponents (some of whom are long winded) make every objection they can to the government, without any intention of going into argument with them: When they are done, the question will be put, and carried you may rest assured by the majority above mentioned. Indeed we expect to advise ere this is closed, that the matter is determined—we are so well assured of it in this town, that preparation is making for a procession similar to that in your place on the adoption of the government—We flatter ourselves the decided conduct of this State will have a happy effect both in Virginia and South-Carolina. Indeed we entertain not a doubt, but nine States will have confirmed the matter, ere long, and that the new government will soon after be put in motion.

April 28th. P. S.—As we expected, the point was carried yesterday, 63 to 11 for adopting the new form of government.”

In the hurry in which we compiled the account of the ratification of the Constitution by the State of Maryland, in our last,¹ we misapprehended the names of the persons of the minority in the Convention of that State, who expressed their determination of giving the Constitution all the support in their power, whom we mentioned as being Messrs. *Mercer, Paca* and *Martin*—the fact is, that they were, Messrs. *Mercer, J. T. Chace*, and *S Chace*, who made the declaration mentioned. Mr. *Paca*, although he had been opposed to it, finally voted for it—and Mr. *Luther Martin* still continues as antifederal as before.

1. See the second paragraph of the *Massachusetts Centinel*, 7 May (RCS:Md., 722).

A Member of Convention**Baltimore Maryland Gazette, 13 May 1788¹**

To the PEOPLE of MARYLAND.

You have been addressed by twelve gentlemen,² members of the late Convention, four of them members of a Committee of that body; in which they stated the conduct of the Convention, and the conduct of the Committee. From the established characters of the gentlemen, who put their hands to the address, there is no reason to believe, that they wilfully *mistated* any facts, or that they designedly *omitted* any *material*

circumstances, with intention to *misrepresent* the conduct of the Convention, or the conduct of the majority of the Committee; or to mislead or deceive you. The gentlemen of the Committee could only be fully and accurately informed of what passed in the Committee; but every member of the Convention must be acquainted with the circumstances, that are alleged to have happened in the Convention. You are addressed by a person, who calls himself *One of the Committee*,³ who conceives, “that the address of the *minority* has not only *mistated certain facts*, but *omitted some very material circumstances*; and he informs you, that another narrative will be laid before you,⁴ and he prays you to suspend, for the present, your opinions of the conduct of the majority of the Committee.” This assertion and request would be more reasonable, if the gentleman had signed his name to it. He may be mistaken, and there is a greater probability that one person may misconceive a variety of facts, than the number who have testified to the truth of what they relate. I believe that no facts have been *mistated in substance*; and I am convinced, that no *very material circumstances* have been *omitted*. If any fact has been *substantially mistated*, or any *material circumstance omitted*, I make no doubt the public will impute it to inattention, defect of memory, or haste, and not to any improper motive.

The member of the Committee, who addresses you remarks, “that as the Convention was dissolved without proposing *any* amendments, it is not probable that a large majority of it’s members was *SINCERELY* disposed for that business.” The following facts, which no one can deny, will convince the public that, for several days, a great majority of the Convention thought the Constitution very defective, and were sincerely disposed to consider amendments, *AFTER* the ratification of the Constitution, either in their *conventional* or *private* characters; and the difference of character is very immaterial. 1st fact. On Thursday, (24th April) Mr. Paca requested leave to lay before the Convention a variety of amendments to the Constitution, not to *prevent*, but to *accompany* the ratification; and the Convention granted the indulgence *without a division*; and adjourned to give him time to prepare, and lay the amendments, he proposed, before the Convention. 2d. fact. On Saturday, (26th) the Convention, on a vote of 66 to 7, appointed a Committee “to consider and report (on the Monday following) a draught of such amendments, as the Committee might think necessary to be recommended to the consideration of the people, *if approved of by the Convention*.” 3d. fact. The Convention referred the amendments proposed to the Constitution, by Mr. Paca, to the Committee.

I believe a majority of the Committee were *sincerely* disposed, for some time, to recommend amendments; and I form this opinion from

their conduct, and the number of *essential* amendments separately agreed to by the Committee, most of them by an *unanimous* vote, and *all* of them by a *great majority*.

I believe the true reason why the majority of the *Committee* would agree to *no report* (and thereby wished to preclude the Convention from judging for themselves) was disclosed by one of the Committee in public debate. He declared, *in substance*, "That if *no* amendments were considered by the Convention and referred to the people the idea would be, that the Constitution was perfect in the opinion of the Convention, and therefore that it wanted *no alteration*; that he would not have admitted *one* defect but to conciliate; that he was apprehensive the Convention would be involved in difficulties, that they might be drawn by the minority from one amendment to another, and would not be able to stop; that they would be led to give opinions on *parts* of the Constitution, contrary to their decision to determine on the *whole*, and not on *parts*; and that by agreeing to a *number* of amendments they would give an advantage to the *opponents* of the government, who would represent that it's friends admitted, that it was greatly defective, and wanted essential amendments, and that from such concessions they would urge the people to believe that the Convention ought *not* to have ratified the Constitution, unless the alterations were *previously* made, or annexed as a *condition* to the ratification; that if the great majority of the Convention in this State, who had ratified the Government, should admit it to be so very defective, and to want such *material* amendments, *and should publish them to the world*, it might produce bad consequences in Virginia, and the other States, who had not ratified, where the opponents of the Government might be equal, or nearly equal, in number to it's friends; and that policy required that the members, who had voted for the ratification, should set their faces against ANY amendment."—What reasons influenced the majority of the *Convention* to *change* their opinions, respecting amendments (and that they did *change* their opinions no man can doubt) cannot be ascertained with any precision. A *few* may act by *system*, and be governed by some general principles of policy; but *the many* have no system, and their reasons are as various as their numbers.

If the majority of the Committee should not publish their narrative, the gentleman, who addresses you,⁵ can point out the facts, and the material circumstances, he apprehends to have been mistated, or omitted, by the *minority*.

May 12, 1788.

1. This piece, which was also printed in the *Maryland Journal* on 13 May, was reprinted in the Annapolis *Maryland Gazette*, 15 May.

2. See the "Address of the Antifederalist Minority of the Maryland Convention," 1 May (RCS:Md., 659–69).

3. See "One of the Committee," Annapolis *Maryland Gazette*, 8 May (RCS:Md., 725).

4. See Alexander Contee Hanson's narrative response to the Convention's minority report. Hanson's narrative was not printed, but was sent in manuscript to James Madison on 2 June (RCS:Md., 669–82).

5. A reference to the author of "One of the Committee." See note 3 (above).

A Freeman

Philadelphia Independent Gazetteer, 13 May 1788¹

The conduct of the majority in the Maryland convention is a striking display of the nature of power, and a sample of what the freemen of America would experience from the great Congress if established: inebriated with a temporary superiority, they arrogantly refused to discuss the merits of a system of government that was to determine the fate of a great people, that would prove either the instrument of their freedom and prosperity or of their slavery and misery for ages to come, but observed a contemptuous silence, notwithstanding some of the greatest and most able men in Maryland, with all the ardour of patriotism, represented the dangers with which the new constitution was replete, and repeatedly urged the majority to invalidate their objections if in their power; a greater insult than this was never offered to freemen, and the infatuation of the people must indeed be astonishing if they are not aroused by it to a sense of the imposition practising upon them under the sanction of a *Washington*. The conduct of the Maryland convention also shews the folly of trusting to future amendments; for they have already thrown aside the masque, and avowed the intention of establishing the new constitution in all its plentitude of powers, without any reservation in favor of the liberty of the people. After amusing the minority with hopes that suitable amendments would be recommended by them, they at length in a despotic manner dissolved the convention.

What must be the feelings of the great body of the people in Massachusetts, who were deluded into the adoption of this system of government, by specious assurances that the amendments would be acceded to by all the states, and certainly incorporated in the government,² that it argued ignorance of the weight of Massachusetts in the union, to entertain the smallest doubt that her example would not be followed by all the others? I rejoice that the rash confidence of the advocates of the new constitution, has led them to discover so soon this dangerous, deceptive game of the amendments, by which they had imposed upon so many. The question now is simply, Whether the people will submit to the absolute establishment of a form of government, which all, even

the most designing are obliged to allow, is defective? I recommend the perusal of the narrative of facts and propositions of amendment, subscribed by the minority of the Maryland convention, to every person who wishes to continue free.

1. Reprinted: Philadelphia *Freeman's Journal*, 14 May; *New York Journal*, 17 May; and *Providence Gazette*, 14 June. The printer of the *Gazette* reprinted "A Freeman" from the *Independent Gazetteer* with this preface: "Mr. CARTER, By inserting the following, from a late western paper, you will oblige several of your readers."

2. For the events leading up to the adoption of amendments by the Massachusetts Convention on 6 February, see the headnote to CC:508 and RCS:Mass., Vol. 3.

Tench Coxe to William Tilghman **Philadelphia, 14 May 1788 (excerpt)¹**

. . . As you have had the best opportunities in the Maryland Convention I wish you would take the trouble of writing one long full & minute letter on the subject to our friend Benj. Harrison Junr.² Mercht. Richmond, who is attached to the Government & will make a proper use of it. It may go ~~by~~ post without delay as they are to meet the first of June. They will want authentic Information to satisfy Doubts & prevent misrepresentations.

[P.S.] The present being by a Negro, the Money cannot go—Can you get the enclosed to our frd A. Hanson to be republished in Annapolis. I have endeavoured in it to put the matter in the light in wch. it ought to strike Virginia.—It is "*The American*."³

1. RC, Tilghman Collection, PHi. Addressed to Tilghman in Chestertown, Md., this letter was endorsed as answered on 11 June. For another excerpt from this letter, see Appendix VIII (RCS:Md., 900–901).

2. Benjamin Harrison, Jr., had been deputy paymaster of the Continental troops in Virginia during the war. His father, the former governor, opposed the Constitution as a delegate to the Virginia Convention. Harrison, Jr., Tilghman, and Coxe all attended the Philadelphia Academy (University of Pennsylvania) in the 1760s.

3. Coxe's two essays, signed "An American" and addressed to the members of the Virginia Convention, appeared in the *Pennsylvania Gazette* on 21 and 28 May (CC:751 and RCS:Va., 832–43, 889–94n). The second essay was reprinted in the Annapolis *Maryland Gazette* on 12 June.

Otho Holland Williams to Philip Thomas **Baltimore, 14 May 1788 (excerpt)¹**

. . . Ringing of Bells—firing of great Guns, and congratulations among the people of New York and of Phila. testified the joy they felt on the news of the adoption of the new constitution by the state of Maryland—All my old acquaintances received me with pleasure and many who

knew me not before siezed, and shook, my hand as a Patriot Citizen of a Patriotic State. . . .

1. RC, Otho Holland Williams Papers, MdHi.

Massachusetts Centinel, 14 May 1788

The objections to the federal Constitution prove its excellence—witness the amendments that have been proposed to it—those in this State are the best—but some that were introduced into the Maryland Convention and negatived, are mere *quibbles*, compared with the Constitution.

Pennsylvania Gazette, 14 May 1788 (excerpt)¹

. . . The dispositions of the majority of Maryland, we are well assured, were in favor of some amendments, but it was early clear to them, that their constituents did not desire that convention to take up the consideration and recommendation of them. TO PRESERVE THE AMERICAN UNION, BY THE ADOPTION OF THE PROPOSED FEDERAL CONSTITUTION, APPEARED TO THEM TO BE THE PURPOSE FOR WHICH THE PEOPLE AT LARGE HAD DELEGATED THEM. . . .

1. Reprinted in the Baltimore *Maryland Gazette*, 23 May, and in thirteen other newspapers by 29 May: Mass. (5), Conn. (3), N.Y. (2), Pa. (2), Va. (1).

Jeremy Belknap to Ebenezer Hazard Boston, 15 May 1788 (excerpt)¹

. . . We have had a *ringing* on the adoption of the Constitution by Maryland—In imitation of John Bull we *make as much noise as we can* when we feel joyful—I think bell-ringing is a northern way of Expressing joy—England and Russia are famous for it—But what an uncertain Sound is a Bell—! Fire, Death, Joy, Dinner, Public Worship, Town-meetings & what not all set it agoing & we are often puzzled to know what it is for—When the ringing began for Maryland on Tuesday last Week—people ran to see where the Fire was! So it was when Connecticut ratified the Constitution. . . .

1. RC, Belknap Papers, Massachusetts Historical Society. Printed: “The Belknap Papers,” *Collections of the Massachusetts Historical Society*, 5th series, Vol. III (Boston, 1877), 39–43. Belknap (1744–1798) was a Congregational minister in Boston. Hazard (1744–1817) was postmaster general of the United States from 1782 to 1789.

Antoine de la Forest to Comte de la Luzerne
New York, 16 May 1788 (excerpt)¹

The accession of Maryland to the new plan of federal Government has just brought to seven the number of States that have had their ratification carried to congress. This accession took place without restriction and has the advantage over that of Massachusetts not to be accompanied by any amendments designed to obtain changes. It was nevertheless not very far from imitating the example of this last state. The Maryland Convention, after having adopted the proposed constitution by a majority of 63 votes to 11, named a committee of 13 of its members to draft the necessary alterations; it resolved at the same time that it would take into consideration only those that would be presented to it by this committee, which was composed of partisans and enemies of the new System. The latter wanted to make a last effort to destroy the system's power. They first proposed 13 restrictive amendments that were agreed to; they then added 15 others to them, the most notable of which, because it best characterizes the fears of the Southern States, stated that no regulation of commerce and navigation could take place except with the consent of two-thirds of the members of each branch of congress. These 15 amendments were rejected by their opponents with the offer to combine all their efforts in the convention in order to have the [13] amendments that they had accepted approved there. The antifederalists were not satisfied with this; they tried to come to terms, nothing came of it; and when the committee was unable to agree on a report to the convention, the latter simply held to its ratification and ended the session.

Such is, My Lord, the summary of the seventh triumph that the federalists have obtained. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 910, New York, ff. 60–61, Archives Nationales, Paris. This letter, dispatch number 233, was endorsed as received on 9 July. For the entire letter, see CC:745. César-Henri, Comte de la Luzerne (1737–1799) was Minister of Marine and Colonies, 1787–90.

A Republican
Maryland Journal, 16 May 1788 (excerpt)¹

A Writer, under the signature of *Federalism*,² has given the Citizens of Maryland some observations, in the last Journal, upon the adoption of the new constitution by this state, and upon the line of conduct which he thinks they ought to pursue hereafter, lest they should lose the blessing of that inestimable, and, in his opinion, all-perfect system of government.

It is not difficult to discover, that the great object he has in view, is to prepare the way against the next general election, to prevent the re-election of the delegates for this town, and to introduce into the Assembly his *favourite* characters.

Attempts of this nature have been successively made for several years, but have failed; I suppose the author flatters himself that the present is a more favourable occasion.

That *Federalism* is highly “gratified by the act of the convention ratifying the new plan of government without amendments,” and that he has no wish amendments should *ever* take place, except of such a nature as to *increase* and *enlarge* the *powers* of the government, I can easily believe; but I have great doubts whether one or the other can be justly said of one man in ten of those who are “well informed,” and have no other object in view but the happiness and welfare of their country.

This excellent plan he tells us was circulated extensively last fall, for the consideration of the people, who were not surprised into steps concerning it, but permitted coolly and maturely to examine it.—It is true, that on the first day of last *December*, the Assembly directed two thousand copies, a little more than a hundred for each county, of the proposed constitution to be printed, to be distributed for the information of the citizens;—of these, *some* in the course of the winter, were actually distributed through the counties.—But the number was much too small to go into the hands of the people generally; few of the common class of people had an opportunity of reading them at all, and much fewer of considering them with that attention necessary, to enable them to form an estimate of the benefits, or evils, which might probably flow from the government, if adopted.

“But the News-Papers laid before the people impartially the arguments urged by various authors on either side.”

The Annapolis Paper every body knows has a very confined circulation, and I believe not more than one or two *original* publications appeared in that Paper, and those in favour of the government; and it contained no republications on the subject.—The two Baltimore Papers do not circulate on the Eastern-Shore, and scarce a Paper of those Printers are seen there at *any* time; but the peculiar severity of the last winter precluded almost entirely all communication of sentiment or information.—Those Papers though they circulate through the different counties of the Western Shore, yet are read by, comparatively, few of the common class of the people.—Even in the city of Annapolis, so far are they from being *generally* seen, that it is difficult to obtain their perusal.—But had there been the freest communication of all the pieces written on both sides of the question, and had they been in the

hands of every individual, it would have been of but little consequence, if we may believe the members of the late convention, who so wisely adopted the system, since *with them* it was a *favourite maxim*, that the people at large were incompetent to decide or form a judgment on the subject; that they were, and always must be, in these things, *directed* by a *few*, who had *more knowledge*; and that the people at large were totally incapable of determining whether a *government* was *perfect* or *imperfect*, *good* or *bad*, until they *felt* its *consequences*, and gained the information by perceiving its *effects*.

Federalism thinks it “almost surprising” to find the plain common sense of our citizens inclining them so generally to the right side of so important a question.

But, perhaps, his surprise would, in some measure, cease were he to reflect that, in this state, there are about *twenty-five* thousand persons who were entitled to vote for the members of the convention; that the *whole* number who actually did vote, were but about *six* thousand, and that in Baltimore-Town, and seven counties, the voters were four thousand in number or thereabouts; so that the delegates of ten counties had not, on an average, two hundred votes; nor did one *sixth* part of the inhabitants of the state, who were entitled to vote, interfere in the election: Let him also consider, that the number of *rich* and *wealthy* men, who promise themselves peculiar advantages from *this* government, which they never could obtain in a government *truly republican*, and also the *mercantile* part of the community, who flatter themselves with deriving benefits from this system, at least with the means of *speedily collecting their debts*, exerted themselves in every county in favour of the constitution, using every argument to induce the people to consider it as the *only means* of relieving them from the *distresses under which they suffer*, and terrifying them with the prospect of *anarchy* and *confusion* if it was rejected.—To this I might add, that no opposition was made in scarce any of the counties, till a *few days* before the election, and that in those counties where the people had had the *best means* of information, the opposition succeeded. In some other counties, many of the inhabitants, disapproving the system, would not attend the election, because no candidates offered in opposition to it, and others returned home without voting, on the same principle. . . .

Baltimore-Town, May 11, 1788.

1. In his 13 May issue, the editor of the *Maryland Journal* announced “‘A REPUBLICAN’ will appear in our next.” The first part of “A Republican” deals with Maryland newspapers and the Convention elections. The last half of the essay, not printed here, deals with the importance of the election of the state legislature which was to elect U.S. senators and presidential electors and consider amendments to the Constitution. (See Mfm:Md. 114 for the entire essay.)

2. “Federalism,” *Maryland Journal*, 9 May (RCS:Md., 727–29n).

Maryland Journal, 16 May 1788

Extract of a Letter from a Gentleman in Boston, May 6, 1788.

“By Mr. Conyngham, of Philadelphia,¹ who arrived here this Morning, from New-York, we received the agreeable Intelligence of the Adoption of the Constitution by your State, on which Event I sincerely congratulate you—it was received here with Demonstrations of Joy! Peals of Bells, and Firing of Cannon, announced the good News to the Public.”

1. For Conyngham’s arrival in Boston, see the *Massachusetts Centinel*, 7 May (RCS:Md., 721–22).

**James McHenry to George Washington
Baltimore, 18 May 1788 (excerpt)¹**

. . . You will have concluded from the address of our minority that the convention were a little embarassed on the subject of amendments.² A very good friend of yours for whom I have the greatest respect brought us into the difficulty, and we were obliged to leave him to get out of it.³ The amendments were intended to injure the cause of federalism in your State, and had we agreed to them they were well calculated to effect it.

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington, Confederation Series*, VI, 282.

2. See the “Address of the Antifederalist Minority of the Maryland Convention,” 1 May (RCS:Md., 659–69).

3. Probably a reference to Thomas Johnson. See Daniel Carroll to James Madison, 28 May 1788 (below).

Boston Gazette, 26 May 1788

Extract of a letter from a Gentleman at Baltimore to his friend
at Newport, dated May 6, 1788

“No people are looked upon here with so much contempt as the antifederalists; & it is disreputable to be seen in company with any of them.”

**Daniel Carroll to James Madison
28 May 1788¹**

Yr favor (I believe of the 10th Ult) came to hand.² Inclosd is a paper containing the address of the minority of our Convention³—I wish it may be in my power to convey by Doctr. Stuart, a State[ment] drawn up^(a) by Mr. Hanson (one of the Co[m]ittee) of the proceedings, which will disclose some matters not mention’d in the Address, & may give a

different cast to those proceedings—he promised to send it after me—it is not yet come to hand—It is thought the address will be of little consequence in this State: It may however be of some with you to hear both sides. I can at present only send a copy of an address which was read in the Committee,⁴ and contendd by some of the federalists in that Committee, that it shou'd attend, or the substance of it, any amendments which they shou'd agree to recomēnd—This alone serves to give a different cast to the proceedings of the Committee than appears without it. As far as I have been inform'd, the truth is Mr Johnsons accomodating disposition, and a respect to his character lead the Majority into a Situation, out of which they found some difficulty to extricate themselves—I expect to meet Docr Stuart to morrow, and shall refer you to what may be in my power to communicate to him more particularly & am, My Dear Sir, with esteem and regard,

(a) See Hanson's letter to J.M.⁵

1. RC, Madison Papers, DLC. This second letter written by Carroll to Madison on 28 May (see RCS:Md., 824–28n, for the other letter) contained a one-page manuscript enclosure of the address of the majority of the Maryland Convention's committee on amendments. This address, with minor differences in words, appears in Alexander Contee Hanson's long manuscript narrative of the committee on amendments, which Hanson sent to Madison on 2 June (RCS:Md., 678–79).

2. Not found.

3. The address of the minority of the Maryland Convention first appeared in the Annapolis *Maryland Gazette*, 1 May (RCS:Md., 659–69), or as a broadside by the *Gazette's* printers.

4. See note 1 (above) for Carroll's enclosure of the address of the majority of the Maryland Convention's committee on amendments.

5. Hanson sent his narrative to Madison on 2 June (RCS:Md., 669–82).

Maryland Receives News of South Carolina's Ratification, 31 May 1788

News of South Carolina's ratification of the Constitution was probably first announced in Maryland in a no longer extant broadside printed in Baltimore on 31 May. Several newspaper accounts in Philadelphia on 3 June with a dateline of "*Baltimore, May 31, 1788*" appear to be reprintings of this non-extant broadside. A broadside printed in Trenton on 5 June by Frederick C. Quequelle and George M. Wilson, the printers of the New Jersey *Trenton Mercury*, also carried the "*BALTIMORE, May 31, 1788*" dateline and was probably similar to the original Baltimore broadside (Evans 21469).

The transcription of the four paragraphs printed here is taken from the *Maryland Journal*, 3 June. The Annapolis *Maryland Gazette*, 5 June, reprinted everything but the toasts. In addition to the Trenton broadside, thirty-seven other newspapers reprinted different permutations of the four paragraphs by 28 June: Vt. (1), N.H. (1), Mass. (5), R.I. (3), Conn. (3), N.Y. (7), Pa. (11), N.J. (1), Va. (4), S.C. (1). Only three newspapers printed all four paragraphs

that appeared in the *Maryland Journal*: the *Carlisle Gazette*, the *Winchester Virginia Gazette*, and the *Virginia Centinel* (all on 11 June). Twenty-seven newspapers reprinted the first paragraph in whole or in part, twenty-seven the second, thirty-two the third in whole or in part, and only six reprinted the paragraph with the toasts. The reprinting in the *Pennsylvania Packet*, 3 June, contained a prefatory statement: "A Gentleman who arrived in town yesterday from Baltimore, has favored us with the following important Intelligence." Some variation of this statement appeared in eighteen newspapers. The *Pennsylvania Journal*, 4 June, titled its reprinting: "The EIGHTH PILLAR, to the *New Constitution*." Only the *New York Packet*, 6 June, and the *Poughkeepsie Country Journal*, 10 June, repeated this title. After its reprinting of the first three paragraphs, the *Pennsylvania Gazette*, 4 June, printed a one-sentence paragraph: "On the receipt of the foregoing intelligence, the bells of Christ-Church were rung, and a general joy pervaded the city." The *New Haven Gazette*, 12 June, included this sentence at the end of its reprinting of the first three paragraphs.

A variant version of the report of South Carolina's ratification followed by the eight toasts appeared in the Baltimore *Maryland Gazette*, 3 June (Mfm:Md. 128), and was reprinted in full in the Philadelphia *Independent Gazetteer*, 6 June, and the Charleston *Columbian Herald*, 3 July.

The Sloop George, Capt Chace, which carried the Account of the Ratification of the Federal Constitution by this State to South-Carolina, returned on Saturday last, and brought the following interesting Information:

"On the 23d Instant, at Five o'Clock in the Evening, the Question was put, that the Convention assent to and ratify the Federal Constitution for the United States of America, upon which the Votes stood as follow:—For the Ratification, 149—against it, 73—Majority, 76."

South-Carolina is the Eighth State which has ratified the Constitution; and as it appears, from the best Authority, that Virginia is well disposed to its Adoption, and met in Convention Yesterday, we may flatter ourselves she will make the Ninth. Thus there is the strongest Probability, that, in a few Weeks, one of the greatest of human Revolutions will be accomplished—a free Government erected by a free People, capable of reviving our Trade, protecting our Manufactures, and rendering us happy at home, and respected abroad. There was a Discharge of Artillery from FEDERAL-HILL, on Saturday Evening, at Five o'Clock, IN HONOUR OF THE STATE OF SOUTH-CAROLINA.—A Number of Gentlemen convened at Mr. Grant's Tavern on the Occasion, when the following Toasts were drank to the Discharge of the Artillery.

1. The State of South-Carolina.
2. The South-Carolina Convention.
3. Our Sister Virginia.—May she soon complete the Arch of the grand Federal Building.

4. May the noble Spirit of the Minorities of the Conventions of Massachusetts and South-Carolina, be imitated by the Opposers of the Federal Constitution.

5. The illustrious GEORGE WASHINGTON.

6. The Federal Writers.

7. The Learning, Agriculture, Trade, and Manufactures of America.

8. May the Flag of the United States soon become a Favourite of the Ocean, and ever guard from Invasion the Liberties of America.

Baltimore Maryland Gazette, 3 June 1788¹

Constitution as agreed to by the Convention at Philadelphia, until within a few days of their rising.

I. WE, the people, of the States of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, N. York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, do ordain, declare and establish the following Constitution for ourselves and posterity.

ART. I.

The style of this Government shall be *the United States of America*.²

Constitution as altered a few days before the Convention rose, and as now offered to the United States.

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

Struck out.

REMARKS.

As the Constitution was first agreed to, it exhibits the people as already associated in *politic* capacities, as the people of New-Hampshire, Massachusetts-Bay, &c. and, of course maintaining those governments; and although they in that *corporate* capacity establish the following Constitution for themselves and their posterity, yet still it is done with respect to the governments *then* existing, and not by any means throwing off the existing compacts, and acting *as unassociated individuals*.—As altered, every appearance of the *existing* governments, under their respective Constitutions, is relinquished, the very names struck out, general purposes and powers given extending to every purpose of the social compact, and then *this Constitution* including all these purposes, is made the Constitution of the United States, without any reserve of the several States and their Constitutions then existing; and then this Constitution enacted for these unlimited purposes, we afterwards find is

expressly declared paramount to *all Constitutions*, and laws existing in the States.—It is said the alterations of nine States being sufficient to render it binding required this. It is nonsense, for if only nine States *agree* they are no more the people of the United States, then they are the people of the *disagreeing* States by name; but why put in those general and unlimited purposes and powers, and why strike out the first article containing the style of the government, which is that of a *confederacy*, and could only operate to resist the idea of one great consolidated government?

ART. V.³

The times, places, and manner of holding elections of the members of each house, shall be prescribed by the legislature of each State, but their provisions, concerning them, may at any time be *altered* by the legislature of the United States.

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law, *make*, or alter such regulations, except as to the places of chusing senators.

REMARKS.

The insertion of the word *make*, gives Congress an *original* power in this business, which could only be necessary in case the States are at some period to lose all existence; for the word *altering* as it at first stood, would extend to every necessary purpose, supposing the States continued in their existence.

ART. V.⁴

Sect. The legislature of the United States, shall have power to lay and collect taxes, duties, imposts and excises.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and *provide for the common defence and general welfare* of the United States.

REMARKS.

The original Constitution was very clear and express, cautiously avoiding the conferring of general powers, or powers in general terms, which amounts to the same thing—If these last powers are construed to extend to explain purposes to which money is to be applied, they are unnecessary; for the clause declaring and defining the manner of appropriation is sufficient—but the grammatical construction is a general grant of power—and in every view supposing it was intended to give a general and undefined power, I know of no manner so effectual as this giving them money for this general and undefined purpose.

To *call forth the aid* of the militia to execute the laws of the union, *enforce treaties*, suppress insurrections, and repel invasions.⁵

To *provide* for calling forth the militia to execute the *laws* of the union, suppress insurrections and repel invasions—To provide for organizing, arming and disciplining the militia, and governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

REMARKS.

As the Constitution stood at first, *to call forth the aid*, &c. it was in the style of *requisition*, in which all *original* power remained with the State.—The word PROVIDE gives an *original* power; lest the *providing* which must mean making provisions or laws for organizing, arming, disciplining and governing the militia, gives a compleat power, and subjects the yeomanry of this country, at any, and all times, to *martial* law, which is not restrained in this Constitution, as it is in Great-Britain.—The *infering treaties* is indeed struck out—but treaties being by a subsequent clause made *laws* of the land became unnecessary, as they may be called to execute *treaties* as *laws*—and the compleat power over militia being given Congress, the States can have no defence left to support their rights, if they have any.

No *navigation* act shall be passed without the consent of *two-thirds* of the members present in each house.⁶

ART. X.

The Executive power, &c. but shall not be elected a second time.⁷

ART. XI.

The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as shall, *when necessary*, from time to time, be constituted by the legislature of the U. States.

Struck out entirely, and it ought to be a *sine qua non* with the *southern States*.

The ineligibility struck out.

The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as Congress may from time to time ordain and establish.

Sect. 3. The jurisdiction of the *Supreme Court, &c.*⁸ The *Judicial power* shall extend, &c.

REMARKS.

The manifest idea of the first Constitution was to confine the jurisdiction of the United States to one general supreme court, with an appeal from the State courts in particular cases—although, *if necessary* (which was then only explained to extend to *revenue* cases) they might establish some inferior courts, but no jurisdiction was assigned them by the Constitution, but by the alteration all the powers of jurisdiction are extended to all inferior federal courts, which will render them very numerous of course, and lay the foundation of swallowing up the State jurisdictions.

ART. VII.⁹

The *acts of the legislature of the United States*, made in pursuance of this Constitution, and all *treaties* made under the authority of the United States, shall be the supreme law of *the several States*; and the judges of the several States shall be bound thereby in their decisions; any thing in the Constitutions or laws of the several States to the contrary notwithstanding.

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.

REMARKS.

A careful attention to the change in this clause will serve as a clue to all the other changes—in the clause as it first stood, only the acts of the legislature in pursuance of [a] defined Constitution, which admitted of no general expression, were to be construed paramount to the Constitution and laws—As it is altered—an undefined Constitution with full general powers is declared to supercede all the State Constitutions and whether in part, or in what part, or whether in toto, no man can presume to say—secondly, by inserting after treaties made these words *and shall be made* the Constitution has an *expost facto* force, which is contrary to those very principles it seems anxious to establish—but thirdly, the original clause, clearly demonstrated that it was the intention of the Convention to execute this new Constitution by means, and thro' the intervention of the States, as it says—they shall be the supreme law of the *several States*, and the judges of the several States, but the alteration into supreme law of *the land*, and the judges

in the several States, discover plainly the design of erecting one consolidating government universally pervading the land, and to be executed independant of the States and of course from necessity and on purpose abolishing them gradually, if it is not absolutely done by the very first alteration.—

Besides this, an appeal was then given both as to *law and fact*, at that late stage of the business, which effectually destroys the trial by jury in civil cases and may elude it in criminal cases—the establishment of the trial by jury in criminal cases only was not so important whilst it was intended to execute the Constitution thro’ the medium of the State courts—nor would a bill of rights have been so essential as the bills of rights of the several States and rights incorporated in the Constitutions of the several States, would have been binding on the State courts, where not expressly done away by the new Constitution, but the executing the laws of Congress by national courts, who cannot be bound by these bills of rights totally reverses the subject—Almost all the objections to the proposed Constitution are grounded on these alterations, effected contrary to the sense of Convention until within a few days of the end of their session.

1. Reprinted: Philadelphia *Independent Gazetteer*, 7 June; *New York Journal*, 17 June. The text in the left-hand column is taken from the draft constitution reported by the Committee of Detail on 6 August 1787 (CDR, 260–69). The printer’s misnumbering of Roman numerals after VI was corrected in CDR.

2. CDR, 260–61.

3. “VI. Sect. 1” in the Committee of Detail’s draft constitution (CDR, 262).

4. “VII. Sect. 1” (CDR, 264).

5. Under “VII. Sect. 1” (CDR, 264).

6. Under VII, Sect. 6 (CDR, 265).

7. “X. Sect. 1” (CDR, 266).

8. Under XI., Sections 1 and 3 (CDR, 267).

9. “VIII.” (CDR, 265).

Samuel Chase to John Lamb Baltimore, 13 June 1788¹

I returned from attending our General Court yesterday afternoon, and your letter, with one from *The federal Republicans* and several Inclosures,² were delivered only a few Minutes ago.—I will have the publications reprinted. I was always averse from the Adoption of the proposed Constitution unless certain Amendments to declare & secure the Great and essential Rights of the people could be *previously* obtained, because I thought if they could not be procured before the Ratification they very probably could not be obtained afterwards, and the Conduct of the Advocates of the Government confirm my Opinion. I am convinced that the principal Characters who support the Government will

not agree to any Amendments. A Declaration of Rights alone will be of no essential Service. some of the powers must be abridged or public liberty will be endangered, and in time destroyed. I have no Hopes that any attempt will be made to obtain *previous* Alterations, and I fear any attempt after Ratification will be without Effect. I consider the Constitution as radically defective in this Essential the Bulk of the people can have Nothing to say to it—The Government is not a Government of the people, it is not a Government of *Representation* the people do *not* chuse the House of Representatives. a Right of Election is declared but it can not be exercised. it is a useless nugatory Right. by no Mode of Choice by the people at large or in Districts can they chuse Representatives. the Right is immediate and given to all the people, but it is impracticable to be exercised by them. I believe a very great Majority of the people of this State are in favour of Amendments, but they are depressed and inactive. they have lost all their former Spirit, and seem ready to submit to any Master. Governor Smallwood, Mr Mercer, Mr J T Chase, our attorney General³ and a few more are decided against the Government.—An attempt will be made to elect none but *Federalists*, as they falsly call themselves, to our next House of Delegates. a violent Opposition will be made to Me in this Town and is already begun on the avowed principle.—I am called on for this—

I beg to be remembered to all the federal Republicans with You. I will instantly communicate to Governor Smallwood.

1. RC, Lamb Papers, NHi. In May 1788, before the ninth state had ratified, the New York Federal Republican Committee, a group of Antifederalists in and around New York City, with John Lamb, the customs collector for the Port of New York who was serving as committee chairman, wrote letters to prominent Antifederalists in six states seeking co-operation in adopting amendments to the Constitution. (See CC:750–A for an example of a letter.) This letter is Chase's reply.

2. Several Antifederalist publications were included among which was the pamphlet *An Additional Number of Letters from the Federal Farmer to the Republican* published in New York City on 2 May (CC:723).

3. Luther Martin.

Maryland Celebrates New Hampshire and Virginia Ratification 28 June–4 July 1788

Baltimore Celebration, 28 June 1788

Sometime on 27 June, Colonel David Henley, an express rider from New York City, brought news of New Hampshire's 21 June ratification of the Constitution to Baltimore. On the evening of the 28th, William Goddard of the

Maryland Journal received by express news that Virginia had ratified on 25 June. Goddard quickly struck a handbill announcing Virginia's ratification. Although the handbill has not been located, its contents have been reconstructed by comparing the *Maryland Journal's* account of 1 July (printed immediately below) with reports published in several out-of-state newspapers. It is likely that the handbill was headed "BALTIMORE, June 28. The TENTH PILLAR." The handbill may have included the vote total on ratification (incorrectly given as 88 to 78), the text of the Form of Ratification, a summary of a Richmond letter stating that the Virginia Convention rejected prior amendments by eight votes, and a notice that Baltimore would celebrate with "a discharge of artillery, from Federal-Hill, at 7 o'clock, and a display of fire-works, from the Court-House Hill, at 9."

Goddard reprinted the text of the handbill (minus the notice) in the *Maryland Journal* on 1 July, together with a description of the Baltimore celebration. The handbill's report was reprinted, in whole or almost so, in the *Carlisle Gazette*, 2 July; Philadelphia *Independent Gazetteer*, 2 July; *Pennsylvania Mercury*, 3 July; *Pittsburgh Gazette*, 12 July; and *Kentucky Gazette*, 26 July.

On 1 July Baltimore's other newspaper, the *Maryland Gazette*, also published the Virginia Form of Ratification, stating that it had been sent by express from Richmond to the merchants of Baltimore. Following the Form, the *Gazette* noted: "The important question was decided in Virginia by 89 ays against 79 noes. Previous amendments were rejected by 88 against 80. The information adds, that subsequent amendments would be recommended; but were still to be settled." The *Gazette* also described the Baltimore celebration (below).

Maryland Journal, 1 July 1788

The TENTH PILLAR.

IMPORTANT INTELLIGENCE (received last Saturday Evening) from VIRGINIA; communicated by Col. VAN HORNE, to the Printer hereof, (by Express from Alexandria) for the Gratification of *this Federal Community*.

RATIFICATION of the New Constitution, by the Convention of Virginia, on Wednesday last, by a Majority of 10; 88 agreeing, and 78 dissenting to its Adoption.

[The Virginia Form of Ratification appears here.]

A Letter from Richmond advises, that a Motion for previous Amendments was rejected by a Majority of Eight; but, that some Days would be passed in considering subsequent Amendments, and these, it appeared, from the Temper of the Convention, would be *recommended*.¹

The above Intelligence having been announced to the Public in Handbills, it was received with the strongest Demonstrations of patriotic Joy. An immediate Discharge of Artillery took Place on Federal-Hill, and on board several Vessels^(a) in the Harbour, with a Display of Fire-Works from the Court House:—After which a Number of Citizens, partook of an elegant Entertainment at the Fountain-Inn.—Social Mirth

and Hilarity pervaded each Federal Heart, and crowned the festive Board.—The following TOASTS were drank on the happy Occasion.

1. The New Constitution.
2. Our Sisters Virginia and New-Hampshire, and the other States which have adopted the Constitution.
3. The illustrious GEORGE WASHINGTON.
4. May the Virtue of the People remain unshaken, and none but decided Friends to the Constitution be chosen to put it in Motion.
5. A speedy Revival of Public and Private Credit.
6. Wise Federal Laws, and well executed.
7. The Learning, Agriculture, Manufactures and Commerce of America.
8. The Flag of the United States of America.
9. The PRINCE who assisted America in establishing INDEPENDENCE.
10. May the Liberty of America be perpetual.

(a) *On this Occasion, the Brig William, of Waterford, was particularly distinguished.*

There cannot be a more agreeable Prospect, to a Lover of Mankind, (observes a Correspondent) than what AMERICA presents at this Moment—An energetic Government, capable of producing the greatest Blessings ratified by *Ten* States, and likely to be adopted by the remaining *Three*. What a Variety of Interests does this Government combine and promote!—The FARMER will soon be called upon to furnish the raw Materials for the Manufactures of Woollen, Hemp, Flax, Cotton, Leather, &c. He must also provide Food for the Hands which must be employed in these Manufactures. The Manufacturer, on the other Hand, will soon be enabled by general Duties and Imposts to supply our Home Consumption, and next to supply Foreign Markets. The MERCHANT, who lives by the Exchange and Transportation of Commodities, will find the Objects and Sphere of his Profession multiplied and enlarged, while the Extension of Commerce and the Necessity for establishing the Means of a Marine, will afford incessant Employment for all those concerned in Shipbuilding. The general Morals of the People will be no longer ensnared by fictitious Money, or corrupted by Laws destructive of the sacred Obligations of Contracts. Harmony will be preserved, and Credit extended between the Citizens of the different States, by the Establishment of Courts where State Laws can have no Influence. The Policy and Propriety of encouraging and protecting Manufactures by Duties and Imposts, will keep Money in the Country, while the Duties and Imposts, properly managed, will render other

Taxes unnecessary. From this summary View of the many Interests affected by the FEDERAL CONSTITUTION, we may perceive, why it has been so generally approved; and building upon the goodness of the Government, and the Disposition of the People to have it wisely administered, we may venture to felicitate our dear Country on long Years of PEACE, HAPPINESS and PROSPERITY!

A Correspondent observes, that “although we have received no Intelligence from Annapolis, there can be no Doubt but that his Excellency and the honourable the Council, who are strictly federal, were highly delighted on hearing of the Adoption of the Constitution by the Tenth State, and rewarded very liberally the Express who carried it. We wait, however, with Impatience for the Account of the splendid Entertainment given by his Excellency to the Citizens, with his Round of federal Toasts.”

*Baltimore Maryland Gazette, 1 July 1788*²

We are happy to congratulate our distant readers upon the adoption and ratification of the federal Constitution by the States of New-Hampshire and Virginia. The ratification in the former was carried on the 21st ultimo, and in the latter on the 25th. The account of these interesting events was received by the inhabitants of this place with every demonstration of heart-felt satisfaction, and we dare say will give equal pleasure in almost every part of the State. On Saturday evening the artillery were fired from Federal-Hill, and some very beautiful fireworks displayed from the Court-house hill, after which a number of citizens partook of an elegant supper at Mr. Grant’s. The following toasts were drank on that occasion.

[For the toasts, see *Maryland Journal*, 1 July (immediately above).]

1. This summary of a Richmond letter was reprinted in the Annapolis *Maryland Gazette*, 3 July, in broadsides published in New York City and Poughkeepsie, N.Y. (Evans 21559, 45393), and in fourteen out-of-state newspapers by 26 July: N.H. (1), Mass. (4), Conn. (2), N.Y. (1), Pa. (5), Va. (1).

After the Virginia Convention adopted recommendatory amendments, some Maryland Federalists apparently became alarmed. On 6 July a Maryland “gentleman” wrote that “It was for a long time doubtful whether the convention of Virginia would embrace the new federal faith or not, and it was carried at last but by a very small majority. They have however clogged it with a bill of rights and some considerable amendments, which have damped the spirits of many of our furious and zealous federalists” (Philadelphia *Independent Gazetteer*, 11 July).

2. Reprinted: *Pennsylvania Mercury*, 5 July; *New York Journal*, 9 July.

Elkton Celebration, 4 July 1788*Baltimore Maryland Journal, 11 July 1788*

Mr. GODDARD,

SIR, The inhabitants of Elkton, in Cecil County, on hearing that the States of New-Hampshire and Virginia had ratified the Constitution, unanimously agreed to celebrate the 4th of July as the Anniversary of Independence, which now appears with brighter Lustre.

The Business of the Day was introduced by a Sermon, well adapted to the Occasion, from these Words, “*Stand fast in the Liberty wherewith Christ hath made you free.*”¹ The Assembly then proceeded, in regular Order, to the Place appointed, where they partook of an elegant Repast, well prepared, and orderly served up—After upwards of Two Hundred People had dined, the following Thirteen Toasts were given from the Head, and resounded along the Table, with real Joy and Gladness of Heart, and drank under a Discharge of Cannon:

1. The Federal Constitution.
2. The States which have adopted the Constitution.
3. A speedy Ratification by the remaining Three.
4. The illustrious GEORGE WASHINGTON.
5. His Most Christian Majesty, and our other Allies.
6. A speedy Revival of public and private Credit.
7. Wise Federal Laws, and may they be well executed.
8. The Memory of those brave Officers and Soldiers who have fallen in Defence of America.
9. May the American Flag be respected in every Part of the Globe.
10. May the Liberty of America be perpetual.
11. May the Virtue of the People remain unshaken.
12. May the Seat of the Federal Government be fixed at the Junction of the Three States.^(a)
13. The Federalists all over the World, as well as the Friends of America.

Afterwards Ten Toasts were drank under a Discharge of Cannon, viz. each State that hath adopted, in the same Order as they met and ratified the Constitution. The Company then broke up and returned home, highly gratified with their Entertainment, the Care and Attention of the Gentlemen that provided and directed it, and the Occasion of their meeting.

Your humble Servant,
July 5, 1788.

D. SMITH²

(a) *The Place intended is Six Miles from Elkton, near New-Ark, a Corner Stone and Boundary of Pennsylvania, Maryland and Delaware.*³

*Pennsylvania Mercury, 15 July 1788*⁴

Extract of a letter from Head of Elk, July 7.

“Your late favour came duly to my hand, fraught with good news of the ratification of the Federal Government by New-Hampshire—and at the same instant of time, I received a letter from Richmond, with the additional felicity of the adoption of the Constitution by Virginia, which pleasing event drew together a number of your old friends and acquaintances; and as the Anniversary of Independence was at hand, we agreed to celebrate the glad tidings on that memorable day. Accordingly, on the 4th of July, the meeting was opened by prayers, and a sermon very suitable to the occasion by the Rev. Joseph Cowden, from these words, ‘Stand fast in the delivery, wherewith Christ hath made you free.’⁵

“The principal part of the audience, and some hundred ladies and gentlemen of this county, proceeded to a rural situation on the banks of Elk, where an elegant repast was provided, and joyously partook of. Every countenance was expressive of the satisfaction and felicity they experienced on the occasion—and the following toasts were drank attended with the discharge of cannon.

“1. The Fœderal Constitution. 2. The States which have adopted the Constitution. 3. A speedy ratification by the remaining three States. 4. The illustrious George Washington. 5. His most Christian Majesty and our other allies. 6. A speedy revival of public and private credit. 7. Wise Federal Laws, and may they be well executed. 8. The memory of those who fell in defence of American Liberty. 9. May the American flag be respected in every part of the globe. 10. May the Liberty of America be perpetual. 11. May the virtues of her sons remain unshaken, and her daughters be blessed with good husbands. ^(a)12. May the seat of the Federal Government be fixed at the junction of the three states, viz. Maryland, Delaware, and Pennsylvania. 13. The federalists throughout America, as well as freedom of conscience.

“After a short interval, volunteer toasts were drank to the ten states in union, under the ratification of the New Constitution, agreeable to their several orders of time, under the discharge of cannon.—The assembly then returned home in the greatest harmony of spirits, highly pleased with the day, as well as with the joyous occasion.”

(a) The junction of the three states, alluded to in the 12th toast, is on a high, commanding, healthy country, a few miles north west of the village of New Ark, and north of Elkton; and as the Old Ark saved the elect in the Old World, so may a NEW ARK be erected to save the United States from a deluge of anarchy.⁶

1. Galatians 5:1.

2. David Smith (c. 1739–c. 1813), a lawyer, was Cecil County register of wills, 1777–1813.

3. For more on the location of the federal capital in Maryland, see Appendix IX (RCS:Md., 909–13).

4. Reprinted: *Pennsylvania Packet*, 16 July; *New York Morning Post*, 17 July.

5. See note 1 (above).

6. See note 3 (above).

Frederick Celebration, 4 July 1788

Maryland Journal, 11 July 1788¹

FREDERICK, JULY 7.

The glad Tidings of the complete Adoption of the Federal Government, by the Accession of Virginia and New-Hampshire, having reached this Place, the Friends of the Government determined to celebrate the most interesting Event. Fortunately the Anniversary of the Declaration of Independence being nearly arrived, they resolved to consolidate the Rejoicings on those two memorable Acts. A Dinner was prepared, the 4th Instant, on the Cannon-Hill, about Two o'Clock, where a respectable Number of the Inhabitants met and dined together in the most perfect Harmony; and the Remainder of the Day was spent with great Mirth and good Humour.

The following Toasts were drank after Dinner, and an 28-Pounder was fired, on a Signal being given, after each Toast:

1. The Ten Confederating States.
2. The speedy Accession of New-York and North-Carolina; and the Revival of Public Virtue in the remaining 13th State.
3. May there be no further Obstruction to the complete Organization of the Federal Government.
4. May the Saviour of America gratify the ardent Wishes of his Countrymen, by accepting that Post which the Voice of Mankind has assigned him.
5. The King and Nation of France.
6. The Memory of the deceased Heroes, and Patriot-Statesmen of America.

7. The surviving Officers and Soldiers of the late American Army.
8. The Framers and Supporters of the Federal Plan of Government.
9. May the late Opposers of the Federal Government exhibit an Example of Candour and Patriotism.
10. May the Example of the New World enlighten the Nations of the Old; and may America remain an Asylum for the injured and oppressed of every other Country.

1. Reprinted: *Pennsylvania Packet*, 19 July; *Pennsylvania Mercury*, 22 July.

Havre de Grace Celebration, 4 July 1788

Baltimore Maryland Gazette, 8 July 1788¹

Havre-de-Grace, July 5, 1788.

The agreeable news of the tenth pillar being added to the federal fabric, yesterday the glorious era of American independence, the respectable inhabitants of the country, in union with those of the town, convened here, to testify their reciprocal joy on this decided and important occasion—A neat and symbolical procession was formed by the various orders and professions of people, and with martial music and streamers displayed, they proceeded contiguous to the Banks of Susquehanna, where an ox was prepared for the refreshment of the company.—Mutual good will, and the rising glory of America, appeared to pervade every heart, and gladden every countenance, whilst the majestic Chesapeake in one view, and the boundless and luxuriant Susquehanna on the other, anticipated to every generous breast the future growing celebrity of this elegant and unrivalled spot²—The following toasts were drank—

1. May the agreeable recollections of this day be as lasting as time!
2. Liberty and happiness to all the world.
3. The man of the people—George Washington, Esquire.
4. The memory of the departed patriots.
5. Industry, agriculture, and commerce.
6. The arts and sciences of America.
7. Wise rectors and virtuous citizens.
8. May good example always be imitated.
9. May federalism every where be triumphant.
10. Success to Havre-de-Grace.

1. This item also appeared in the *Maryland Journal*, 8 July, and was reprinted in the *Pennsylvania Packet*, 14 July.

2. Havre de Grace was a port town in Harford County on the west side of the Susquehanna River where the river enters Chesapeake Bay.

Talbot Celebration, 4 July 1788*Maryland Journal, 15 July 1788*¹*TALBOT, July 7, 1788.*

On Monday, the 30th of June, we received the joyful and interesting Intelligence of the Ratification of the Federal Government by the States of Virginia and New-Hampshire. Words are too weak to describe, and none but the federal Heart can conceive, the Transport and Extacy that instantly glowed in every Countenance.—It was immediately proposed and agreed, that this great and auspicious Event should be celebrated on the succeeding Friday, being the Anniversary of our Freedom and Independence.—Accordingly on Friday, the 4th of July, a Number of Gentlemen assembled at Talbot, the County Town, where an elegant Dinner was prepared at Mr. Corner's Tavern.—The utmost Hilarity, Joy, and Heart-felt satisfaction prevailed during the Repast, each Man congratulating his Neighbour, and others, on the pleasing Prospect now opening to us. Agriculture, Commerce and Manufactures, with all their smiling Train, rose in Succession to our warmed Fancies, and excited Sensations above all Description.—Dinner being over, the following Toasts were drank under a Discharge of Cannon.—

1st. The Federal Government.—*May it last as long as Time itself, and be the Source of endless Felicity to the Citizens of America.*

2d. The late Federal Convention.—*May their Virtue be transmitted to the latest Posterity, and may every American retain a grateful Sense of their patriotic Exertions.*

3d. The late Convention of Maryland.—*May their Firmness be rewarded by seeing good Government and Happiness established in their Country.*

4th. The United States of America.—*May they ever be the Seat of Liberty, Learning and Virtue, and may they prove an Asylum to all who fly to them.*

5th. The Federalists throughout the Union.—*May all their Hopes for Happiness under the Federal Government be realized; and may their Choice of a President, Vice-President, and Legislature of the United States, be a happy Presage of their future Prosperity.*

6th. Louis XVIth, King of France.—*May he continue to be the Friend of invaded Liberty and oppressed Virtue.*

7th. George Washington, Esq;—*May he long live, and add Lustre to the highest Seat in the Temple of Fame.*

8th. The Friends of the United States of America all over the World.—*May THEY continue their Friendship, and WE continue to deserve it.*

9th. To the Memory of our fallen Heroes and departed Friends.—*May the Blood they have shed, and the Struggles they have made for American Liberty, cement our Union, and stimulate us to deserve so worthy Benefactors.*

10th. The States that have not yet confederated.—*May they have Wisdom to discern, and Virtue to imitate, the noble Conduct of their Sister States.*

11th. John Adams, Esq;—*A welcome Return to this worthy Veteran in the Cause of America.*

12th. Mr. Jefferson.—*May all his Wishes for American Happiness be fulfilled, and all his endeavours be crowned with Success.*

13th. The Anniversary of American Independence.—*May the annual Return of this Day excite us to great and noble Actions; and may we ever retain a grateful Sense of the Merits of those who have made it conspicuous in the American Calendar.*

Nothing could exceed the Joy and Harmony that prevailed on this happy Occasion, till nearly at the Conclusion, Two worthy Men, who most cheerfully had served as Artillery-Men, were wounded by the accidentally going off of a Gun, that had not been properly wormed and sponged—One of these poor Men had his Arm so terribly shattered, that the Surgeons, who were happily of the Company, were obliged immediately to take it off; the other had the first Joint of his Thumb, with which he was stopping the Touch-Hole, blown off—But we have the Consolation to know that these unfortunate Men will have every Attention and Assistance given them by the Surgeons, that feeling Hearts and a perfect Knowledge of their Business can afford them—The Business of this festive Day being over, and the unhappy Sufferers properly taken Care of, the Company parted in the utmost good Humour, and with the fullest Confidence, that the Revolution of 1788, will be attended with much more important Consequences to the Interests of Mankind in general, than that of 1688 was to Great-Britain in particular.

1. Reprinted in the *Pennsylvania Packet*, 22 July, as an “*Extract of a letter from Talbot, July 7.*” The *Pennsylvania Journal*, 23 July, reprinted only the first paragraph.

Baltimore Maryland Gazette, 1 July 1788

A correspondent observes that America may *now* boast of the most unexceptionable government in the world; a government possessing the republican principle in its utmost purity, and in every branch; and, at the same time, capable of procuring and securing to a numerous and increasing people, attracted from many different nations, all the blessings of the mildest monarchy without any of its evils. Thus in the course of about *nine* months, we have seen a revolution effected without fraud, force or bloodshed, by which all the causes of enmity between the different States are eternally extinguished, and *justice* and *liberality* established as the corner-stones of the American government. May this

government be perpetual, and may the poor and oppressed of every country and religion, find under it a relief from poverty and a security against tyrants!

John Brown Cutting to Thomas Jefferson
London, 11 July 1788 (excerpts)¹

. . . When I contemplate such events² and the probability that similar ones—might be engendered in various quarters of the union—unless a strong superintending power vest in the general government capable to curb individual licentiousness and suffocate the germ of future discord; I am not surprized at the energy of almost the whole body of our enlighten'd and leading characters in every state who otherwise wou'd seem actuated with an unnecessary if not intemperate zeal in a great and a good cause. Thus a person who were superficially to peruse the proceedings even of the liberal and patriotic Convention of Maryland wou'd be led to imagine that the objections and arguments of the Minority were treated with too much levity & even disdain by the majority. Whereas a minute scrutiny into the motives and the measures of each party wou'd satisfy a candid enquirer. It is not a solecism to say that the opposition to a thorough reform of the fœderal government began in Maryland even before the agitation of the question in the general Convention at Philadelphia. Mr Martin, the attorney general, who was primarily appointed to that office by Mr Chase, was by the same influence deputed to represent the state after Messrs Carrol, Johnson &c &c the first choice of the legislature declined quitting Maryland even upon the important business of new-framing the national government. Mr Chase having just before menaced the senate for rejecting a wide emission of paper money—and appealed to the people against them—they had joined in that general issue and cou'd not venture to relinquish to a violent and headstrong party their active influence in the senate as well as in the lower house—at the very moment—when it was so essentially needed to stem the torrent of the populace for the paper. Those Gentlemen therefore remained at home convinced their fellow citizen of their superior rectitude and wisdom and defeated that favourite measure of Mr Chase: meanwhile Mr Martin and Mr John F. Mercer—a young gentleman whom you well know—went to the general Convention—opposed the great leading features of the plan which was afterwards promulged withdrew themselves from any signature of it—and from the moment when it was proposed for ratification in conjunction with Mr Chase and his sure coadjutor Mr Paca exerted every effort to hinder its adoption. So far did Mr Martin proceed in his

avowed hostility, as even to detail in the face of decency before the assembled Legislature of Maryland the petty dialogues and paltry anecdotes of every description that came to his knowledge in conventional committees and private conversations with the respective members of the Convention when at Philadelphia. I blush'd in my own bed-chamber when I read his speech on this side of the Atlantic. An hostility so premature and determin'd did certainly render those Gentlemen who waged it obnoxious to many of their fellow citizens who likewise recollected their warm conduct relevant to the bills of credit which they had so recently urged Maryland to issue. When the Convention met on the 21st of April whatsoever proposition came from Messrs. Chase, Paca, Martin or Mercer was viewed with jealousy or disgust and generally rejected by a great majority. Nay so far did this disposition to neglect their sentiments prevail that even to their well grounded objections and most cogent arguments no reply was made a great majority remained inflexibly silent or called for the main question which on saturday the 26th was carried by 63 to 11. After which Mr Paca renewed a proposition which had been rejected the day before for the appointment of a committee to consider and report what amendments shou'd be recommended by the convention of Maryland—when 66 voted for such a committee And accordingly Mr. Paca Messrs. Johnson, S. Chase, Potts, Mercer, Goldsborough, Tighlman, Hanson J. T. Chase W. Tighlman, Lee, McHenry and Gale were appointed. Upon the following amendments the Committee agreed.

[For the thirteen amendments agreed to by the committee and the fifteen amendments rejected by the committee, see RCS:Md., 663–66. Cutting did not quote the commentary provided by the Convention minority for several of the amendments.]

The introduction of these articles—especially the 7th and 13th³—alarmed and gave offence to many of those among the majority who suspected the motives of Mr Chase and his particular associates to be sinister and altogether hostile to any effectual plan of national government. And on Monday the 29th while the Committee were sitting the Convention upon motion resolved, “That this convention will consider of no propositions for the amendment of the fœderal government, except such as shall be submitted to them by the Committee of thirteen.” Upon which the Committee being sent for by the Convention, a majority of them determined, that they wou'd make no report of any amendments whatsoever. The Convention then immediately adjourned sine die.

Since which William Paca, Messrs. S. and J. T. Chase and John F. Mercer, members of the Committee, and Messrs. Martin, Cockey, Harrison, Love, Cromwell, Pinkney and 2 Ridgley's—members of Convention, have appeal'd to the public, complaining of the Convention, defending their own conduct and asserting that they “consider the proposed form of national government as very defective, and that the liberty and happiness of the people will be endangered if the system be not greatly changed and alter'd.”⁴

I have undertaken this local detail because I thought it might not be unentertaining to you especially if you have seen no other narrative of the proceedings in Maryland except that which in a Boston paper of May 23⁵ I transmitted to you through Mr Parker. . . .

If a good private opportunity occurs soon I will transmit you a pamphlet or two lately written in various parts of the Union. The most inferior I have perused upon the federal government is attributed (erroneously I believe) to Mr St George Tucker. Judge Hanson of Maryland treats the same topic well.⁶ But Mr Maddison (who I am assured is the *genuine* author of the two volumes of essays signed publius—and heretofore given to Col. Hamilton of New York) it is agreed transcends every politician who has attempted to explain or defend any system of federal Polity. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XIII, 331–38. Cutting (c. 1755–1831), a native of Boston, went to England to study law, was “a ministerial amanuensis” to John Adams, U.S. minister to Britain, in 1787, and was now the attorney for a group with claims against South Carolina.

2. In the first portion of the letter omitted here, Cutting discussed discontent and potential violence in frontier North Carolina.

3. Rejected amendment 7 dealt with the regulation of commerce and navigation acts, while 13 dealt with impost duties and state quotas to cover the federal government's expenses.

4. See the “Address of the Antifederalist Minority of the Maryland Convention,” 1 May 1788, for the quoted material (RCS:Md., 668).

5. Cutting is referring to the 23 May issue of the *Massachusetts Gazette*, which reprinted the Maryland Convention proceedings for 26, 28, and 29 April from the *Maryland Journal*, 2 May (RCS:Md., 648, 652–55n, 655–56).

6. For Alexander Contee Hanson's pamphlet, see “Aristides: Remarks on the Proposed Plan of a Federal Government,” 31 January–27 March (RCS:Md., 224–66n).

John Francis Mercer: Opposition to the Constitution in Maryland and the Virginia Convention, 29 July–17 August 1788

On 8 July 1788 John Francis Mercer obtained from Virginia Antifederalist George Mason a certificate denying that Mercer had informed him or other members of the Virginia Convention that Marylanders would take up arms

against the Constitution. James Mercer also made out a certificate on the same day stating that he knew nothing about the matter. John Francis Mercer had copies of certificates published in the Annapolis *Maryland Gazette* on 7 August and had copies delivered to Chestertown Federalist William Tilghman. Mercer and Tilghman exchanged letters on the matter that could have led to a duel, and Tilghman tried to obtain proof that he had not said that the report about Mercer was true.

John Francis Mercer to William Tilghman
Annapolis, 29 July 1788¹

My Brother Mr. Robert Mercer waits on you with two Certificates, the one from George Mason Esqr. of Virginia, the other from the Honble James Mercer of that State.—

You thought proper to mention as I am inform'd in a public Company at Chester Town the Report, which these are intended to disprove—You cannot but be sensible Sr. that when a Man of Character, circulates a Report even without the terms of authentication which I am told you used—the Report takes its currency from the character which propagates it—You must be therefore satisfied that you have done me an equal if not a greater injury than the fabricater of this falsehood, for from y[o]ur general reputation & my own observation I persuade myself that you [are] incapable of so dishonorable an Act as framing a deliberate slander—

From my first stepping into life I have made it an invariable maxim to promote as far as in my power the views & reputation of those young American Gentlemen who promised to be useful to themselves, their Country or friends, & altho' I have felt no personal good effects from this line of Conduct, yet I shall not lightly quit it—

It is not therefore my desire that you should take any steps which might prove injurious to yourself—but I sincerely wish that your own disposition would lead you voluntarily to pursue that line of Conduct to do me justice, which a true sense of honor would direct & which may prove satisfactory to myself—

With a Wife & young family whose welfare depends on my life, I should dishonor both my head & my heart by discovering too great a promptitude to seek reencounters which may terminate fatally—In this view nothing but the last necessity will prevail on me to adopt the painful alternative of conveying you another address on this subject—

William Tilghman to John Francis Mercer
Fasley, 2 August 1788²

I should be extremely sorry to do even an unintentional injury to the Character of any man—With respect to the subject of your letter

I shall chearfully give you such satisfaction as a man of honor is bound to render—It was publicly reported in Chester Town that you had writ to your brother in Virginia, that the people of Maryland were so discontented with the proceedings of the late Convention that they would take up arms unless a new Convention was called—I do not at present remember the That your letter had produced a considerable effect in the Virginia Convention; & was thought to be of so much consequence that the federalists had sent a Gentleman to Maryland to procure depositions to disprove it—This was mentioned by myself as well as others in a public company at Worrell's Tavern—But as I never received any information which I looked upon to be authentic, so I am very sure that I never mentioned took upon me to vouch for the truth of the report—There were so many Gentlemen present, that some of them must recollect the manner of my Expression—To the best of my remembrance I spoke with caution as to the truth of the report, but expressed myself with warmth as to your conduct, if such a letter had been written—That it never was not the certificates of your brother & Col. George Mason which have been shewn to me, have given me satisfaction, & I should be wanting in justice to myself as well as to you, not to add that it will give me pain if even a misrepresentation of what fell from me, has given weight to an injurious calumny—You do me justice in supposing that I am incapable of the baseness of deliberate slander—I do not at present recollect from whom I first heard the report in question, but should it be deemed of any consequence I imagine it might be traced to its introduction into Chester Town—
[P.S.] As I understand from your brother that my name has been frequently used in this matter on the western shore, I can have no objection to your shewing this letter to any person you think proper—

Annapolis Maryland Gazette, 7 August 1788

Being informed by colonel John [Francis] Mercer, that reports have been circulated in Maryland, that he (colonel Mercer) had written to his brother, James Mercer, Esq; informing him, that the people of Maryland were so averse to the new constitution of government recommended by the late federal convention, that they would take up arms against it; that this information had been communicated by some of the members, and particularly by me, to the Virginia convention; in consequence whereof some persons had come from the Virginia convention to Maryland, to make inquiry, and take depositions respecting it—I do hereby certify, that no such communication was made to the Virginia convention by me, nor by any other member, to my knowledge,

nor any such measure as taking depositions in Maryland, mentioned, that I heard of, during my attendance in convention, which was very constant, from the beginning to the end of it.—That James Mercer, Esq; never communicated to me any letter from his brother colonel John Mercer, informing him, that the people of Maryland would take up arms against the said new government; nor do I believe that there is any foundation for the above mentioned reports, having never heard them in Richmond, or any where else, until this day, from colonel John Mercer himself.

Given under my hand, in Stafford county, in Virginia, this 8th day of June, 1788.

G. MASON.

This is the certificate I refer to in my certificate of this date.

JAMES MERCER.

July 8, 1788.

July 8, 1788.

My brother, John Mercer, Esq; of Annapolis, having shewn me a certificate of colonel George Mason's (which, to identify, is subscribed with my name) in confirmation of what colonel Mason says, I do certify, I never received from my brother any such information, or to that purpose, as contained in colonel Mason's certificate, nor did I ever communicate to colonel Mason, or any other person, any such information—And I further certify, that though I was in the city of Richmond eight days during the sitting of the convention, and heard much out of doors conversation respecting the Maryland convention, and the sentiments of the people of that state, I never heard any thing like the matter contained in colonel Mason's certificate, until I read the same when shewn to me by my brother.

JAMES MERCER.³

Annapolis, July 29, 1788.

The foregoing certificates are not published with an intention to revive any question relative to the new continental government, or to disclaim or avow the opinion conveyed in the information imputed to me, but solely to expose the malice of those calumniators who fabricated and propagated the report. I have never written to but four persons in the state of Virginia respecting this government since its publication, nor is it mentioned but in seven letters (to the best of my recollection) and in some of these but slightly, being complicated with my private business. I have taken pains to regain what I have written on this subject, and am in possession of all that has been received or preserved (as I believe) except one letter to governor Randolph, which I have written for. These letters I now retain, for the perusal of any

gentleman; and for the truth of the facts they contain, and the substantiality of the opinions delivered in them, I hold myself answerable to the public and individuals.—This measure is truly disagreeable and painful, particularly as it exposes letters highly confidential and of a private nature, but I know of no other method of effectually exposing the slanders which have been propagated respecting them.

JOHN F. MERCER.

James Hollyday to William Tilghman
17 August 1788⁴

In compliance with your request, I have endeavour'd to recollect a conversation, which passed sometime in June last, at Worrell's, relating to Colo. Mercer—A letter, which, it had been reported, Colo. Mercer wrote to some Friend in Virginia, was the Subject—You and several others expressed, with some warmth, a disapprobation of the Colonel's conduct, but I do not recollect, nor do I believe that you undertook to say that Colo. Mercer did write such a letter, or that you had any particular information about it—

1. RC, Tilghman Papers, MS 2821, MdHi. The letter includes copies of an 8 July certificate of James Mercer and an 8 June certificate of George Mason. At the bottom of the certificates Robert Mercer on 2 July (probably 2 August) noted "The above are exact copies of the two certificates delivered by me to Mr Wm Tilghman this day." For the certificates, see the *Annapolis Maryland Gazette*, 7 August, in this grouping.

2. FC, Tilghman Papers, MS 2821, MdHi. Tilghman docketed the letter: "Copy of answer/to Col. Mercer/Aug. 2, 88." "Fasley" was the home of Tilghman's parents in Talbot County.

3. James Mercer (1736–1793), John Francis' half brother, was a Fredericksburg lawyer and judge on the Virginia General Court, 1780–89. James' mother, Catherine Mason, was an aunt of George Mason.

4. RC, Tilghman Papers, MS 2821, MdHi. Docketed: "Letter from J./Hollyday—/Aug. 17.88—/Stating Conversation/about Mercer." Hollyday (1758–1807), a lawyer, resided at "Readbourne" in Queen Anne's County. He voted to ratify the Constitution in the Maryland Convention, represented Queen Anne's County in the House of Delegates, 1788, and was a state senator from the Eastern Shore for much of the 1790s.

George Washington and the Maryland Convention 31 August, 10 October 1788

By mid-June George Washington had heard that a report was being circulated among delegates to the Virginia Convention that his views on the Constitution had been taken notice of in the Maryland Convention (Washington to David Stuart, 23 June [Mfm:Md. 138]). By 10 July, Washington had received information that former Maryland governor Thomas Johnson was allegedly so offended by a letter from Washington to him on 20 April that he worked to obtain amendments in the Maryland Convention. (See "George Washington

and the Maryland Convention," 20, 27 April [RCS:Md., 523], for the 20 April letter.) Washington wrote to Johnson on 31 August asking if his source was mistaken, and Johnson responded on 10 October.

George Washington to Thomas Johnson
*Mount Vernon, 31 August 1788*¹

I shall be obliged to you for informing me, what foundation there is for so much of the following extract of a letter from Doctr. Brooke at Fredericksburgh to Doctr. Stuart of this County, as relates to the officious light in which my conduct was viewed for havg written the letter alluded to—

Since then, I was informed by “the Honourable James Mercer, that his Brother Colo. John Mercer, who was at that time (July 10th) in this town, was furnished with documents to prove, that General Washington had wrote a letter upon the present constitution, to Governor Johnson of Maryland; and that Governor Johnson was so much displeasd with the officiousness of General Washington, as to induce him to take an active part in bringing about the amendments proposed by a Committee of the Convention of Maryland.”²—

If the letter which I wrote to you at Annapolis, while the Convention of your State was in Session, was so considered, I have only to regret that it ever escaped me.—My motives were declared.—Having such proofs as were satisfactory to me, that, the intention of the leaders of Opposition was to effect an adjournment of your Convention (if a direct attack should be found unlikely to succeed) I conceived that a hint of it could not be displeasing to the Supporters of the proposed Constitution—in which light, as well from a letter I had received from you,³ as from universal report & belief, I had placed you—for I defy any anti-federalist to say, with truth, that I ever wrote to, or exchanged a word with him on the subject of the New Constitution if (the latter) was not forced upon me in a manner not to be avoided.—Nothing therefore could be more foreign from my design than to attempt to make proselytes, or to obtrude my opinions with a view to influence the judgment of any one.—The first wish of my heart, from the beginning of the business, was, that a dispassionate enquiry, free from sinister & local considerations might, under the existing, & impending circumstances of this Country, (which could not be unknown to any Man of observation & reflexion) take place; and an impartial judgment formed of it.—

I have no other object, Sir, for making this enquiry, than merely to satisfy myself whether the information (for information was all I had in view) was considered by you as an improper interference on my

part,—or, that the *documents*, and *interpretation* of this matter, by Colo. Mercer, is the effect of one of those mistakes, which he is so apt to fall into.—

⟨With very great esteem & regard⟩⁴ I am—Dear Sir Yr Most Obedt Hble Servt

Thomas Johnson to George Washington
*Frederick, 10 October 1788*⁵

I lately received your Letter of the 31st of August; scarce any Thing could have surprised me more than the Occasion of it for instead of being displeas'd I thought myself much oblig'd by the Letter you wrote me in the Time of our Convention—To strengthen the Friends of the new Constitution and expedite it's Adoption I shew'd that and other Letters containing much the same Information and Sentiments to some Gent. and mention'd them to others a strange Conduct had I been under the Impressions suggest'd! nor do I recollect any Conduct of mine which can be call'd active to bring about any Amendments—I was not well pleas'd at the manner of our breaking up I thought it to our discredit and should be better pleas'd with the Constitution with some Alterations but I am very far from wishing all that were propos'd to take place

A Conversation between us at Shannadoah⁶ relative to your Letter and my answering it was brok'd off, I believe, by some Body's coming up or a Call to Breakfast—when you first mention'd it I did not understand certainly what Letter you refer'd to but the one received when I was at the Convention I answer'd the same Evening that it came to my Hands—As my Writing is pretty generally known and suspecting that Curiosity might peep into it to see how Things were going on I got Mr. Mercer who was sitting by to direct and contrive it: I was the more solicitous that it should have reach'd you safely as the Declaration you made in yours, and which I am satisfi'd came from the Heart gave me Resolution enough to hint at the Necessity we should be under for your farther Services—We cannot Sir do without you and I and thousands more can explain to any Body but yourself why we cannot do without you.

My Acquaintance with Colo. Mercer is not of long standing or very close—he will never find me acting on a great public Question from such unworthy Motives nor I hope displeas'd with any Letter I may have the Honor to receive from you

1. RC, The James S. Copley Library, La Jolla, California. The letterbook copy is in the Washington Papers at the Library of Congress.

2. The extract is in the Washington Papers at the Library of Congress. See Mfm:Md. 147 for the extract.

3. See Johnson to Washington, 11 December 1787 (RCS:Md., 112–13).

4. The text in angle brackets is not in the letterbook.

5. RC, Washington Papers, DLC.

6. On 2 June 1788 Washington and Johnson met near the mouth of the Shenandoah River. They were inspecting the canal being built by the Potomac Company, of which both were directors (*Washington Diaries*, V, 335).

Biographical Gazetteer

The following sketches outline the political careers of the principal Maryland leaders who participated in the process of ratifying the U.S. Constitution. Their political positions are indicated on the Constitution in 1787 and 1788 (Antifederalist or Federalist). Inclusive years, especially for state offices, reflect periods of repeated, not successive, office-holding. The exception to this practice is delegates in Congress, where inclusive years reflect only delegates' actual attendance for any portion of the years listed.

CARROLL, CHARLES, OF CARROLLTON (1737–1832)

Federalist

Born, Annapolis, Anne Arundel County. Catholic. Planter, landlord, moneylender, and philanthropist. Resided, Annapolis and “Doughoregan Manor,” Anne Arundel County. Attended Jesuit academy in Cecil County, 1747; Jesuit College of St. Omer, France, 1749–53; College of French Jesuits, Rheims, France, 1754; College of Louis-le-Grand, Paris, France, 1755–57. Studied law at Bourges and Paris, 1757–59, and in Middle Temple, London, 1759–64. Member, Committee of Correspondence, 1774. Member, 2nd–5th, 6th, 8th Conventions, Anne Arundel County; 9th Convention, Annapolis. With Benjamin Franklin, Samuel Chase, and Rev. John Carroll, travelled to Canada to seek Canadian support for the revolutionary cause, 1776. Delegate, Continental Congress, 1776, 1777–78. Signed the Declaration of Independence. State senator, Western Shore, 1777–1800 (multiple sessions as president). U.S. senator, 1789–92; resigns, 1792. Introduced bill for gradual abolition of slavery in Md. Senate, 1797. One of the wealthiest men in colonial and early national America.

CARROLL, DANIEL (1730–1796)

Federalist

Born, Upper Marlboro, Prince George's County. Catholic. Planter and merchant. Resided, Rock Creek Parish, Forest Glen, Montgomery County. Attended, Jesuit academy in Cecil County; Jesuit College of St. Omer, France, 1742–48. Cousin of Charles Carroll of Carrollton; brother of John Carroll, first U.S. Catholic bishop and archbishop. Member, Maryland Executive Council, 1777–81. State senator, Western Shore, 1781–90 (multiple sessions or parts of sessions as president). Delegate, Continental and Confederation congresses, 1781–83. Delegate, Constitutional Convention 1787; signs Constitution. U.S. representative, 1789–91. Surveyor, District of Columbia. Member, Board of Commissioners, District of Columbia, 1791–95.

CHASE, SAMUEL (1741–1811)

Antifederalist

Born near Princess Anne, Somerset County. Anglican. Lawyer. Resided, Baltimore City. Studied the classics at home and read law under John Hall. Represented Annapolis in the Lower House, 1765–66, 1777, 1779–83, 1784–85; Anne Arundel County, 1768–71, 1773–74, 1786–87; and Baltimore Town, 1787–88. Member, Committee of Correspondence, 1773–75. Represented Anne Arundel County in the 1st–6th, 8th–9th Conventions, 1774–76. Delegate, Continental Congress, 1774–78. Signed the Declaration of Independence. With Benjamin Franklin, Charles Carroll of Carrollton, and Rev. John Carroll, travelled to Canada to seek Canadian support for the revolutionary cause, 1776. Anne Arundel County delegate to state Convention, where he voted against ratification.

Judge, Md. General Court, 1791–96 (resigned). Associate justice, U.S. Supreme Court, 1796–1811. Impeached by U.S. House of Representatives for alleged judicial improprieties, 1804; acquitted by U.S. Senate, 1805.

HANSON, ALEXANDER CONTEE (1749–1806)

Federalist

Born, Charles County. Protestant. Lawyer. Resided, Frederick County and Annapolis. Attended, College of Philadelphia. Studied law. Committee of Observation, Frederick County, 1774–1775. Represented Frederick County in the 1st Convention, 1774. Assistant private secretary to Gen. George Washington, 1776. Clerk of state Senate, 1777–78. Judge, Md. General Court, 1778–89. Compiler, *Laws of Maryland* (Annapolis, 1787). Under pseudonym “Aristides” wrote pamphlet in support of the U.S. Constitution (Annapolis, 1788). Represented Annapolis in the state Convention, 1788, voted to ratify. Chancellor and judge, Md. Land Office, 1789–1806. Presidential elector, 1789, 1792.

JENIFER, DANIEL OF ST. THOMAS (1723–1790)

Federalist

Born, Charles County. Anglican. Planter and merchant. Resided, “Stepney” (near Annapolis), Anne Arundel County. Member, commission to negotiate boundary dispute with Pa. and Del., 1760. Represented Charles County in the Lower House, 1756–57. Member, Upper House, 1771, 1773–74. State senator, Western Shore, 1777–81 (president, 1777–80, 1781). Delegate, Continental Congress, 1779, 1780, 1781. Unsuccessful candidate for governor, 1782, 1785. Delegate, Constitutional Convention, 1787, signed Constitution.

JOHNSON, THOMAS (1732–1819)

Federalist

Born, near St. Leonard’s Creek, Calvert County. Anglican. Lawyer and ironworks owner in partnership with his brothers. Resided, “Richfield” and “Rose Hill,” Frederick County. Read law with Stephen Bordley. Represented Anne Arundel County in the Lower House, 1762–63, 1765–66, 1768–70, 1773–74, and 1st–8th Conventions, 1774–76; and Caroline in the 9th Convention, 1776. Delegate, Continental Congress, 1774–76. Brigadier general, Md. militia, 1776–77. State senator, Western Shore, 1777. Governor, 1777–79. Represented Frederick County in the House of Delegates, 1786–88. Represented Frederick County in the state Convention, 1788, voted to ratify. Elected governor, 1788, but declined to serve. Chief judge, Md. General Court, 1790–91. Associate justice, U.S. Supreme Court, 1791–93 (resigned). Member Board of Commissioners, District of Columbia, 1791–94.

McHENRY, JAMES (c. 1752–1816)

Federalist

Born, County Antrim, Ireland. Presbyterian. Merchant and land developer. Immigrated to Philadelphia, 1771, and then to Baltimore Town, 1781. Resided, Baltimore Town and County. Attended, Newark Academy, Del., and then studied medicine with Dr. Benjamin Rush, c. 1774–75. Continental Army surgeon, 1776–78. Assistant secretary, Gen. George Washington, 1778–80. Major and aide-de-camp to Gen. Lafayette, 1780–81. State senator, Western Shore, 1781–84, 1791–95. Delegate, Confederation Congress, 1783–84. Delegate, Constitutional Convention 1787, signs Constitution. Represented Baltimore Town in the state Convention, 1788, voted to ratify; and the House of Delegates, 1788–89. U.S. Secretary of War, 1796–1800. Member, Society of the Cincinnati and American Philosophical Society.

MARTIN, LUTHER (1748–1826)

Antifederalist

Born, New Brunswick, N.J. Anglican. Schoolmaster, 1767–71, and lawyer. Resided, Baltimore Town. Graduate, College of New Jersey (Princeton), c. 1776. Studied law. Md. attorney general, 1778–1805, 1818–22. Delegate, Constitutional Convention 1787; left early; opposed Constitution. Wrote numerous essays against ratification of the Constitution, 1787–88. Represented Harford County in the state Convention, 1788, voted against ratification. Counsel for the defense in Samuel Chase's impeachment trial, 1804, and in Aaron Burr's treason trial, 1807.

MERCER, JOHN FRANCIS (1759–1821)

Antifederalist

Born, "Marlborough Point," Stafford County, Va. Anglican. Lawyer and planter. Moved to Md., 1785. Resided, "West River Farm," Anne Arundel County, Md. Graduate, College of William and Mary, 1775. Studied law with Thomas Jefferson, 1779, and at William and Mary, 1782–83. In Continental Army, 1776–79, rising in rank to major; Lt. colonel, Va. militia, 1780–81. Virginia Delegate to Confederation Congress, 1783–84. Represented Anne Arundel County in the House of Delegates, 1788, 1791–92, 1800, 1803–5. Delegate, Constitutional Convention, 1787; left early; opposed Constitution. Represented Anne Arundel County in the state Convention, 1788, voted against ratification. U.S. representative, 1792–94. Md. governor, 1801–3.

PACA, WILLIAM (1740–1799)

Antifederalist

Born, near Abingdon (on the Bush River), Baltimore County (later Harford). Anglican. Lawyer and planter. Resided, "Wye Hall" on Wye Island, Queen Anne's County. Attended, Academy and Charity School of Philadelphia, 1752–56. Graduate, College of Philadelphia, 1759; studied law with Stephen Bordley, 1759–60, and at Inner Temple, London, 1761. M.A., College of Philadelphia, 1762. Represented Annapolis in the Lower House, 1768–70, 1771, 1773–74; Anne Arundel County in the 1st–3rd, 5th Conventions, 1774, 1775–76; Annapolis in the 9th Convention, 1776; and Queen Anne's County in the House of Delegates, 1786–87. Delegate, Continental Congress, 1774–78. Signed the Declaration of Independence. State senator, Western Shore, 1777; Eastern Shore, 1779–80. Judge, U.S. Court of Appeals for Admiralty and Prize Cases, 1780. Md. governor, 1782–85. Member, Executive Council, 1786. Represented Harford County in the state Convention, 1788, where he proposed amendments but voted for ratification. Judge, Federal District Court of Md., 1789–99.

PLATER, GEORGE (1735–1792)

Born, "Sotterly," St. Mary's County. Anglican. Planter. Resided, "Sotterly." Graduate, College of William and Mary, 1752. Represented St. Mary's County in the Lower House, 1757–61, 1762–63, 1765–66. Member, Council, 1771–74. Member, Upper House, 1771, 1773–74. Represented St. Mary's County in the 7th, 8th, 9th Conventions, 1776. State senator, Western Shore, 1777–79, 1780–88, 1790 (president, 1781–82, 1784–88, 1790). Delegate, Continental Congress, 1778–80. Represented St. Mary's County in the state Convention, 1788, president, voted to ratify. Md. governor, 1791–92.

Appendix I

Maryland Declaration of Rights and Constitution, 1776

Maryland Convention: A Declaration of the Delegates 6 July 1776 (excerpt)¹

. . . WE the delegates of Maryland, in Convention assembled, do declare, that the king of Great-Britain has violated his compact with this people, and that they owe no allegiance to him: we have therefore thought it just and necessary to empower our deputies in Congress to join with a majority of the united colonies in declaring them free and independent states, in framing such farther confederation between them, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties: provided, the sole and exclusive rights of regulating the internal polity and government of this colony be reserved to the people thereof. We have also thought proper to call a new convention, for the purpose of establishing a government in this colony.—No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other colonies.—To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties, and to transmit them unimpaired to posterity, was our duty and first wish; our next, to continue connected with, and dependent on Great Britain. . . .

1. *Proceedings of the Convention of the Province of Maryland, Held at the City of Annapolis, on Friday the twenty-first of June 1776* (Annapolis, 1776) (Evans 14834), 30–31.

Maryland Declaration of Rights, 1776¹

The parliament of Great-Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim endeavoured by force of arms to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people, therefore, We, the delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the sure foundation, and more permanent security thereof, declare,

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great-Britain, and have been introduced, used, and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of Convention or this Declaration of Rights, subject nevertheless to the revision of, and amendment or repeal by the legislature of this state; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles the first to Cæcilius Calvert baron of Baltimore.

4. That all persons invested with the legislative or executive powers of government are the trustees of the public, and as such accountable for their conduct; wherefore whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government; the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

5. That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

6. That the legislative, executive, and judicial powers of government, ought to be for ever separate and distinct from each other.

7. That no power of suspending laws, or the execution of laws, unless by or derived from the legislature, ought to be exercised or allowed.

8. That freedom of speech, and debates, or proceedings, in the legislature, ought not to be impeached in any other court or judicature.

9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records, and the legislature ought not to be convened or held at any other place but from evident necessity.

10. That for redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.

11. That every man hath a right to petition the legislature for the redress of grievances, in a peaceable and orderly manner.

12. That no aid, charge, tax, burthen, fee, or fees, ought to be set, rated or levied, under any pretence, without the consent of the legislature.

13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government, but every other person in the state ought to contribute his proportion of public taxes for the support of government according to his actual worth in real or personal property within the state; yet fines, duties, or taxes, may properly and justly be imposed or laid with a political view for the good government and benefit of the community.

14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.

15. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

16. That no law to attain particular persons of treason or felony ought to be made in any case, or at any time hereafter.

17. That every freeman for any injury done to him in his person or property ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

18. That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estate of the people.

19. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him, to have a copy of the indictment or charge in due time (if required) to prepare for his defence, to be allowed counsel, to be confronted with the witnesses against him, to have process for his witnesses, to examine the witnesses for and against him on oath, and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

21. That no freeman ought to be taken, or imprisoned, or disseised of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the court of law.

23. That all warrants without oath or affirmation, to search suspected places, or to seize any person, or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

24. That there ought to be no forfeiture, of any part of the estate of any person for any crime, except murder, or treason against the state, and then only on conviction and attainder.

25. That a well regulated militia is the proper and natural defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

27. That in all cases and at all times the military ought to be under strict subordination to, and controul of the civil power.

28. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and, in time of war, in such manner only as the legislature shall direct.

29. That no person except regular soldiers, mariners and marines in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the chancellor and all judges ought to hold commissions during good behaviour, and the said chancellor and judges shall be removed for misbehaviour on conviction in a court of law, and may be removed by the governor upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address. That salaries liberal but not profuse ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner and at such time as the legislature shall hereafter direct upon consideration of the circumstances of this state: No chancellor or judge ought to hold any other office civil or military, or receive fees or perquisites of any kind.

31. That a long continuance in the first executive departments of power or trust is dangerous to liberty, a rotation therefore in those departments is one of the best securities of permanent freedom.

32. That no person ought to hold at the same time more than one office of profit, nor ought any person in public trust to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this state.

33. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion are equally entitled to protection in their religious liberty, wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless under colour of religion any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the legislature may in their discretion lay a general and equal tax for the support of the christian religion, leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county; but the churches, chapels, glebes, and all other property now belonging to the church of England, ought to remain to the church of England for ever. And all acts of assembly lately passed for collecting monies for building or repairing particular churches or chapels of ease shall continue in force and be executed, unless the legislature shall by act supersede or repeal the same; but no county court shall assess any quantity of tobacco or sum of money hereafter on the application of any vestrymen or churchwardens: and every encumbent of the church of England who hath remained in his parish and performed his duty, shall be entitled to receive the provision and support established by the act entitled, "An act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish and performed his duty.

34. That every gift, sale, or devise of lands to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for, any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, or to or for such support, use or benefit; and also every devise of goods or chattels to, or to or for the support,

use or benefit of any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, without the leave of the legislature, shall be void; except always any sale, gift, lease or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed or used only for such purpose or such sale, gift, lease or devise shall be void.

35. That no other test or qualification ought to be required on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office as shall be directed by this Convention or the legislature of this state, and a declaration of a belief in the christian religion.

36. That the manner of administering an oath to any person, ought to be such as those of the religious persuasion, profession or denomination of which such person is one, generally esteem the most effectual confirmation by the attestation of the divine being. And that the people called quakers, those called dunkers, and those called menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that quakers have been heretofore allowed to affirm, and to be of the same avail as an oath in all such cases as the affirmation of quakers hath been allowed and accepted within this state instead of an oath. And further, on such affirmation warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and quakers, dunkers or menonists ought also on their solemn affirmation as aforesaid to be admitted as witnesses in all criminal cases not capital.

37. That the city of Annapolis ought to have all its rights, privileges and benefits, agreeable to its charter and the acts of assembly confirming and regulating the same, subject nevertheless to such alteration as may be made by this Convention or any future legislature.

38. That the liberty of the press ought to be inviolably preserved.

39. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

40. That no title of nobility or hereditary honours ought to be granted in this state.

41. That the subsisting resolves of this and the several Conventions held for this colony ought to be in force as laws, unless altered by this Convention or the legislature of this state.

42. That this declaration of rights, or the form of government to be established by this Convention, or any part of either of them, ought

not to be altered, changed or abolished by the legislature of this state, but in such manner as this Convention shall prescribe and direct.

This declaration of rights was assented to and passed in Convention of the delegates of the freemen of Maryland, begun and held at Annapolis the 14th day of August, anno domini 1776.

By order of the Convention,

MATTHEW TILGHMAN, President.

1. *The Declaration of Rights, and the Constitution and Form of Government, established by the Convention of Maryland, Held at the City of Annapolis, on Wednesday the 14th of August, anno domini 1776* (Annapolis, 1776) (Evans 43060), 1–7.

Maryland Constitution and Form of Government, 1776 (excerpts)¹

1. That the legislature consist of two distinct branches, a senate, and house of delegates, which shall be stiled the General Assembly of Maryland.

2. That the house of delegates shall be chosen in the following manner: All freemen above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so qualified shall, on the first Monday of October seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties in which they are respectively qualified to vote, at the court-house in the said counties, or at such other place as the legislature shall direct, and when assembled they shall proceed to elect, *viva voce*, four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen one whole year next preceding the election, above twenty-one years of age, and having in the state real or personal property above the value of five hundred pounds current money, and upon the final casting of the polls the four persons who shall appear to have the greatest number of legal votes, shall be declared and returned duly elected for their respective county.

3. That the sheriff of each county, or in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his

return thereof, under his hand, to the chancellor of this state for the time being.

4. That all persons, qualified by the charter of the city of Annapolis to vote for burgesses, shall, on the same first Monday of October seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, elect *viva voce*, by a majority of votes, two delegates, qualified agreeable to the said charter; that the mayor, recorder, and aldermen, of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day as aforesaid, and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.

5. That all persons, inhabitants of Baltimore town, and having the same qualifications as electors in the county, shall, on the same first Monday of October seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, at such place in the said town as the judges shall appoint, elect *viva voce*, by a majority of votes, two delegates, qualified as aforesaid; but if the said inhabitants of the town shall so decrease, as that the number of persons having right of suffrage therein shall have been for the space of seven years successively less than one half the number of voters in some one county in this state, such town thenceforward shall cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state. . . .

7. That on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or a member of the council, a warrant of election shall issue by the speaker, for the election of another in his place, of which ten days notice at the least, excluding the day of notice and the day of election, shall be given.

8. That not less than a majority of the delegates, with their speaker, (to be chosen by them by ballot) constitute an house for the transacting any business, other than that of adjourning.

9. That the house of delegates shall judge of the elections and qualifications of delegates.

10. That the house of delegates may originate all money bills, propose bills to the senate or receive those offered by that body, and assent, dissent or propose amendments; that they may enquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person for any crime to the public jail, there to remain till he be discharged by due course of law; they may expel any member for a great misdemeanor, but not a second

time for the same cause; they may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons, whom they may judge necessary, in the course of their enquiries, concerning affairs relating to the public interest, and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

11. That the senate may be at full and perfect liberty to exercise their judgment in passing laws, and that they may not be compelled by the house of delegates either to reject a money bill which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare; the house of delegates shall not on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying or applying the taxes or supplies, to be raised for the support of government, or the current expences of the state; and to prevent altercation about such bills, it is declared, that no bill imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying or applying taxes or supplies for the support of government, or the current expences of the state, or appropriating money in the treasury, shall be deemed a money bill.

12. That the house of delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings; they may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting, any of their members, during their sitting, or on their way to or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from, the house, or by rescuing any person committed by the house; and the senate may exercise the same power, in similar cases.

13. That the treasurers (one for the western and another for the eastern shore) and the commissioners of the loan office may be appointed by the house of delegates during their pleasure and in case of refusal, death, resignations, disqualification, or removal out of the state of any of the said commissioners or treasurers, in the recess of the

general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly. . . .

27. That the delegates to Congress from this state shall be chosen annually, or superseded in the mean time by the joint ballot of both houses of assembly, and that there be a rotation in such manner that at least two of the number be annually changed, and no person shall be capable of being a delegate to Congress for more than three in any term of six years; and no person who holds any office of profit in the gift of Congress shall be eligible to sit in Congress, but if appointed to any such office his seat shall be thereby vacated: That no person unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in Congress. . . .

59. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly and be published at least three months before a new election, and shall be confirmed by the general assembly after a new election of delegates, in the first session after such new election; provided that nothing in this form of government which relates to the eastern shore particularly shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two thirds of all the members of each branch of the general assembly shall concur. . . .

1. *The Declaration of Rights, and the Constitution and Form of Government, established by the Convention of Maryland, Held at the City of Annapolis, on Wednesday the 14th of August, anno domini 1776* (Annapolis, 1776) (Evans 43060), 9–10, 10–12, 15, 22–23.

Appendix II

Maryland Appoints Delegates to the Constitutional Convention 16 December 1786–26 May 1787

On 16 December 1786, John Davidson of the Governor's Executive Council delivered to George Plater, the president of the Maryland state Senate, a circular letter dated 1 December from Virginia Governor Edmund Randolph. The letter enclosed an act of the Virginia legislature "respecting the appointment of commissioners from this state to meet in convention at Philadelphia on the subject of revising the confederation of the United States." The act, a very political statement, indicated that the Virginia legislature "can no longer doubt that the crisis is arrived at which the good people of America are to decide the solemn question, whether they will by wise and magnanimous efforts reap the just fruits of that Independence, which they have so gloriously acquired, and of that Union which they cemented with so much of their common blood; or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valour it has been accomplished" (CDR, 197).

The Senate forwarded the letter and enclosed act to the House of Delegates. Five days later the House sent a message to the Senate suggesting the appointment of seven deputies to a constitutional convention "by the joint ballot of both houses." That day the Senate prepared a response and sent it to the House. Convinced that a convention was "necessary to give strength and stability to the union," the Senate "cheerfully" agreed that delegates should be chosen with one caveat. The senators believed that before the legislature elected delegates it ought "to determine in a conference of both houses the nature and extent of their [future delegates'] power." Such an "important and delicate" project demanded "the united wisdom of the legislature."

While the House of Delegates and the Senate concurred that a constitutional convention was crucial in securing the future of the Union, cooperation was tenuous. The paper-money issue had strained relations between the House and the Senate for months. While delegates, led by Samuel Chase, had several times tried to alleviate the burden of debtors, senators, led by Charles Carroll of Carrollton, worked equally hard to protect creditors' interests. In December 1785 the House passed a bill to issue paper money to be loaned to those in need of immediate credit. The Senate unanimously rejected it. The same month the senators put forth a bill designed "to prevent frivolous appeals" by debtors to delay repayment of their debts. Delegates in the House reasserted their partiality toward debtors, defeating the bill 43 to 9. The stalemate was a major issue in the elections of 1786, which failed to break the logjam. On 30 December 1786, the Senate again unanimously rejected a House bill that would have issued paper money to loan.

At first, delegates and senators were able to put aside their differences with regard to paper money and work together to appoint delegates to a constitutional convention. On 22 December the House appointed Thomas Johnson, John Hoskins Stone, Samuel Chase, William Paca, and Robert Wright to join senators Thomas Stone, Charles Carroll of Carrollton, and William Hemsley in a joint legislative conference proposed by the Senate on 21 December. The committee reported on 28 December that "the deputies appointed by this state, or any three or more of them, be authorised on behalf of this state to meet such deputies as may be appointed and authorised by the other states to assemble in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union."

The truce was short lived. On 5 January 1787, fed up with the Senate's dogged protection of creditors, the House proposed an immediate adjournment until 20 March in hopes of pleading its case directly to voters for printing paper money. On 20 January the Senate, in a message to the House, expressed its dismay and alarm at the House's tactics. The Senate scolded the delegates for disseminating "divisions and discord among the citizens of this state." The Senate predicted that "the state will be convulsed upon every difference of opinion between those branches [the two branches of the legislature], respecting any question which either may think important." They also complained that, because there were more delegates than senators, "in most cases of difference between the two houses, the majority of the people will be induced to adopt the sentiments of the delegates." Unfazed, with "consciencs quiet and undisturbed," the House countered that its members had "paid every possible attention to the public affairs of the union, and the interest and happiness of our people." Without resolving the paper-money issue or appointing delegates to a constitutional convention on 20 January, the House adjourned until 20 March and the Senate adjourned until 20 April. William Tilghman reported to Tench Coxe on 4 February that the legislature had "broke up in ill blood" after accomplishing little. He added that the "object of the leaders of the House of Delegates seems to be to throw every thing into Confusion in order to force the paper Bill upon the Senate" (Mfm:Md. 2).

On 13 March the governor issued a proclamation for the legislature to convene on 10 April. Shortly after each house had obtained a quorum, both houses agreed that five deputies from Maryland should sit in a constitutional convention. On 20 April the House nominated ten men to be considered for the five positions. The delegates selected three men "to examine the ballot boxes." The following day the Senate nominated just four men for consideration as convention deputies. To examine the ballot boxes, the senators selected two men.

On 23 April, William Paca, Thomas Johnson, and Samuel Chase removed themselves from consideration. Thomas Stone's name was also "struck out, because it was feared he could not attend from peculiar circumstances." Stone, however, was elected a deputy to Philadelphia along with Robert Hanson Harrison, Charles Carroll of Carrollton, James McHenry, and Thomas Sim Lee. It

was no surprise when three days later the Senate received official notice of Stone's "declining to accept the appointment." On 3 May the House of Delegates requested another election to fill the vacancy left by Stone. They nominated Daniel of St. Thomas Jenifer, Gabriel Duvall, and Alexander Contee Hanson. The Senate contributed no additional nominees. When the vote ended in a tie between Duvall and Jenifer, the Senate suggested an immediate run-off election between the two.

The delegates disagreed with the Senate in one particular: they did not think they were "confined to make choice of one of the two gentlemen who had an equal number at the last ballot." This might account for why, on 7 May, four days after both houses reported Gabriel Duvall the victor in the run-off election, the House wrote a letter to the Senate questioning the legitimacy of the results. Apparently, ballot box examiners had found that there were five more votes recorded than there were members attending the assembly. They speculated that the discrepancy was the result of certain members accidentally voting twice, once when the vote was called and sometime later when it actually took place. The only solution that made sense to the House was to call yet another vote.

The Senate disagreed. It maintained that as far as it knew there had been "no irregularity" and were loath to hold another vote "when, by the absence of some members, and the coming in of others, the ballot may be changed to the prejudice of one or the other of the gentlemen." If something had to be done, responded the senators, they had two suggestions. The assembly could settle for a smaller delegation than it had initially planned for and empower the deputies duly elected on 23 April. Or, if the House insisted on a new vote, it would have to remove Duvall and Jenifer from contention altogether. The senators refused "to go into a new ballot for either of those gentlemen." When the House insisted that the vote had been irregular and wrote that it could not "consent to exclude any gentleman from the choice of either house," the Senate grudgingly agreed to a compromise "to prevent further delay in this important business." The Senate agreed to the appointment of both Duvall and Jenifer. The House was satisfied.

But filling out the Maryland delegation still proved difficult. On 10 May Carroll declined to serve, Harrison followed suit on 12 May and Duvall on 14 May. In response to this flurry of resignations, the House wrote the Senate on 22 May suggesting yet another ballot and nominating Luther Martin, John Francis Mercer, and Daniel Carroll. Two days later Thomas Sim Lee resigned his appointment. That same day, 24 May, to expedite matters, the Senate suggested that the legislature forgo the vote and appoint all three men nominated by the House. The House concurred. On the same day both houses passed an act appointing and conferring powers on Maryland's deputies to a constitutional convention. The engrossed act was signed into law on 26 May. On the previous day both houses adopted a resolution to pay the deputies.

Senate Proceedings, Saturday, 16 December 1786 (excerpts)¹

. . . John Davidson, Esquire, from the council, delivers to the president a letter from Edmund Randolph, Esquire, governor of Virginia,

enclosing an act of the commonwealth of said state, respecting the appointment of commissioners from this state to meet in convention at Philadelphia on the subject of revising the confederation of the United States . . . which were severally read and referred to the consideration of the house of delegates.² . . .

1. *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1786. . . .* (Annapolis, 1787) (Evans 20489), 8–9.

2. Senator John Smith delivered the letter to the speaker of the House of Delegates on 16 December (*Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1786. . . .* [Annapolis, 1787] [Evans 20487], 28).

House of Delegates Proceedings, Tuesday

19 December 1786 (excerpts)¹

. . . On motion, ORDERED, That Mr. T. Johnson, Mr. Stone, Mr. Chase, Mr. Paca and Mr. Wright, be a committee to consider and report on the letters from the governor of Virginia of the first instant. . . .

Mr. J. Johnson,² from the committee, brings in and delivers to Mr. Speaker the following report:

The committee to whom was referred the letter of the 1st of December instant, from his excellency the governor of Virginia, beg leave to report, that they are of opinion seven deputies ought to be appointed by the joint ballot of both houses, to a convention to be held in the city of Philadelphia in the month of May next, for the purpose of revising the federal constitution. . . . All which is submitted to the honourable house.

By order,

A. GOLDR, clk.

Which was read.³ . . .

1. *Votes and Proceedings of the House of Delegates*, 31, 32.

2. It is not clear whether Josiah Johnson (Kent County) or Thomas Johnson (Frederick County) was on the committee.

3. On Wednesday, 20 December, the House of Delegates read the report a second time and concurred in it (*Votes and Proceedings of the House of Delegates*, 34).

House of Delegates Proceedings, Thursday

21 December 1786 (excerpt)¹

. . . Mr. [John Hoskins] Stone brings in and delivers to Mr. Speaker the following message:

BY THE HOUSE OF DELEGATES, DECEMBER 21, 1786.

MAY IT PLEASE YOUR HONOURS,

On consideration of a letter of the 1st of December instant, from his excellency the governor of Virginia, this house are of opinion, that

seven deputies ought to be appointed by the joint ballot of both houses, to a convention to be held in the city of Philadelphia in the month of May next, for the purpose of revising the federal constitution. . . .

By order, W. HARWOOD, clk.

Which was read the first and second time, agreed to, and sent to the senate by Mr. Stone. . . .

1. *Votes and Proceedings of the House of Delegates*, 35. The message was delivered to the Senate by Stone. The Senate read the message and then prepared a response (immediately below).

Senate Proceedings, Thursday, 21 December 1786 (excerpt)¹

. . . The following message was prepared, agreed to, and sent to the house of delegates by George Gale, Esquire.

BY THE SENATE, DECEMBER 21, 1786.

GENTLEMEN,

We cheerfully accede to the proposition contained in your message of this day by Mr. Stone, to appoint by a joint ballot of both houses seven deputies, to meet the deputies from the other states in the convention proposed to be held in the city of Philadelphia in the month of May next. This measure appears to us to be of the utmost importance, and most likely, with the least delay, to vest in the federal government those powers which are so necessary to give strength and stability to the union. As the deputies must be cloathed with ample authority, we think it would be proper, previously to their appointment, to determine in a conference of both houses the nature and extent of their powers. The subject is important and delicate, and requires the united wisdom of the legislature, and cannot, in our judgments, be so well discussed in any other manner as in a joint conference of both houses. . . .

We therefore propose a conference upon these subjects, and if you accede to the proposition, we will appoint three members, to confer with such members of your house as you may think proper to nominate for the purpose.

By order, J. DORSEY, clk. . . .

1. *Votes and Proceedings of the Senate*, 11–12. The House of Delegates received and read the message later that day (*Votes and Proceedings of the House of Delegates*, 36).

House of Delegates Proceedings, Friday, 22 December 1786 (excerpt)¹

. . . The message of yesterday by George Gale, Esquire, was read the second time and agreed to.

The following message being prepared, was sent to the senate by Mr. Holmes.

BY THE HOUSE OF DELEGATES, DECEMBER 22, 1786.

MAY IT PLEASE YOUR HONOURS,

This house, impressed with the propriety of a conference on the subjects of your message of yesterday by George Gale, Esquire, have appointed Mr. T. Johnson, Mr. Stone, Mr. Chase, Mr. Paca and Mr. Wright, to confer with such persons as your honours may think proper to appoint.

By order,

W. HARWOOD, clk. . . .

1. *Votes and Proceedings of the House of Delegates*, 37. The Senate received and read the message on the same day and then appointed its conferees (immediately below).

Senate Proceedings, Friday, 22 December 1786 (excerpt)¹

. . . The following message was prepared, agreed to, and sent to the house of delegates by Charles Carroll, of Carrollton, Esquire.

BY THE SENATE, DECEMBER 22, 1786.

GENTLEMEN,

We have appointed Thomas Stone, Charles Carroll, of Carrollton, and William Hemsley, Esquires, to meet in conference the gentlemen nominated in your message by Mr. Holmes.

By order,

J. DORSEY, clk. . . .

1. *Votes and Proceedings of the Senate*, 12. The House of Delegates received and read the message on the same day (*Votes and Proceedings of the House of Delegates*, 37).

Senate Proceedings, Thursday, 28 December 1786 (excerpts)¹

. . . Thomas Stone, Esquire, from the conference appointed to consider and determine the nature and extent of the powers to be given to the deputies to meet in convention upon the subject of revising the federal constitution, brings in and delivers to the president the following report:

At a meeting of the conferrees of the senate and house of delegates, present, from the senate, Thomas Stone, Charles Carroll, of Carrollton, William Hemsley, Esquires; from the house of delegates, Thomas Johnson, Samuel Chase, William Paca, John H. Stone, Robert Wright, Esquires.

It is agreed, that the deputies appointed by this state, or any three or more of them, be authorised on behalf of this state to meet such deputies as may be appointed and authorised by the other states to assemble in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations

and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union, and in reporting such an act for that purpose to the United States in congress, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

That the proceedings of the deputies, and any act agreed to in said convention, be reported by the deputies to the next session of assembly. . . .

By order,

R. SPRIGG, jun. clk.

Which was read and concurred with. . . .

1. *Votes and Proceedings of the Senate*, 15–16. Thomas Johnson delivered the conference committee report to the speaker of the House of Delegates on Monday, 1 January 1787, and the House then read the report (*Votes and Proceedings of the House of Delegates*, 48).

House of Delegates Proceedings, Friday, 5 January 1787 (excerpt)¹

. . . The following message being prepared, was read and agreed to.

BY THE HOUSE OF DELEGATES, JANUARY 5, 1787.

MAY IT PLEASE YOUR HONOURS,

We have determined, when we adjourn, to adjourn to Tuesday the 20th day of March next, and hope the material and necessary business now under consideration, may be finished in a few days; and we request your honours to dispatch the bills now before your house.

By order,

W. HARWOOD, clk.

The house adjourns till to-morrow morning 9 o'clock.

1. *Votes and Proceedings of the House of Delegates*, 60. Robert Bowie delivered the message to the Senate the next morning. The Senate read the message (*Votes and Proceedings of the Senate*, 24).

House of Delegates Proceedings, Monday 15 January 1787, P.M. (excerpt)¹

. . . On the second reading the report from the conferrees, agreeably to the order of the day, the following question being propounded to the house, viz. Whereas this house has resolved to adjourn to the 20th of March next, RESOLVED, That the report of the conferrees, respecting the appointment of deputies, be referred to the consideration of the next session of assembly, to afford an opportunity to the members of this house of consulting with their constituents on the important objects proposed in the plan of a general meeting of deputies from the states, communicated to this house by the commonwealth of Virginia?

The previous question was called for and put, That the said question be now put? The yeas and nays being called for by Mr. Stone, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	Owings,	Norris,	
	Perkins,	Cockey,	Love,	
	Miller,	Ridgely,	Wheeler,	
	J. Johnson,	Shaw,	Hardcastle,	
	Wright,	R. Bond,	McMechen,	
	Harwood,	W. Bowie,	Cellars,	
	N. Worthington,	F. Bowie,	Funk,	
	Chase,	R. Bowie,	Burgess,	
	B. Worthington,	Quynn,	Oneale,	
	Grahame,	Paca,	Holmes,	
Gantt,	Faw,	Nicholls.	33.	

NEGATIVE.

Messieurs	De Butts,	Gale,	Digges,	
	Taney,	Stewart,	Jenings,	
	Dent,	Polk,	P. Mitchell,	
	Turner,	Pattison,	Henry,	
	McPherson,	Steele,	T. Johnson,	
	Stone,	Matthews,	Walker,	
	Sherwood,	Bravard,	Hollingsworth.	
	Stevens,			22.

So it was resolved in the affirmative.

The main question was then put, and the yeas and nays being called for by Mr. F. Bowie, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	Owings,	Norris,	
	Perkins,	Cockey,	Love,	
	Miller,	Ridgely,	Wheeler,	
	J. Johnson,	Shaw,	Hardcastle,	
	Wright,	R. Bond,	McMechen,	
	Harwood,	W. Bowie,	Cellars,	
	N. Worthington,	F. Bowie,	Funk,	
	Chase,	R. Bowie,	Burgess,	
	B. Worthington,	Quynn,	Oneale,	
	Grahame,	Paca,	Holmes,	
Gantt,	Faw,	Nicholls.	33.	

	NEGATIVE.		
Messieurs	De Butts,	Gale,	Digges,
	Taney,	Stewart,	Jenings,
	Dent,	Polk,	P. Mitchell,
	Turner,	Pattison,	Henry,
	McPherson,	Steele,	T. Johnson,
	Stone,	Wallace,	Walker,
	Sherwood,	Matthews,	Hollingsworth.
	Stevens,	Bravard,	
		So it was resolved in the affirmative. . . .	23.

1. *Votes and Proceedings of the House of Delegates*, 82.

Senate Proceedings, Wednesday, 17 January 1787 (excerpt)¹

. . . On Motion, RESOLVED, That Thomas Stone, John Henry, George Gale, Charles Carroll, of Carrollton, and Richard Ridgely, Esquires, be a committee to prepare a message in answer to the message from the house of delegates of the sixth instant, proposing an adjournment to the 20th of March next.

The senate adjourns till to-morrow morning 9 o'clock.

1. *Votes and Proceedings of the Senate*, 34.

Senate Proceedings, Saturday, 20 January 1787 (excerpts)¹

. . . Thomas Stone, Esquire, from the committee appointed to prepare a message in answer to the message from the house of delegates of the sixth instant, proposing an adjournment to the 20th of March next, brings in and delivers to the president the following message:

BY THE SENATE, JANUARY 20, 1787.

GENTLEMEN,

With inexpressible regret we perceive, by your message of the sixth of January by Mr. Bowie, that you have determined to adjourn to the 20th of March, and leave the material business of the session unfinished, after setting upwards of eight weeks at a heavy charge to the public.

Although we have been officially informed, that the continental treasury is empty, and the necessity of raising troops has been urged by congress, you have not passed an assessment bill to bring any money into the state or continental treasury, nor have you taken any measures to comply with the requisition of congress for raising a troop of horse.

An act of the commonwealth of Virginia for appointing deputies to meet at Philadelphia in May next for revising the federal government,

and correcting its defects, was early communicated to this legislature: In consequence thereof your house proposed to appoint deputies, which we acceded to, and a conference took place to ascertain the powers to be given to the deputies. A report was made by the conferrees, which has been agreed to by the senate.

As this proposition originated with you, and the measure is confessedly necessary and important, we are not a little surprised that you have resolved to adjourn, without making this appointment. Although it may be urged, that this deputation may be made at the session proposed by your house to be held in March next, time enough for the deputies to meet at Philadelphia in May, yet it must be obvious, that the other states, perceiving that the legislature of this state has adjourned without making the appointment, may conclude that the measure has not met their approbation. This inference may create suspicions destructive of that unanimity which is admitted, by the wisest and best men in the United States, to be absolutely necessary to preserve the federal union.

The neighbouring states of Virginia and Pennsylvania have discovered their sense of the importance of this meeting, and their expectations of its effects, by appointing some of their first characters to assist in the deliberations.

We cannot account for your postponing the consideration of these great and interesting subjects, and your adjournment to the 20th of March, unless it be to appeal to the people upon the bill for an emission of paper money, which we rejected. This appeal tends to weaken the powers of government, and to disseminate divisions and discord among the citizens of this state, at a crisis, when the energy of the one, and the union of the other, are more than ever necessary. Appeals to the people, upon a diversity of opinion arising between the two branches of the legislature upon any public measure, are unprecedented. The framers of our government have no where intimated the propriety of one branch appealing to the people from the proceedings of the other. Every man of reflection will readily perceive, if this practice should prevail, that the public business will no longer be conducted by a select legislature, consisting of two branches, equally free and independent, calmly deliberating and determining on the propriety of public measures, but that the state will be convulsed upon every difference of opinion between those branches, respecting any question which either may think important. Thus the checks wisely established by the constitution, will in time be destroyed, force instead of reason will govern, and liberty must finally yield to despotism; for the same causes, all circumstances being similar, will produce here the same effects which

they produced in the ancient republics of Greece and Rome. It must also be obvious, that the members of your house being more numerous, and more dispersed throughout the state, than the members of the senate, they will have greater opportunities of influencing the people, whose sense is to be collected, in so short a time, and before the merits of the question can be freely and fully discussed. Hence it is probable, that in most cases of difference between the two houses, the majority of the people will be induced to adopt the sentiments of the delegates; in consequence therefore of such appeals to the people, the senate will be deprived of that freedom of debate and decision, which the constitution meant to secure to that branch, and every benefit which might result to the state from that freedom, will be precluded. In such a situation, the powers of the senate would be annihilated, and although its name and semblance might remain, its real utility would cease.

We consider ourselves bound by the most sacred and solemn engagements to preserve inviolate every part of our constitution, and will not remain silent under measures which may tend to subvert our free and happy government.

If appeals are to be made, where is the line to be drawn? The present is a case of policy, blended with justice, but if appeals are proper in such case, why not in a case of justice only? And if so, and the sense of a majority, however collected, is in all cases to govern, then there are no rights in this state which are secured against the opinion of such a majority, full as well qualified to decide upon questions of justice and right, as upon political regulations. The bill which we have rejected declares, that the bills of credit shall not be a tender, we presume, upon the principle, that it would have been unjust. Suppose the people, upon the present appeal made to them by your house, should instruct the general assembly to make the bills of credit to be emitted a tender in all cases; this instruction, however unjust the object of it might be, even in your opinion, would be conclusive, according to your doctrine, and the general assembly would be obliged to comply with it, notwithstanding both branches might be fully satisfied that a clause to that effect would be impolitic, as well as iniquitous.

To some perhaps, who do not look forward to consequences, these appeals may appear flattering; but others, not unacquainted with the history of free governments, will recollect, that measures calculated to obtain the favour of the people, very often produced tumult and confusion, which generally terminated in the destruction of equal law and liberty. We are confident our fellow-citizens are warmly attached to this government, that they will view with equal concern and distrust, all acts in any degree tending to weaken and endanger it, and cautiously avoid

engagements calculated to fetter the free deliberations of the legislature. Printed anonymous instructions, stating that the senate have appealed to the people upon the emission of paper money, are now circulating, when in truth no act or proceeding of this house, in the least countenances a supposition that we wish to disturb the public tranquillity by a measure so likely to produce heat and division. It would be well for you to consider, that although the rejected bill may be such a favourite as to induce the majority of your house to hazard dangerous consequences to force it upon the senate, yet when once fair argument is declined, and an appeal is made from the dictates of judgment to the voice of numbers, freedom of discussion and decision will be taken away, and that some of the present majority of your house, by a similar practice on some future occasion, may be reduced to the same situation in which they are now endeavouring to place the senate.

These observations are not dictated by any apprehension in this house, that there is a majority of the citizens of this state in favour of an emission of bills of credit upon loan, on the terms, and for the purposes, contained in your bill. We are satisfied, that the objections to the bill are unanswerable; and that if the sense of the people could be fairly collected, the majority would be against the measure: We are also convinced, that the majority would increase, if time were given to discuss, understand, and form a right judgment on, the subject. Without venturing to combat our reasoning in a constitutional manner, you propose to adjourn to a time so very short, that it is impossible a deliberate consideration of the question, and a free interchange of sentiments between the citizens, can take place. To decide justly, the judgment should be free from all bias. The passions are too apt to mingle with the decisions of large collected bodies of people; when so assembled, even the most moderate are liable to be inflamed by declamation, and hurried into measures inconsistent with their real welfare. . . .

We have truly stated the reasons which induced us to reject the bills herein mentioned. We humbly hope the rectitude of our intentions will justify us before God, and we doubt not the reasons assigned will fully vindicate our conduct to those of our fellow-citizens who will examine them carefully and with temper. Our characters ought to exempt us from the reproach of duplicity; no part of our conduct can warrant the imputation, or justly subject us to the suspicion of having an interest separate from that of the people, or of being impatient of equal liberty. Some of us have been in the senate for ten years. A new election has lately been made, and a majority of the old compose the present senate. From this re-election and continuance of the same persons in the same trust, we may, without vanity, infer, that the conduct of the late senate

has been generally approved, and that no suspicions are entertained against the present. We therefore flatter ourselves, that we possess the confidence of the people. If, for a steady adherence to principles we conceive intimately connected with the prosperity of the state, that confidence should be withdrawn, we shall regret this unmerited change of sentiment, but we should certainly deserve to forfeit the esteem of our fellow-citizens, if, accommodating our conduct to the opinions of others, we betray a want of sufficient fortitude, even to risk temporary disapprobation to secure permanent happiness to this country. We cannot consent to close the session without pressing upon your candid and serious attention the important subjects referred to in this message, and expressing our opinion, that the legislature is bound to attend to these subjects, and to adopt the proper means for carrying them into execution. A spring session will be attended with great inconvenience to individuals, and an unnecessary expence to the public; to defray this expence, additional taxes must be laid upon the people, who are represented by you as unable to pay those taxes which cannot be dispensed with, but at the hazard of all order and government. We are ready and willing to accede to any measures which shall appear to us calculated to promote the public welfare, give strength to the confederacy, and stability to our government; and we exceedingly lament, that the harmony of the two branches of the legislature, so necessary to promote these important purposes, should be interrupted; but, gentlemen, if you are determined to adjourn without finishing the public business, we shall have the several matters before us dispatched, so that an end may be put to the session this evening, and we shall hold ourselves acquitted before our country and the world, of the evils which may result from a measure we can neither prevent or approve.

By order,

J. DORSEY, clk.

Which was read the first and second time, unanimously agreed to, and . . . was sent to the house of delegates by William Hemsley, Esquire. . . .

1. *Votes and Proceedings of the Senate*, 37–39. The portions of the message omitted defends the Senate's refusal to pass certain bills unrelated to the election of delegates.

House of Delegates Proceedings, Saturday, 20 January 1787 (excerpts)¹

. . . William Hemsley, Esquire, from the senate, delivers to Mr. Speaker. . . .

And the following message: [See immediately above for the Senate's message.]

Which was read. . . .

The following message being prepared, was read and agreed to.

BY THE HOUSE OF DELEGATES, JANUARY 20, 1787.

MAY IT PLEASE YOUR HONOURS,

The length of your message, and the communication of it within a few hours only of the proposed time for closing the session, prevents us from making full observations upon it. We shall only say in reply, that we have paid every possible attention to the public affairs of the union, and the interest and happiness of our people. You have thought proper to over-rule every material system proposed by us for these purposes, and have brought forward nothing essential in their stead.

The people must decide upon our conduct and yours as to the utility, policy and rectitude, of the systems respectively proposed; and we trust we can meet our God and our country with consciences quiet and undisturbed as your own.

We repeat our request to close this session this evening.

By order,

W. HARWOOD, clk.

Sent to the senate by Mr. Sherwood. . . .

1. *Votes and Proceedings of the House of Delegates*, 100–103. Hugh Sherwood immediately delivered the message to the Senate (*Votes and Proceedings of the Senate*, 40). Later that day, the House of Delegates adjourned to 20 March, and the Senate adjourned until 20 April.

Senate Proceedings, Wednesday, 18 April 1787 (excerpts)¹

. . . John Davidson, Esquire, from the council, delivers to the president . . . a letter from the governor of New-Hampshire, enclosing an act of said state for the appointment of deputies to meet in convention at Philadelphia; . . . a letter from the secretary of congress, enclosing an act of that body respecting the revision of the federal constitution; . . . and also a letter from the governor of North-Carolina, enclosing an act of said state, respecting the appointment of deputies to meet in convention at Philadelphia; which were severally read, referred to the consideration of the house of delegates, and sent by John Henry, Esquire. . . .

1. *Votes and Proceedings of the Senate of the State of Maryland. April Session, 1787*. . . . (Annapolis, 1787) (Evans 20490), 46. The House of Delegates received and read the letters later that day (*Votes and Proceedings of the House of Delegates of the State of Maryland. April Session, 1787*. . . . [Annapolis, 1787] [Evans 20488], 110).

House of Delegates Proceedings, Friday, 20 April 1787 (excerpt)¹

. . . The following message being prepared, was sent to the senate by Mr. Owings.

BY THE HOUSE OF DELEGATES, APRIL 20, 1787.

MAY IT PLEASE YOUR HONOURS,

On resuming the subject of the conference referred from the last to the present session, respecting the appointment of deputies to meet at Philadelphia in May next, this house think it expedient to go into an appointment on Monday next, and under present circumstances think five the most proper and convenient number. John Henry, Charles Carroll, of Carrollton, his excellency William Smallwood, Robert Hanson Harrison, James McHenry, Thomas Sim Lee, Daniel of St. Thomas Jennifer, George Gale, Alexander Contee Hanson and Robert Goldsborough, junior, Esquires, are put in nomination by this house; and Mr. Hopewell, Mr. Digges and Mr. Grahame, appointed to examine the ballot boxes in conjunction with any members you may think proper to appoint.

By order,

W. HARWOOD clk. . . .

1. *Votes and Proceedings of the House of Delegates*, 112–13. The Senate received and read the message later in the day (*Votes and Proceedings of the Senate*, 47).

Senate Proceedings, Saturday, 21 April 1787 (excerpt)¹

. . . The following message was prepared, agreed to, and sent to the house of delegates by William Perry, Esquire.

BY THE SENATE, APRIL 21, 1787.

GENTLEMEN,

We consider the appointment of deputies to meet at Philadelphia in May next, as a matter of the highest importance to the union, and therefore have agreed to the time you mention for the appointment on Monday next: We also agree to the number five as the most proper and convenient number; and in addition to the gentlemen named by you, have nominated Thomas Johnson, William Paca, Samuel Chase and Thomas Stone, Esquires. John Henry and George Gale, Esquires, desire not to be considered in the nomination, as it would not be in their power to attend, even if they should be elected. Peregrine Tilghman and William Harrison, Esquires, are nominated by this house to join the gentlemen named by you to examine the ballot boxes.

By order,

J. DORSEY, clk. . . .

1. *Votes and Proceedings of the Senate*, 47–48. The House of Delegates received and read the message later in the day (*Votes and Proceedings of the House of Delegates*, 114).

**House of Delegates Proceedings, Monday
23 April 1787, P.M. (excerpt)¹**

. . . The following message being prepared, was sent to the senate by Mr. Henry.

BY THE HOUSE OF DELEGATES, APRIL 23, 1787.

MAY IT PLEASE YOUR HONOURS,

Messieurs Paca, Johnson, Chase and Stone, were in nomination in this house as deputies to attend at Philadelphia; the three gentlemen first mentioned declined personally, and at their request their names were struck out. Mr. Stone's name was struck out, because it was feared he could not attend from peculiar circumstances. We have thought it necessary to give this information to your honours, that you may wa[i]ve your nomination as to the three first mentioned gentlemen, or at least may not ballot for them, on a presumption that they will not act. We are also informed, that the governor desires his name to be taken off the nomination.

By order,

W. HARWOOD, clk.

The house proceeded to elect by ballot five deputies to meet at Philadelphia in May next, for the purpose of revising the federal constitution, and the ballots being deposited in the ballot box, the gentlemen named to strike retired, and after some time returned and reported, that Robert Hanson Harrison, Charles Carroll, of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee, Esquires, had a majority of votes. Whereupon RESOLVED, That Robert Hanson Harrison, Charles Carroll, of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee, Esquires, be, and they are hereby declared, deputies to represent this state for the purpose of revising the federal constitution. . . .

1. *Votes and Proceedings of the House of Delegates*, 116.

Senate Proceedings, Monday, 23 April 1787, P.M. (excerpt)¹

. . . Mr. Henry, from the house of delegates, delivers to the president the following message:

[For the message, see immediately above.]

Which was read.

The senate proceeded, according to the order of the day, to the election of five deputies to represent this state in the convention to be held at Philadelphia in May next. The ballot box was prepared, the ballots deposited therein, sealed up, and delivered to the committee of the senate appointed to meet the committee of the house of delegates, who retired to the conference room, and after some time returned and reported, that Robert Hanson Harrison, Charles Carroll, of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee, Esquires, had a majority of votes; whereupon it is declared in the senate, that Robert Hanson Harrison, Charles Carroll, of Carrollton, Thomas Stone, James McHenry and Thomas Sim Lee, Esquires, are duly elected deputies to

represent this state in the convention to be held at Philadelphia in May next. . . .

1. *Votes and Proceedings of the Senate*, 48–49.

Senate Proceedings, Thursday, 26 April 1787, P.M. (excerpts)¹

. . . The president lays before the senate a letter from Thomas Stone, Esquire, declining to accept the appointment of a deputy to meet the convention at Philadelphia . . . which were read, referred to the consideration of the house of delegates, and sent by John Smith, Esquire. . . .

1. *Votes and Proceedings of the Senate*, 51. The House of Delegates received and read the letter later that day (*Votes and Proceedings of the House of Delegates*, 122).

House of Delegates Proceedings, Monday, 30 April 1787 (excerpt)¹

. . . Mr. Speaker lays before the house letters from Robert H. Harrison and Thomas Sim Lee, Esquires, notifying their acceptance of the appointment as deputies to meet the convention to be held at Philadelphia in May next; which were read. . . .

1. *Votes and Proceedings of the House of Delegates*, 127.

House of Delegates Proceedings, Tuesday, 1 May 1787 (excerpt)¹

. . . Mr. Speaker lays before the house a letter from James McHenry, Esquire, notifying his acceptance of the appointment of a deputy to meet the convention to be held at Philadelphia in May next; which was read. . . .

1. *Votes and Proceedings of the House of Delegates*, 130.

House of Delegates Proceedings, Thursday, 3 May 1787 (excerpts)¹

. . . The following message being prepared, read and agreed to, was sent to the senate by Mr. Burgess.

BY THE HOUSE OF DELEGATES, MAY 3, 1787.

MAY IT PLEASE YOUR HONOURS,

Thomas Stone, Esquire, having declined accepting his appointment as a deputy to meet the convention to be held at Philadelphia, we think it proper to fill the vacancy occasioned thereby, and propose to ballot for an additional deputy at four o'clock this afternoon.

Daniel of Saint Thomas Jenifer, Gabriel Duvall and Alexander C. Hanson, Esquires, are put in nomination by this house. Mr. Dent and Mr. Robert Bowie, are appointed to examine the ballot boxes in conjunction with the members you may name for that purpose.

By order,

W. HARWOOD, clk. . . .

POST MERIDIEM.

The house met. . . .

Samuel Hughes, Esquire, from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, MAY 3, 1787.

GENTLEMEN,

We are ready to ballot for a deputy to attend the convention proposed to be held at Philadelphia in the room of Thomas Stone, Esquire. No person is nominated by the senate in addition to the gentlemen proposed by your house; and we have appointed Richard Ridgely and Peregrine Tilghman, Esquires, to examine the ballot boxes in conjunction with the gentlemen appointed by your house.

By order,

J. DORSEY, clk.

Which was read.

The house proceeded to elect by ballot a deputy to meet at Philadelphia in May next, in the room of Thomas Stone, Esquire, who declined to accept, for the purpose of revising the federal constitution; and the ballots being deposited in the ballot box, the gentlemen named to strike retired, and after some time returned and reported, that Daniel of Saint Thomas Jenifer and Gabriel Duvall, Esquires, had an equal number of votes.

Peregrine Tilghman, Esquire, from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, MAY 3, 1787.

GENTLEMEN,

Daniel of Saint Thomas Jenifer and Gabriel Duvall, Esquires, appearing on the report of the committee to have an equal number of votes, we propose to go into an immediate ballot for one of those two gentlemen, and have appointed the same gentlemen of this house to examine the ballot boxes.

By order,

J. DORSEY, clk.

Which was read.

The following message being prepared, read and agreed to, was sent to the senate by Mr. Jackson.

BY THE HOUSE OF DELEGATES, MAY 3, 1787.

MAY IT PLEASE YOUR HONOURS,

This house are ready to go into an immediate ballot as you propose, but we do not think we are confined to make choice of one of the two gentlemen who had an equal number at the last ballot. The same gentlemen we before appointed are again nominated to examine the ballot boxes.

By order,

W. HARWOOD, clk.

The house again proceeded to elect by ballot a deputy to meet at Philadelphia in May next for the purpose of revising the federal constitution in the room of Thomas Stone, Esquire, who declined to accept; and the ballots being deposited in the ballot box, the gentlemen named to strike retired, and after some time returned and reported, that Gabriel Duvall, Esquire, had a majority of votes. . . .

1. *Votes and Proceedings of the House of Delegates*, 137, 138–39. See also *Votes and Proceedings of the Senate*, 56, 57.

Senate Proceedings, Thursday, 3 May 1787, P.M. (excerpt)¹

. . . The following message was prepared, agreed to, and sent to the house of delegates by Samuel Hughes, Esquire.

[See House of Delegates Proceedings immediately above for the Senate's first message.] . . .

The senate proceeded to the election of a deputy to meet the convention in Philadelphia in the room of Thomas Stone, Esquire, who has declined to accept his appointment. The ballot box was prepared, the ballots deposited therein, sealed up, and delivered to the committee of the senate appointed to meet the committee of the house of delegates, who retired to the conference room, and after some time returned and reported, that Gabriel Duvall and Daniel of Saint Thomas Jenifer, Esquires, had an equal number of votes.

The following message was prepared, agreed to, and sent to the house of delegates by Peregrine Tilghman, Esquire.

[See the House of Delegates Proceedings immediately above for the Senate's second message and the House's response, which the Senate read.]

The senate then proceeded to the election of one of the two gentlemen who had an equal number of votes at the last ballot. The ballot box was prepared, the ballots deposited therein, sealed up, and delivered to the committee of the senate appointed to meet the committee of the house of delegates, who retired to the conference room, and after some time returned and reported, that Gabriel Duvall, Esquire, had a majority of votes; whereupon it is declared in the senate, that Gabriel Duvall, Esquire, is duly elected a deputy to meet the convention at Philadelphia. . . .

1. *Votes and Proceedings of the Senate*, 57.

House of Delegates Proceedings, 7 May 1787, P.M. (excerpts)¹

. . . The following message being prepared, was sent to the senate by Mr. F. Bowie.

BY THE HOUSE OF DELEGATES, MAY 7, 1787.

MAY IT PLEASE YOUR HONOURS,

On the report of the gentlemen named to strike the ballots on Thursday last for the election of a deputy to meet the federal convention to be held at Philadelphia, the ballots for Gabriel Duvall, Esquire, appeared to be thirty-seven, and those for Daniel of Saint Thomas Jenifer, Esquire, thirty-five, which, upon examination, were found to be five more than there were members attending the general assembly, owing, we apprehend, to the mistake of some of the delegates, who, on a ballot being called for some time before going into one, put their tickets then in the box, and afterwards, when the general ballot took place, not recollecting this circumstance, put in again; to remedy which, we propose that a ballot again be had between the above gentlemen at five o'clock this evening. Mr. Dent and Mr. Robert Bowie are named by us to examine the ballot boxes.

By order,

W. HARWOOD, clk. . . .

John Smith, Esquire, from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, MAY 7, 1787.

GENTLEMEN,

Not having heard from your house since Thursday last on the subject of the ballot of that day, we are somewhat surprised at your message of this afternoon by Mr. Bowie. In answer thereto we can truly say, that no irregularity appeared to us, and therefore Gabriel Duvall, Esquire, was declared by the senate duly elected. "You say there was an irregularity owing to a mistake, as you apprehend, of some of the delegates, who, on a ballot being called for some time before going into one, put their tickets into the box, and afterwards, when the general ballot took place, not recollecting this circumstance, put in again." We are disposed, gentlemen, to harmonize with you without departing from all the rules that should govern the two houses on similar occasions; and not being willing to agree to the proposal you make of a new ballot after the intervention of several days, when, by the absence of some members, and the coming in of others, the ballot may be changed to the prejudice of one or the other of the gentlemen, we propose one of two methods to obviate all controversy, that is, either to confer the necessary powers to any three or two of the four gentlemen first elected, or if you wish a new ballot, this house will agree to ballot for any person or persons that may be put in nomination, excluding Gabriel Duvall and Daniel of Saint Thomas Jenifer, Esquires, from the proposed ballot; but this house, under all circumstances, have determined not to go into a new ballot for either of those gentlemen.

By order,

J. DORSEY, clk.

Which was read the first and second time, and the following message, in answer thereto, was prepared and sent to the senate by Mr. Harwood.

BY THE HOUSE OF DELEGATES, MAY 7, 1787.

MAY IT PLEASE YOUR HONOURS,

We cannot consent to exclude any gentleman from the choice of either house, and there can be no question that the ballot on Thursday last was irregular. We really wish to accommodate as far as possible, and therefore we propose that Daniel of Saint Thomas Jenifer and Gabriel Duvall, Esquires, be added to the four gentlemen before elected, as it appears that both those gentlemen were approved of by a majority of the legislature.

By order,

W. HARWOOD, clk. . . .

Daniel Carroll, Esquire, from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, MAY 7, 1787.

GENTLEMEN,

The hour of adjournment being passed, we will return an answer to-morrow morning to your message by Mr. Harwood.

By order,

J. DORSEY, clk.

Which was read.

The house adjourns till to-morrow morning 8 o'clock.

1. *Votes and Proceedings of the House of Delegates*, 144, 145–46. See also *Votes and Proceedings of the Senate*, 59–60.

Senate Proceedings, Tuesday, 8 May 1787 (excerpt)¹

. . . The following message was prepared and read.

BY THE SENATE, MAY 8, 1787.

GENTLEMEN,

Although the proposition contained in your message of yesterday by Mr. Harwood, to add Gabriel Duvall and Daniel of Saint Thomas Jenifer, Esquires, to the nomination of deputies to meet at Philadelphia, is not so agreeable to us as either of the propositions we offered, yet as it appears to be the wish of your house, that the gentleman who had the smallest number of votes on the last ballots should be added to the delegation, we, to prevent further delay in this important business, agree to your proposal to include Gabriel Duvall and Daniel of Saint Thomas Jenifer, Esquires, in the appointment.

By order,

J. DORSEY, clk.

And the question being put, That the same be agreed to? The yeas and nays being called for, appeared as follow:

AFFIRMATIVE.

The honourable George Plater, Esquire, president, the honourable Charles Carroll, of Carrollton, John Hall, John Smith, Daniel Carroll and Richard Ridgely, Esquires.

NEGATIVE.

The honourable Edward Lloyd, William Perry and Peregrine Tilghman, Esquires.

Determined in the affirmative.

The following message was prepared, agreed to, and, with the above message, was sent to the house of delegates by Richard Ridgely, Esquire. . . .

1. *Votes and Proceedings of the Senate*, 61. Richard Ridgely delivered the message to the speaker of the House of Delegates later that day. The House read the message (*Votes and Proceedings of the House of Delegates*, 147).

House of Delegates Proceedings, Wednesday, 9 May 1787 (excerpt)¹

. . . The message of yesterday by Richard Ridgely, Esquire, proposing to include Gabriel Duvall and Daniel of Saint Thomas Jenifer, Esquires, to meet in convention at Philadelphia, was read the second time and agreed to. . . .

1. *Votes and Proceedings of the House of Delegates*, 148.

Senate Proceedings, Thursday, 10 May 1787 (excerpts)¹

. . . The president lays before the senate a letter from Charles Carroll, of Carrollton, Esquire, declining to accept the appointment of a deputy to meet the convention at Philadelphia; which was read.

The bill . . . with the above letter, was sent to the house of delegates by Charles Carroll, of Carrollton, Esquire. . . .

1. *Votes and Proceedings of the Senate*, 61. See also *Votes and Proceedings of the House of Delegates*, 148.

**House of Delegates Proceedings, Saturday
12 May 1787, P.M. (excerpt)¹**

. . . Mr. Speaker lays before the house a letter from Robert Hanson Harrison, Esquire, of this day, intimating, that the ill state of his health obliges him to decline acting as a deputy to meet the convention to be held at Philadelphia for the purpose of revising the federal constitution; which was read. . . .

1. *Votes and Proceedings of the House of Delegates*, 155. See also *Votes and Proceedings of the Senate*, 66.

Senate Proceedings, Monday, 14 May 1787, P.M. (excerpt)¹

. . . The president lays before the senate a letter from Gabriel Duvall, Esquire, declining to accept the appointment of a deputy to meet the federal convention; which was read. . . .

1. *Votes and Proceedings of the Senate*, 66.

**House of Delegates Proceedings, Tuesday
22 May 1787, P.M. (excerpt)¹**

. . . The following message was prepared, read and agreed to.

BY THE HOUSE OF DELEGATES, MAY 22, 1787.

MAY IT PLEASE YOUR HONOURS,

As several of the gentlemen elected deputies to meet the intended convention at Philadelphia have resigned, we propose to ballot tomorrow at twelve o'clock for two other gentlemen. Luther Martin, John Francis Mercer and Daniel Carroll, Esquires, are put in nomination by us: And this house have appointed Mr. Josiah Johnson and Mr. Steele to meet such gentlemen as you may appoint to examine the ballot boxes.

This house are of opinion, that the names of the deputies ought to be inserted in the law that vests them with power.

By order,

W. HARWOOD, clk. . . .

1. *Votes and Proceedings of the House of Delegates*, 176. George Dent delivered the message to the Senate later that day. The Senate adjourned until the next morning without reading the message (*Votes and Proceedings of the Senate*, 75).

House of Delegates Proceedings, Thursday, 24 May 1787 (excerpts)¹

. . . Mr. Speaker lays before the house a letter from Thomas Sim Lee, Esquire, resigning his appointment as a deputy to meet the convention to be held at Philadelphia for the purpose of revising the federal constitution. . . .

William Perry, Esquire, from the senate, delivers to Mr. Speaker . . . And the following message:

BY THE SENATE, MAY 24, 1787.

GENTLEMEN,

In order to save the time which would be taken up in balloting for two gentlemen to be added to those remaining in the delegation to the federal convention at Philadelphia, we propose that the names of

the three gentlemen mentioned in your message of Tuesday by Mr. Dent to be ballotted for, be added to those already chosen, and inserted in the act to be passed for the appointment, and conferring powers on, the deputies to said convention, giving a power to a majority of those attending it to represent this state.

By order,

J. DORSEY, clk.

Which was read. . . .

On motion, Leave given to bring in a bill, entitled, An act for the appointment of, and conferring powers in, deputies from this state to the federal convention. ORDERED, That Mr. Chase, Mr. T. Johnson and Mr. Paca, be a committee to prepare and bring in the same.

Mr. Chase, from the committee, brings in and delivers to Mr. Speaker the said bill; which was read the first and second time by especial order and passed.

The following message was prepared, read, and agreed to, viz.

BY THE HOUSE OF DELEGATES, MAY 24, 1787.

MAY IT PLEASE YOUR HONOURS,

This house agree to the proposal in your message of this day by William Perry, Esquire, and have sent you a bill agreeably thereto.

By order,

W. HARWOOD, clk. . . .

POST MERIDIEM. . . .

. . . the bill for the appointment of, and conferring powers in, deputies from this state to the federal convention; and the message in answer to the message of this morning by William Perry, Esquire; were sent to the senate by Mr. Jenings. . . .

Richard Ridgely, Esquire, from the senate, delivers to Mr. Speaker

. . .

The bill for the appointment of, and conferring powers in, deputies from this state to the federal convention, endorsed; "By the senate, May 24, 1787: Read the first time and ordered to lie on the table.

"By order,

J. DORSEY, clk.

"By the senate, May 24, 1787: Read the second time by especial order and will pass.

"By order,

J. DORSEY, clk."

Which was ordered to be engrossed. . . .

1. *Notes and Proceedings of the House of Delegates*, 177–78, 179–80. See also *Notes and Proceedings of the Senate*, 76.

House of Delegates Proceedings, Friday, 25 May 1787 (excerpts)¹

. . . Mr. Wallace brings in and delivers to Mr. Speaker the following resolution:

RESOLVED, That each of the deputies appointed by this state to meet the federal convention, be allowed for every day's attendance, and travelling expences to and from said convention, the same per diem allowance as delegates from this state have for each day's attendance for the present year in congress, and that they be paid in like manner.

Which was read the first and second time, and the question put, That the house assent thereto? The yeas and nays being called for by Mr. Norris, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	Stewart,	Jackson,
	Hopewell,	R. Bond,	Henry,
	Perkins,	Wallace,	Faw,
	Miller,	Matthews,	T. Johnson,
	J. Johnson,	Bravard,	J. Bond,
	Chase,	F. Bowie,	Love,
	B. Worthington,	Digges,	Hollingsworth,
	Taney,	Quynn,	McMechen,
	Grahame,	Paca,	Cromwell,
	Dent,	John Seney,	Burgess,
Cockey,	Joshua Seney,	Nicholls.	33.

NEGATIVE.

Messieurs McPherson, Shaw, Norris, Funk, Oneale. 5.

So it was resolved in the affirmative.

Sent to the senate by Mr. Gale. . . .

George Gale, Esquire, from the senate, delivers to Mr. Speaker . . . the resolution respecting the allowance to the deputies appointed by this state to meet the federal convention, severally endorsed; "By the senate, May 25, 1787: Read and assented to.

"By order, J. DORSEY, clk." . . .

1. *Votes and Proceedings of the House of Delegates*, 181–82. The resolution "was read the first and second time by especial order and assented to" in the Senate on 25 May (*Votes and Proceedings of the Senate*, 78).

An Act Appointing and Empowering Delegates, 26 May 1787¹

An ACT for the appointment of, and conferring powers in, deputies from this state to the federal convention.

Be it enacted, *by the general assembly of Maryland*, That the honourable James McHenry, Daniel of Saint Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin, Esquires, be appointed and authorised, on behalf of this state, to meet such deputies as may be appointed and authorised by any other of the United States to assemble

in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations, and further provisions, as may be necessary to render the federal constitution adequate to the exigencies of the union, and in reporting such an act for that purpose to the United States in congress assembled, as, when agreed to by them, and duly confirmed by the several states, will effectually provide for the same; and the said deputies, or such of them as shall attend the said convention, shall have full power to represent this state for the purposes aforesaid; and the said deputies are hereby directed to report the proceedings of the said convention, and any act agreed to therein, to the next session of the general assembly of this state.

1. *Laws of Maryland . . .* [10 April–26 May 1787] (Annapolis, 1787) (Evans 20485), Chapter XXXVI. The governor signed the act on 26 May (*Votes and Proceedings of the House of Delegates*, 187–88).

Appendix III

The Report of the Constitutional Convention

17 September 1787

The President of the Convention to the President of Congress¹

In Convention, September 17, 1787.

SIR, We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was encreased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few

exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, We have the honor to be SIR, Your Excellency's most Obedient and humble servants.

George Washington, President.

By unanimous Order of the Convention,

HIS EXCELLENCY

The President of Congress.

1. Broadside, PCC, Item 122, Resolve Book of the Office of Foreign Affairs, 1785–89, tipped in between pages 98–99, DNA. The original letter has been lost. The above is transcribed from the official copy of the Convention Report, printed by John McLean and attested by Charles Thomson.

The Constitution of the United States¹

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after

the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person

holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the state may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And

the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand

eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers; both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Attest William Jackson Secretary

Go: Washington—Presidt.
and deputy from Virginia

Delaware	{	Geo: Read Gunning Bedford junr John Dickinson Richard Bassett Jaco: Broom	New Hampshire	{	John Langdon Nicholas Gilman
Maryland	{	James McHenry Dan of St Thos. Jenifer Danl Carroll	Massachusetts	{	Nathaniel Gorham Rufus King
Virginia	{	John Blair— James Madison Jr.	Connecticut	{	Wm: Saml. Johnson Roger Sherman
North Carolina	{	Wm. Blount Richd. Dobbs Spaight. Hu Williamson	New York . . .		Alexander Hamilton
South Carolina	{	J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler	New Jersey	{	Wil: Livingston David Brearley Wm. Paterson Jona: Dayton
Georgia	{	William Few Abr Baldwin	Pennsylvania	{	B Franklin Thomas Mifflin Robt Morris Geo. Clymer Thos. FitzSimons Jared Ingersoll James Wilson Gouv. Morris

1. Engrossed MS, RG 11, DNA.

Resolutions of the Convention Recommending the Procedures for Ratification and for the Establishment of Government under the Constitution by the Confederation Congress¹

In Convention Monday September 17th. 1787.

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

RESOLVED, That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors

should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

W. Jackson Secretary.

Go: Washington Presidt.

1. Engrossed MS, RG 11, DNA.

Appendix IV

The Constitutional Convention and the Controversy over Kingly Government

The Maryland General Assembly met in Annapolis in November and December 1787. On 23 November the House of Delegates requested that the state's five Constitutional Convention delegates appear before the house on 29 November and report on the Convention's proceedings. Daniel Carroll, Daniel of St. Thomas Jenifer, Luther Martin, and James McHenry appeared before the house on 29 November, but there is no official record that the fifth delegate, John Francis Mercer, ever reported. However, a statement made by Daniel Carroll reveals that Mercer was in Annapolis while the Assembly was meeting. (See below.)

On 29 November Luther Martin addressed the House of Delegates, describing three parties in the Constitutional Convention during June and July 1787. One party, a "Monarchical Party," wanted to abolish all state governments; another party sought a government that would favor particular states; and a final party was "truly Federal, and acting for general Equality." Martin reiterated these ideas in his *Genuine Information II*, *Baltimore Maryland Gazette*, 1 January 1788 (RCS:Md., 135–36). On another occasion, he asserted that Elbridge Gerry of Massachusetts, who refused to sign the Constitution, believed that the Constitution would annihilate the states and lead to "the *introduction of a kingly government*" (*Maryland Journal*, 18 January [RCS:Md., 193, 194]).

According to Daniel Carroll, whether or not a party supporting a kingly government had existed in the Constitutional Convention became an issue "Some time after the breaking up of the [Maryland General] Assembly" on 17 December 1787. Carroll, who was also a member of the Maryland Senate, informed James Madison that it had "come to light that Luther Martin in his Tavern harangues among the members during the sitting of that Assembly had informed many of them that more than 20 Members of the Convention were in favor of a Kingly Government, and that he received the information from Mr McHenry who had a list of their names on the 1st printed report of the Committee of Detail [6 August 1787]" (28 May 1788, RCS:Md., 825). The list indicating those "for" or "against" monarchy had been created by John Francis Mercer on a blank page of his copy of the report of the Committee of Detail. Martin and McHenry made copies of that list. No list has been found.

The correspondence of the major players printed here reveals that there was little agreement among them on this issue. McHenry copied the list onto his printed copy of the Committee of Detail's report. According to McHenry, when he asked Mercer to explain the meaning of "for" or "against," Mercer replied that "for" favored a kingly or national government. In a statement that Mercer made to Daniel Carroll, he denied ever having used either term. Mercer also assured Carroll that he never said that Carroll himself had supported a kingly government. Martin had publicly reported that Carroll was a monarchist, a charge that Carroll greatly resented. In particular, Carroll registered his resentment on 28 May 1788 in a lengthy letter about Maryland politics that he wrote to James Madison. (See also Carroll's 11 June letter to his brother

John, also below.) In a 20 May letter to Carroll, Martin explained how he obtained the list and what he thought the designation “for” meant (below). McHenry in several letters to Carroll also defended himself in this matter.

During the meeting of the Constitutional Convention, the issue of monarchy was discussed privately and in newspapers. One widely reprinted newspaper report suggested that the Convention would invite the Bishop of Osnaburg, the second son of King George III of England, to become America’s king. The report ended by stating that “‘tho’ we cannot, affirmatively, tell you what we are doing; we can, negatively, tell you what we are not doing—we never once thought of a king.’” Two Maryland newspapers reprinted this item. For a brief discussion of the issue of monarchical tendencies in America, see CC:51.

Daniel Carroll: Copies of Documents on Kingly Government Post–14 November 1787–20 May 1788¹

Copy of what Col. Mercer gave me at Annapolis during the sitting of the Assembly.

Mr. Mercer had during the sitting of the Convention at Pha.² a list of the members of that body taken down on the printed Constitution, and against their names—these words—for & against—Mr. McHenry seeing it (without its being shewn to him) at the table where the Members from the State sat copied it without the leave or interference of Mr Mercer and added Mr. Mercers name with those of Mr Martin and himself—as against—Mr Mercer askd him what authority he had for setting him down against—Mr McHenry made some reply rather in a Light manner—that he had left Mr. Mercer room to change side, or to that effect—Some conversation took place but not of So serious a nature, as to make any impression on Mr. Mercers memory, but he is persuaded that he enterd into no explanation of the list to authorize Mr. McHenry to Say the members were markd as for a *Kingly* or *national* Government, and the list being on the Constitution, with the words for & against & nothing else, Mr. McHenry cou’d have no authority from that. Mr Mercer & Mr McHenry were not in the habit of confidential communication—nor has Mr Mercer ever mentiond any political opinion as the opinion of Mr. D. Carroll to any one—In a variety of private conversations it is probable he receiv’d the opinions of almost every Member in Convention, but he has never related more than what came from them in debate—At that moment the Cant expression was *high toned* Government³ which superceeded the usual descriptions of Monarchy, Aristocracy, or Democracy & which persuades Mr Mercer that the word Kingly could never have been used by him—

But as Mr Martin’s information to Mr Mercer of what passed between him & Mr McHenry fixes it, that Mr. McHenry told him, that he knew it of his own Knowledge & from his acquaintance with the Characters—

Mr Mercer thinks that Mr McHenry has very improperly introduced him into the business—

Turn over

The following is a copy [of] Mr Martins letter to me [Daniel Carroll] in consequence of what passd between us on Col. Mercer's calling him to me, at the time we were in conversation—

Sr.

May 20th. 1788

Agreeable to y^r request I here present you the Substance of our this days conversation—

Sometime after Mr McHenry's return to Convention conversing on the System then under discussion, and of the object and views of the Members of the Convention, Mr McHenry told me that a very considerable Number of them were in favour of a Monarchical Government (under certain limitations and restrictions as I concluded) and shewd me a list of the then attending Members from each State markd with the words *for* and *against*, to distinguish such as were for or against such a Government; this list was written on a blank page of his printed report of the Co^mmittee of detail, and I copied it on a blank page of mine with the same distinctive marks—more than twenty^t were noted in the list as being in favour of a Monarchy, among those was y^r name—

I observ'd to Mr McHenry that as to many of them I perfectly concurd in opinion, but as to some, I thought he was mistaken—he replied I might depend upon it, he was better inform'd on the Subject, and better knew their sentiments than I did, and that every one who was there distinguis[he]d in favor of a King was so in reality—Mr McHenry did not mention to me particularly whom he drew the inference or how he had obtained the Knowledge or the belief which he express'd, but I naturally concluded that it proceeded from the Sentiments he had heard them express—from information which had been given to him by others or from their Conduct in Convention, or from all these Sources combin'd—I have no possible recollection that Colo Mercers name was mention'd to me on that or any other occasion by Mr McHenry as having given him any information on the Subject, on the contrary, I well remember that I was surprizd when I heard Col Mercer's name lately mentiond on the occasion, as being totally unacquainted with his sentiments on that Subject, and as being ignorant that he had ever expressed such Sentiments—And I am well convinc'd from the fullest recollection & reflection that Mr. McHenry did not mention to me any person in particular from whom he had receiv'd the information or who had impressd on his mind the opinion he at that time entertaind.

At the time we were before the Assembly to give information Mr. McHenry's report of the Committee [of Detail] with other papers were laying on the Table, at that time the list I have mention'd was upon it; And as Mr. McHenry endeavour'd to impress an Idea that, there cou'd be no foundation for my Sentiment, that tho' but few members openly avowed their being for a Monarchical Government, yet there were a much greater number who secretly favord that System, I with dificulty restrain'd myself from laying my hands upon it, and producing it to the Assembly as a proof that he had himself once entertain'd Similar sentiments altho' he might since be convinc'd of his error.—

The foregoing is a just State of what passd between Mr McHenry & myself on the Subject concerning which you express'd a desire that I wou'd give you information, and you have my full permission to make any use of it which you may think proper—

I am sr. yr Obt Ser. Luther Martin

Copy.

Extract from Mr McHenry's Letter to me [Daniel Carroll] dated the 9th of Jan'y 88

Nothing that Mr Martin can say can make me uneasy, or give me any Surprize. I will tell you in a few words the ground of his misrepresentation. I observ'd Mr Mercer one day in Convention taking down the names of the members on a blank Side of his report⁵ and affixing to most of them the word for or against. I ask'd him what question occasion'd his being so particular, upon which he told me, it was no question, but those mark'd with a for were in favor of Monarchy. How do you learn that? No matter said he the thing is so. I then ask'd him to let me copy it, and Mr Martin took a copy from mine, which was also on a blank page of my report—This is the whole history, and you may make what use of it you please⁶—

The following is from a Scrip of a paper sent me [Daniel Carroll] by my Brother [John Carroll] from Mr McHenry—

I mention'd to Mr Mercer, at the Governors [William Smallwood] that Mr Danl. Carroll had been made very uneasy by Mr Martins having reported, that when in Convention he had been for a Kingly Government, and related the Substance of what I had written to Mr. Carroll on that Subject. Mr Mercer replied that he had put down no such thing opposite the names, & that he only meant that those which had *for* annex'd to them were for a national Government—I said I did not know what he meant, but that he told me in Convention when I copied the names from his paper that those mark'd for were for a King. He spoke of Mr Martins having acted improperly on this occasion and some others.—

1. MS, James McHenry Papers, Loose Letters, MdHi. This document is in Daniel Carroll's hand.

2. Mercer first attended the Constitutional Convention on 6 August, the day the Committee of Detail presented the first draft of the Constitution to the Convention. He last attended on 17 August, one month before the Convention adjourned.

3. On 31 July, eight days after New Hampshire delegate Nicholas Gilman first arrived in the Constitutional Convention, he reported that "A great diversity of sentiment must be expected on this great Occasion: feeble minds are for feeble measures & some for patching the old garment with here & there a shred of new Stuff; while vigorous minds and warm Constitutions advocate a high toned Monarchy—This is perhaps a necessary contrast as 'all natures difference keeps all natures peace' it is probable the conclusion will be on a medium between the two extremes" (to Joseph Gilman, Farrand, III, 66. The quoted text is from Alexander Pope, *An Essay on Man. In Epistles to a Friend*, Epistle IV [London, 1734], p. 3, line 54.).

4. According to Carroll, Martin used the number "more than 20" in his "Tavern harangues" during the meeting of the General Assembly (to James Madison, 28 May 1788, RCS:Md., 825). That number does not appear in either Martin's address to the House of Delegates on 29 November 1787 (RCS:Md., 88) or in his *Genuine Information* II, Baltimore *Maryland Gazette*, 1 January 1788 (RCS:Md., 136–37), the two places where Martin talks about monarchy.

5. Report of the Committee of Detail of the Constitutional Convention (CDR, 260–69).

6. McHenry had been absent from the Constitutional Convention for slightly over two months when he returned to the Convention on 6 August 1787, the day the Committee of Detail presented a draft of a new constitution to the Convention. McHenry concluded his lengthy diary entry for 6 August: "N. B. Saw Mr. Mercer make out a list of the members names who had attended or were attending in convention with for and against marked opposite most of them—asked carelessly what question occasioned his being so particular upon which he told me laughing that it was no question but that those marked with a for were for a king. I then asked him how he knew that to which he said no matter the thing is so. I took a copy with his permission, and Mr. Martin seeing me about it asked What it was. I told him, in the words of Mr. Mercer had told me, when he begged me to let him copy the list which I did" (Farrand, II, 191–92).

Daniel Carroll to James Madison 28 May 1788¹

My dear Sir,

I have much to say *confidentially*, and but little time afforded for it. In my last I intimated, that I should communicate something respecting our Elections²—I shall confine myself to that for Annarundell County. Untill a very few days before that Election, it was generally believ'd, there wou'd be no opposition to Mr Carroll of Carrollton and the other 3 federal Candidates—The two Chases, Mercer and a Mr Harrison stepd forward abt 4 days before. S Chase went into one part of the County and harangued; Mercer & J. Chase did the same in another part—the two latter had sign'd and dispersd a hand Bill, (see the inclosd). The people were alarm'd at their possitive assertions, and I am afraid when they attended the polls, a wildness appeard in many which show'd they

were really frightend by what they had just heard—I am sorry to add, on this occasion to yrself only, or such as you can entirely confide in, without my names being mentiond that it is probable Mr Mercer's assertions contributed in no small degree to this effect—Among other things said take the following. A few men had long before projected the proposed plan of Gov't—Mr Morris' report to Congress proposing certain specific funds, & the mode of Collection³ which you may remember were read if not debated in Congress, was made out to be part of this plan, & something from the French Minister in Support of it—Hence was a Juncto with a French Interest infer'd—This was to be disclosd to our Convention and be open'd in yrs, and some of the then members of Congress were to be call'd on as evidence to the truth of it. What do you say to this wonderfull plot? Extraordinary as the assertion was in itself, it became more effectual for the purposes intended by some of the hearers, confounding the time, and takeing up the Idea that the French Minister was actually concern'd in promoting that scheme at the federal Convention—Again, a Member from N. Hampshire (I believe Langdon) declar'd in Convention that rather than the States shou'd have the power of emitting paper money he wou'd consent to make General Washington despot of America⁴—further that it was the declar'd sense of the Convention that Tryales by jurys in civil cases ~~shou'd be~~ were taken away, &ca. The Election was carried by a Majority of abt 50.—I have been since assur'd that many who were hurri'd away under their sudden impressions, see their error, and express their regret—I left Annapolis on Saturday last: the Assembly expected to adjourn in a few days—It has been, I am told in the contemplation of the Minority to take some other measures besides their address⁵—among other projects one has been mentiond of their endeavouring to obtain a number of signers in favor of their propos'd amendments to be comūnicated to your Convention in some manner or other—I have reason to conjecture you will find on yr reaching Richmond, a considerable number of hand Bills circulating containing the address of our Minority. Among other matters which have been circulated, there is one which had the effect my Enemies (if I may so call any persons) wishd. I was on a ballot last winter for members of Congress left out by the difference of 2 or 3.⁶—It was imputed to the Majority of the Delegates being Anti-federal; but I find from some Members another matter operated for that purpose—It has come to light that Luther Martin in his Tavern harangues among the members during the sitting of that Assembly had informd many of them that more than 20 Members of the Convention were in favor of a Kingly Government, and that he receivd the information from Mr McHenry

who had a list of their names on the 1st printed report of the Committee of Detail—This positive assertion under the weight of Mr McHenry's name had the effect I have mentioned—Some time after the breaking up of the Assembly being informed of what Martin had said, I wrote to Mr McHenry who gave for answer,⁷ that seeing a list of names on Mr Mercers report, he copied it & asked him what the words *for* and *against* meant, who replied, *for* a Kingly government. *against* it. I wrote to Mr McHenry that as I had been injured by his names being mentioned I desired he would take a proper occasion whilst the Convention was sitting of having justice done me—He has answered that on speaking to Mercer, on the Subject, he told him that he meant a National Govt. to which McHenry said I do not know what you meant, but you said a Kingly Govt.—This Mercer denies and has given from under his hand that he neither said Kingly or National Govt.—I have a Letter from Luther Martin wherein he says he had the information from McHenry without Mercer being mentioned who told him he might rely on the persons being as marked for a Kingly Govt.⁸—Thus this matter rests at present—it is to be settled between McHenry & Martin on one point, & him & Mercer on another—I ask your pardon for troubling you so much on this Subject—I did not think of mentioning it at least at present, but as something may be said by others (& what may not be expected to be said?) on it, I deemed it not imprudent to say this much to you.

I am sorry to inform you that a letter was shown at Annapolis intimated to be from Mr. Jefferson⁹—I did not at first believe it to be his—being I think inconsistent with his Character for understanding and discretion, I will add, considering the manner of its circulating not consistent with that delicacy of friendship I thought he possessed. I was not at liberty to take a copy. The Substance was as near as I can recollect, that he approved of the ~~Genl~~ organization of the Govt into Executive Legislative and judiciary: approved of the manner of choosing the representatives, not that he believed they would be so well chosen as the present Congress, but from the principle's being preserved, that those who grant the people's money should be their immediate representatives; approves that powers should extend for general purposes, is captivated with the compromise by the representation in the Senate and Representatives—Dislikes the Constitution because it is without a Bill [of] rights—which I think he confines chiefly to the Security of Religious freedom, & against Standing armies, trial by Jury & The Habeas Corpus—Reprobates Mr Willsons reasoning about a Bill of rights & trial by Jury & says it only suited his audience (I suppose alluding to his Speech to the Citizens of Pha.:¹⁰ Disapproves most strongly the

manner of chusing the President & his being again eligible—apprehends the same consequences as history furnishes in the choice of the King of Poland &ca.—Owns he is not in favor of a very energetic Govt.—which is generally oppressive—The Rebellion in Massachusetts¹¹ is one in 11 years since our Independence which is *one in each State* for abt. 150 years—which No Govt. shoud be longer without. What do you think of these sentiments? the two last particularly the last most so? Can this possibly be Jefferson? When rebellions are crushed, does not the energy of Govt. generally increase? if they prevail, is there not often danger of their ending in Despotism? Col. Forrest show'd this letter, without date or names but said to come under cover—It resembles Mr. Jeffersons hand writing—I have heard that Mr Mercer & Genl. Smallwood say it is his writing—Forrest says he believes it to be from him—He concludes the Letter by saying if the Majority of his Countrymen adopt the Govt he submits; whilst they are virtuous they will obtain the necessary alterations; thinks that to be the Case, and will remain so for a Considerable time, whilst Agriculture is their principal employment¹²—

You will see that the above is written in haste. I have not time to revise it, or to add any thing more than to assure you that the Members who compos'd our Convention were in General of abilities and fairness of character—justice woud have demanded this of me, if they had been of different political sentiments from me, it gives me more pleasure in saying it as I find my own opinion supported by theirs—I heard I believe S Chase himself declar'd their weight in the Coñunity to be ~~sueh~~ as sufficient to carry the Govt.—I did think of makeing some remarks on the propos'd Amendments—it is however needless to you, I shall therefore only say that on the consideration I have given them, they appear to me useless, or dangerous—One of them (the produce of duties to be carried to the credit of the State) damnable, as destroying every chance of our continuing United—Adieu, My Dr Friend, May health attend you, & success on the present arduous occasion—Yrs affy—

1. RC, Madison Papers, DLC. No place of writing is given, but the letter was written four days after Carroll left Annapolis, where he had been attending the Senate as a senator from the Western Shore.

2. See Carroll to Madison, 28 April (RCS:Md., 690).

3. The reference is probably to Robert Morris' 29 July 1782 report to the Confederation Congress (JCC, XXII, 429–47).

4. In his notes of the Constitutional Convention for 16 August 1787 James Madison states that “Mr. Langdon had rather reject the whole plan than retain the three words ‘(and emit bills)’” (Farrand, II, 310).

5. For the address of the minority of the Maryland Convention, see RCS:Md., 659–69.

6. On 11 December 1787 the House of Delegates put in nomination for delegates to the Confederation Congress William Harrison, Benjamin Contee, David Ross, John Eager

Howard, Joshua Seney, Nathaniel Ramsey, and Daniel Carroll. In addition to those nominated by the House, the Senate put in nomination Josias Carvil Hall. When the ballots were counted the first five men listed above “had a majority of votes” and were declared elected delegates (*Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1787*. . . . [Annapolis, 1788] [Evans 21224], 36–37).

7. See the extract from McHenry’s 9 January 1788 letter to Carroll (RCS:Md., 823).

8. See Martin to Carroll, 20 May 1788 (RCS:Md., 822–23).

9. The reference is to a 20 December 1787 letter that Thomas Jefferson wrote to James Madison, an extract of which Jefferson sent to Marylander Uriah Forrest, who was in London. Forrest planned to leave for America in January 1788. Jefferson told Forrest that he could use the extract as he saw fit as long as he did not reveal Jefferson as the author of it. See Jefferson to Madison, 20 December 1787, and Jefferson to Forrest, 31 December, and Forrest to Jefferson, 11 December (CC:Vol. 2, pp. 482–85, 488–92n; RCS:Md., 111–12).

10. The reference is to James Wilson’s 6 October 1787 speech in Philadelphia in the state house yard. See “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October (RCS:Md., 20–22. For the text of the speech, see CC:134.).

11. The reference is to Shays’s Rebellion.

12. See note 9 (above).

Daniel Carroll to John Carroll **11 June 1788¹**

Dear Brother,

The inclosed is for Mr. McHenry; During a long course of public Service, I have never before heard of any imputation being cast on my conduct—This is of a nature which woud deservedly deprive me of the confidence of the Public, at least. My character I hold dear, & will maintain it against attempts to injure it. Where the blame is, I will not undertake to determine—I did not conceive it probable, that such a paper as is mentiond in Mr. McHenry’s letter of the 9th of Jany.² woud be coud have been circulated, among some of the deputies from Maryland without my privity, much less, that Mr McHenry woud furnish Mr Martin with one with my name to it—Untill lately I woud not believe that my name was on that list—

1. RC, James McHenry Papers, Loose Letters, MdHi.

2. For an extract from this letter, see RCS:Md., 823.

James McHenry to John Carroll **Baltimore, 16 June 1788¹**

I have read Mr. Martins and Mr. Mercers information to Mr. D. Carroll. With respect to their statements, I can only subjoin, to what I have already written to Mr. Carroll, that I copied the list in question with Mr. Mercers permission without adding any thing of my own or altering

any thing of his, which may be ascertained by comparing the two together; and that on Mr Mercers changing his seat to another part of the house, Mr. Martin asked me, what I had been copying, and without waiting for an answer took up my report and read over the list. I told him, I had copied it from a list made out by Mr. Mercer, and that the names having *for* annexed to them, Mr. Mercer said, were for a king. Mr. Martin asked me to let him take a copy, and I permitted it, and this was *all* the conversation I held then or at any other time with Mr. Martin on that subject.

This relation is copied in substance from my note book of the transactions of the convention, which I wrote down daily,² and is besides fresh in my memory so that there can be no mistake upon my part. I did not shew the list to Mr. Carroll or Mr Jenifer or any other person (except Martin who got it by surprise), because I took it only with a view to relate the circumstances attending its origin in case it should ever be brought forward to answer improper purposes; nor have I mentioned at any time since any thing respecting ~~either the list or its object~~ it to any person whatever but Mr. D. Carroll and his brother.

Mr. D. Carroll has my consent to ~~publish the above~~ make what use he may think proper of the above.

1. FC, James McHenry Papers, Loose Letters, MdHi.

2. See "Daniel Carroll: Copies of Documents on Kingly Government," Post-14 November 1787–20 May 1788, note 6 (RCS:Md., 824n).

James McHenry to John Carroll Baltimore, 16 June 1788¹

You have been so kind as to put your brothers letter into my hand.² I have read it attentively and cannot help thinking that he has ~~blamed me without a due consideration of the case. He has~~ looked for an illustration where his own experience ~~ought to~~ might have taught him it could not possibly be found. He doubts where the blame lays. When did Mr. Martin and Mr. Mercer become authorities? He suggests also that I should have made him ~~or Mr Jenifer~~ acquainted with the list. If I had shewn it to him ~~or Mr Jenifer~~, I must have shewn it to others who were equally affected by it, with some of whom I have been for these thirteen years past in the closest habits of intimacy and friendship. Such a step, he must be aware, would have brought on immediate personal altercations (at a most critical time) with a man prone to anger, and excessively captious. I did what I thought much safer and more decisive. I reserved myself to expose it publicly in case a public use had been made of it. This has never been done tho' the fairest opportunity

in the world was offered for doing it. Can any one who witnessed that occasion who heard me charge Mr. Martin with uttering falsehoods, entertain a belief that his representation to Mr. Carroll is true, or that he would have remained silent and condemned before the general assembly if he could have given me as an evidence of what he there asserts. As to Mr. Mercer, I wish your brother had mentioned what he has recently done or said that has induced him to think more favorably of his veracity.

I have only to regret in this affair that my anxiety for the public good, and your brothers quiet, for whom I have the most sincere friendship, should have occasioned him a moments uneasiness, and am only surprised that he has not treated this as he has the other fictions which have been gravely reported to the world for truths.

1. FC, James McHenry Papers, Loose Letters, MdHi.

2. On 11 June Daniel Carroll wrote his brother John enclosing a letter that he wanted his brother to give to McHenry (RCS:Md., 828). The letter from Carroll to McHenry has not been located.

Appendix V

Maryland Population, 1782 and 1790¹

County/Town	1782	1782	1782	1790	1790	1790	1790
	Total	White	Black	Total	White	Slave	Other Free
Ann Arundel	18,081	9,370	8,711	22,598	11,664	10,130	804
Baltimore County	23,350 ²	17,878	5,472	25,434	18,953	5,877	604
Baltimore Town			13,503	11,925	1,255	323	
Calvert	7,610	4,012	3,598	8,652	4,211	4,305	136
Caroline	7,928	6,230	1,698	9,506	7,028	2,057	421
Cecil	10,383	7,749	2,634	13,625	10,055	3,407	163
Charles	17,724	9,804	7,920	20,613	10,124	10,085	404
Dorchester	13,502	8,927	4,575	15,875	10,010	5,337	528
Frederick	22,757	20,495	2,262	35,600 ³	31,476	3,899	225
Harford	12,418	9,377	3,041	14,976	10,784	3,417	775
Kent	10,426	6,165	4,261	12,836	6,748	5,433	655
Montgomery	14,418	10,011	4,407	18,003	11,679	6,030	294
Prince George's	18,610	9,864	8,746	21,344	10,004	11,176	164
Queen Anne's	13,720	7,767	5,953	15,463	8,171	6,674	618
St. Mary's	14,705	8,459	6,246	15,544	8,216	6,985	343
Somerset	13,740	7,787	5,953	15,610	8,272	7,070	268
Talbot	10,894	6,744	4,150	13,084	7,231	4,777	1,076
Washington	12,333	11,448	885	15,822	14,472	1,286	64
Worcester	12,034	8,561	3,473	11,640	7,626	3,836	178
TOTALS	254,673	170,688	83,985	319,728	208,649	103,036	8,043

1. The 1782 figures are from the March 1790 issue of the Philadelphia *American Museum*, p. 159. The 1790 figures are from the U.S. Census of 1790.

2. The 1782 figures are for Baltimore County. It cannot be determined if they include the population for Baltimore Town.

3. The Frederick County figures include the totals for Allegany County, which was created out of a part of Frederick County in 1789.

Appendix VI

Charles Carroll of Carrollton and the Maryland Convention

Charles Carroll of Carrollton expected to be elected as one of the four delegates to the state convention from Anne Arundel County in April 1788. Antifederalists, however, would win all four seats. Carroll had already drafted a speech that he intended to deliver in the convention. The manuscript draft of the speech is in Special Collections at the Maryland State Archives as the "Charles Carroll of Carrollton's Manuscript Address in support of the Constitution Collection 1788" (M 1442). The body of the speech is on thirty-three numbered pages and is dated on the last page "23d Janry 1788." An additional seven numbered pages (pp. 34–40) contain material written in February and March to be inserted on pages seventeen and twenty. The manuscript contains many cross-outs and interlineations and some marginal insertions. The insertions have been put in their proper places and significant lined-out material has been included.

A second manuscript in the Carroll Papers at the Maryland Historical Society could be notes that Carroll intended to use for a speech or speeches at the Maryland Convention. The manuscript is five pages and ends abruptly as if additional pages are missing. Carroll made these notes after 1 February 1788.

Charles Carroll of Carrollton: Draft Speech for Maryland Convention, 23 January–March 1788

Were the science of Govt. Mr. President, reducible to a few elementary principles as obvious & certain, as the axioms of Geometry, the same kind of Govt. would have been embraced by all the nations of the world, supposing men to have been free to chuse well informed & influenced in their choice by the deductions of reason only, and not by accident, or rather a combination of particular circumstances. That such a combination, rather than conviction the result of reasoning & thought, gave rise to the different forms of Government adopted by different nations, may be proved from their histories; and were no history of these events extant, the nature of man & the progressive state of society sufficiently ascertain the fact. It would be more curious, than instructive to investigate the origin of the different Govts., and to assign the particular causes which lead to the establishment of monarchy among some nations, of aristocracy or democracy among others. In an enquiry of this kind much must be left to conjecture, and this is not the time, or place to make it. In my opinion, it would be equally foreign to the present question to enter into a detail.

Much has been written on the several forms of Govt. each has had its advocates, and much time & learning have been misspent in defence

of different theories & systems. however this good has resulted from a thorough investigation of the subject, that it is now more generally, & better understood, and to this truth do all subscribe, that Govt. is intended for the benefit of the governed to promote their happiness & welfare, not to enrich & aggrandize those who govern: authors indeed have differed about the means of promoting the aggregate happiness of Society; some have thought the monarchical, some the aristocratical, and others the democratic form of govt. the best adapted to this great object: a preference however is given by the best & latest writers to a mixture of the three simple forms and it is generally admitted that that Govt. is the best which unites in its composition & frame the energy of monarchy, the wisdom of aristocracy with the integrity common interest & spirit of a democracy. Of this sentiment at least were two of the best judges of Antiquity, Cicero, & Tacitus: the latter indeed has expressed his opinion, that it is easier to praise, than to frame such a govt., & that if ever it should take place, it would not be lasting. Tacitus, who saw despotism established in his country on the ruins of Liberty, who felt the invigorating force of that inestimable boon, thought & wrote in this instance under all the gloom & despondency of an afflicted Patriot. We, thanks to Heaven, live in more auspicious days, and in a country where the rights of men are well understood, where the blessings of liberty are diffused among a spirited & sagacious People, who know how to estimate its value, & guard against its abuse; for, Sir, the choicest, the noblest gifts of an all-bountiful Providence may be abused, and being abused frequently prove the greatest curses. From the experience, knowlege, & sagacity of this People I draw the most favourable presage of the wisdom & discernment of their Representatives here convened on an occasion the most interesting & momentous, the adoption, or rejection of a Govt. which will either secure to the present & future generations on this great Continent, freedom & prosperity, or entail upon them servitude, & misery.

Which of us acting under a trust so sacred & important does not feel all its weight & obligation? Singled out by our Constituents as persons best qualified to discuss & determine a question of the greatest magnitude, on the right decision of which their dearest interests depend, honoured & distinguished by a confidence, the greatest which can be reposed in man, I doubt not that the members of this Assembly have divested themselves of every prejudice & improper bias, & are resolved to vote the real dictates of their conscience & judgment. This, at least, Mr. President, is my determination. I have reflected much on the Constitution, which is submitted to our consideration, I have weighed with

all the care & circumspection, I am master of, the arguments which have been urged in its favor, & the objections which have been made to it. On the maturest consideration which I have been able to give the subject, I am fully satisfied that the federal Govt., as proposed by the late Convention ought to be adopted. I shall as briefly as possible disclose the reasons of this opinion & conviction.

What, Sir, are the ends of Govt.? The protection of the lives, Liberty, & property of the persons living under it. The Govt., which is best adapted to fulfill these three great objects, must be the best; and that Govt. bids fairest to protect the lives, Liberty, & property of its citizens, Inhabitants, or subjects, which founded on the broad basis of a common interest, & of which the sovereignty being lodged in the Representatives of the People at large unites the vigor & dispatch of monarchy with the steadiness, secrecy, & wisdom of an aristocracy. To me, Sir, it appears that these three great desiderata are more skilfully combined in the proposed plan of federal Govt., than in any other which has yet existed, & that it will secure more perfectly than hitherto has been experienced by any other People, the rights, the internal peace & harmony of all living under it, & that its energy will be such as to give it respectability abroad, & stability at home.

Tacitus has expressed in a speech of the Emperor Galba to Piso a sentiment which well deserves the attention of this Assembly: like all the reflections of Tacitus it is pithy & profound, & discovers a great insight into human nature. *Imperaturus es, (says the Emperor speaking of the Romans) hominibus, qui nec totam servitutem pati possunt, nec totam libertatem.*¹ I hope, Sir, the day is fast approaching when no nation will remain so degraded as to crouch under the yoke of entire servitude, yet none I fear (such is the condition of humanity) can long enjoy the exuberance, the excess of Liberty.—In the moral world do we not see that excess in every affection is soon followed by disgust, pain, & punishment? The man of pleasure must indulge his favourite inclinations with a prudent œconomy, & moderation, or pleasure would fall upon intemperate enjoyment: the excess even of virtue terminates in vice: the observation applies to every passion, or pursuit, which engages, animates, or torments the busy race of Man; to the truth of it the nations can testify, who lost their freedom, by using it too much, in other words by the abuse of it.—The proposed federal Govt. by restraining the excesses, which liberty degenerating into licenciousness, & the turbulence of factions may engender in the State Governments, will protect the Liberty of each, and of all; the powers vested in the federal Govt. will enable it to perform this essential service: let us, if you please, Sir, examine its structure, & principles.

Powers of the federal Govt.—

The Legislative powers are accurately defined; what are not expressly granted by the Constitution are retained and remain in the State-Legislatures.—The federal Legislature is to consist of two branches; a Senate, & House of Representatives; the latter are to be chosen every second year by the People at large; the State-Legislatures are to chuse the Senate & are to prescribe the times, places, & manner of holding elections for Senators, & Representatives.—The Senate is to be chosen for six years; the Senators as soon as convened, are to be divided as equally as may be into three classes: the seats of the first class will be vacated at the end of the second year, of the 2d. class at the end of the 4th. year, and of the third class at the end of the 6th year.—

Observations.

This classing of Senators & vacating their seats at stated periods will give an opportunity to the State-Legislatures of substituting new Senators to those whose conduct may not be approved, or if approved, to continue them in their trust; if suspected of dangerous or selfish practices they will certainly be removed, when their time expires, and this rotation will effectually check all unwarrantable combinations among the members of that branch of the federal Legislature.

The House of Representatives is to be chosen by the People at large every second year. The term is short; should they not discharge their trust to the satisfaction of their constituents, they will not be re-elected.—But how, it may be asked, are the People to know whether they have discharged their trusts well, or not? removed at so great a distance from most of their constituents, their conduct will be but little known.—The answer to this objection discovers one of the excellencies of the Constitution.

The People at large, if left to themselves, might be ignorant of, or inattentive to the conduct of their Representatives in the federal Legislature; their immediate Representatives in the State-Legislatures will correct this defect of ignorance or inattention in the People. They will narrowly inspect the conduct of the federal Representatives; should they behave amiss, or be suspected, the alarm will soon be taken & spread by the State-Legislatures among the People: The instances of misbehavior will be pointed out; possibly exaggerated; most assuredly in passing through this channel of communication they will not be extenuated, & receive a friendly gloss. As long as the Representatives in the State-Legislatures possess the confidence of the People, their admonitions & advice will be duly attended to.

There then, Sir, is the great bulwark of liberty, the greatest security, that the federal Representatives will honestly discharge their trust, be-

cause their conduct will be closely inspected by men well informed, of discernment, annually assembled in a body, & who will be actuated not only by a sense of duty, but probably by a spirit of emulation, & jealousy.—The federal Senate appointed by the State-Legislatures is more, if possible, under their controul, than the federal Representatives. Let it be remembered too that the State-Legislatures are to prescribe the times, places, & manner of holding the elections for Senators & Representatives in each State.

There, Sir, is another security against dangerous encroachments of the federal Legislature.—But it has been objected, that this security is defeated by the proviso, which authorises Congress to alter by law at any time the regulations adopted by the State Legislatures, except only as to the places of chusing Senators.

That this power vested in Congress cannot be abused, a little attention to the subject will evince.—Let us suppose the Constitution to be ratified by nine States: the Legislatures of these nine States must prescribe the times, places, & manner of holding the elections for Representatives & Senators; until these elections are made no Congress, under the new Constitution, can be holden: if made satisfactorily to the People of the nine States, it cannot be supposed that Congress will interfere with them. For what purpose should the Representatives from eight of the nine States wish to alter, for instance, the time, manner, & place of holding the elections in Maryland? Why should Maryland join with seven of the other States to alter the manner of election in a ninth State? No reason can be assigned for such conduct; but a good one may be given for vesting Congress with such a power to be exercised on particular emergencies.

Suppose an Insurrection should break out in one or more States, so as to prevent the meeting of the State Legislatures, on this occasion would not the exercise of the power be proper?

Suppose the two branches of any State-Legislature should disagree about the manner of chusing Senators, & could not compromise among themselves the difference, would it not also be proper for Congress to interfere in this instance, & settle the manner of making the choice?—That the power will be seldom exercised by Congress, & when necessary, will be exercised with the greatest discretion, we have the strongest assurance, founded on the composition of that Assembly: That cases may occur, when it may be necessary to use the power, cannot be reasonably denied & therefore it was wise to lodge it in Congress.—

The Legislative powers granted to Congress are of a general nature, such as are suitable to properly belong to a Govt. intended to direct & manage the general & joint interests of thirteen independent Sovereignties and of many others which will hereafter form a part of a most

impressive Confederacy. Were Congress clothed with powers short of those given, it would not answer the end of its institution.

I shall not, Sir, go into an examination of all the powers: I mean to confine my observations to such of them principally, as have been objected to, and from which, it has been suggested, consequences will flow dangerous to the liberty & welfare of the confederating States.— That Congress should have the power to raise & support armies, & to provide & maintain a navy, during war, is admitted by all; but standing armies are dangerous to liberty, & unnecessary in peace.

In our situation some regular standing force, even in peace, is necessary. Some regular troops must be kept on foot to garrison the western posts, on the side of Canada, and to protect our wide frontier against the inroads of the Indians, on whose friendly dispositions no reliance can be placed. A standing force may also be necessary to quell the insurrections which unhappily may break out in some of the States; To suppress the first movements of seditious citizens would probably save the effusion of much blood, & expence; before the militia could be collected, & put in motion, great devastations might be committed by a lawless & profligate Banditti.

Large standing armies in time of peace, & even in war, I admit to be dangerous to liberty & oppressive to the People: I will also admit that in many countries they have contributed to enslave, & keep enslaved the People; but these admissions, tho' true in general, have exceptions. G. B has long maintained a standing army, and yet has preserved the freedom of its Constitution. This, it may be said, is owing to its insular situation rendering a numerous land army unnecessary in peace. Granted, it is not therefore a small force of regular troops, which is dangerous to liberty; it is the largeness of the force combined with other circumstances which is dangerous, & has subverted the freedom of several nations. Our Situation in this respect is even more favourable than that of G.B. We have no formidable neighbours agt. whose strength & ambition a large army of regular forces must be supported. Jealousy or ambition have armed all the powers of Europe: vast armies are constantly maintained, at a vast expence, either as instruments of safety, or conquest.

The situation of our People is also very different from those of Europe in general; our citizens have arms in their hands, & know the use of them: the common People of Europe are disarmed, & in general would handle a musket as awkwardly as Hadley's quadrant:² The passion for hunting, & the pride of the gentry & nobility co-operating with an insidious policy have wrested from the peasantry of Europe those arms which might serve, under favourable auspices, & in critical emergencies to vindicate & maintain their just rights.—By the federal

Constitution all orders of nobility are expressly excluded, and there is no probability of the game laws³ being introduced into any of the States, of course the great body of the People will retain their arms, and I flatter myself the spirit to use them on every proper occasion.

It cannot be reasonably suspected that Congress will keep up a larger force than what may be absolutely necessary for the purposes already mentioned; because the expence would be too burthensome to themselves & to their constituents, & because a large army might put an end to their political existence, at least to their power & consequence. The Congress then cannot be justly suspected of a wish or design to keep up a *large* standing army, & a small one cannot endanger our Liberty.

Should the President desire to perpetuate himself in office by any other means than a conscientious discharge of its duties, and a fair reelection at the end of every four years, he might look to a standing army as the fittest instrument for his purpose; but how is he to obtain & keep up a force, which might realise his ambitious views, without the consent of Congress? No appropriation of money for the raising & support of an army can be made by Congress for a longer term than two years: That Congress should wilfully or ignorantly combine with the President to subvert their constituents, & their own liberties, is beyond the bounds of credibility, if we advert to the manner of chusing the members, unless indeed we suppose that a majority of the State-Legislatures also will be so blind as not to discover, or so wicked as to enter into such a conspiracy against the freedom of their country: Even if this last most improbable event should happen, still I trust the People of America will have the spirit & force to resist so wicked a combination, & to punish the guilty. The militia is to be officered by the several States; now to give success to a scheme so profligate, & wild, the militia officers too must be corrupted & leauged against the People. This last supposition is inadmissible unless a general depravity & corruption of manners should overspread & infect the country; if ever our posterity, which God forbid, should become so generally depraved, & corrupted, a despotic govt only will suit them.

Please, Sir, to advert to another provision of this constitution: no money can be drawn from the treasury, but in consequence of appropriations made by law, & a regular statement & acct of the receipts & expenditures of all public money is to be published from time to time. Here is another guard against illegal expenditures, & let me add too, Sir, against improvident ones. These Statements will be laid before the State-Legislatures from time to time, & will check lavish inconsiderate, or dangerous expences, of course dangerous designs should any such be harboured by Congress, or by any of the executive officers of the federal govt.

All this, some may say, appears well in theory; they may perhaps admit that there are many wise & useful restraints & provisions held out by the constitution; but what will signify all these restraints, these provisions, these wise regulations while Congress is expressly empowered "to make all laws which shall be necessary & proper for carrying into execution the several powers vested by this Constitution in that body, or in any department, or officer thereof[']"?—The Congress are hereby made the Judges what laws are proper & necessary for executing the several powers with which they are invested, & being judges of the propriety & necessity, they may make what laws they please.

Let us, Sir, thoroughly investigate the force of this objection. I ask are the several specified powers, and expressly lodged in Congress by this Constitution, proper & necessary? If some of them are improper, & unnecessary let them be singled out, & let it be shewn which of them are improper, & unnecessary. If all are proper, & necessary then this power which is under consideration is also proper & necessary. Unless this power were lodged in Congress, it would be idle to intrust that Assembly with the making of laws & regulations for the general Govt., because when made, they could not perhaps be executed in a variety of instances, without the power of making such additional laws, & regulations, as they might judge fit to enforce & insure the execution of the former. To have given to Congress an authority & power to make laws, & withheld the means of enforcing them would have been a proceeding strange indeed in men so well acquainted with the defects of the existing system; it would have placed the proposed federal Govt. in the ridiculous & awkward situation of the present; the new model would have resembled the old; it would have been a govt. of recommendations & empty resolutions. We see therefore, Sir, that this power which has been so much questioned, & so misrepresented, must have been lodged somewhere; with whom could it with any degree of propriety be left, but with that body of men, who are intrusted with the making of all laws & regulations relating to the general or united Govt.? It could not have been confided to the State-Legislatures, because a difference of opinion amongst them, as to the means of enforcing the laws & regulations of Congress would effectually stop their operation, and leave us nothing but the shadow, the mockery of an unreal government, with all the expence, & none of the benefits of a real one.

But this power may be abused; and so possibly, tho' not probably, may every other power granted to Congress by this Constitution. We have the same security that the power in question will not be abused more than the rest of the powers; this security arises from the manner, and frequency of electing the members of the federal Council, from the vigilance & jealousy of the State-Legislatures, from the Spirit, the

integrity, & discernment of the People, from the means of information with which they will be regularly furnished by Congress & their own Legislatures.

Senate

Some objections have been made to the continuance of the Senate, & to that part of its legislative power, by which it is authorised to propose amendments to money bills. The rotation established among the members of the Senate will effectually check as I have observed all improper combinations among them; perhaps a contrary inconvenience from what is apprehended may result from this rotation if the spirit of Jealousy should be too prevalent; the Senate may be too fluctuating a body & may therefore not possess that information & experience which might be obtained from a longer continuance of the trust. The power of proposing amendments to money-bills cannot surely be objected to by the middling & lesser States, whose pecuniary interests (all being equally represented in the Senate) may by this power be more easily defended against the encroachments, should any be attempted, of the other Branch, in which the influence of the larger States, having a larger representation, may preponderate.—Besides the taking away this unmeaning discrimination of power between the two branches of the federal Legislatures in the case of money bills will prevent much contention & loss of time in discussing what are properly money-bills.

And the objection has been made to the Senate: in some respects it may be considered as an executive Council; since by & with the advice of $\frac{2}{3}$ of the Senators present the President may make treaties; he is also to nominate and by & with the advice of the Senate is to appoint [“]Ambassadors, other public ministers & consuls, judges of the Supreme Court, & all other officers of the United States, whose appointments are not otherwise provided for by the Constitution, & which shall be established by Law.”—

This, it is contended, is an improper blending & mixture of the executive with the Legislative powers of Govt.—The assertion has been often repeated; but the bad policy of this mixing of the two powers in these instances has not been proved. Were indeed the *whole* legislative & executive powers lodged in the same man, or body of men, great mischiefs might ensue: they might make tyrannical laws, & execute them in a tyrannical manner. But the Senate is only a part, a branch of the federal legislature, & no Bill can be passed into a law without the consent of the house of Representatives. Here then is such a division of the legislative power, as effectually destroys the force of the argument drawn from the concentration of the legislative & executive

powers in the same person, or persons. The Senate is not the *sole* legislative power; consequently the power of legislation is not united in the Senate, as has been asserted, with the executive power; besides the Senate does not possess, but in a very limited degree, a part of the executive power; it may be said to have a controul over the executive in those instances, in which its advice & consent are necessary to give effect to particular & specified exercises of that power. The Senate therefore is neither totally legislative, nor totally executive; it possesses a certain portion of each of those powers.

Executive

~~Having, as I hope, removed the principal objections made to the federal Legislature, I shall proceed to examine & refute the arguments which have adduced against the federal executive.~~

Admitting the Legislative powers granted to Congress to be proper, the powers vested in the executive department seem to be a necessary appendage & consequence of the former. Whether the Executive is properly constituted is another question; whether for instance it should consist of a single person, or of an executive Council may admit of doubt. I am rather inclined to think that the Convention determined wisely in giving the executive to a single person, to be chosen in the manner directed, for a short term, & subject to the advice & controul of the Senate in matters of the greatest moment & particularly specified in the Constitution.—Could we be assured of always possessing a character so complete as that person deservedly & universally enjoys, who I doubt not will be chosen President by the unanimous voice of his country, if this Govt. is adopted, I should have no objection to that officer's being chosen for life. But ages may not produce another Washington.—The frequency of election will remind the President that he holds his office in trust for the benefit of the People by whom he is chosen; placed in so conspicuous a station by the deliberate, free, & affectionate suffrage of his countrymen, a regard to his own character, & to their interests, will induce him to discharge the duties of it, to the best of his skill & judgment. Should his re-election at the expiration of the terms be an object of desire he cannot in any other manner so well insure a continuance in office as by executing it with ability & integrity.

It has been indeed suggested (& what may not a party spirit suggest) that by intriguing with the federal Legislature, principally with the Senate, he may perpetuate his power against the inclinations of the People. How he is to compass this political manœuvre has not been discovered. A Legislature constituted in the manner of the federal Legislature does not seem calculated for intrigue, or likely to second an enterprise of the kind. The members would thereby hazard the loss of their seats,

and eventually their power & importance; for men, who should combine with the President in so open a violation of their oaths, & of the constitution, would not be pitied or protected when sacrificed in turn to the same ambition.

If the manner of chusing the President be duly considered, it is impossible he should owe his election to secret & undue influence.

The Electors of the President are to be appointed by the several States in such manner as their respective Legislatures shall direct. No Senator, or Representative, or person holding an office of trust or profit under the United States can be appointed an elector. The Electors are to meet in their respective States & vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. The Congress is to determine the time of chusing the electors, & the day on which they shall give their votes, which day shall be the same throughout the United States.

Can the sagacity of man devise a mode better calculated to exclude bribery, & cabal? We may reasonably hope that the Electors appointed to chuse the President will be men of understanding & information, & character; Surely eight such persons may be selected from the People of Maryland, & of the other States in the proportion assigned; if they can be selected for any purpose, undoubtedly they will be selected for this; if men of a different stamp should be chosen, the fault will lie somewhere else & not with the constitution.—Altho' cabal and bribery are excluded, force is not, & the President may have recourse to the standing army to secure his election.

From whence is this standing army to be drawn into the several States to overawe the elections? will the frontier posts be evacuated while this hopeful project is going on? If the usual garrisons remain in them, of what numbers must this standing army consist to admit of detachments sufficient to overawe the elections in thirteen States? would ten thousand men be competent to the purpose? He, who thinks so, must have a contemptible opinion of our People. Does any one seriously imagine that the peace establishment of our regular land forces will amount to half that number? How are they to be raised? to what end? how paid, how fed, how cloathed? The greatness & the inutility of the expence would discover the danger of, & defeat the attempt.—Away then, Sir, with these visionary fears, which betray the ignorance of those over whom they have any influence, & the interested views of others, who only pretend to be actuated by them.

We see the President is to have the advice of the Senate in matters of the greatest moment. No treaties can be made unless two thirds of the Senators present concur; by & with the advice & consent of the Senate He is to commission all ambassadors, public ministers the judges

of the Supreme Court & all other officers of the US whose appointments are not otherwise provided for by the Constitution. In the management of all these matters the Senate is truly an executive Council to the President He may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, who probably will be the most capable of giving him the best information on such subjects.—The President therefore will neither want advice, sanction, or information. So far as he acts under the sanction of the Senate, he must participate with that branch the blame, if any should be cast on such parts of his conducts as are directed by their advice, & authorised by their consent: in all other matters he will be personally responsible for any misconduct; the responsibility in all these instances will be his own entirely, & will not be divided amongst & shared by numbers: of course he will act with the greatest circumspection, & on the best information, thoroughly examined & approved.—

The limited controul given to the President over the federal Legislature cannot possibly be attended with any bad effects; on the contrary it may be productive of good by preventing the passage of improper laws.

Judicial Power

The several matters referred to the decision of the federal Judiciary are commensurate with, and are analogous to the legislative powers, & properly cognizable in the tribunals of a federal Govt, and cannot therefore with equal propriety be decided by the State courts.

The boundaries between the two jurisdictions are so distinctly marked, as not to be broken in upon inadvertently; if any encroachments should be made on the respective Jurisdictions, either by the State-courts on the jurisdiction of the federal courts, or vice versa, these encroachments will be made with design, & in direct violation of this Constitution.—The federal Govt. would be incomplete indeed, nay it would not deserve the name, were it not empowered to establish courts of justice for the decision of all cases in law & equity arising under this Constitution, the laws of the United States, & treaties made, or which shall be made under their authority, & of all cases of admiralty & maritime jurisdiction, in short of all the other cases enumerated in the second Sec. of the 3d. Article, for they are all of such a nature as seem to require the interposition & adjudication of the federal courts.

How could the federal Govt. enforce its revenue laws, & commercial regulations, unless it had Courts to punish the breaches of them, & compel obedience to their sanctions? The determination of such matters could not consistently, or with safety in particular circumstances be left to the State-courts; the revenue laws, & regulations of the federal

Govt. might not in that case be executed: Justice might not be done to foreigners, and to the citizens of the other States & breaches of the law of nations could not well be restrained & punished.

It has indeed been asserted that under the power given to lay & collect duties, the Congress may impose stamp duties on all legal proceedings, on deeds, wills, & all kind of instruments of writing transferring property, & to any amount, & that under the pretence of collecting these duties, & to prevent the evasion of the laws, which impose them the Congress may bring the decision of all questions relating to the conveyance disposition & rights of property, & every question relating to contracts between man & man into the courts of the general Govt.—

The objection is twofold: that a stamp duty may be proper, & necessary does not seem to be questioned. The objection goes to the amount of the tax, and to the consequences.—as to the first, I reply to this & every similar objection, that the amount of all taxation must be limited by the object, & proportioned to the expenditures, & these to the means of the People, & to the utility, & necessity of the expence & that the frequent statements & publication of the receipt & expenditure of the public revenue will effectually check, as I have already observed all useless and dangerous expences.

As to the apprehended consequences, they appear to me fictitious to be thrown out in terrorem. The federal courts in the cases alluded to, will only have to determine whether the documents or instruments of writing have been duly stamped; the contents of those instruments, cannot, I apprehend, be questioned in the federal Courts; whether for instance a will, or conveyance has been properly executed, whether it passes an estate for life, in fee, or intail must rest with the State Judicatories, it being their peculiar province to decide all such cases between citizens of the same State.

The Congress has the power to ordain & establish inferior Courts, which no doubt they will so distribute throughout the territory of the United States, as to consult the ease & convenience of the People as much as possible. These inferior courts are to have original jurisdiction in all the cases specified in the 2d. Sec. 3d. Art., save cases affecting Ambassadors, other public ministers, & Consuls, & those in which a State shall be a party; of these last the Supreme court is to have original exclusive jurisdiction; in all the other cases enumerated it is to have an appellate jurisdiction, both as to law, & fact, with such exceptions, & under such regulations as Congress shall make. It is to be presumed Congress will so organize their courts, & make such regulations, as will effectually prevent frivolous & vexatious appeals. They will probably limit & restrict appeals to causes above a certain sum, & take away the appeal

in cases of little moment where the matter in controversy would not bear the expence of an appeal.

But the Supreme court is to have an appellate jurisdiction “*both as to law & fact,*” & therefore Congress may set aside the jury trial in cases coming under the cognizance of the Supreme Court by appeal. I must here observe, that it is expressly stipulated, that the trial of all crimes, except in cases of impeachment shall be by jury, & that the trials (shall be held in the State, where the)⁴ crimes were committed: consequently no appeal will lie, in criminal prosecutions, from the inferior federal Courts to the supreme federal Court. (It has indeed been asserted by a lawyer of eminence that the appellate jurisdiction extends to criminal as well as to civil cases. He is certainly mistaken. If an appeal could lie in criminal cases from the inferior federal courts to the Sup. fed. Court, then a person who had been acquitted in the infer. fed. Court on a prosecution for a supposed breach of some public law, might be prosecuted for the same offence in the Supreme court, found guilty & punished. No part of the Constitution can give the least shadow or countenance to this inference so repugnant to its letter & spirit, & to every principle of penal law. What security could the citizens of these States derive from this provision “that the trial of all crimes shall be by jury, & be held in the State where they were committed” when in *criminal cases,*)⁵ {if the general govt. should not be satisfied with the verdict of the Jury, its officer might remove the prosecution to the Supreme Court, [“]where the verdict of the Jury is to be of no effect, but the Judges of this Court are to decide upon the fact, as well as the law, the same as in civil cases.”⁶

The Sup. fed. Court, it is true, has an appellate jurisdiction, both as to law & fact, in all the other cases “*before mentioned*”; but the cases “*before mentioned*” comprehend only *civil* cases, not *criminal* cases, of which hitherto there had been no mention; the appellate jurisdiction even in *civil cases* admits of such exceptions, & regulations as Congress shall make. The immediately subsequent paragraph of the same Section [Article III, Section 2] relates solely to *criminal cases*; it has no relation to, or connection with the cases “*before mentioned,*” to wit, *civil cases*; this paragraph expressly provides that “the trial of all crimes shall be *by Jury,* & that the trials shall be held *in the State* where the *crimes* were committed.”—If the verdict of a jury could be appealed from in criminal cases, if it could be set aside and rendered of no effect, if the same case could be tried by a different jury in a different place, or not tried by a Jury at all, as Martin contends, then *in reality* on every appeal the trial would neither be *by the Jury,* which the Constitution directs, nor would it be held *in the State,* where the crime had been committed; the

trial of the crime by Jury in the first instance, held in the State, and before the inferior federal Court, would be a meer mockery, a sham trial directed by the Constitution with no other view but to blind & mislead the People. Ought the gentlemen, who framed the Constitution, to be suspected of and charged, without the least foundation, with such duplicity, so mean an artifice, so pitiful a delusion, with a concealed & latent intention so repugnant to the obvious sense, & plain import of the words they have used to convey an ostensible meaning so very different from their true design?}]⁷

As to cases of property between Individuals the Congress might perhaps devise & establish a mode of trial full as good as the trial by Jury: however they will probably suffer it to subsist wherever the cases will admit of it to gratify the ~~inclinations & prejudices~~ wishes of the People in favor of that kind of trial.

A variety of cases however may arise under the laws of Congress, in which it would be improper to admit that trial; for instance should Congress establish a general excise, a more summary mode of trial than by Jury, I conceive, will be necessary to give effect & validity to the excise laws; yet necessary as the laying aside the trial by Jury might be in prosecutions for breaches of the excise laws, I am of opinion that kind of trial could not be set aside without an express alteration of the constitution for that very purpose in the manner prescribed.—

It is objected that on appeals from the inferior federal courts the parties will not have the advantage of a jury from the *vicinage*, that is, one of the parties may not; in all probability from this very circumstance, the trial will be more impartial, & consequently the chance of justice will be the greater.

The federal judicatories, it is said, will swallow up in time the Judicatories of the several States.—How, Sir, can this happen when the boundaries of the respective jurisdictions are so plainly ascertained? When an impervious line of Separation is drawn between them? All the cases enumerated in the Constitution are of the resort, & within the Jurisdiction of the federal courts; all cases between citizens of the same State, & arising under the laws of the State are subject to the Jurisdiction of its Courts, & cannot as I conceive, be drawn into the federal courts. Surely the latter cases will be the most numerous, & if so, the State-judicatories will have as much employment as those of the federal Govt.; but whether they have more or less employment is nothing to the purpose, the one cannot swallow up the other, because their jurisdictions are totally separate, & distinct.

The objection to the combined force of the three powers considered. I have hitherto considered & I hope refuted the principal arguments which have been separately urged against the three separate powers of

the federal govt.; the Legislative, the executive, & judicial.—It has been confidently asserted that the co-operating & combined force of these three powers will gradually sap, & finally overthrow the State governments. The assertion, or rather prediction, does not appear to be well founded, nor has it been supported by a train of just reasoning. I should not even deign to notice this prophecy, were it not to elucidate the excellence of this Constitution.

The three distinct powers of the federal Govt. are skilfully combined so as to balance each other, by that reciprocal check & counterpoise, which the most approved writers on Govt. consider as its chief perfection.—Sir, this is not all; the federal Govt. is not only well balanced by the judicious distribution of the powers, which compose it, but the several State-Governments will always keep it within its own & proper sphere of action: thus while it restrains the State-Governments within *their* orbits, it is by them retained within its own; acting, & acted upon it will produce that order, that stability in the civil, which we see exists in the physical world, where if I may compare great things to small, every planet, every center of each system attracting & attracted, repelling, & repelled keeps that station, & rolls within those spheres, which the great Author of allbeing has prescribed to each. Dropping all metaphor & comparison I beg gentlemen to reflect on the probable operation & effects of this new system. That it will influence, & be influenced by the State Govts. who can doubt? By them it will be restrained, as I have said, within the limits, prescribed to it by this Constitution, and will circumscribe, & confine the State-Govts to the proper exercise of their respective authorities. The Federal Legislature will watch the State-Legislatures, nor will its proceedings escape their vigilance & attention. The executive & judicial of the State goverts. will keep a fixed & stedfast eye on those departments of the federal Govt., whose duty it will be not to overlook any encroachments on their respective Jurisdictions.

Thus, Sir, will be introduced that circumspection, that vigilance, I may venture to say, that spirit of jealousy, which are necessary to keep free govts. to first principles, & to bring them back to those principles, when they have departed from them.—Let it not be feared that these multiplied checks will impede the motion of the great machine: they will equally prevent too much, & too little & produce that due admixture of energy, & caution, of action & repose, which constitute the true, the invigorating health, & perfection of Govt.—Whilst the jealousy of Independance will actuate the State-Govts. & render them more attentive to their respective rights, & separate interests than to the welfare of the whole, the General Govt will embrace the interests of this whole, draw & connect them together into one system, & thusly guarding the rights of all, will best secure & perpetuate the rights of each. Whilst a

difference of interests, real or supposed, may influence the individual States, occasion temporary disgusts, and a contrariety of views, the spirit of the federal Govt. will be one & entire, it will mix with, pervade, & animate the great body of the confederated Republick.

Spiritus intus alit: totamque infusa per artus
Mens agitat molem, et magno se corpore miscet.⁸

I have faintly traced, Sir, the outline of a pleasing picture, could I but animate the canvass with that glow of colouring; that happy distribution of light & shade, so as to present visible to your eyes the enchanting Form of this perfect Govt., then might I exclaim in the words of the great orator of Rome, O! Livideretus quam ardentem amorem excitaret sui!⁹—It has been asserted¹⁰ (that in *originally* forming a constitution the *assent* of *every individual* is necessary in order to make it ~~binding~~ or obligatory on *each Individual*;—that when once adopted, it cannot be *dissolved* by consent, unless with the consent of *every Individual*, who was *party* to the original agreement.

From these premises ~~Mr. Martin has deduced~~ the following consequence has been deduced.

as in forming one original federal Govt., *every member* of that Govt., that is, each State expressly consented to it,

and as it is *a part of the compact* made & entered into in the most solemn manner, that there should be *no dissolution* or *alteration* of that federal Govt. without the consent of *every State*, the members of, and parties to the original compact;

That therefore *no alteration* can be made by the consent of *a part* of the States, or by the consent of *the Inhabitants of a part of the States*, which can either *release* the States so consenting from the obligation they are under to the other States, or which can in any manner become *obligatory* upon those, that shall not ratify such alterations.

The best way to prove any doctrine or position, is to try the consequences resulting from it; if these should be repugnant to the common sense & feelings of mankind we may rest assured that the premises from which they are deduced, are ~~false~~ not sound and true From the 1st position “*that in originally forming a constitution the assent of every individual is necessary to make it binding on each Individual*”

This absurdity would follow: either that *one Individual* might prevent the adoption of a new Constitution or the alteration of the old one however necessary the adoption of a new Constitution or the alteration of the former might be deemed by the whole People, this one individual excepted, or that *this Individual* would not be bound by the laws and ordinances of the regular Legislature of the new Constitution, or of the old one when so amended; of course He would not be bound

to pay taxes, and submit to any of the laws prescribed by the constitutional authority. Thus this Individual would remain in a state of nature in the midst of civil society; He would not be subjected to any of its burthens, but would participate of ~~some~~ most of its advantages, such as personal security & many others.

From the 2d. position, to wit, "*that the Constitution when once adopted cannot be dissolved by consent, unless with the consent of every Individual who was a party to the original agreement.*"

This absurd consequence would result, that a Govt. however inconvenient found to be on trial & incompetent to the end of its institution, could not be altered, or a new one be substituted to it, unless by the unanimous suffrage or consent of the whole People. a consequence so repugnant to common sense, to fact, & experience evinces the falsity of the principle, or position from which it is deduced: for were the principle true, no Govt. could ever have been lawfully altered by any People, or a new one adopted, however imperfect the original form might have been, and incompatible with the progressive state of society among that People. The form of Govt. suitable to the infancy of a small society, or nation will always be found incompetent to govern their descendants when they have greatly increased their numbers, wealth, and power, when in short they may have made any considerable progress in the arts of peace, of commerce, the science of politicks, and the various refinements of civil society.

Would the same kind of Govt., which prevailed among the savage tribes of Brittons when Julius Cæsar invaded Great Britain suit the vastly increased population, the present complicated interests & situation of that Island? Do the smallest traces of the Govt. which obtained at that time among the Aborigines remain at this day? Did every Individual consent to the various subsequent changes which have taken place in the english Govt. from the extinction of the saxon heptarchy to the Revolution in 1688? was the union of the two kingdoms in the reign of queen Anne made with the unanimous consent of the Scottish nation?¹¹

Did all the People of this country assent to the several Govts, which were established, when the colonies declared themselves independent of GB? Did not considerable numbers plainly express their dissent to the establishment of these Govts. by refusing to take the oath of allegiance to them? Were not these nonjurors bound by the laws of the respective States, in which they resided, notwithstanding their dissent or recusancy?

I admitt that in forming the present federal Govt. each of the 13 States expressly consented to it, tho' a number of Individuals in each of these States withheld their assent. but if the principles in the latitude

laid down by Mr. Martin be true, then no one of these thirteen States could *lawfully* have abrogated the old Govt., and adopted a new one, because there was not one out of the thirteen, in which the *unanimous consent* of its citizens was given to such abrogation.

The present federal Govt. has been found on trial & by fatal experience to be totally incompetent to the end of its institution: the alteration of it originated with the State Legislatures: twelve States out of thirteen sent delegates to meet in Convention to concert & agree upon such alterations as in their opinion might create an efficient federal Govt.; This measure was sanctioned by Congress. When the Delegates met a great majority of them determined that the present articles of Confederation could not be amended; that the federal Govt must be new modelled. They have reported a plan to be ratified or rejected by Conventions of Delegates chosen in each State by the People thereof; this plan has been laid before, and submitted by Congress, to the People of the several States accompanied with a resolution recommending to the several Legislatures to appoint the time & manner for holding Conventions in their respective States to take into consideration the proposed plan.¹²

Time has been given for full consideration; arguments for & against the system have been freely published for the information of the People.—

It is admitted on all Sides that all authority flows originally from the People: the People *only* can alter the Govts. which they have established, or substitute new Governments to the old.

As the new system of federal Govt. materially alters many of the present State govts., as this system is very different from the subsisting articles of Confederation, as the people of all the States are to be represented in one branch of the new federal Govt. by their immediate Representatives and the respective States, or individual Sovereignities in the other branch by their Representatives it was absolutely necessary, that the new Constitution should be submitted to Conventions of Delegates chosen by the People in each of the States for the express purpose of considering this Constitution, and ratifying or rejecting it.

To say that the present articles of Confederation cannot be abrogated, unless all the Legislatures of the thirteen States consent to such abrogation (for this too has been asserted) is in fact, saying, either that the People cannot of themselves, and without the intervention of their Legislatures alter the federal Govt., or that one State may obstruct the measures of all the rest, and prevent the establishment of a Govt, which twelve out of the thirteen States may think absolutely necessary.—The first position cannot be maintained without depriving the People of

their acknowledged right to alter & reform their governments, or to establish new ones, if they think proper.—He who maintains the second position, vizt., that *one State* may prevent all the rest from adopting a new federal Govt. must support & make good this other position, or doctrine, that the minority may govern the majority, a doctrine contrary to all experience, to common sense and to every *principle* of republican government.

The Independancy of each of the States is secured by the new Constitution; no new, particular, or partial burdens are imposed by it on any of them; all the States indeed ratifying this Constitution are to give up some part of their present powers, without which sacrifice, it has been judged by a great majority of Delegates from the twelve States, who met in Convention, that no efficient federal Govt. could be established. No injustice will be done to the four States refusing to ratify this Constitution if four should refuse to ratify it; it would be absurd to suppose unreasonable to expect that so great a majority, as nine States out of thirteen, will submit to all the inconveniences & danger of the present very defective system, because so small a minority, as four States, may not accede to it.

There is not to be met within the whole history of mankind a single instance, where the sense of the People will have been, so fairly collected as on the present occasion; in which their reason solely, and not their passions have been appealed to; in which no Force, no menace, no undue means have been used by the advocates at least of the new Govt. to influence their opinions and judgment. This new federal Govt., if established, will be the result of reason and argument, & will be founded on the express consent of a great majority of the People in the United States obtained in the fairest manner, after the fullest & freest discussion that was ever given to such a subject by any People upon earth.—>

In refuting the objections, which have been made to this Constitution I have occasionally noticed some of its perfections;—I hope the patience of this house, on which I have already trespassed too much, will indulge me some time longer, while I point out those particular parts, not yet noticed, from which I expect the People of this country will derive the most substantial benefits.

General advantages

In consequence of the several powers vested in Congress by the 8th. Sec. 1st. Art., particularly the power to lay & collect taxes, duties, imposts, & excises, we have every reason to expect that the public securities will rise in value; that by having the interest regularly paid on

them they will become a transferrable stock negotiable in all considerable transfers of property. If this event should take place, everyone must perceive the advantages which those meritorious citizens will derive from it, who lent their money to the Public in a critical time, or whose effects were forced from them to support the army in its greatest need. Then, Sir, will the Public be able to requite in some measure, tho' much too late, the unexampled sufferings & patience of that patriotic army by whose perserverance & virtue exerted under the pressure of accumulated distress, we are now enabled to decide whether we shall be a happy & free People, or through our own fault draw down upon ourselves & our posterity all the calamities attendant on, & consequent to, Anarchy, civil discord, & war.

Gracious God! suffer not so much blood to have been shed in vain; shield from civil war, & the grasp of arbitrary sway this country, where the miserable from every quarter may find a refuge; where enjoying civil & religious liberty, they may thankfully adore thy beneficent Providence in sincerity & truth; free from all restraints, but such as public order and good govert. require, & from all tenets & opinions other than the real dictates of a pure & enlightened conscience.

The Power to lay & collect *direct* taxes has been objected to, because it may be abused: were this a sufficient reason agt. giving power, none would be given; because all power may be abused. The Checks established by this constitution are such as in all probability will prevent the abuse of power by those intrusted with it. If unfortunately the event should be otherwise, the remedy will be with the People, who ultimately, when the ends of Govt. are evidently perverted, & all constitutional means of redress prove ineffectual must have recourse to such, as have been usually resorted to, when the governed from the real oppression of their Rulers wish a dissolution of the Govt.—Congress, it is presumed will not lay direct taxes, unless the other sources of revenue should not be sufficiently productive. If direct taxes should become necessary, a moderate capitation tax might be as little exceptionable as any other. The Legislature of this State has in fact imposed on certain persons a capitation tax in almost every assessment law notwithstanding our declaration of Rights.¹³

Another advantage, Sir, which will surely result from the adoption of this Constitution will be the revival of public & private credit. The energy of the federal govt. will gradually infuse a portion of its spirit into the State-govts; the regularity with which the taxes will be collected, the introduction of a better system of taxation more productive, & less oppressive than the present, the order with which the public revenue

will be administred, the punctuality with which the debts & engagements of the Public will be discharged, all these causes co-operating with others, which it would be too tedious to particularize, will unquestionably restore public credit, & the restoration of public credit will soon be followed, if not accompanied by private confidence. The latter is the sure consequence of a good administration of justice, equal laws, & of the security afforded by those laws to private property. The provisions contained in the 10th Sec. 1st. Art, will greatly contribute to remove those apprehensions, which have banished private confidence, occasioned hoarding of the coin, a languid circulation, and consequent fall in the value & price of lands.

The enemies of this Constitution have boldly asserted for they assert roundly whatever they think will best promote their designs, that the adoption of the new federal government will reduce the State-govts. to meer corporations. On what are these alarming predictions founded? Do they proceed from a serious apprehension of this consequence? are they not rather the offspring of private interest, immoderate ambition, & a pretended love of liberty? How often, & how fatally has this word been abused! Some, call liberty the power of making laws to serve their own purposes: what State, Sir, in the Union, that has not experienced some of the effects of this precious liberty? one, in consequence of it, is at this moment without govt.;¹⁴ for shall we honor with that appellation the proceedings of a junto calculated to benefit one part of the Community, at the cost, or ruin of the other? The laws of every Govt. should be founded on the principles of justice; these principles are immutable; laws made in opposition to them, are in reality not laws, but a perversion of one of the great ends of Govt., the security & protection of property legally acquired.

How, Sir, I ask are the State-goverts. to dwindle into meer corporations if this Constitution is adopted? Of what powers are they divested by it, but such as no legitimate & just govt. ought to exercise, or such only as ought to be lodged in the General Govt.?—Perhaps, I may be told, the power to emit bills of credit. Would it be prudent in the People of the individual States to suffer a power to remain with their Legislatures, which they have so much abused, and which from the facility of abuse, there is the strongest reason to apprehend would be often abused? Without an express relinquishment of this power it would be vain to expect a restoration either of private or public credit; the sacrifice therefore is not only prudent, but necessary.

I am firmly of opinion, Sir, that a more productive revenue, a more œconomical management of it, & a better administration of justice will

result from the adoption of this constitution, and that these important reformations will in time be extended to the State-govts.—If these salutary effects should be felt, will not the State-govts, as well as the general Govt. become more energetic? will not this energy tend to establish internal peace, useful regulations, the improvements of our country, and a more flourishing state of commerce? Will not the federal Govt. thereby acquire greater consideration abroad, & be enabled to make commercial treaties on a footing of mutual advantage & perfect reciprocity?—What, Sir, is our present situation at home, & abroad? At home an exhausted treasury, infeebl'd Governments, a bad administration of justice, & multiplication of indigested & contradictory laws, rather calculated to encourage fraud than promote industry. Abroad Shame, & reproach.

What, Sir, will be the probable issue of this situation, this posture of our affairs, if not speedily remedied? Not a temporary suspension of the powers of Govt., but a dissolution of all govt. Who can contemplate the dreadful disorders, which will inevitably insue, & not tremble for the consequences? Will public liberty spring from anarchy, prosperity from devastation, & carnage? Will not that nation, from whose yoke we are but just emancipated, avail itself of our weakness, & discord? Their resentment, & ambition, I fear, subsist, and their means of gratifying both are rapidly increasing. What measure so timely to avert these impending evils, as the speedy adoption of this Constitution? While we are deliberating the horizon lowers, the clouds are gathering, the storm approaches; every moment is precious; all delay dangerous. Is this Constitution so pregnant with mischief that we should hazard even a small part of the consequences mentioned, rather than adopt it? Would another Convention agree upon a better? What after all are its mighty defects, from which speculative theorists, or factious citizens forebode the extinction of Liberty? In matters of Govt. experience is a better guide than Theory: if time & experience shall discover defects (& what human institution is free from them?) this Constitution provides a remedy; they may, & will be corrected when really felt. The Constitution of England in the praise of which so much has been written, was that the work of a day? Has not the lapse of ages worne away its asperities, given it that, polish, & brough[t] it to that maturity & perfection which render it the envy & admiration of the surrounding nations?

I have endeavour'd, Sir, to shew that this Constitution is not liable to the defects with which it has been charged; I have pointed out some of its perfections, and some of the advanta[ge]s which I firmly believe will be derived from it. Impressed with the opinion that this Constitution is not only free from any great defects, that it is the very best which

can be obtained, under present circumstances, that the rejection of it would be fatal, and the delay little less so, which the suggested alterations would oppose to its ratification, I shall chearfully give it my vote in its present form.

I have said, Sir, that the adopting the new federal Government will produce great & permanent benefits to this country; this however I have asserted on the supposition that it will be well administred; for under the most perfect form & theory of govt. the People cannot be happy, & the Commonwealth prosper, unless the persons intrusted with the public authority discharge their respective functions with diligence, Judgment, & integrity; if the federal Government should not be well administred, the frequency of elections will enable the People to displace negligent, incapable, or dishonest trustees, & to substitute in their room men of opposite characters.

It has been observed, & the observation is confirmed by experience, that the manners & genius of a People are much influenced by the nature of the govt.,¹⁵ & it must be allowed, that the manners & genius of the People reciprocally influence their govt. Hence the maxim that a Republic ought rather to be governed by manners, than laws; unquestionably the latter receive their colour & complexion from the former. Who would look for wise & just laws among a people generally corrupt & vicious? If by accident wise & just laws should be enacted, they would remain dead letters, their spirit & tendency being inconsistent with the general habits and disposition of such a People. The opinion I entertain that the manners of the great body of the People of these United States are as yet good, affords me the most heartfelt satisfaction; but that a vicious legislation during the war, & since the peace, has began to infect them is a melancholy truth. How important is it then to seize the lucky moment, to stop the infection ere it spreads too wide, & to adopt a Govt. conformable to the present general manners, habits, & genius of the People, & which may not only preserve these habits & manners from degeneracy, but improve & perfect them, & correct before, it be too late, the disorders & vices, introduced by dissipation, the contagion of bad examples, & dishonest laws.

If the adoption of this Constitution should be unreasonably delayed, the opportunity may be lost of adopting it with effect; the inveteracy of the disorder may not sometime hence admit of a cure; for rapid is the progress of vice. A People accustomed to a feeble govt, & familiarized with its defects will impatiently submit to the restraint of wholesome laws; rendered incapable by the prevalence of factions, by idleness, & profligacy of governing themselves, they must yield sooner or later to despotic rule: such has been the destiny of every People, once

free, but who knew not how to enjoy the blessings of freedom; who suffering their liberty to become licentiousness, & disregarding all order, & decorum at the instigation of factions, or necessitous leaders passed laws subversive of every principle of law & justice to glut their resentments, & avarice.

I could, Sir, illustrate & confirm these remarks by many examples drawn from ancient, & some from modern history. I shall select one from the annals of a nation, whose situation at a particular period in many respects resembled what ours is at this day. I mean the Greeks.—

Digression—Grecian History.—

Altho' I presume many in this Assembly are well acquainted with the principal events recorded in the history of that famous People, yet few perhaps have reflected deeply on the causes which lead to them.—The Territory of Greece was parcelled out into many Independent cities & States; some were governed by aristocracies; in others Democracy prevailed. Sparta, Athens, & Thebes were the principal States, & each of these, in its turn, acquired a preponderating weight & influence among the confederated Greeks; for all the grecian cities & States were confederated, & represented in one general Council, well known by the name of the Amphytionic Council,¹⁶ the powers of which seem to have been very limited, fluctuating, & undefined.—

A principle of self-defence agt. the invasions of the barbarous tribes of Thrace gave rise to the institution of this great Council. It afterwards presided over the religion, & the public games of Greece, and continued the center of Union for these purposes, and also occasionally for political negotiations: during the Ascendancy of Athens, Sparta, & Thebes, its political importance was inconsiderable; while those States preserved their power, sub-confederacies & leagues were formed by the other cities & States of Greece, as an attention to the balance of power, the influence of leaders, the state of parties, or a similarity of govt. happened to incline them.—

When Athens, Sparta, & Thebes had exhausted their strength by repeated & obstinate struggles for pre-eminence, & had sunk to a level with several of the other States, the Amphytionic Council then acquired more consideration, & power.

At this critical junction had the grecian Republicks been fully sensible of the advantages which they might have reaped from a well organized federal Govt. had they established such a govt., as is now proposed to this Confederacy, in all probability Greece would have preserved her Liberty for many ages, perhaps even unto this day. That sagacious People however either did not perceive the advantages of such a Govt., or

which is more probable, the animosity of parties prevented them from availing themselves of the opportunity to establish a federal Govt. on fixed principles and with competent powers—What, Sir, was the consequence of this fatal oversight, & omission? Philip of Macedon, a warlike, artful, & ambitious Prince, altho' his country formed no part of Greece, by intrigue & bribery got to be admitted a member of the Amphytionic council, & soon prevailed on that Assembly to declare him general of their forces. The intrigues & ambition of Philip escaped not the vigilance & penetration of the great Demosthenes: the animated, & unrivalled eloquence of that patriotic Statesman could scarcely rouse the Athenians from the lethargy, in which they had long been sunk, & draw them from their favourite amusements of the Theatre & forum to attend to the political situation of Greece, & the defence of its Liberties.

The Ancestors of these very Athenians somewhat more than half a century before this period, had in conjunction with their confederates successfully resisted the repeated invasions of the great King, had defeated his numerous armies with a comparatively small force in the plains of Marathon & Platea, & his formidable fleet in the gulph of Salamis,¹⁷ had subdued all the Islands of the wide Egean expelled his garrisons from Asia minor, restored freedom to the grecian colonies settled along that coast & spread the terror of their arms to the gates of Persepolis.

The degenerate contemporaries of Demosthenes & their immediate predecessors unmindful of the mighty deeds of their great forefathers were principally employed in deciding causes, listening to the declamatory harangues of Demagogues, promoting their accusations against innocent citizens, and punishing with exile or death the most conspicuous for their merit, & virtue. They had diverted the greatest part of the public revenue from the maintenance of their fleet & army to theatrical entertainment; the Theatre had ceased to be the school of virtue & sentiment. The sublime conceptions of Sophocles, the moral & pathetic strains of Euripides no longer elevated the minds, or melted the hearts of the Athenians, and excited them to virtue: their taste, as well as manner, was vitiated; they were better pleased with the coarse buffooneries of a comic poet, & his illiberal abuse of the godlike Socrates, the ornament not of Athens only, but of human nature: him they doomed to die, because his precepts & practice were a constant reproach to their doctrines, & vices.

What a contrast between the Athenians I am speaking of, and those who fought & conquered at Marathon, Salamis, & Platea! yet scarce an

interval of 60 years divided the two periods. So great a degeneracy in so short a space would not be credited, were the causes which lead to it, unknown.

History, Sir, has recorded these causes for our instruction. Pericles & his successors removed those salutary restraints on the democracy with which the wisdom of Solon had fettered it. Freed from these restraints the People of Athens broke out into all those excesses, which a democracy is too apt to run into, when uncontroled.

Such, Sir, was the situation of Athens when Philip openly invaded the liberties of Greece, which he had been secretly undermining for twenty years. Demosthenes had to contend not only against the habits & temper of his countrymen immoderately fond of pleasure, & jealous of every reform, but likewise to counteract & expose the perfidy of some of his fellow citizens; the gold of Macedon had found its way into the bosom of Athens; Philip had some distinguished Athenian Demagogues in his pay. All these obstacles however the zeal, the perseverance, the eloquence of one citizen surmounted. The event is well known. The Athenians, when too late, met Philip in hostile array on the field of Chæronea; in that fatal & decisive day the Macedonian triumphed over the liberties of Athens, & of Greece.

With the liberty, sunk the genius of Greece. Oh! may the sad catastrophe be a useful lesson to the People of this country, & impress on their minds the importance the necessity of an energetic Union in the polity of independant & confederating States.—This Union cannot exist, at least it can be of no long duration unless a general, well defined, & co-ercive govt. be established, by whose decisions, as the controuling superintending power, all differences among the confederates must be settled & composed. Destitute of such a Govt. the turbulent Republics of Greece had but one way of terminating their contests, an appeal to arms. They had no common umpire to resort to, possessed of power sufficient to inforce obedience to its decrees;—civil discord & wars consumed their strength; the animosity of contending factions prevented an union of councils against domestic violence, and external force; thus they at last fell an easy prey to the ambition of Philips, or rather to their own dissentions.—

If so small a country as Greece, whose continental possessions were scarcely equal to Scotland, could not escape the fatal effects of civil discord, if those little Republics lost their liberties & Independance from the want of an efficient federal Govt., should not these States, whose territories are so extensive, dread their destiny if they imitate their example?

Cast, Sir, your eye on the map of our vast domain; in fancy then ascend the highest ridge of yonder mountains; from their lofty summit contemplate one vast plane sloping from the foot of the Alleghany to the old Atlantic, and stretching from North to South a thousand miles, watered by mighty rivers precipitating their course eastward, down this declivity, to the sea; rivers which now only fertilize & ornament, yet destined soon to waft to the ports of commerce the varied produce of the lands, thro' which they flow. Turn now, Sir, from this magnificent prospect, & looking westward, view one continued forest, old as the creation, reaching from the same chain of mountains to the Missisipi. Silence & shade cast a deep & melancholy gloom over the solitary scene, the haunt of prowling beasts, & of men uncivilized more savage than the beasts of prey.

Is it the illusion of fancy? is the quick transition from dreary solitude to population imaginary, or real? See the wilderness disappears; the fables of Greece are realized; men start from the earth, not armed as of old for each others destruction, but provided with the implements of husbandry to till a most inviting, & grateful soil.—What sources of future wealth & grandeur open upon the imagination! yet alas! what sources of discord too!

The territory of these States is more extensive than the Empire of China, whose population is said to exceed 130 millions. The time may arrive when our population may equal that of China; the day probably is not distant when our numbers will amount to ten millions spread over a large expanse of country differing in climate, soil, & productions. Can such an increasing multitude, forming so many Independent States be held together in the bonds of amity by any other means, than a co-ercive federal Govt., whose influence & authority in all matters of general concern, may pervade the whole confederacy?

To me, it appears, that we have only the alternative left of establishing & submitting to the controul of such a govt., or of crumbling into many distinct confederacies.—Among different confederacies, different forms of Govt. may arise, most assuredly they will produce a compe[ti]tion, a contrariety of interests, of views, and of manners: hence the origin of wars, devastation, rapin, hatred. Ill-fated America, must your plains too be deluged with kindred blood! must your sons experience all those calamities, which have afflicted the human race in the other quarters of the globe!

Oh improvident forefathers! ye had the means of preventing the miseries which we now indure; the opportunity is lost, never to return; our suffering will be as lasting, as the causes of our discord, & conflicts; no

power but the power of the strongest can now compose them; reason, moderation, justice, a sense of a common interest, & of common ties have no share in the decisions of force; these decisions will be no longer submitted to than the force exists & operates on the vanquished. Such would be the unavailing complaints of our wretched descendants, under such circumstances.

Never, oh never, Sir, may our posterity have just cause to reproach us with this want of foresight, this inattention to our own fame, & character, and to their interests. Let us entertain a better hope; we are laying the foundations of present & future concord among the States composing this Union, & those, which will hereafter be admitted into it. In perpetuating concord we shall best promote their permanent prosperity—God of peace, smile propitious on these feeble efforts of your creatures, enlighten our understandings, & infuse into our hearts that love of order, which reigns so eminently in all thy works.

The system of Govt., Sir, which we are convened to determine upon has been planned by some of the wisest & greatest characters on this Continent. All admit that the present federal Govt. is totally inadequate to manage the concerns of the Confederacy, & all agree that a gov't. competent to the purpose ought to be established with the least possible delay.

The objections to the proposed plan I hope have been in great measure done away. Admitting however, that it may have some defects, will it not be safer to suffer time & experience to unveil them, than by too stedfast an adherence to theoretical opinions, which may be erroneous, expose the Union to the danger of its present weakness, & increasing difficulties?

That men should differ on a subject in itself intricate, & of so much importance, is not surprising; but surely many of the consequences imputed to this plan have originated in strong prepossession & prejudice; they bear the visible impression of a party-spirit, a heated imagination, and misguided judgment.

If ever harmony in public councils was necessary, it is necessary on this occasion. I could wish for unanimity; of this however I despair. Altho' gentlemen may differ within these walls, the decision of the majority, will not, I trust, be intemperately opposed without doors; nay, I flatter myself it will not be opposed at all; for opposition if carried on with passion & rancour may occasion some of those evils, this Constitution was intended to prevent, & thus the conduct of the minority will be justly chargeable with those very consequences, w[h]ich it has been confidently asserted, will result from the adoption of the Plan. Genius of peace & concord, offspring of Liberty, mild Tolerance here best

understood, & most adored, diffuse thy gentle spirit among this favoured People! & thou, o Liberty, true source of every generous & humane affection, drive from this land, your destined residence, Anarchy thy deadliest foe! Reason shall shield thy throne, and establish thine empire on the durable foundations of Justice.—

23d. Janry 1788.

1. Latin: You are going to rule over men who can endure neither complete slavery nor complete liberty (Tacitus, *The Histories*, Book I, chapter 16).

2. Hadley's quadrant was a navigational instrument used at sea to measure the altitude of the sun or a star above the horizon to determine one's location. It later evolved into the sextant.

3. First enacted in England in 1390, game laws limited hunting privileges to the upper classes.

4. Without indicating where the insert should go, Carroll wrote the following over the text in angle brackets: "and when not committed in any State &c."

5. The text in angle brackets is inserted here from page thirty-four of the manuscript. It replaces the following text on page thirty-nine that was originally intended to be inserted here but is crossed out:

1 March 1788

Mr Martin says "the *appellate jurisdiction* extends to *criminal* as well as civil cases"—See his Narrative Hayes' paper 1st Feby 1788.

This assertion is not true; ~~no appeal [—] lies from the inferior federal Courts, no [—] [—] federal Court.~~—"The trial of *all crimes* says the Constitution (2d. Sec. 3d. Art.) except in cases of impeachment *shall be by Jury*; & such trial shall be held, *in the State*, where the said crimes shall have been Committed, *within any State*, the trial shall be at such place, or places as the Congress may by law have directed."

The legal definition of crime as given by Blackstone 4th volu. pag. 5, is this. A crime, or misdemeanor, is an act committed, or omitted in violation of a public law, either forbidding or commanding it. according to another author Crimes are different from Sin (Princ. of pen. law page 74) they are a positive breach, or wilful disregard of some existing public law.

As to trials of *all crimes* are to be *held in the State*, in which they were committed, no appeal, I contend, can lie from the Inferior federal Courts, *in criminal prosecutions*, to the supreme federal Court: for if an appeal could lie, then a person who had been acquitted on a prosecution in the inferior fed. court for a supposed breach of some public law, might be prosecuted for the same offence in the Supreme Court, found guilty, & punished. This inference cannot be supported by any part of this Constitution; it is so repugnant to the spirit & letter of it, & to every principle of penal law, that I wonder that any person, particularly a lawyer, should have hazarded the assertion in print. There is nothing in the Constitution to give the least shadow or contenance to such a construction. What security would the citizens derive from the provision "that the trial all crime[s] &c," when these very cases

The reference in the first paragraph of the crossed-out material is to *Genuine Information* X, Baltimore *Maryland Gazette*, 1 February 1788 (RCS:Md., 268). Hence "a lawyer of eminence" in the substituted text is Luther Martin.

6. Quoted from *Genuine Information* X (RCS:Md., 268).
7. The text within braces was inserted here from pages thirty-nine and forty of Carroll's manuscript.
8. Latin: A spirit within sustains, and mind, pervading its members, sways the whole mass and mingles with its mighty frame (Virgil, *The Aeneid*, Book VI, lines 726–27).
9. Probably adapted from Marcus Tullius Cicero's *De Finibus Bonorum et Malorum*, Book II, chapter 16, page 52, where Cicero is citing Plato. There the Latin is "quam illa ardentis amores excitaret sui, si videretur." Translation: Could we see her [Wisdom], what passionate love would she awaken!"
10. At this point on page twenty of the manuscript Carroll inserted material from pages thirty-five through thirty-eight. (The inserted material has been placed within angle brackets.) On page thirty-five Carroll prefaced his insert with the following contained in a box: "vide Luth. Martin's narrative Hay's paper 8th. Febr'y 1788—His positions are—1st." The reference is to *Genuine Information* XII, Baltimore *Maryland Gazette*, 8 February (RCS:Md., 285–88). This piece is the source of the quotations in the text within angle brackets.
11. A reference to the unification of England and Scotland in 1707.
12. See the congressional resolution of 28 September 1787 transmitting the Constitution to the states (CDR, 340).
13. Article 13 prohibited a poll tax (RCS:Md., 772).
14. Probably a reference to Rhode Island.
15. For example, see Montesquieu, *Spirit of Laws*, I, Book XIX, chapter XXVII, 456–68 ("How the Laws contribute to form the Manners, Customs, and Character of a Nation").
16. See the undelivered speech by a Federalist delegate to the state Convention for a similar account (Appendix VII, RCS:Md., 874–77). In *Genuine Information* II, Baltimore *Maryland Gazette*, 1 January 1788 (RCS:Md., 140), Luther Martin had briefly referred to "the amphyctionic confederation."
17. A reference to the Persian kings Darius I and Xerxes. The Battle of Marathon took place in 490 B.C., when Darius I invaded Greece, while the other two battles occurred in 480 and 479 B.C., when Xerxes invaded.

Charles Carroll of Carrollton: Notes on the Constitution Post-1 February 1788

Article 1st.

Section 7th. [i.e., 8th]—The several States have the appointment of the militia officers, & are vested with the authority of training the militia according to the discipline prescribed by Congress.—Here is an effectual check provided agt. the machinations of a standing army to oppress civil Liberty.—

Ibidem—Congress may make all Laws, which shall be necessary & proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Govt. of the U.S, or in any department, or officer thereof.—

Should it be objected that Congress ought not to be vested with so large a power, because it may be abused, the reply is obvious—If this

power should not reside in Congress, it will not be able to carry its edicts, Laws, or regulations into practice, & therefore the granting of a power to make laws without the power of enforcing them would be nugatory.—But Congress is constituted to judge what powers are *necessary & proper*. What other body but Congress can or ought to be vested with the right of judging what powers *are necessary & proper* for the aforesaid purpose? the separate States should not have this power, because they might if possessed of such a power defeat the wisest regulations of Congress, and thereby render the general Govt. a mere piece of idle pageantry.

The constitution of Congress, sufficiently provides agt. the abuse of this power it is composed of fluctuating members, whose conduct will be narrowly watched by the State-Legislatures, & if equivocal or suspicious the alarm will soon be given to the People, who will choose other Representatives to the first branch of the federal Legislature: the State Legislatures have the power of removing at stated times from their Seats in Congress, such Senators as they disapprove of.—

Article 1st.

page 3. Sect. 9th—No money shall be drawn from the treasury but in consequence of appropriations made by Law; & a regular statement & account of the receipts & expenditures of all public money shall be published from time to time.—

This paragraph or provision is a great security agt. the Lavishing & improper expenditure of public money, & of course agt. all corrupt practices in the federal Legislature, or of the officers appointed by the President & Senate.—

Section 10th—Is a great security to the property of the citizens of the U.S.—the conduct of Several of the State Legislatures made such a provision necessary; the depriving the State-Legislatures of the powers mentioned in this Section is only taking from them the power of doing wrong.—

It is contended by the Antifederalists that the federal Govt. will Swallow up the State Govts.—This is meer assertion: the powers of the State-Govts. remain unimpaired, except in those particular instances in which they have parted with Such powers as are co-ordinate with the general Govt. & which it was necessary to surrender, as experience has proved, to give energy to the federal Govt. and security *to* property; of course to revive private & public confidence. *no State shall without the consent of Congress lay any duty of Tonnage keep troops or ships of war in time of peace &c.*—

The powers granted by this part of the (10th Section Art. 1st) to the federal Govt. are necessary to preserve uniformity in the imposition of

duties & in the regulation of trade & harmony among the States, & to prevent the improper influence of foreign States.—

Article 2d.—Executive power.

page 3 Section 1st—President to be elected for the term of 4 years.— This is to prevent a man inclinable to abuse the trust from continuing in power too long.—If he behaves well & no umbrage be taken agt. him, he may be relected—thus is danger to Liberty prevented on the one hand and the other the services & abilities of an able & faithful Officer are secured to the Public.—

The manner of electing the President excludes (as far as human foresight can exclude) all bribery and undue influence in the choice of him.—

page Section 2. 2d. Artic[le]—contains the powers vested in the President.—He has a power to make treaties by & with the advice & consent of the Senate provided $\frac{2}{3}$ ds of the Senators present concur.—He is to nominate & by & with the advice of the Senate may appoint Ambassadors, other public ministers & consuls, Judges of the Supreme Court & all other officers of the U.S. whose appointments are not by this constitution otherwise provided for, & which shall be established by Law.—

This part has been objected to because it makes the Senate *which* is part of the legislature, a part also of the executive—The constitution does not violate the known maxim or axiom that the Legislative & executive powers should not be vested in the same person or persons.—The Senate is only a branch of the Legislature, without the concurrence of the house of Representatives they cannot make improper laws, and if not made they cannot execute them in an improper or tyrannical manner.—

Article 3d. page.—Judicial Power.

Sect. 1st.—The Judicial power of the US shall be vested in one Supreme Court, & in such inferior Courts as the Congress may from time [to time] ordain & establish

Sect. 2d. Provides to what cases the federal judiciary shall extend &ca.—

The Supreme Court is to have *original jurisdiction* in all cases affecting Ambassadors, other public ministers & Consuls, & those in which a State shall be party.—In all other cases before mentioned the Supreme Court is to have appellate jurisdiction.—From the Supreme court having an appellate jurisdiction in *all* the cases enumerated, I infer that the State courts are not by this constitution to have jurisdiction or cognizance of *any of the cases enumerated* because there lies no appeal from the State Courts either to the inferior federal courts or the Supreme

federal Court; but this Constitution expressly provides that an appeal may be *in all the cases enumerated*, “*with such exceptions, and under such regulations as the Congress shall make*,” the exceptions & regulations to be made by Congress I conceive are only meant to limit & restrict appeals from the inferior federal Courts to the Supreme Court in causes of little moment, where the matter in controversy would not be adequate to the expence of an appeal: the *exceptions* and *regulations* hereafter to be made by Congress are not in my opinion to take away the cognizance of *any* of the enumerated cases from the inferior federal Courts, or leave it optional in the Plaintiffs to prosecute their remedy in the State courts in those cases of *which* the inferior federal Courts have jurisdiction by this Constitution. Besides the words are positive and directory “*the judicial power shall extend to all cases &ca.[’]*”—Had it been the intention to have given the State Courts a concurrent jurisdiction with the federal courts in cases of *which* the Supreme Court has not original jurisdiction, it would or ought to have been clearly expressed—

Let us consider the Inconvenience *which* would grow out of the construction, that the State-courts have also jurisdiction in all the cases enumerated, except those of *which* the Superior federal Court has original jurisdiction.—

The federal judicial power is to extend to all the laws of the U.S. consequently to the revenue Laws, to laws respecting commercial regulations, to cases of Admiralty & maritime jurisdiction; now if crimes different from Sin see principles of penal law pag. 74. defined to be a positive breach, or wilful disregard of some existing public law.¹—

See Black[stone]. Vol. 4 page 5.—Definition a crime, or misdemeanor, is an act committed, or omitted, in violation of a public law, either forbidding or commanding it.²—

Mr. Martin says “the *appellate Jurisdiction* extends to *criminal* as well civil cases”; See his narrative in Hayes paper 1st. Feby 1788.³—

This is not true, “the trial of all crimes says the Const—(2d. Sec. 3d. Art) except in cases of impeachment shall be by Jury, & 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.”—

The legal definition of crimes given by Blackstone 4 volu pag. 5 is this—A crime &c—Crimes are different from Sin Princ. of penal Law pag 74 they are a positive &c see above⁴

As the trials of all crimes are to be held *in the State* in *which* they were committed, no appeal can be from the inferior fed. courts in criminal prosecutions to the Supreme fed. Court, for if it could, then a person

who was acquitted on a prosecution for a breach of Law, might be tried over again on a prosecution for the same offence in the Supreme Court. this inference is so repugnant to every principle of penal law, & to the letter & Spirit of this Constitution as not to be admitted— [tis?] nothing in the Const to countenance such an inference—What Security would the citizens derive from this provision “*that the trial of all crimes shall be held[?]*” &c if even in crim[inal?]

1. See William Eden, Baron Auckland (1744–1814), *Principles of Penal Law* (London, 1771), Chapter XI, “Of Crimes,” p. 74.

2. See Blackstone, *Commentaries*, Book IV, chapter I, 5.

3. See Luther Martin’s *Genuine Information* X, *Baltimore Maryland Gazette*, 1 February 1788 (RCS:Md., 268).

4. See notes 1–2 (above).

Appendix VII
Text of a Federalist Speech
Not Delivered in the Maryland Convention

Maryland Journal, 25, 29 July, 1, 5, 8 August 1788

Frederick, July 21, 1788.

MR. GODDARD,

SIR, Some time ago it was indirectly asserted in your paper, by an enemy to the federal constitution, that Mr. Lloyd, the short-hand writer who attended our late convention, was bribed by the majority to suppress the speeches of the opposition.¹ The charge, however vile, was too contemptible to be honoured by the notice of any member of the convention. I am, however, sorry that the projected amendments, with the narrative of the minority, were not exposed as they deserved.² We find that the convention of Virginia has agreed to propose amendments nearly of the same complexion.³ Massachusetts and South-Carolina too, have proposed a few amendments, but these seem to have flowed from a spirit of conciliation.⁴

These measures have, probably, induced opinions that there are faults in the constitution which *absolutely* require amendments.

It is always advisable to combat errors in their beginning. I have lately been favoured with the perusal of a written speech intended to have been delivered in our convention. It was not delivered, because it was agreed among the members of the majority not to waste time or protract the decision by arguments in favour of the system. I conceived the publication of this speech would tend to promote the cause by its explanation and defence of the constitution, in at least as great a degree as the publication of Mr. Lloyd's notes would have injured it. I therefore suggested the idea to the author, who has favoured me with a copy of the speech corrected, with a permission to insert it in your paper. I now send it for the purpose, and request you to publish it by parts as may be convenient.

I am sensible that the subject has lost the charm of novelty, and, therefore, may not be acceptable to the mass of readers. But I am equally convinced, from the great variety, as well as contrariety of opinion that has obtained among critics respecting amendments, that the subject is by no means sufficiently understood.

The antifederalists disagree exceedingly amongst themselves in their propositions for amendments—their conduct furnishes the strongest

presumptive proof of the excellence of the present plan. They all confess the necessity of a federal system of government: they condemn the one under consideration, but clash with each other when they talk of amending, and have not been able to furnish us with a *substitute*.

The speech contains many things which I have not before seen, and seems as if intended to demonstrate that all the amendments we have yet seen, are either frivolous, unnecessary, or improper. I should with great reluctance take up so much room in your very useful and entertaining paper, if I were not convinced that there are very few of your readers who may not be instructed or amused by the perusal.

I am, Sir, with respect, your very humble servant.

A PRIVATE CITIZEN.

MR. PRESIDENT, The great object of our meeting, I conceived from the first, was to determine a single question. Shall this state accede to the proposed plan of a federal government? I rejoice, that this question is at length brought before the house, and that a very great majority is prepared to answer in the affirmative. But as much has been said against the constitution, its framers, and its supporters, I shall, with the patience of this most respectable assembly, assign some of the principal reasons, which have influenced my judgment, and endeavour to give a satisfactory answer to the objections, which have been considered the most plausible.

When the tyranny of Great-Britain compelled her colonies to struggle for that freedom, which is the boasted birthright of all her subjects, as well as the natural right of mankind, it was obvious to all the patriots of the day, that the most probable method of obtaining redress, was for the colonies to unite, and make one common cause, notwithstanding the vengeance of the incensed king and parliament was directed immediately against one. In a little time, was composed the first celebrated congress, consisting of deputies from each, appointed by the authority of the people, and authorized to use its discretion, for attaining a redress of grievances. It was soon found, that this important object was not to be obtained unless our connexion with Great-Britain should be dissolved. We accordingly determined for ever to shake off her yoke, and relying on our own exertions, with the protection of providence, we declared ourselves independent.

For several years after that memorable event, and even after the institution of the state governments, the congress continued nearly on the same footing. At length, by the final ratification of the articles of confederation in 1780,⁵ the powers of congress became fixed and certain.

That our experience since that period had proved those articles incompetent to their purpose, I believe, few rational men denied, at the

time, when the late federal convention was appointed by twelve states.— Their most striking and pernicious defect was this—Although congress had the sole authority of ascertaining and requiring quotas of men and money, it remained at the discretion of each state to answer the requisition, to reject, to evade, or silently to disobey it. Congress had no power to enforce a compliance; and the result was precisely, as might have been expected. One state neither complies, nor offers an excuse. Another makes a feint of compliance. A third takes upon herself the settlement of her account, and declares, nothing is due. In short, the United States were on the same footing, with respect to each other, as individuals would be in a state of society without government; if indeed it were possible for society without government to subsist. Their conduct, has evinced to every reflecting mind, that a sense of duty alone is no more an obligation on states, than upon individuals; and that states will no more make contributions to their federal head, than individuals will pay taxes to their own state government, unless the means of coercion be ready before their eyes.—Nay! the dread of coercion is by no means sufficient; and the actual exertion of force would be found as necessary, to obtain quotas from states, as assessments from individuals. Let memory go back to the most disastrous stages of the late war. On the event of that war depended our property, our liberty, and our lives, and yet, in few instances did a single state make the least effort to comply fully with the requisition of congress.

The consequences of that defect in the articles, which I have just mentioned, are too notorious to require a recapitulation. For the want of money, congress possesses only the name of authority. In vain may it issue resolves, proclamations, and addresses. It is incapable of effecting a single thing, which is the object of a confederate government. Our credit abroad is extinct. Our sacred obligations to the most generous of allies remain undischarged. At home, such has been the treatment of our best servants and benefactors, that an unconquerable disgust, and a prudent want of faith, would perhaps prevent them from again devoting their talents and labour to their country, in the most pressing exigency.—The total destruction of private credit is another consequence of a lax government. But indeed to the wrong measures of the several state governments are we partly to impute this evil; and one great object of the proposed general government is to prevent a repetition of such baneful measures. Hence is the disreputable ruinous state of our commerce, the numerous bankruptcies, the despondence and indolence of so many *once* valuable citizens, with the restlessness, murmuring, and discontent of almost all orders of men.—In short, it is generally admitted, by those, who are friendly to any stable energetic

government at all, that no other great nation upon earth, in time of peace, in possession of freedom, and indebted to nature for almost every advantage, was ever in a more deplorable state, less capable of present defence, or more exposed to the danger of some terrible disaster, if not of some fatal revolution in their government.

Should an enemy from abroad invade any part of these United States, I demand, whether it be capable of repelling the danger by itself, or could reasonably expect adequate assistance from the rest.—That we are in no danger is blindly inferred, from our having so long been suffered to remain in quiet. Never was it known, that a nation, incapable of defence, has not soon or late been attacked. It's situation affords a fair mark for the enterprises of avarice and ambition, who never think of waiting for a just ground of quarrel. They calculate only the chances of success, according to the extent of the undertaking, which may either be confined to plunder, or aim at a partial, or an entire conquest. The distance of America from Europe and Africa is surely not a circumstance, on which a wise people will place a firm reliance.

Although, Sir, I will not pretend to predict from what particular quarter an attack shall come, I take it for granted, that without a great change in our political management, it soon must come. The grounds of quarrel between us and several nations of Europe, are indeed sufficient to afford something more than a mere pretext for attacking us. We have a dispute with Spain, the most proud, arrogant, and cruel nation upon earth, and which may properly be termed the natural enemy of all republics.—The British,—our inveterate foes, because once, as they thought themselves, our masters,—the British are still possessed of our back posts, and there is little doubt, that they would eagerly seize any opportunity of recovering a part, if not the whole of their former possessions. Nothing would flatter their hopes more, than a dissolution of our union, or such a debility in the general government, as perhaps is not at all better than a dissolution.—It is merely to the generosity of the king and the nation of France, that we are indebted for forbearance. What is there that can be expected to keep alive that attachment, which has astonished mankind, and which between nations, so different in manners, language, religion and forms of government, may be almost thought unnatural? What is it but tribute, or strength, that can protect us from the piratical states of Africa? It is unnecessary to particularize further.—The pride, madness, avarice and ambition of kings have often deluged the earth with blood. The history of the world will demonstrate, that republics are no less apt than kings to be actuated by those shocking passions; and unless we

are now wise, their influence will infallibly plague America, as it has done the rest of the world.

But, Sir, supposing America in no danger from the rest of the world, an efficient general government is absolutely necessary to preserve peace amongst ourselves. Innumerable are the seeds of discord and quarrel; and either from the continuance of a feeble inefficient head, or from the dissolution of the union, we shall soon gather the bitter fruits; unless the adoption of the proposed government shall happily prevent their growth. A difference in manners, religions, and pursuit—clashing interests—disputed boundaries—exclusive claims in some to the back, and crown-lands, and claims in others to a proportionate share—the apportionment of the public debt, some of the states being interested in having it punctually paid, others in having it abolished.—These and a thousand other things, if they did not, on the dissolution of the union, produce immediate wars, which would be peculiarly destructive on account of the extreme accessibility of the states to each other—would render them entirely defenceless to a foreign foe, even to a single crew of pirates.—Gracious God! when such is our condition, shall trifling supposed defects in the system, which may at any time hereafter be corrected, when time shall prove them real;—shall mere imaginary dangers make us blind to the greatest real ones? Shall absurd terrors and jealousy prevent us from embracing the only earthly means of our political salvation?—It cannot be; and I feel the most thorough pleasing persuasion, that we were permitted by providence to fall into this condition, that from confusion, disorder, and distress, might arise a form of government, the most worthy of human reason, and affording the best relief, ever yet discovered, against the numerous calamities of human nature.

Permit me, Sir, to direct your attention to that recent civil commotion in a sister state,⁶ which, before it could be suppressed, had spread terror throughout the continent.—So universal was the alarm, and so happily was it ended, without much effusion of blood, that it seems intended, to convince us of our danger. The first intentions of the insurgents in Massachusetts, and to what lengths they might have been prompted by success, can hardly be conjectured. A reunion with Great-Britain is said to have been the object of those desperate men. The same thing may happen again in the same state. There is no security, without an efficient federal government, against it, in other states; and, although from the virtuous dispositions of my fellow-citizens in Maryland, a similar insurrection is not, at present to be apprehended, it is impossible to ascertain, how far they might be affected by the revolutions, or insurrections, in other states.

I have no doubt, Mr. President, that the considerations I have touched upon, have long since had a *proper* weight on the majority of this assembly. When the late federal convention was appointed, who was there that did not acknowledge the importance of a thorough union, and the necessity of investing congress with more efficient powers? These were the topics of the day; and if men had any substantial meaning in what they said, and, at the same time, dealt with sincerity, what is it that renders them averse from a constitution, which not only arms the representatives of the people with powers adequate to their protection, but consults equal rights, and equal benefits. But this last position, it seems, they labour to disprove, without however being able to shew, that any one man, or any one order of men is to be benefited by this constitution more than another, except in those particulars, in which the superior benefit results from the very nature and design of government. That a man of wealth is benefited more than a pauper, is merely because he has more property to be protected; and surely no man will be hardy enough to deny that one of the principal objects of government is the protection of property.

Happily, the framers of that constitution were qualified for the task. Many of the federal convention indeed repaired thither with minds occupied by local attachments and prejudices. But, as they remained there, those prejudices gradually gave way to a more liberal manner of thinking; and the work, which at length they completed, whatever may be the determination of these states, will immortalize the fame of its authors.

In the first place, those exalted men, knowing their authority extended no further than to consult and advise, considered themselves, with respect to consultation and advice, under no limitation, or restraint. Had their power extended to the absolute amendment of the present articles, instead of the bare proposition of amendment, the proposed plan of government would not exceed it. The present articles confer on the congress a kind of legislative, executive, and judicial power; and the proposed plan, when adopted, will only modify and increase it. But it is idle to talk of an excess of authority, when no authority whatever was exercised.—However, it seems, that “the constitution ought to have been proposed *to the legislatures, and not to the people.*” I would ask, what authority the legislatures would have to adopt a constitution for the people. The present articles were indeed adopted by the legislatures, but that very circumstance constituted one of their defects; and adopted as they were by the legislatures, they could not be otherwise than defective. It is to be remembered, that congress existed before the legislatures, and that it exercised all the powers, which

are conferred by these articles, and perhaps greater. As the articles were principally intended to confirm it in those powers, the legislatures ventured to adopt them, and the people have acquiesced. The federal convention would not propose their plan to the legislatures, I conceive, for two very substantial reasons. They did not suppose the power of the legislature to be competent. And, if the power were competent, they well knew, that, in some respects, the views and interests of the members are different from the people's, and that those narrow views and interests alone, might lead them to a rejection of the plan.

It is now Sir, perhaps the proper season for taking notice of a set of positions advanced by the gentleman from ———, ⁷ that a constitution framed by the people cannot be repealed, even by the people, unless affirmatively; that inasmuch as the proposed plan contravenes some parts of the Maryland constitution, it cannot be effectually adopted, until those parts are affirmatively repealed; and that unless they are so repealed, by the people, there is no other way of repealing them except the mode prescribed by the constitution itself; and that is, by an act passed by two successive assemblies. ⁸—Some of these positions I take to be arbitrary assertions, without a shadow of reason to support them. From what authority does he assert, that a constitution framed by the people cannot be repealed by the people, unless affirmatively? If there be an author capable of asserting this, his opinion, I conceive, will have but little weight against the plain sober dictates of common sense. I cannot, for my part, imagine, why a constitution, framed by the people, should, in this respect, differ from the laws or institutions of a constitutional legislature. It is an incontrovertible rule of construction, that of two laws, framed by the same authority, if the latter be incompatible with the former, it amounts to a repeal. As it is the same authority, and body of men, which framed the constitution of Maryland, and adopted the federal government, as fully as it if had framed the plan; those parts of the former, which are inconsistent with the latter, I will maintain, against the world, are effectually repealed, so far as the operation of the latter requires. This doctrine is so plain, and indeed so self-evident, that it scarcely admits more argument in it's support, than the proposition, that *two and two make four*. I cannot forbear expressing my astonishment, that any man should seriously believe it necessary for the general assembly of Maryland, the mere creature of the constitution, which is the creature of the people, to confirm, by it's acts, the act of the people. Will he dare to contend, that, unless this general assembly shall ratify the act of the people, that the act shall be void. If so, then must he be driven also to maintain, that, after once entering into a compact of government, the parties to that compact can never cancel

it, although their representatives, chosen under the compact, may do so at any time. It is the privilege of genius to give error the semblance of truth; but it is the office of common sense to detect it however supported by the powers of declamation, graced by the charms of novelty, or boasting the authority of imposing names.

I return, Sir, to the consideration of the proposed constitution. The whole objects of a general government—comprehending a number of lesser governments, all completely organized for their own internal purposes, are expressed fully in the preamble. The leading principle of a perfect federal republic, I take to be this. *Whatever relates to the objects mentioned in that preamble, and concerns the union at large, should be regulated by the general government. Whatever concerns only a single state, and the welfare of its citizens only, should be left to its own exclusive regulation.* Unfortunately for human nature, a government, founded perfectly on this great solid principle, has never yet existed; and hence arises an objection to the plan. But if there be any real weight in the objection, those, who have at any time since the creation, invented improvements, have, at least merited the reproaches they sustained.—Like the proposed plan they have invariably experienced opposition from the ignorant, the timid, the envious, the interested, and all those honest well-intentioned men, who pin their faith on the sentiments of others. I mean not, however, to impeach either the understanding or principles of every man, without distinction, who has opposed the federal government; and I am well satisfied, that a man may differ from me in opinion, without meriting the imputation of either dishonesty or folly.

Permit me now, Sir, to make some observations on a certain remarkable institution which by some has been called a federal government; which has even been held out to us for imitation. I am sensible, that the most profound knowledge, infinitely superior to what I shall ever possess, is required to predict with certainty the remote consequences, of adopting or rejecting the proposed plan, from what has happened to other governments. To draw perfect parallels between an ancient and a modern state, is impossible. To do this, it is necessary to acquire an intimate knowledge of the habits, manners, and circumstances of each people, and of every other, with whom they were in any manner concerned. Such knowledge of an ancient state is not to be attained. To infer therefore precisely the fate of a modern government from that which has happened to an ancient one, is perhaps beyond the reach of the sagest politician. But as we have heard a great deal of the Amphictyonic council, I shall touch so far upon the history of Greece, as my small information enables me, and so far as is applicable to our subject, without treading exactly in the footsteps of others.

[29 July] That celebrated country, Mr. President, was once parcelled into numerous distinct states, some of which were democratic, and others aristocratic. They were in some sort confederated; and each of them was represented in a grand assembly, called the council of the Amphyctions; the powers of which were extremely fluctuating, and at the same time limited and undefined;—limited, because there were many things proper for them, which they could not do, and undefined, because what they might do was not precisely ascertained.

A principle of defence against the barbarous tribes of Thrace gave birth to this body. It afterwards presided over religion and the public games, and continued the centre of union for these purposes, and also occasionally for political negotiations. During its existence, three states, Athens, Sparta, and Thebes, each in her turn, by military achievements, acquired a preponderating weight and influence. At the height of their prosperity, they regarded little the power of the common council; because, in fact, it never did possess a coercive authority. Like our first congress, it was founded on the sense of common danger, and was submitted to merely on the principle of self-preservation. So soon as the states ceased to dread a common enemy, and thought they could rely on their own strength, they ceased also to obey the decrees and injunctions of the common council. But, as the power of one or more cities became formidable, the rest entered into subconfederacies and leagues; just as they were inclined by an attention to the balance of power, the influence of their leaders, the state of parties, or a similarity of government.—When Athens, Sparta, and Thebes, had exhausted their strength, and sunk nearly to a level with the rest, the Amphyctions acquired more consideration and weight; but still they were greatly deficient in authority, and continued too much on the footing of a mere council.—Must it not strike every reflecting mind, that had this body consisted of a just representation from each city, chosen for a short term, and invested with full power to do all things, which concerned the interests of the confederacy, those obstinate bloody conflicts could not have taken place between countrymen and kindred cities. At that critical period, when Athens, Sparta, and Thebes, had become sensible of the folly of such dreadful contests for a vain preeminence; had they all become sensible of the benefits, to be derived from a well organized general government, authorized to use the force of all, as exigencies should require, and capable of reconciling all their differences, and preventing encroachments of one upon another—in all human probability Greece, that mistress of arts and sciences, would have preserved it's liberties for many ages, perhaps even unto this day. One material

circumstance I confess was against the supposition. Their state constitutions were imperfect. They had not discovered the necessity of blending in proper proportions the several forms. The establishment of power without checks, must always give rise to despotism, which may exist without the name of monarch, or king. Providence did not permit them to perceive the advantages of such a confederate republic as is now proposed to these states. And perhaps the animosity of parties, with the ambition and secret views of individuals, might have prevented them from seizing the opportunity of establishing a general head, on fixed principles, and with competent powers. The more powerful cities, aiming at undue authority in themselves, might not have agreed to a system, destructive of their hopes. But had the rest, with good faith, united, the refractory and ambitious would quickly have been taught to hear reason.—For want of such a general pervading power, even when many of them were united against the Persians, absurd jealousies and suspicions broke out and were very near proving fatal to their liberties. Even then, *with an imperfect union*, they resisted the force of Xerxes; and, completely united, they would have resisted the world. But after they had been torne, by intestine factions, and by contests between themselves, Philip of Macedon (although his country was not considered as part of Greece) by the arts of intrigue, became a member of the Amphyctionic council, and prevailed upon it to declare him general of Greece. Soon after that disgraceful event, notwithstanding a brave resistance was some time made by a single state, the liberties of Greece were for ever lost.

It is well worth our while, Mr. President, to remark the causes, which more particularly led to the downfall of liberty at Athens. Pericles, a man possessed of the most consummate popular talents, that ever lived—Pericles, and his successors, *in order that they might themselves govern*, by their influence on the people, removed those salutary restraints on the democracy, with which the great Solon had fettered them. Freed from those restraints, which the people of all countries may be taught to think odious, unjust and oppressive, they were precipitated by the persuasions of their orators into all those excesses, which must ever take place under similar circumstances. I will here again venture to assert, that a government, in which all power is centered in the people, or in a single assembly of their delegates, ever did, and ever will, end in an arbitrary government. Let us attend to the method, by which Philip paved the way to success. By keeping a number of their orators in his pay, he proceeded gradually, until he found himself in a condition to manifest his designs. Then indeed, roused by the eloquence of Demosthenes, who had before continually warned them of their danger,

the Athenians made a noble resistance. But it was then too late, and it served only to swell the conqueror's triumph.

And thus, these very states which, by a partial union, prevailed over Xerxes, and his almost innumerable forces, after wasting each other's strength, in civil wars, carried on through ambition and pride, became an easy prey to a prince, whose ancestors, some time before, would have been no match for a single city. I have presumed to call your attention to those ancient states, with which the states of America have so often been compared. In manners, habits, pursuits, religion, forms of government, the resemblance is slight. In those particulars, which I wish you to remark, the resemblance is too striking to escape observation. I have mentioned none but well established facts; and if ever an instructive lesson can be learnt from ancient history, it is afforded by the history of Greece. May it's sad catastrophe instruct us whilst it is in our power, to destroy those seeds of discord, which are thick sown among these states. By uniting under one general head, they will be not only safe from invasion, but effectually provide, that the jealousies, arising from different habits, manners and interests, shall never produce such terrible conflicts, as made the states of Greece a perpetual scene of carnage and desolation, and, at last, rendered them all an easy prey to the first truly enterprising and able prince, who formed the project of enslaving them.

To break this grand confederation of thirteen states, and enter into two or more lesser confederacies, if even the difficulty of apportioning the public debt and the back lands, and a variety of other opposing considerations, would admit, might be something better than leaving each state to shift for itself. The forming of lesser confederacies and leagues would perhaps be the necessary consequence of dissolving the union; but innumerable are the evils, which these could not cure; and many are the inconveniencies which they would produce. There is probably no necessity for urging the advantages of one entire confederacy; but it has by some men been supposed, that every defect of the present articles would be cured, by investing congress with a power of enforcing requisitions upon a state's neglect or refusal.

We have already had ample proof of the inefficacy of requisitions; and the non-compliance of the states has contributed more than every thing else to reduce America to her present situation. In what manner shall a state be coerced? Shall an army be marched into the bowels of the land, to plunder, ravage, and expose the innocent with the guilty to an indiscriminate revenge?⁹ Even in that case, the expences of the expedition might be greater than the quota required; and, I suppose,

those expences also must be consolidated and levied in the same manner. Shall the plunder be sold, to answer the requisition, or is the army to remain until the state shall discharge what is due? Surely those gentlemen, who feel such an invincible apprehension of a standing army, cannot think seriously of using an army in this way, if even it were practicable to raise it upon every emergency. "Well then! let congress possess power of levying money by its own officers, and by its own authority, whenever a state shall have neglected its requisitions." If the authority of congress, exercised as it is proposed to be in laying taxes, and in imposing duties, excises, and imposts, which shall be uniform throughout the states, be a thing, to which they ought not to submit, how can we expect, that the people of a delinquent state will permit the officers of congress to collect a tax, which it's own legislature would not impose! In such a case, the land would resound with complaints of the cruelty and oppression of the general government; and we might expect the people, in many parts of the country, to rise up in arms. That the states will, on every occasion, comply with requisitions, is a thing which our own uniform experience forbids us to expect. On critical occasions, the disappointment from the delinquency of a single state would be greatly prejudicial; but the delinquency of two or three might be ruinous to the continent. Satisfied, as I am, that the state governments will be continually jealous of congress, I cannot imagine, that the states will hereafter comply at all better, than they have done from the beginning.—We must, Sir, either relinquish our exalted hopes of the advantages derived from an efficient federal government, or we must confer on it the power of laying and collecting, by its own officers, taxes, excises, and imposts, at discretion. Could we even suppose, that hereafter every state will do that, on every occasion, which not one has yet done, on any occasion; could we against experience and common sense suppose this, how much better is it to have the same duties, excises, and imposts uniform? Had congress been only invested with the 5 per cent. impost so long ago in vain required,¹⁰ we should not at this day have had so much cause to lament our condition. But as the proposed plan is the result of that condition, permit me, Sir, to indulge the pleasing idea, that providence contrived it for our instruction, and the benefit of mankind in general.

But although every friend to the general government seems sensible of the propriety of giving congress the power of taxation, it is imagined by some, that it ought to be precluded from particular kinds. Now why congress, consisting of representatives from each state, who will all sustain their share of impositions, and very few of whom will have the handling of the money raised by those impositions; that congress, I say,

should be restrained from using some part of our resources, let the exigency be what it may, is a thing not easily to be proved. The legislative of almost every American state, and the sovereign power in all other states of the world, possesses the power of levying such taxes, as it shall think most productive and most convenient to it's people; and yet this power is not to be trusted to congress! The obligations, which congress is under, are at least equal to those of our own general assembly. From the extraordinary selection, from the manner of its construction, from the numerous checks, and from the proper interests of the members, I would entrust to congress the important power of taxation, with more cheerfulness, than any other legislative body, that has ever existed.

An idea has, however, been industriously propagated, that a poll-tax is repugnant to justice, and an excise inconsistent with liberty. In the state of Maryland, the prejudices against a poll-tax are not to be wondered at; because, under the proprietary government, it was generally the only expedient adopted for raising money, and, of course, there was not the least proportion between the burthen on the rich, and the burthen on the poor. Such a practice was an outrage on the feelings of humanity; and hence was it, that poll-taxes are reprobated by the Maryland bill of rights.¹¹ But the slightest reflection must suggest, that when properly laid by way of assistance only to other taxes, nothing can be more just. Government is to be supported by taxes, and the benefit of government to every individual is the protection of his life, his liberty, and his property. Now, if a man have no taxable property, he pays nothing for the protection of his liberty and his life, unless you tax his trade, or his head. We must indeed admit, that unless a poll-tax be very moderate, it does not consist with equity; and I doubt not, that should congress ever think it expedient to have recourse to a mode of taxation so odious to the people, it will observe great tenderness to the poor.—In spite of every clamour, and in defiance of our bill of rights, every man within these walls must know, that a poll-tax has been more than once laid in this state, (and what ought to excite indignation) it has been confined to the poor. This circumstance is mentioned for two reasons,—to shew that bills of rights do not afford that mighty security, which is talked of, and that some men, who clamour against the plan, on account of its not restraining congress from levying a poll-tax, have heretofore thought it so just, that it has been adopted, contrary to an express article in a bill of rights. To reprobate a thing, because it has been, or may be abused, is no great mark of wisdom, and yet there is no reason under heaven for denying congress the power of levying taxes by the poll, or of instituting an excise, but because both these

modes have been productive, like all others, of injustice and oppression. If we can confide in the wisdom and virtue of congress in other respects, why not likewise in this? A poll-tax may be laid, without depending on it for the whole revenue; and an excise may be contrived, without exposing us to be harrassed and oppressed by the insolence and tyranny of office. Why do they suffer it in Great-Britain? and why have they submitted to it in Massachusetts? Because, Sir, in spite of prejudice, it is convenient to the people, and productive to government. Had not a part of the people of this state conceived an unreasonable prejudice, we should not perhaps so lately have heard the animated declamation respecting the iniquity of a poll-tax, and the tyranny of an excise. Instead of the constitution's leaving it entirely to the discretion of congress, whether either kind shall ever be adopted, the most ignorant of our people have received an impression, that the constitution actually provides, that the whole revenue shall be raised by those two modes; that every head shall pay 3, 4 or 5 l. and that the most sacred parts of every man's house, or castle, are to be entered by the excise-officer, at the *dead* hour of the night.¹²

Having trespassed, perhaps, on your patience too much in the discussion of a single objection, I proceed, Sir, to make some remarks on the powers of Congress; which, in my apprehension, are precisely the powers proper for the federal head.

*(Here read them.)*¹³

The first and the last clause have been supposed calculated to free congress from all restraints, and permit it to exercise an unlimited legislation. If that were the intention of the framers or the true construction of the words, it was either absurd to delegate and define particular powers; or it was meant for a cloak to the most traitorous designs. From defining powers, the inference is natural, that congress shall not legislate beyond the powers so defined. Says the constitution, "the legislature shall consist of two branches; and their power shall extend to this thing, and this, and this." But if the power of the legislature were meant to extend to all things, the proper and natural language would have been something like this—"To do all things, it may think necessary, or proper, for promoting the interests of the union." But say the objectors, "the first clause in the enumeration of powers actually goes as far." If that be the case, the convention ought to have stopped at the first clause; and, were the construction of the clause, considered only by itself, really so doubtful, as to prompt congress to adopt that meaning which gives it an unlimited authority, the proceeding to enumerate particular powers, would afford an unanswerable argument against it—Let us read the clause again—"To lay and collect taxes,

duties, imposts, and excises, to pay the debts and *provide for the common defence and general welfare of the united states.*” The expression, Mr. President, is not so correct as it might be; but common sense, at first view, will tell us, that it ought to have been, and has the same meaning as if it had been expressed thus—“To lay and collect taxes, duties, imposts, and excises, *for the purpose of paying the debts, and providing for the common defence and general welfare of the united states.*”—Let us now examine the last clause—“To make all laws, which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the united states, or in any department, or officer thereof.” Common sense, Sir, again will tell us, that no act of congress, which has not a strict relation to the enumerated powers, can have the force of a law, by virtue of this last clause. Does any gentleman imagine, that, by virtue of this last clause, the congress can pass laws to regulate descents, alter testamentary laws, or establish a national church? The truth is, that this last clause has very little meaning; and, with it, congress has no more power than it would enjoy, without it. If the enumerated powers be proper, this clause ought not to be obnoxious, for any other reason, than because it is unnecessary. It refers to each of the powers, and, altho’ unnecessary, was perhaps natural. To illustrate my ideas—the second power is that of borrowing money. Now this last clause, applied to that, means no more, than that congress may pass laws for borrowing money. Congress may provide and maintain a navy. The last clause, applied to that, means no more, than that congress may pass laws for providing and maintaining a navy; and so of the rest.

I come now, Sir, to consider an argument, which is novel and curious, beyond any thing I have heard. Says one of the objectors, “the proposed plan is not a federal republic. It has all the features of a national government. *The great political planets have acknowledged it.*” Well! call it a national government. The name makes no difference in the thing. “Ay! there’s the mistake. The nature of a national government is this.—It is a compact of the people; and the legislature in such a government is to enjoy all powers which are not expressly reserved by the compact.”—This, Sir, is true as to fact. That is—all the single national governments in the world are actually omnipotent as to legislation, unless where they are particularly restrained by their constitution, or compact. But it is not true as to principle. That is,—that in all national governments the legislature *must* enjoy power limited by nothing, except express reservations. When the compact expressly says, “*thus far shall the power of the legislature extend,*” there is no sort of difference in the construction whether it be a compact of states, or a compact of the

people, or whether it creates a federal, or a national government. By such a compact common sense informs us, that [“] *thus far and no farther shall the legislature proceed.*” One would imagine, that the discovery of a national government, like the doctrine of affirmative repeals, was expected to operate like magic: Mankind are indeed wonderfully inclined to adopt a novel ingenious distinction, without inquiry. But the distinction sported by the gentleman is too important to be seriously admitted, without the most careful examination. [“]Were the proposed plan, says he, a federal government, then would the congress be limited to the powers enumerated in the compact. But, as it is a national government, the Congress will not be confined to enumerated powers; and it must enjoy power, to be limited by nothing except the express reservations and exceptions in a bill of rights.” As I have heard no convincing reason in support of the distinction, I shall dismiss the point, by proposing a question—Whether is it safer for the compact to say to the legislature, “*thus far may you legislate, and no farther,*[”] or, to say, “*you may legislate, at discretion, excepting the following cases.*” If the gentleman’s distinctions were solid, I would then contend, that the proposed plan of government is a genuine federal republic, consisting of thirteen distinct republics. It has indeed some features of a national government, and these give it a decided superiority over every other federal republic the world has ever contained.

[1 August] In executing it’s various and important powers, the congress will act under much stronger ties, than the legislature of a single national government. Besides every individual in the union to act as a censor, there will be thirteen different legislatures, and thirteen different executives continually on the watch, whilst sitting, and ready to communicate the alarm on every the slightest occasion. So far will it be from daring to exceed it’s constitutional authority, that it will be fearful perhaps of doing those things it ought to do. Each legislative in the union is to be represented by two delegates in the federal senate. Surely then each legislative will have a share in controlling the federal senate. The federal representatives are to be chosen by the people, and considering the extent of the republic, and the distance they have to travel, the term, for which the representatives are chosen, is short. Surely then, the people will have a control over the first legislative branch. With respect to taxes, duties, imposts, and excises, each state will be interested in having them all as low as possible, and in having the most oppressive kinds the last resorted to. The representatives will be interested equally with the people; and I defy any man to shew a possible interest in a majority of them to pass oppressive laws; seeing that the majority of them cannot have any part in the execution of the

laws.—When I contemplate the nature of this house of representatives, I have not the most distant idea of oppression, from the acts of congress, and I should have little dread of an arbitrary power arising from the constitution, even if the authority of congress were as unlimited as that of the British parliament. When I consider, that the liberties of the British nation remain unimpaired, notwithstanding the house of commons is chosen for seven years, and many of it's members first purchase their seats with money, and then sell their votes to the ministry, I am amazed, that danger can be apprehended from the federal representatives by a person acquainted with the English constitution.

That the proposed plan of government will soon strip the several states of their distinct sovereignties; that, in a little time, they will be all annihilated, or dwindle into something like city corporations, are extravagant suggestions. The whole power, which a single state will *absolutely* lose, is the power of withholding from congress that, which congress, at this moment, has a right to demand; the power of emitting bills of credit, and the power of substituting something else in payment of specie debts. Without the consent of congress, a state loses also the power of laying duties on imports, exports, and tonnage; the power of keeping troops, or vessels of war, in time of peace; the power of engaging in war, unless actually invaded, or in the most imminent danger. It is plain, that, if these restraints were not laid on the several states, there could be no security for the peace of the whole.—The whole regulations of property; the regulations of the penal law; the promotion of useful arts; the internal government of it's own people; all these are still, and, so long as the constitution shall endure, will remain, the business of each state legislature.—But in addition to these extensive powers is the power of appointing two members of the federal senate, which, without the state legislatures, can never have existence. Whenever these shall be extinct, the whole constitution must be annihilated.—It is said, however, that inasmuch as a government cannot exist in a government, the lesser one must of course yield to the greater.—The objects of the two governments are distinct, and will ever so remain. *Whatever concerns the common defence and general welfare of the united states, the law of nations, and the relation of America to foreign countries, is to be regulated by the first. Whatever concerns only the individual state, and it's citizens, is left to the other.* Here is a plain line of distinction drawn by a general principle; and as all the powers of the first are fully ascertained, I am confident that they will always remain separate and distinct.

The power of regulating the times, places and manner of holding the elections of it's own members has given great offence. It has been reprobated by some, because they did not understand the principles

on which it is given. Without this power the general government could not be secure of it's own existence. If a state legislature shall in the first instance act aright, is it conceivable, that congress will interfere?—But say some, it will be sufficient if congress has the right of prescribing on the failure of a state legislature. Suppose the state of Maryland to prescribe the time, place and manner of the people's choosing six representatives; so that in effect it's own choice might take place, and not the genuine choice of the people? In a case like that, surely the congress ought to interfere. Suppose, for instance, the general assembly to direct the election of six representatives to be held at Annapolis. It has been said, that congress will be more likely to make improper regulations, than the general assembly. But that is an assertion without foundation, because although we may easily suppose improper regulations to take place in a state assembly, from the prevalence and sinister views of a party, or from the inclination of the whole to defeat the general government; there can be no other motive in congress than the principle of self-preservation, and the preservation of the rights of the people, because they cannot possibly prescribe, so as to take away in effect the election of representatives from the people, or the election of senators from the legislatures. It has been asked, why the constitution itself did not prescribe? The answer is obvious. It was impossible for the convention to make such regulations, as would at the same time give universal satisfaction, and be fit to continue so long as the constitution shall endure. It is certain, that the same regulations would not please all. Besides it seems the proper office of the state assemblies to prescribe, in the first instance, for themselves and their people. The rule in my opinion stands perfectly right. A variety of things may prevent a state legislature from prescribing at all, such as a contention between it's two houses, an invasion, or any thing else that might prevent a meeting in due season. It is not only necessary, that it should prescribe; but that it should also prescribe in such a manner, that the most proper choice may be made, and the election of representatives, be preserved unimpaired to the people. Hence is it, that congress has a right to interfere, and it is this provision, which will effectually prevent a combination between states to defeat the general government. One thing especially should be remarked by those, who imagine the annihilation of the state governments was intended by this provision. In no possible case, is congress to prescribe the place of choosing senators; because to appoint the place of meeting to a legislature would be a direct encroachment on a state's sovereignty.

The division of congress into two distinct branches cannot possibly be objected against by the people of Maryland. The dispute about equality of representation, which, had nearly rendered abortive the labours

of the convention, was happily compromised by a provision, which is most excellent in itself. The equality in the senate will always prevent two or three states from gaining an advantage over the rest; and the two branches will probably view matters in so different a light, that even this circumstance alone may prevent a combination for the destruction of your liberties.

Such, Sir, is the admirable conformation of the government, that the moment any one department shall attempt to exceed or abuse its authority, it will find itself checked, and unable to proceed. In distributing and assigning the various powers, the convention evidently pursued another great principle in which seems to consist the perfection of political science,—that *altho' the government must of necessity be invested with very extensive powers, the several departments should possess mutual controls; and the greatest of them should know and feel their dependence on the people.* Had the articles of confederation conferred efficient powers, there might have been danger; because the whole powers of the general government were centered in a single assembly. The convention has divided them between the president, the senate, and the house of representatives, so that not one of them alone can reasonably be expected to aim at the destruction of our liberties; and I should as soon expect the sun, moon, and earth to come together, and destroy mankind, as a combination to enslave America, between the president, the senate, and the representatives. They are all independent of each other for continuance and increase of power and emolument; and, altho' from the privilege of nomination to office, the president may be expected to influence a few members in each house, he can scarcely have any motive for proposing prejudicial laws, that could determine a sensible mind; even if he could influence the whole. The only thing they could do for him, to gratify an infernal ambition, would be to raise him a powerful army, and appropriate a sum of money for its maintenance for two years. I have already insisted on the powerful check of thirteen legislatures, thirteen executives, and the people of thirteen different states, all jealous and ready to take the alarm at every thing done out of their own states. Suppose even this improbable circumstance, an army of 10,000 men embodied for our destruction, before even the alarm shall be spread! The vast extent of our territory, the exertions of thirteen governments, the diffusion of knowledge and the spirit of liberty amongst the citizens of thirteen different states, all of whom know the use of fire-arms, would soon prove the folly and madness of the undertaking. In such a case, the president and congress might, in vain, call upon the militia. In such a case the force of the militia would be exerted against the base traitors to their country.

Much learned and hackneyed declamation has been used against the executive power of the senate, and the making one body of men both an executive and a legislative. Happily the reasoning does not apply.—The objection would be valid, if the senate could alone make laws, and alone execute. This they cannot do, and we may rest assured, that the representatives, having no share in the execution, will never consent to tyrannical laws, to be executed in a tyrannical manner by the president and the senate. What are the executive powers of the senate? None at all. It has nothing at all to do with the execution of the laws it assents to. The whole affair amounts to this—It is constituted, in some instances, a council to the president. Upon the advice of two-thirds of the members, the president may make treaties; which may at this moment be done by the congress, consisting only of one body. By their advice too, he may commission such men to be ambassadors, public ministers, consuls, or other officers of the united states, as he shall have previously nominated. These are the formidable executive powers, for which it is insisted a distinct executive ought to have been instituted. Now, setting aside the difficulty of appointing a distinct executive, which shall be an independent body, and equally represent each state; setting aside too the consideration of expence, let us reflect, whether these things would not be better done by the senate than by any other body.—I will not attempt to fortify my argument by a comment on the idea of the great Montesquieu, that the executive ought to have at least a negative upon laws.¹⁴ Nor will I waste the time of this assembly, in exposing further the groundless apprehension of the president's becoming a disguised absolute monarch, enjoying his power for life, and perhaps even transmitting it to his posterity. What are the mighty powers granted him by the constitution? He will indeed be a supreme magistrate of considerable dignity, as becomes the chief representative of the majority of a great federal republic. But the power, which he will enjoy, absolutely, and uncontrolledly, is by far too little to lay the foundation of arbitrary sway.

It is not my intention, Sir, to answer all the frivolous or groundless charges that have been made. There remain, however, to be considered, certain popular objections, which have probably made an impression; and it is arrogantly supposed to be the province of only one class of men to decide upon their merits.—That the trial by jury is in any case *abolished*, is to many respectable characters, I could name, a most strained construction, made by the enemies, and not by the friends of the constitution. Whatever might have been the intent of a part of the framers, there is nothing to warrant the construction; and it is certain, that the members of the convention will not be called on to

explain their own work. The whole judiciary article has been strangely misconstrued. That some kind of judiciary is necessary under a general government, is admitted by all. Under the articles of confederation, there may indeed be an occasional tribunal; but it is so inconvenient to all, so troublesome and expensive, that justice is not attainable without vast detriment to one or both of the parties, if attainable by an individual at all. A federal tribunal is necessary, if it were only to adjust disputes between states, and individuals claiming lands under different states. There is a variety of other cases which require it. The rights of ambassadors could not be protected under the articles of confederation. Add to this, that citizens of the federal republic, residing in different states, should have one common tribunal, to determine all their disputes. When a citizen of Maryland has a cause of action against a powerful citizen of Delaware, will he not be apprehensive of a failure of justice on his application to a court of that state?—But, Sir, the attention paid to foreigners will do us the highest honour. Such an institution cannot be paralleled in the history of the world. It is an institution, which perhaps was never before proposed, and, above all other things, it will contribute to wipe away our disgrace in foreign countries.

[5 August] The judiciary, Mr. President, which I so much admire, has afforded more objections to the plan, than all the other parts. Notwithstanding the variety of opinions on this article, I have attempted a delineation, which, I flatter myself, will be found conformable to the construction, which will hereafter prevail on a mature and official consideration.

In all cases respecting ambassadors, other ministers, consuls, and states, the supreme federal court, I presume, will be the only tribunal; because, at present, the state courts have, in those cases, no jurisdiction. Besides the supreme federal court, the congress is authorized to appoint inferior tribunals without any limitation of number. But, according to my apprehension, in small states, there will be appointed only one inferior court; as that will be sufficient for all the causes over which it can exercise a jurisdiction.

The jurisdiction of this inferior court, will extend to admiralty and maritime cases; to cases between citizens of the state, and citizens of another state; to cases between citizens of the state and foreigners; to cases between citizens of the state, claiming lands under different states; to all cases between parties of every kind, of law and equity, arising under the constitution; the laws of Congress made agreeably thereto, and treaties already, or hereafter to be made. In all these, an appeal may lie to the supreme court, with such exceptions, and under such

regulations, as Congress is, hereafter, to appoint. Under this power of congress, it is impossible for me to conceive, interested as the members of that body will be, in common with their fellow-citizens, that it will ever permit appeals in trifling causes, or merely for the purposes of delay and vexation. There can, I aver, be no appeals whatever in criminal cases, because they are neither created by express words or necessary implications; nor are they known to the laws of any of the states. I firmly believe, that appeals will be admitted only in civil cases of importance, and that a frivolous or vexatious appellant will be sentenced to make ample amends to his adversary, on the affirmance of the judgment below.

In forming the federal judiciary, it was impossible for a body of men, like the convention, to frame all the particular regulations, requisite to complete the system. Sufficient for them was it, to draw an accurate outline, and leave it to be filled up by congress, at leisure. Their business was to frame a constitution, not to enact particular laws. They have, indeed, in the judiciary article, left a variety of matters to congress. They have expressly left to it the regulation of appeals, and I confidently affirm, that, on a just and necessary construction, they have left to it to ascertain the civil actions, in which the trial by jury shall prevail, and those in which it may appoint a more summary or proper mode of trial.—The convention could not well settle all these things of inferior nature, at a single session. The members could hardly be expected to know, what would be agreeable to the citizens of the several states. They could scarcely even be accurately informed of the various cases in each state, wherein the trial by jury is taken away.—In Maryland, debts to the amount of ten pounds may be recovered without a jury. In some states, causes to a much greater amount may be settled without a jury. In other states, perhaps a jury must try causes of even twenty shillings value.—I have no doubt, the regulations of Congress, for the trial of causes in the inferior federal courts in each state, will conform to its laws and usages, and to the manner of proceeding in it's courts.

If Congress has no right to appoint the jury-trial in any civil cases whatever, there can be no mode of trial at all; and, of course, the appointment of inferior federal courts will be, in many respects, nugatory. There is no mode of trial mentioned in the constitution, for civil cases of any kind; and, if congress be not authorized to supply the defect, there can be no remedy, unless by another convention, chosen by the people. A construction, which produces a consequence like this, assuredly cannot be right.

In criminal cases, Sir, the convention well knew, that the trial by jury invariably prevailed in every state; and that it was justly considered the grand bulwark of liberty. The convention accordingly has provided, that all accusations of offences against the general government, shall be proved by that mode of trial, excepting the cases proper for impeachment.—It is this provision, which has given rise to the supposition, that the trial by jury is absolutely precluded in all civil cases. The objectors say, that, inasmuch as it is expressly recognized for criminal prosecutions, and not mentioned at all for civil suits, it is taken away in the latter by implication; and that congress cannot establish it, without a manifest violation of the constitution.

To establish a law by mere implication, it is requisite, that the implication be absolutely unavoidable. For instance—An act of assembly gives a single magistrate jurisdiction in causes to the amount of ten pounds. Suppose, a subsequent act to provide, that hereafter no cause of more than five pounds value, shall be tried otherwise than by a jury. The latter act is not a positive repeal of the former; and yet the former is repealed to all intents and purposes; because the implication is unavoidable.

A law arising from implication, unless you confine it to unavoidable implication, is the law of tyrants. If you permit distant, or even probable implication, to establish a law, with out positive words, there is scarcely any long complicated act, that will not authorize oppression; and it will govern, or not, according to the opinions of different judges. The law of implication is safe and admissible, only where the construction, as in the instance just given, necessarily arises. A legislature will, otherwise be often made to pass laws, which they never even had in contemplation; and which were never known, until the judges promulgate them; and will make every court a legislature of the worst kind.

The construction given to the constitution, to exclude the trial by jury, is, by no means, an unavoidable construction, like the case just mentioned, of a *repeal by implication*. In that case, the provision of the latter act is absolutely void, unless it amount to an implied repeal of the first. But, will any man be so hardy as to assert, that, unless the judiciary article be construed, so as to take away the jury-trial in civil, it cannot establish the jury-trial in criminal cases.—The paragraph which establishes the jury-trial in the latter, is distinct from, and not in the least affected by the construction which the friends of the government have given to the other provisions of the judiciary article.—In short, Sir, the paragraph which authorizes congress to institute courts, is defective and absurd, if the authority does not imply the power of appointing

or ascertaining the mode of trial in those courts; and, if congress can appoint any mode, at all, the paragraph itself contains nothing to except the trial by jury; and, I have shown, that there is no such thing as a necessary implication in the subsequent paragraph.

I am not ignorant, Sir, of another argument, which has been used, to oust the trial by jury. It is affirmed, that as the article says expressly, the judicial power shall be vested in the supreme and inferior federal courts; and then speaks of the judges, who are to hold their commission during their good behaviour, and does not speak of a jury at all, the judges must try both matters of fact, and matters of law. I would ask, whether our own acts of assembly which speak of the jurisdiction of the county-courts, and say nothing of juries; I would ask, whether those acts give the magistrates the trial of facts, and take away the trial by jury? There is one remarkable circumstance which the objectors have not attended to. The convention knew, that the law of England was adopted in every state. The constitution speaks of habeas corpus, indictment, and so forth. The federal courts are, in some instances, to have an entire new jurisdiction, both as to parties, and as to the subject of their controversies; and they are to have the same jurisdiction as the state-courts now have in many cases where the jury-trial never did prevail, and in others where it ever did prevail. Suffer me to assert, again and again, that the great variety of causes to come before the federal courts, and the great variety in the modes of trying them, was the true reason of saying nothing about the trial by jury, or about any other mode of establishing matters of fact. Had the convention undertaken to direct in what cases the trial by jury should prevail, it is plain, that the judiciary article must have proceeded to direct the mode in which every other matter of fact should be determined.—There is another thing worthy of consideration. If the convention could even have prescribed, with sufficient precision and propriety, for the present, it is extremely probable, that in the course of time it will be found necessary, in many cases, to change the mode; which could not be done, without a federal convention, or without empowering congress, at discretion, to make the change; which certainly would be no better, than enabling them to prescribe in the beginning. Suppose the article had contained this general provision. “In all cases of controversy between private parties, the mode of proceeding shall conform to the method used in the courts of the state wherein the federal court shall sit.” Even this provision would not do; because there are many cases which it would not reach. In short, the article stands exactly right.

In certain cases, Sir, I contend, that there will be a concurrent jurisdiction between the federal, and the state courts; and these are the

cases wherein the latter have jurisdiction at this day. I mean, particularly those between citizens of different states, and between citizens and foreigners.—My reason is plainly this. It is to me incomprehensible, that the jurisdiction of state-courts, which is a part of a state's sovereignty, can be taken away, without either an express clause, or necessary implication. There surely is no express clause for the purpose; and when a new jurisdiction is created, it by no means follows of course, that the old one is taken away. There is no doubt, that both jurisdictions may subsist at the same time.—The manifest principle of giving a jurisdiction in certain cases, to the federal courts was, to remove from the minds of foreigners, and citizens of another state, all suspicion of a partial decision; and to give them every possible assurance of justice. This principle is pursued by giving them a choice of jurisdictions. If the plaintiff, being a foreigner, shall prefer the state-court, why should he not be permitted to sue there? If he cannot, that very inconvenience, which the constitution intended to prevent, may remain; as it is not impossible, that a state-court may be preferable to the federal court. Suppose then, say some gentlemen, that the defendant is a foreigner. In that case, Sir, I humbly apprehend, that as the federal court was contrived partly for his benefit, he may either suffer the action to go on, or abate it by pleading to the jurisdiction. But, in no case, do I conceive, that the defendant, being a citizen of the state, can abate the action, by pleading, that the plaintiff is a foreigner, or a citizen of another state.

There is another argument in favour of concurrent jurisdiction. The congress has a power of appointing courts; and this power includes as incidental, the power of appointing the modes of trial. And, why Congress should abuse it, let him that can, explain.—If the convention had intended to take away the jurisdiction of the state-courts, it must have adverted to this consideration. If, after the adoption of the constitution, a foreigner cannot bring his action in a state-court, he will, for some time, be without remedy. A considerable time must elapse before congress can appoint the inferior federal courts. Surely then, if it had been the intent of the convention to oust the state-courts, some remedy would have been provided in the intermediate time.

A question, Mr. President, has been started respecting the law, to be administered by the federal judges. Some persons have imagined, that congress is to frame a code of national laws both civil and criminal, to pervade the whole thirteen united states, and to be administered only in the federal courts. In the name of all that is profound, I demand, in what part of the judiciary article this power is to be found? I trust, that I have already proved it not to be found amongst the enumerated

powers, or vested in congress by the nature of the government. We cannot too often assert, that the objects of this government are limited to certain things, and the legislature tied down to the powers expressly defined!—The law, Sir, to be dealt out in the federal courts, will be either such acts as congress shall frame, in pursuance of those powers, or, the law of the land, in which the action arises, or the court sits. A Pennsylvanian brings an ejectment in the federal court of Maryland, against, a citizen of Maryland—He shall succeed, if he can make out a title agreeable to the laws of the state. A Marylander goes to Pennsylvania and there makes a contract which he does not perform. He is sued in the federal court of Maryland. The plaintiff shall recover, according to the law of Pennsylvania, as he would now do, in the general court. It is not in nature, that a body of men, like the federal convention, could conceive any thing so monstrous, as different systems of law, existing in the same land, and administered to the inhabitants, just as they shall have a contest with fellow-citizens, or citizens of another state. Suppose this national code to differ, as it certainly would do, from the law of Maryland. A citizen of the state makes a contract with a person, supposing him, without inquiry, to be also a citizen. He makes it then, on an idea, that the state-law is to govern. But, lo! the person turns out a foreigner, and the contract is to be regulated by the national code.

That this national law, instituted by congress, shall, at length, prevail over state law, and the state-courts be annihilated, as well as the state-legislatives, is an apprehension dictated, either by the most deplorable ignorance, or the most rancorous prejudice. The jurisdiction of the federal courts, however we may differ respecting concurrence and trial by jury, is precisely ascertained; so as not to leave the least doubt on the mind of any intelligent person, who peruses the constitution with the attention it deserves.—When we reflect, Sir, that the federal courts can have nothing to do between two citizens of this state, unless they claim lands under different states, or unless the cause of action arises under the constitution, the apprehension is truly surprising.

Legal fictions and sham assignments have been talked of, as the means, by which the federal courts are to absorb the whole business of the continent. The authors of this suggestion, whilst they talk of a national code, to supercede all other laws, have, evidently, in contemplation the law of England, and particular acts of assembly; and thence borrow the idea of fiction and assignments. But, fictions in England, are contrivances for the substantial and speedy administration of justice, and not for the encouragement of fraud and deception. When the gentlemen shall descend to particulars, it will be time to speak more

fully, on an objection, which at present appears frivolous. I do not imagine, that any friend to the constitution can seriously entertain the idea, that such artifices and frauds will be permitted to break down the barriers, erected between the general and the state governments. The judges are to be independent; and they are to act under a solemn oath to support the constitution. But, whatever may be the inventions of the bar, to draw causes into a federal court, the same arts may be introduced into a state-court. There will be jealousies and emulation; and these will, in all human probability, tend much to the improvement of both. The former will be watched by the latter, as diligently as the congress will be watched by the state-legislatures.

[8 August] With respect to this state's adopting or rejecting the plan, the question seems to be this. Shall Maryland, at once, become a member of the new confederacy? Or, shall she wait, 'till the mere principle of self-preservation shall compel her, with a bad grace, to accede? Already have six states set their seals to the compact. The plan of a new convention, to correct the faults in the constitution, had been thought of in them all; and they rejected it as they ought. It therefore appears to me quite out of season to talk of a new convention, until the constitution shall have been adopted, and experience proved its errors and defects. I never could, indeed, discover the line, which a second convention, on the rejection of the plan was to pursue.—They were, it seems, to amend it; but, that they could do this, without knowing what parts were disagreeable to nine, or even to seven states, is not easily to be conceived. When the obnoxious parts shall have been ascertained, amendments may then take place under the constitution, with infinitely more ease, than a constitution can be obtained.

This second convention, Sir, which some men so ardently wished to take place before the States should enter into a new compact at all, could have brought the work no nearer to a conclusion. They must have considered the whole subject anew; and knowing that the plan of their predecessors was objected to, they would consider themselves under a necessity of either framing an entire new system, or of striking out from and adding to the one proposed. Nothing is more probable, than that the plan of a second convention, if ever they could agree upon a plan, would leave out those very parts of the first, which, contrary to the prejudices of some particular states, are in themselves most excellent, and indispensable in a complete federal republic. There is, indeed, not a single principal trait in the proposed plan, that some members in the new convention would not be prepared most violently to oppose. There is, perhaps, not a single powerful enemy to the union

of thirteen states, or to an efficient constitution, who would not exert his whole art and influence to obtain a seat in the convention; which would consist, in a great measure, of the most violent demagogues, and the leaders of faction in every state. The result of a convention like this, to a moral certainty, would be confusion, disorder, irreconcilable differences between the northern and southern states, irresolution and perplexity in the middle, and private combinations amongst the ambitious of all, to avail themselves of the wished-for posture of affairs.

Amongst the superior excellencies of the proposed constitution is, the obviating the fatal effects of those frequent errors, arising from the influence of popular men. Had it been handed down from Heaven, in the sight of all America, there would have been found still some pretext for opposition. "When the convention determined, that the whole should be adopted, or the whole fail, they did it not on arrogant conceit of their own infallibility, but upon the soundest principles of policy and common sense. Were each state convention to take it up, article by article, and section by section, with the liberty of adopting a part, and rejecting the rest, so small a part might be approved by nine states, on the narrow view each must have of the subject, attached as it is to its own supposed interest, and jealous of the rest, that the mutilated remains would be worse than the present compact."¹⁵ Nay! so small a part would be adopted in this way, that the whole would be to begin again; and in this way, there would be no possibility of ever obtaining an entire system. There was no possibility of obtaining it, but in the very manner proposed.

The danger, Mr. President, from procrastination alone, is, in my mind so great, that, had the six states proceeded to no final determination, but waited the decisions of the rest, there are causes, I shall presently mention, besides those I have descanted upon, which might prevent us from establishing a general government over the whole, or even nine of the thirteen states, if they should be hereafter ever so well inclined.

Supposing the proposed plan to contain parts, which, without any previous experiment, we can be certain are wrong, it is impossible not to see the force of these considerations. The most enlightened body of men America ever beheld, have proposed a constitution, the product of many months arduous investigation. In this body each state was represented by men selected for the purpose, and fully acquainted with the respective interests, wishes, and wants of their constituents. They assure us, that their plan is the result of amity and mutual concession; and they think it the best, which, under all circumstances, can be obtained.¹⁶ Every possible objection to every part, was enforced in the progression of their debates.—Many of us suppose, there are faults,

that must not be suffered to remain but almost every objector is singular in his objections. At least there is not one objection, that I know of, which has been countenanced by either a majority of the people, or of men qualified to judge. A certain writer amongst the “*Satellites*” has been censured for declaring, if the whole were left to his discretion, he would not alter a single part.¹⁷ I could now, with perfect sincerity, make the same declaration. Many parts, which appeared exceptionable on the first cool perusal of the plan, appear, at this time, to be founded on the most enlightened policy. I do not suppose, that any human production can possess absolute perfection; and yet I am not so thoroughly convinced of any one defect, that I would wish an amendment before actual trial.—There is not a man in this assembly, however superior in genius or acquirements, that ought not, like me, in this case, to distrust speculation. How can he pretend, on mere theoretical principles of his own, to reprobate the plan of such an assembly, and to assure us, that we ought to reject it, without a trial? Alas! Mr. President, how often have we seen the fairest gifts of nature prove less beneficial to the possessor, than the most ordinary talents! Scorning the direction of dull, plodding experience, and the common received opinions of mankind, how apt is the man of genius in private life, to attempt striking out a new short road to fortune! But how often, in the anguish of disappointment, does he find his despised competitors have reached the goal by pursuing the beaten track! If, Sir, there are men of the most brilliant fancy and speculation, who are the most miserable managers of their own private affairs, unhappy would be the state, subjected to their direction, and attempting all the splendid projects, suggested by their fertile imaginations. There are, indeed, not wanting men, who would stigmatize the proposed plan, as the work of the most extravagant and visionary projectors! On the most attentive examination, it will be found, that these parts, which have disgusted, by their supposed novelty, are intended to remedy the evils, which uniform experience has pointed out; and it is, after all, only the combination of the parts which is new; and every separate part has had the seal of experience.—That the convention combined against the liberties of America; and that they have purposely paved the way for an arbitrary government, is an accusation, which they would disdain to answer. Wretched must be the mind, which is subject to such mean, grovelling, groundless suspicions.

There is a circumstance in favour of the constitution, that is not to be got over by the most ingenious sophistry. Whatever may be the mischiefs it is calculated to produce, hereafter, it does not all at once surrender our liberties. It does not fetter our hands, deprive us of

speech, or take away the liberty of the press. When we shall have made a fair trial, and found the whole, or any part of it, pernicious; the very same authority, which made, can, at any time undo, or improve it. If ever, after the adoption, a convention shall be proposed to amend it, in the way, pointed out by itself, I have the most perfect confidence, that the appointment will take place, and that neither the president, nor the congress, nor any other department will dare to oppose it, even in the way it has lately taken place. The very attempt to restrain, would operate most powerfully to promote it.

But, Mr. President, whilst the enemies of the plan, in general, admit the necessity of more energy in the federal head; wherefore is it, that they have not favoured us with their entire systems, in order that we might compare?—No, Sir, they did not think proper to do this, because they were conscious, that their systems would not bear the comparison; knowing how much easier it is to cavil, and espy faults, than produce, or defend, a system, they have chosen only the former. They have, however, made no objection, in which they can agree among themselves, that may not fairly be resolved into this. If there be a possibility that men can abuse power, they will not fail to oppress us, and therefore we ought not to grant it. This argument applies equally against all efficient government—That every form should be so constructed, that the very worst of men, the most diabolical spirits, shall not, by the attainment of authority, be enabled to ruin us at discretion, I readily admit; and if ever a government was constructed on this principle, such is the proposed constitution. Without a combination of the men in the various departments, there is no evil of magnitude to be apprehended. But such is the nature of the constitution, that a combination like this is the least of all political mischief to be apprehended; and even if it should take place, they could make little progress in the execution of their designs, before they would meet with effectual obstruction. The opposition would not be like the late opposition to the government of Great-Britain. It would be made by the regular constitutional authority of the state-governments; and the moment the alarm should be spread, as it was in the year 1774, the power of the general government would be extinct. Of little avail to them would be the force which on any fair pretence they could collect, before the opposition would commence.

It cannot be too forcibly impressed on our minds, that the choice is not between the proposed plan, and such as might be produced by another convention. The choice is between this and a dissolution of the union. The very best thing which can follow, will be the institution of two, three, or more confederacies, amongst different confederacies, as well as different single states, without a general controlling power,

the difference of manners, views and interests will produce jealousy, hatred, competition, war, rapine, and devastation. The plains of America will be deluged with kindred blood, and our unhappy posterity, if not ourselves will experience all those dreadful calamities, which have afflicted the human race, in every other quarter of the globe. Never, oh never! Mr. President, may our posterity have just cause to reproach our memories with this shocking inattention to their happiness! Let us entertain a better hope!

What, Sir, can be the probable issue of the present posture of our affairs, if not speedily remedied? At present, there is, in effect, a suspension of government. Reject the constitution, and the union is dissolved. Who can contemplate the disorders which must follow, and not tremble for the consequences? Will public liberty, spring from anarchy, and prosperity from devastation? Will not that nation, from whose yoke we are almost miraculously emancipated, avail itself of our weakness and discord? Their resentments subsist, their ambition will revive, and the means of gratifying both are rapidly increasing. What power in Europe will hereafter take the part of America, divided against itself, and false to its former benefactors? Each enterprising, ambitious power will rather hasten to grasp its share of the spoil! Ye deceased heroes and patriots, must ye not hereafter look down from your blessed abodes, lest ye behold your degenerate descendants spurned, goaded, and butchered like the wretched slaves of Indostan? No! the bare remembrance of what ye have done, and what many of your survivors and successors have done; the remembrance of this alone would teach us to despise the suggestions of men, whose pathetic warnings and advice amount to this—"Submit not, Americans, to be governed, lest ye fall into blindness, and dastardly permit your own chosen servants and agents to become your masters and tyrants."

If, Mr. President, the representation of our danger shall appear to be overstrained, if the gathering clouds be no indication of an approaching storm, and if our condition be such, that we may safely wait for the consultation of convention after convention; I then ask, what are the mighty defects in the proposed constitution from which sagacious theorists forebode the destruction of our liberty? Is it so pregnant with mischief, that we should hazard, in the slightest degree, a small part of the *sure* consequences of its rejection, if even it did not contain a remedy for its own defects? In matters of government, experience is the only guide, and when time and experience shall evince the supposed faults, the remedy will be applied. Amongst a people, like the Americans, when evils are felt, they may, and will be corrected.—That they will be rather precipitate in the use of a known remedy, is a danger,

much more to be apprehended. But, Sir, on the present occasion, the evils have arisen to such a height, and so much time had elapsed, before the remedy was discovered, that a little further procrastination may deprive us of it forever. The inveteracy of our disorders, in a little time, may not admit of a cure. A people accustomed to a lax government, or rather to no government at all, will impatiently submit to the restraint of wholesome laws.—I have never indeed, since first, with rapture, I perused the plan, entertained the idea, that it would not be adopted by every state in the union. The suggestions of sophistry, and the force of declamation *must*, for a while, bewilder and dismay, but, amongst an enlightened people, enjoying, and brought up to the ardent love of liberty, the truth must and will ultimately prevail.

That the most perfect harmony and unanimity might ultimately be found in this assembly, I once fondly hoped. Of this I now despair. But, however gentlemen may differ within these walls, the decision of the majority will not, I trust, be intemperately opposed, out of doors. I flatter myself, it will not be opposed at all; for opposition, if carried on with rancour, may occasion those evils, which the constitution was intended to prevent; and the minority will be chargeable with those very consequences, which, they have confidently predicted, will result from its adoption.

May the Genius of Peace and Concord, mild Toleration, diffuse its gentle spirit amongst the sons of America! May true Liberty, source of every generous humane affection, drive from this favoured land licentiousness and anarchy, its deadliest foes! May the persecuted from every clime here hail their asylum—and may Reason establish her throne on the lasting foundations of Justice!

1. See the anecdote printed in the *Maryland Journal* on 20 May (Appendix VIII, RCS: Md., 902).

2. See the “Address of the Antifederalist Minority of the Maryland Convention,” 1 May (RCS: Md., 659–69).

3. For the Virginia Convention amendments, see CC:790 or RCS:Va., 1551–56.

4. For the Massachusetts amendments, see CC:508 or RCS:Mass., 1476–78; for the South Carolina amendments, see CC:753 or RCS:S.C.

5. Originally 1788. Changed in an erratum to 1780. On 2 February 1781 the Maryland legislature passed an act empowering the state’s delegates to Congress “to subscribe and ratify the articles of confederation.” The delegates signed the Articles of Confederation on 1 March (CDR, 135–37n). With Maryland’s ratification the Articles of Confederation went into effect.

6. Shays’s Rebellion in Massachusetts.

7. Though it is unclear who said this in the Convention, Luther Martin of Harford County had previously discussed the process for ratifying the Constitution. See *Genuine Information* XII, *Baltimore Maryland Gazette*, 8 February 1788 (RCS: Md., 285–88).

8. See Article LIX of the Maryland constitution of 1776 (Appendix I, RCS: Md., 779).

9. The Maryland “Landholder No. X,” *Maryland Journal*, 29 February 1788, charged that Luther Martin had said this during the Constitutional Convention. Martin denied making the statement (“Luther Martin: Address No. I,” *Maryland Journal*, 18 March). See RCS:Md., 183, note 3.

Writing from Paris on 4 August 1787 Thomas Jefferson informed Edward Carrington that Congress under the Articles of Confederation had the power to compel the states to pay the money requisitioned by Congress. As Jefferson said, “Compulsion was never so easy as in our case, where a single frigate would soon levy on the commerce of any state the deficiency of it’s contributions” (Boyd, XI, 678–79).

10. A reference to the Impost of 1781 (CDR, 140–41), which was never ratified by all of the thirteen states.

11. Article XIII of the Maryland declaration of rights of 1776 provided “That the levying taxes by the poll is grievous and oppressive, and ought to be abolished” (Appendix I, RCS:Md., 772).

12. For an example of this argument, see “A Farmer and Planter,” *Maryland Journal*, 1 April 1788 (RCS:Md., 467–68).

13. A reference to the delegated powers given to Congress in Article I, section 8, of the Constitution (RCS:Md., 810–11).

14. Montesquieu, *Spirit of Laws*, I, Book XI, chapter VI, 233–34.

15. Quoted with slight modifications from “Aristides” (Alexander Contee Hanson), *Remarks*, 31 January 1788 (RCS:Md., 248).

16. See the Constitutional Convention’s cover letter of 17 September 1787 signed by George Washington to the president of Congress (Appendix III, RCS:Md., 806).

17. See “Aristides” (Alexander Contee Hanson), *Remarks*, 31 January 1788 (RCS:Md., 251–52).

Appendix VIII

Thomas Lloyd and the Maryland Convention Debates 14 May–1 August 1788

When the Maryland Convention assembled it was agreed “by general consent” that Thomas Lloyd, a Federalist from Philadelphia, be allowed to take shorthand notes of the debates that would be published as a volume. On 7 February 1788 Lloyd had published the first of what was expected to be two volumes of the Pennsylvania Convention *Debates* (CC:511). This volume contained only the speeches of Federalists James Wilson and Thomas McKean. The expected second volume was never published. When Maryland Convention Federalists developed a strategy that allowed Antifederalist delegates to speak at length with no response, Federalists decided that Lloyd should not publish a volume.

In June 1788 announcements appeared in both the Baltimore *Maryland Gazette* and the Annapolis *Maryland Gazette* that a 300-page volume of Maryland Convention debates would be published by subscription at a price of 8s 4d. (The Annapolis *Gazette* advertisement was dated “Philadelphia, May 30, 1788.”) Half the cost was to be paid at the time of subscribing and the balance when the volume was delivered. Subscriptions were to be taken by printers in Annapolis, Baltimore, and Philadelphia. It was explained that “indispensable engagements” had prevented Lloyd from publishing the volume earlier, but that the volume would go to press after 600 subscriptions had been obtained.

Because Federalists had not made speeches, they encouraged Lloyd not to publish the volume. Money was raised to pay Lloyd for his expenses in attending the Convention and for taking notes. Soon after, a number of reports circulated that Federalists had bribed Lloyd not to publish his notes.

Thomas Lloyd (1756–1827) was born in London and educated by English Jesuits in Flanders and Bruges, Belgium. He emigrated to St. Mary’s County, Md., in 1771, and served in the Maryland militia from 1776 to 1779. In 1779 he superintended the printing of the Journals of Congress, and the next year he was appointed clerk to the Treasurer of the United States. He settled in Philadelphia in 1783, and four years later, he advertised as a teacher of shorthand. In September 1787 Lloyd began taking notes of the debates in the Pennsylvania Assembly. He published the Assembly debates, one volume of the debates of the Pennsylvania Convention, and the House of Representatives debates for the first Congress under the Constitution.

Tench Coxe to William Tilghman Philadelphia, 14 May 1788 (excerpt)¹

... I have sent up to Lloyd about Mr. Gale’s certificate, which he has promised to furnish.²

I am involved in an unpleasant Situation with him. Dr. Smith’s authority was full & positive, and he wanted some Cash, which I advanced him rather than the Gentleman should be disappointed. I must beg

your exertions, with Dr. Smith, to procure it & send it *to me*. He has been tempted by considerable offers from the Opposition, or at least persons who are in their Sentiments & interests as he positively assures me. With respect to his attachment to the federal Constitution, & to those politics of the State, which have been associated with it there is no more doubt here, than there is of his existence. I cannot conceive how the suggestion could have arisen. . . .

1. RC, Tilghman Collection, PHi. Addressed to Tilghman in Chestertown, Md., the letter was endorsed as answered on 11 June (below). For another excerpt from Coxe's letter, see RCS:Md., 734.

2. On 2 May George Gale, a former Somerset County delegate, asked Tilghman if he could indirectly contact Thomas Lloyd to obtain a certified copy of what Gale had said in the Maryland Convention (Mfm:Md. 83). On 7 May Tilghman wrote to Coxe in Philadelphia asking him to obtain the certified copy from Lloyd for a "Gentleman" who "is a member of the Senate, & as the General Assembly soon meets, he thinks it possible he may be engaged in some Altercation" (Mfm:Md. 101).

Maryland Journal, 20 May 1788¹

ANECDOTE.

At the meeting of the Convention, for this State, it was moved by a member, that Mr. THOMAS LLOYD, of Philadelphia, should be admitted to take a seat *in the convention*, for the purpose of taking down, in short hand, the DEBATES of the members, on the constitution proposed for the United States; and Mr. Lloyd was permitted, by general consent, to take a seat by the clerk. The OPPONENTS of the ratification of the *national* government, without certain *previous* amendments, made their objections, and assigned their reasons in support of them, which Mr. Lloyd took down for publication. After many objections were stated, and the necessity of amendments were strongly urged, and seemed to gain friends, the ADVOCATES of the government, in consequence of a preconcerted plan the preceding evening, declared, "that they were elected and instructed to *ratify* the constitution, and to do *no other act*; that they did not consider themselves *authorized* to consider ANY amendments; that a very great majority of the convention were determined to act accordingly; and, therefore, that *all objections and arguments* against the constitution, by its opponents, were unnecessary and useless." Notwithstanding this declaration, the opponents continued to make their objections, and REPEATEDLY called on the ADVOCATES of the government, and earnestly requested them, to answer the objections, and to remove them, if not well founded; but they inflexibly preserved an obstinate and contemptuous silence, and called for the question; as if their *number alone* would be a satisfactory, irresistible, and conclusive

answer to ALL objections.—After the vote of ratification, forty-eight of the majority voted for the appointment of a committee “to consider and report *amendments*, to be recommended to the consideration of the people, *if approved of by the convention*” —Mr. Lloyd, a warm and decided friend to the *new* constitution, *frequently* expressed his *concern* at the silence of the majority; and declared that it would never do to publish the objections and arguments against the constitution, without any answer.—After the convention was dissolved, the *majority* made a collection for Mr. Lloyd, *to defray his expences*; and he declared his intention *not to publish* what he had taken down.—It is observable, that Mr. Lloyd has *hitherto* only published the speeches of two gentlemen of the Pennsylvania convention in *favour* of the government.² If Mr. Lloyd should publish the arguments of the opposition in that convention, it will probably be *after* the decision by all the conventions.

1. This item also appeared in the Baltimore *Maryland Gazette* on 20 May and was reprinted in the Annapolis *Maryland Gazette*, 22 May, and Winchester *Virginia Centinel*, 4 June.

2. Thomas Lloyd’s first and only volume of Pennsylvania Convention debates contained only the speeches of Federalists James Wilson and Thomas McKean. See CC:511.

Maryland Journal, 23 May 1788

ANECDOTE.

The Opposition are labouring under one of the heaviest Calamities which has as yet befallen them.—It seems a certain Mr. Lloyd, is the only Person who remembers any of their Speeches in Convention, which he is afraid to publish, lest they should not pay the Expence of Printing.

Baltimore Maryland Gazette, 3 June 1788¹

Proposals for printing by subscription,

The DEBATES of the CONVENTION of the State of MARYLAND, on the Constitution proposed for the United States, as taken in short-hand by T. LLOYD.

1st. This work shall be printed in one volume octavo, (supposed to make about 300 pages) on a fine paper, and new American type.

2d. The price to subscribers shall be 8s. 4d. one half to be paid at the time of subscribing, the remainder on the delivery of the volume.

3d. Subscribers for 12 copies, shall have a thirteenth gratis.

☞ The indispensable engagements of Mr. LLOYD, have prevented him from attending to this publication earlier, but it shall be put to press as soon as six hundred copies are subscribed for; and executed in the most impartial manner.

Subscriptions are received by Messrs. F. and S. Green, Printers, Annapolis, Mr. John Hayes, Printer, Baltimore, Mr. T. Seddon, and the Editor, Philadelphia.

1. The Baltimore *Maryland Gazette* reprinted the advertisement on 6, 13, 20, and 27 June. An almost identical advertisement appeared in the Annapolis *Maryland Gazette* on 19 and 26 June and 10 July. The Annapolis paper included the dateline “Philadelphia, May 30, 1788” at the bottom of the advertisement.

William Tilghman to Tench Coxe
Head of Elk, 11 June 1788¹

I mentioned to you some time ago, that I received six dollars for Lloyd after he left Annapolis—To save trouble, I wish you would pay it & charge my father with it—I will settle it with him—Nothing more can now be got for Lloyd—It has been already circulated, that he was bribed by the majority of the late Convention—To make any further exertions, would justify the charge—The fact is, that Doctor Smyth had no authority for saying that Lloyd was to expect any thing from the Convention—As for the offers made to Lloyd by the antifederalists, they are not to be regarded—a publication of his notes can do no harm—The best of the minority urged little new—Some of them, exposed themselves—[Alexander Contee] Hanson has been ill for some time—I have had no opportunity of forwarding your piece to him, but it is of no consequence, as I find it is inserted in the Baltimore papers which have a vastly more extensive circulation than the Annapolis one²—It will find it’s way to Virginia, & I dare say, have a good effect—I wrote to our old classmate B. Harrison,³ & gave him a state of all material circumstances—If Virginia ratifies the thing is done—and I hope there is little doubt but she will—

I must change this subject, for the disagreeable drudgery of a county Court in which I am now engaged at this place—this is the true *bathos*—Adieu!

Your’s very affy.

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

2. A reference to Coxe’s essay signed “An American” addressed to the members of the Virginia Convention, which first appeared in the *Pennsylvania Gazette* on 21 May. The Baltimore *Maryland Gazette* reprinted the essay on 27 and 30 May. See CC:751 and RCS:Va., 832–43.

3. During the 1760s Tilghman, Coxe, and Virginian Benjamin Harrison, Jr., attended the Philadelphia Academy (University of Pennsylvania).

ISM.

Baltimore Maryland Gazette, 27 June 1788

MR. HAYES, In your Gazette there is an advertisement, containing “proposals for printing by subscription, the Debates of the Convention of the State of Maryland, on the Constitution proposed for the United States.”¹ As the federal members made no sort of reply whatever, to the

arguments of their antifederal brethren, how could there possibly have been any debate in the Convention? This puzzles your customers confoundedly. When the main question was put, there appeared sixty-three for adopting, and only eleven for rejecting. Did the simple act of voting, constitute those debates, that are proposed to be printed by subscription, or did the opposition quarrel among themselves, about the articles that were attempted to be altered, amended, or expunged? However this may be, I rejoice exceedingly, that the speeches are to be published—they will render most essential service to eloquence and politics, though they made no impression at the time of delivery. We may expect to see them soon, for undoubtedly five hundred, or even five thousand copies of such a collection, would be engaged in a few days. If the short-hand fellow had not come forward with his proposals, I can tell him, he would have been shortly addressed, in a way not much to his liking. A certain composition was ready, which would have forced him to discharge those precious models of oratory, that were unaccountably forgotten by both speakers and hearers, and remained under his power alone. Yes, Mr. Hayes, he would have been constrained to discharge them, more quickly than the poor soldier in Turenne's army did the bullet of intelligence, he had swallowed, according to what you printed under your anecdote head,² and the occasion would have justified the measure. The burning of the Alexandria library was a severe loss to the republic of letters—we also deplore the *artes perditæ*³ of antiquity—but, should the *antifederal* speeches of the Maryland minority sink into oblivion, the loss would be much greater, and far more to be wailed. Let me therefore urge Mr. Editor to exert himself, and relieve an anxious public from inexpressible fear.

June 21, 1788.

1. See under 3 June (RCS:Md., 902–3).

2. For the anecdote, see the *Maryland Journal*, 20 May (RCS:Md., 901–2). The anecdote also appeared in the *Gazette* on 20 May.

3. Latin: Lost arts.

Wessex

Maryland Journal, 11 July 1788

*“This mighty Ajax does, the world to shew,
None but himself, himself can overthrow.”*¹

It is a mistake to suppose or say, the antifederal speeches made no impression, when they were delivered, seeing it is well known that their effect was very great and very uncommon, particularly in one member, who spoke for rejecting the federal government, and yet voted for adopting of it, without hearing a word in it's favor, whereby he clearly

became a convert to the retrograde influence of his own harangue, and then honestly divided with the majority, in open contradiction to his own arguments.—Lord Bacon says, an experimental philosopher sometimes discovers the direct contrary to what he seeks and expects; but I believe it seldom happens, that a politician finds himself brought over, by his own speaking, from the side of the question espoused by his own speech. In the other orators a similar effect was also produced by the same means, yet in an inferior degree, and therefore it did not shew itself then, but the conviction certainly entered the mind of every speaker, under the anticonvincing power of his own speaking, and there remained undiscovered, like unto the infection of the measles, small-pox, or more properly the canine madness,² which lies dormant for weeks, months, nay sometime even years, and is often called into activity at last, by some incidental cause or particular occurrence fitted to disturb and excite the venom infused, when it breaks forth violently, and rages with ungovernable fury. So it is here—the member who was first changed, may be of a more quick susceptible nature, and more easily convinced than his brethren, on which account he would be more suddenly affected; whereas, it would require longer time to move them, and accordingly they neither perceived themselves, what was working inwardly nor shewed any visible marks of an alteration, till a good while afterwards, when what had been laid in the seat of thought, or reason, became powerfully agitated by two occurrences, that happened within a few days of each other, and by their united operation where the occasion of producing wonderful consequences in the residue of the eloquent part of the minority, who commenced sincere hearty friends of federal measures—objections fell down, difficulties expired, new light beamed in upon the judging faculty, they saw the new government in a different point of view, *whenever we received full assurance of it's having been adopted by New-Hampshire and Virginia*. These are the two occurrences to which I have alluded, but observe carefully, *they* did not produce or effectuate the conviction—it was already produced, and they did no more than strong liquor, high seasoned food, or extreme heat does in persons bit by a mad dog, which only exasperate and diffuse the poison already lodged. If the curious have any instances of similar conversions, they will oblige the world by publishing them, otherwise we may conclude these to be unique, and peculiar to the strange nature of antifederalism. The conviction which began in Convention, did not end there, but extended it's influence far, the silent members have been reached by it in a most persuasive manner—it has ascended the executive, and hastened down certain judicial departments, and rooted up every sprig of antifederalism, like Dr. Martin's prescription for the cure of the cancer, which does not leave the smallest fibre of that de-

vouring malady in any nook or corner of the parts affected. Where none were to be seen lately, but antis of worshipful aspect, there is not a single anti now to be found—but the faculty are at a loss to determine, how or by what means the conviction spreads, whether by the breath or touch, or whether there be certain intellectual particles, of the federal class, infinitely smaller than the finest Holland sand, wafted through the air by invisible insects, till they reach the abode provided for them, and there ripen into maturity.

The neutrals appear dejected at the change, as they will have no longer an opportunity to fetch and carry or retail private conversations improved for the mutual information of contending parties—They manfully strove to keep in with both sides, and now endeavour to make the best of their fate by imitating the ardor of the new converts, who are the most proper men to introduce the new government, being ready to shew as much zeal for it, as they did not very long ago against it—So much seemed due to the injured reputation of those who have done a great deal for the public, and whose leaders expect soon an opportunity to do a great deal more.

July 7, 1788.

P. S. As the advertisement for printing the Debates in Convention, is discontinued, I presume five hundred copies of the immortal work are engaged, and will be speedily published.³

1. Adapted from *Ovid's Metamorphoses in Fifteen Books . . .* (London, 1717), Book XIII, p. 454. In the original, the lines are “ ’Tis *Ajax* who requests thy Aid, to show/None but himself, himself cou'd overthrow.”

2. Rabies.

3. For the advertisement, see RCS:Md., 902–3.

Type

Maryland Journal, 1 August 1788

Mr. GODDARD, I have read in your Journal, that the *Antifederal* Speeches, delivered in our Convention, have been entirely forgotten by the *Antifederal* Speakers, though with respect to other things their mental faculties remain exactly as they were. This, if true, is certainly a most curious fact, and I wish an accurate account of it were drawn up, and laid before some or all of our philosophical societies for their opinion, as I do not remember to have met with such a partial *deliquium animi*, or trance of the mind, in the writings of any *Logician*, *Metaphysician*, or *Magician*, ancient or modern. The speeches are nevertheless not lost, but in the possession of a certain short-hand writer, who took them down with all the accuracy, elegance and energy with which they were delivered, and I fear they will see the light soon, because an adver-

tisement is discontinued, offering their publication on five hundred copies being engaged. That number must have been engaged in a few days, considering the nature of the compilation, and the zeal of it's friends, and the work is perhaps far advanced by this time—but I earnestly entreat that, though these incomparable speeches should be *printed*, they may not be *published* till after the next election for Delegates to serve in General Assembly, and I hope the undertakers or managers will grant my request, when they weigh my arguments. The once anti-federal authors now are, and have been struck federal ever since the adoption by New-Hampshire and Virginia was made known. Seeing how matters went, they wheeled round in an instant, with the utmost ease and grace, from one extreme to another, and became the most wise, safe, steady, fast friends of *federalism*, and the most fit persons in all probable and possible respects to be employed in introducing the new government, and carrying it on after its introduction with a most tender affectionate concern for it's prosperity. Now should their unlucky *anti-federal* speeches, which they have happily forgotten, come forth and be read over by them—perhaps just as they are going to harangue on *their own federalism*, or mounting the hustings to solicit federal votes, I ask, what might be the probable consequence? Verily nothing less than a relapse into the antifederal heresy, of which wicked error they could not have time to recant, 'till too late, whereby they would lose their elections, and the Public would lose the benefit and blessings of their *singular* exertions on the *federal* side of the great question. An increase of the mischief can likewise be imagined from the impression that might be made on the judgment of a *musings* head of an executive preparing for deep consultation—or a wheelbarrow justice, ascending the bench, &c &c. but enough has been said to shew the wisdom and reasonableness of the proposal, which I hope will be readily adopted.

N. B. If the said speeches are not published before next October, or never, I shall claim the merit of preventing it by my seasonable admonitions.

July 30, 1788.

Thomas Lloyd's Expenses While Attending the Maryland Convention in April 1788¹

An Expedition to Annapolis at the request of Tench Coxe Esqr.

For Cash for the hire of a horse of Mr Dennison	}	£ S d
to overtake the Stage which had set out		
four hours before me		
For Stage hire Rock Hall		1.0.0

For Ferriage to Annapolis	0.7.6
For 2 Days Expences	1.10.0
For 7 days Do. in Annapolis	5.5.0
For hire of a Horse of Mr Clarks to go to Baltimore	0.15.0
For Stage hire to Philadelphia	2.1.8
For 3 days travelling expences	2.5.0
For 12 days attention to the Business on which I was employed at 5 Dollars ^{per} day is	22.10.0
	36.16.8
[Amount paid to T. Lloyd]	7.10.0
Balance due T. Lloyd	29.6.8

1. MS, Tench Coxe Papers, Series II, Correspondence and General Papers, PHi. These amounts come from a document dated 18 March 1796 and indicate that Lloyd had at that point been paid only £7.10.0 and the balance still due was £29.6.8. Another document indicates that "Mr Tilghman" had paid Lloyd £5.5.0 "By cash" while in Annapolis and that Tench Coxe had paid Lloyd £2.5.0 at some point. Other documents in the Coxe Papers indicate that Lloyd, then in desperate financial straits, was still trying to collect some of the amount due in 1806.

Appendix IX

Maryland and the Federal Capital

Memnon

Baltimore Maryland Gazette, 11 July 1788

Mr. HAYES, You are requested to republish, in your next paper, a number of Resolutions, unanimously assented to by both Branches of our Legislature, in 1783, offering the city of Annapolis, and the public buildings therein, to Congress, as a place of permanent residence—As a Federal town will probably be established, soon after the new Constitution is put in motion, and these Resolutions have never been rescinded, it cannot be doubted, but that our Legislature would readily consent to cede a district of ten miles square around Annapolis, and make a present of all the public buildings in it (not even excepting the college) to Congress, which may have considerable influence in fixing the American Hague among us, because in no other place, tolerably central, can so many convenient edifices be found, already erected, and where a number of elegant houses may be purchased for less than the cost of building, by the great executive and judicial officers of government.—The State of Pennsylvania has expressly excepted the city of Philadelphia in the district offered to Congress,¹ and the city of New-York will also probably be reserved in any offers made by that State—Indeed, Congress have ever been averse to sitting in large commercial towns, because, in times of danger, a properly rigid restrictive police could not be conveniently enforced in them, especially spies guarded against, or apprehended—It is certainly the interest of Maryland to renew the offer of Annapolis and a district of ten miles square around it, to the general government, as soon as our Assembly meets, because it would ensure the additional annual circulation of at least £. 60,000 among us, at a moderate calculation, and Baltimore-town would be peculiarly benefited in furnishing the luxuries and conveniences of life to the continental metropolis, and becoming of course the seat of statical government—As this State and Annapolis in particular has been extremely federal, we must stand fair in the esteem of the officers of the new government; it is therefore our interest to annihilate all internal divisions among ourselves, and unite in rendering Annapolis the metropolis of the continent and this town the capital of Maryland.

Baltimore, July 8, 1788.

Extract from the PROCEEDINGS of the HOUSE of DELEGATES of MARYLAND, *Saturday*, 24th May, 1783.²

The house took into consideration the report of the committee to whom was referred the letter from the Mayor of the city of Annapolis, enclosing the proceedings of the corporation of the said city, and thereupon came to the following resolutions:

RESOLVED, 1st, That it is the unanimous opinion of this house, that the honour, dignity, and welfare, of the United States, require that their representatives should have a fixed and permanent place of residence, with jurisdiction and authority over all inhabitants and residents within the district or territory assigned for the reception of Congress and their officers, and the ministers of kingdoms and States in amity or alliance with the United States.

RESOLVED, 2dly, That it is the unanimous opinion of this house, that the city of Annapolis, with its precincts, is the most eligible and proper place, within the United States, for the permanent residence of the honourable Congress, for the following reasons: First, The city of Annapolis is more central than any other city or town in the federal States, and equally convenient to the delegates to travel there by land or water. Secondly, The city standing within three miles of the bay of Chesapeake, and on a large navigable river, with a high, dry soil, and many springs of excellent water, is remarkably healthy. Thirdly, The bay of Chesapeake and rivers falling into it, will afford safe and capacious harbours for fleets of ships of any size and force, and dispatches may be conveyed or received with great facility to or from Europe, or any other part of the world. And lastly, The city is very capable of defence, with a small force, against numbers, there being only eighteen feet water within five miles thereof, and two large creeks running one on each side, and heading above the said city within a quarter of a mile of each other, and the ground in and near the city well calculated for works of defence.

RESOLVED, 3dly, That it is the unanimous opinion of this house, that the general assembly (the corporation and citizens of Annapolis having signified their consent) offer the said city with its precincts to the honourable Congress, for their permanent residence, and to invest that body with such jurisdiction, authority, and power within the same, and over the inhabitants and residents thereof, as may be required by Congress, as necessary for the honour, dignity, convenience, and safety, of that body.

RESOLVED, 4thly, That it is the unanimous opinion of this house, that the general assembly present the stadt-house and public circle in the city of Annapolis (exclusive of the school house and court house of

Anne-Arundle county, and loan office, standing on the said circle) to the honourable Congress, for their use.

RESOLVED, 5thly, That it is the unanimous opinion of this house, that the general assembly present to Congress the buildings and ground in the said city, appropriated for the residence of the governor of this State, for the habitation of their president.

RESOLVED, 6thly, That it is the unanimous opinion of this house, that the general assembly offer to Congress to erect, at the expence of this State, thirteen dwelling houses and other buildings, for the residence of the delegates of each of the thirteen confederated States, and that a sum not exceeding thirty thousand pounds specie be applied to that purpose.

RESOLVED, 7thly, That it is the opinion of this house, that a copy of the proceedings of the corporation of the city of Annapolis be transmitted, with the determination of the general assembly, to the honourable the Congress.

1. For this offer by the Pennsylvania Convention, see RCS:Pa., 611–13.

2. The Senate agreed to these resolutions on 26 May 1783 (*Votes and Proceedings of the Senate of the State of Maryland. April Session, 1783*. . . [Annapolis, 1783] [Evans 18015], 67).

Baltimore Maryland Gazette, 19 August 1788

The truly federal spirit, says a correspondent, exhibited in the conduct of the State of Maryland, and the town of Baltimore, extended its influence and forwarded the adoption of the new Constitution—Greater unanimity has not been displayed in any State.—Strangers and foreigners beheld the pleasing scene with admiration, and expressed their approbation in the most flattering terms.

That the first meeting of Congress, under the new Government, would be at Baltimore, was not in the idea of our citizens—they were not actuated by mercenary motives; but the consistency of their proceedings, their singular firmness, and adherence to the federal plan, justly rendered them adequate in their pretensions to continental attention to any other State in the union.

To a people, conscious of the sincerity of their views, and animated with an ardent desire for the support and permanency of the proposed Constitution, the resolve of Monday, the 4th inst. was extremely pleasing; but we were somewhat chagrined and felt something like insult, on finding that a motion, on the Wednesday following, obliterated the *federal town* of Baltimore, and gave the preference to New-York.¹—Mœuvres, similar to these, frequently upset the most salutary resolves,

tend to make the ordinances of government inconsistent and variable; from whence too frequently arises that want of dignity and efficiency in public bodies, which has been, with some reason, the subject of universal complaint!—But this might have passed unnoticed, if a contemptuous paragraph had not appeared in a New-York paper, signifying that the foreign Ministers, &c. would not take a pilgrimage to Baltimore after Congress, if they resolved to go thither.²

To discover the author of this insignificant paragraph, is not worth the pains of an investigation; the State in which it originated, indicates sufficient to teach us, how offensive federalism is to some men, and that their exertions are unremitting to destroy it in every stage of its progress: But whatever this scribbler may insinuate against Baltimore, it is beyond his ability to point out any satisfactory reasons, why foreign Ministers, &c. should be averse to make a pilgrimage after Congress to a town so truly respectable.—There are many cities in Europe, that cannot boast of its advantages, and there are not many in America, more distinguished for their rapid progress and improvements. Its principal streets are well paved, and the appearance of Market-street, and several others, is remarkably elegant. Its prospect from Federal-Hill, and other eminences, is equal, if not superior, to most on the continent. The amphitheatrical form of its basin, the perspective of Fell's-Point, and many other of its natural beauties, have been justly admired by travellers; but above all, inhospitality was never the characteristic of its inhabitants, which can be proven by the testimony of the first men amongst us, and by the Congress who resided here sometime during the late war³—Foreigners have always been treated with delicacy, kindness and attention—witness that friend of our country, the Marquis De la Fayette, and the officers of the French army. The public prints attest the truth—But enough on this subject—Congress may resolve and re-resolve, and not meliorate their choice.

1. On 4 August the Confederation Congress voted 7 states to 6 states for the new government under the Constitution to commence in Baltimore. On Wednesday, 6 August, Congress voted 7 states to 5 with Georgia divided for a resolution which had the new Congress meeting in New York City (JCC, XXXIV, 385–86, 395–402).

2. Probably a reference to a brief item that appeared in the *New Jersey Journal*, 6 August: Congress we hear, passed a vote on Monday for fixing their temporary residence at Baltimore, in the state of Maryland. This measure has given great disgust to the foreign ministers, who, in their dudgeon, declare they will not attend that august body in their pilgrimage to Maryland.

3. On 12 December 1776, with British troops advancing on Philadelphia, Congress adjourned to Baltimore, where it first met on the 20th. On 27 February 1777 Congress adjourned from Baltimore to return to Philadelphia, where it was scheduled to meet on 4 March.

**Maryland Act Ceding Territory to Congress for the Federal Capital
23 December 1788¹**

An ACT to cede to congress a district of ten miles square in this state for the seat of the government of the United States.

Be it enacted, *by the General Assembly of Maryland*, That the representatives of this state in the house of representatives of the congress of the United States, appointed to assemble at New-York on the first Wednesday of March next, be and they are hereby authorised and required, on the behalf of this state, to cede to the congress of the United States any district in this state not exceeding ten miles square, which the congress may fix upon and accept for the seat of government of the United States.

1. *Laws of Maryland . . .*, November 1788 Session (Annapolis, 1789) (Evans 21933), Chapter XLVI.

Maryland Cumulative Index

Explanatory Note

This cumulative index covers Volumes XI–XII of *The Documentary History of the Ratification of the Constitution*. Because these two Maryland volumes are paginated continuously, volume numbers do not appear in this index. Volume XI consists of pages i–lxxxii, 1–428; Volume XII, pages i–xxxii, 429–913.

The names of residents of Maryland in this index are followed by county or town of residence placed in parentheses. Nonresidents of Maryland are identified by either their state or country of residence. In addition to the place of residence, delegates to the Maryland Convention are identified as either voting in favor of ratification on 26 April 1788 by a “Y,” or voting against ratification by an “N.” Delegates who did not vote on final passage are indicated by an “A” after the dash.

To aid the reader, compilations of similar items have been grouped under a common main entry. Such compilations are listed below. In addition to the grouping under Pseudonyms, pseudonymous items printed in these two volumes are indexed individually. When known, the author’s name is placed in parentheses after the pseudonym. Some entries in this index are so unusual that they deserve to be highlighted. The reader should be particularly aware of these entries which are listed below.

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