

THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

VOLUME XXIX

*Ratification of the Constitution by the States*

**CONFEDERATION CONGRESS  
IMPLEMENTS  
THE CONSTITUTION  
AND  
VERMONT**



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Volume XXIX

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by the States

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AND  
VERMONT**

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This volume is dedicated to H. Nicholas Muller III, who for decades has been a leading authority on Vermont history. In 2016 the Center for Research on Vermont honored him with its Lifetime Achievement Award. Nick has been a strong supporter of the Center for the Study of the American Constitution ever since he moved to Wisconsin in the 1980s, when he became director of the State Historical Society of Wisconsin. As the Society's director, Nick encouraged a collaborative rela-

tionship between the Society and Ratification Project staff that included a weekly newspaper series on the ratification debate that lasted for a year and a half. He warmly assisted Ratification Project staff in their research and regularly welcomed Project staff at Society events. Nick's support for the Ratification Project has continued throughout the years as demonstrated by his service as consulting editor for the documents dealing with Vermont's ratification of the Constitution and the Bill of Rights.

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

### *Internet Availability*

The Congress/Vermont volume and all other volumes will be found on the web site of “Rotunda: The American Founding Era,” maintained by the University of Virginia Press (<http://rotunda.upress.virginia.edu>), and at UW Digital Collections on the web site of the University of Wisconsin-Madison Libraries (<https://uwdc.library.wisc.edu>). Congress/Vermont supplemental documents, as well as those of the other states, will also be found at UW Digital Collections.

### *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–XXXI).

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

*Supplements to Ratification of the Constitution by the States.*

Supplemental documents were originally placed on microfiche and are available for Pennsylvania (Vol. II), Delaware, New Jersey, Georgia, and Connecticut (all four, Vol. III), and Virginia (Vols. VIII–X). Supplemental documents for Pennsylvania, Delaware, New Jersey, Georgia, and Connecticut were recently digitized for online viewing. These supplements can be located at UW Digital Collections on the web site of the University of Wisconsin-Madison Libraries (<https://uwdc.library.wisc.edu>). Digitized supplements for the remaining states, Virginia, Massachusetts, New York, Rhode Island, Maryland, South Carolina, New Hampshire, Congress/Vermont, and North Carolina, will be made available for online viewing in the next years.

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 that occurred in Vermont.



## 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.
<b>1788</b>	
3–9 January	Connecticut Convention.
9 January	Connecticut Convention ratifies Constitution, 128 to 40.
9 January–7 February	Massachusetts Convention.
19 January	South Carolina calls state convention.
1 February	New York calls state convention.
6 February	Massachusetts Convention ratifies Constitution, 187 to 168, and proposes amendments.
13–22 February	New Hampshire Convention: first session.
1 March	Rhode Island calls statewide referendum on Constitution.
3–27 March	Virginia elects delegates to state convention.
24 March	Rhode Island referendum: voters reject Constitution, 2,714 to 238.
28–29 March	North Carolina elects delegates to state convention.
7 April	Maryland elects delegates to state convention.
10–12 April	South Carolina elects delegates to state convention.
21–29 April	Maryland Convention.
26 April	Maryland Convention ratifies Constitution, 63 to 11.
29 April–3 May	New York elects delegates to state convention.
12–24 May	South Carolina Convention.

23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.
2–27 June	Virginia Convention.
17 June–26 July	New York Convention.
18–21 June	New Hampshire Convention: second session.
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments.
25 June	Virginia Convention ratifies Constitution, 89 to 79.
27 June	Virginia Convention proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to put the Constitution into operation.
21 July–4 August	First North Carolina Convention.
26 July	New York Convention Circular Letter calls for second constitutional convention.
26 July	New York Convention ratifies Constitution, 30 to 27, and proposes amendments.
2 August	North Carolina Convention proposes amendments and refuses to ratify until amendments are submitted to Congress and to a second constitutional convention.
13 September	Congress sets dates for election of President and meeting of new government under the Constitution.
20 November	Virginia requests Congress under the Constitution to call a second constitutional convention.
30 November	North Carolina calls second state convention.

**1789**

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

**1790**

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

**1791**

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

## Calendar for the Years 1787–1792

### 1787

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

### 1788

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

1789

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
JANUARY							FEBRUARY							MARCH							APRIL								
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17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22		
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20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26		
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1790

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JANUARY							FEBRUARY							MARCH							APRIL											
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17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24					
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9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21					
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28					
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12	13	14	15	16	17	18	17	18	19	20	21	22	23	14	15	16	17	18	19	20	12	13	14	15	16	17	18					
19	20	21	22	23	24	25	24	25	26	27	28	29	30	21	22	23	24	25	26	27	19	20	21	22	23	24	25					
26	27	28	29	30			31							28	29	30					26	27	28	29	30	31						

1791

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S			
JANUARY							FEBRUARY							MARCH							APRIL									
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9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16			
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23			
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15	16	17	18	19	20	21	12	13	14	15	16	17	18	17	18	19	20	21	22	23	14	15	16	17	18	19	20			
22	23	24	25	26	27	28	19	20	21	22	23	24	25	24	25	26	27	28	29	30	21	22	23	24	25	26	27			
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11	12	13	14	15	16	17	16	17	18	19	20	21	22	13	14	15	16	17	18	19	11	12	13	14	15	16	17			
18	19	20	21	22	23	24	23	24	25	26	27	28	29	20	21	22	23	24	25	26	18	19	20	21	22	23	24			
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1792

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

## Symbols

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

### Manuscripts

ADS	Autograph Document Signed
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

### Manuscript Depositories

DLC	Library of Congress
DNA	National Archives
MHi	Massachusetts Historical Society
NN	New York Public Library
PHi	Historical Society of Pennsylvania

### 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).
Boyd	Julian P. Boyd et al., eds., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950–).
DHFFC	Linda Grant De Pauw, Charlene Bangs Bickford, Kenneth R. Bowling, et al., eds., <i>Documentary History of the First Federal Congress of the United States of America, March 4, 1789–March 3, 1791</i> (22 vols., Baltimore, 1972–2017).
DHFFE	Merrill Jensen, Robert A. Becker, and Gordon DenBoer, eds., <i>The Documentary History of the First Federal Elections, 1788–1790</i> (4 vols., Madison, Wis., 1976–1989).
Duffy, <i>Allen</i>	John J. Duffy et al., eds., <i>Ethan Allen and His Kin</i> (2 vols., Hanover, N.H., 1998).
Evans	Charles Evans, <i>American Bibliography</i> (12 vols., Chicago, 1903–1934).

JCC	Worthington C. Ford et al., eds., <i>Journals of the Continental Congress, 1774–1789</i> . . . (34 vols., Washington, D.C., 1904–1937).
PCC	Papers of the Continental Congress, 1774–1789 (Record Group 360, National Archives).
Rutland, <i>Madison</i>	Robert A. Rutland et al., eds., <i>The Papers of James Madison</i> , Volumes VIII–XVII (Chicago and Charlottesville, Va., 1973–1991).
Smith, <i>Letters</i>	Paul H. Smith, ed., <i>Letters of Delegates to Congress, 1774–1789</i> (26 vols., Washington, D.C., 1976–2000).
Syrett	Harold C. Syrett et al., eds., <i>The Papers of Alexander Hamilton</i> (27 vols., New York, 1961–1987).

### Cross-references to Volumes of

#### *The Documentary History of the Ratification of the Constitution*

CC	References to <i>Commentaries on the Constitution</i> are cited as “CC” followed by the number of the document. For example: “CC:25.”
CDR	References to the first volume, titled <i>Constitutional Documents and Records, 1776–1787</i> , are cited as “CDR” followed by the page number. For example: “CDR, 325.”
RCS	References to the series of volumes titled <i>Ratification of the Constitution by the States</i> are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:Vt., 200.”
Mfm	References to the supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:Vt. 2.” The supplementary documents for Confederation Congress Implements the Constitution are denoted by “Mfm:Cong. 1.” All supplemental documents will be available at UW Digital Collections on the University of Wisconsin-Madison Libraries web site ( <a href="https://uwdc.library.wisc.edu">https://uwdc.library.wisc.edu</a> ). Supplemental documents will also be published in printed volumes by the Wisconsin Historical Society Press.



Confederation Congress  
Implements the Constitution



The Election Ordinance of  
13 September 1788



## **Confederation Congress Introduction**

The Constitutional Convention adjourned on 17 September 1787. Each delegate received several copies of the official six-page broadside of the Convention report that included the Constitution, a cover letter signed by Convention President George Washington addressed to the president of the Confederation Congress, and two resolutions concerning the ratification and implementation of the Constitution (CC:76). Article VII of the Constitution provided that once the conventions of nine states had ratified the Constitution, it would be established among the ratifying states. The Convention's first resolution provided that the Constitution be laid before Congress with the recommendation that Congress send the Constitution to the state legislatures that would call specially elected conventions chosen by the people that would vote to ratify the Constitution and then notify Congress of their ratifications. The second Convention resolution provided that once nine state conventions had ratified the Constitution, Congress should fix a day for the election of presidential electors, a day on which the electors would meet in their own states and cast their ballots for the president, and "the Time and Place for commencing Proceedings under this Constitution."

Convention secretary William Jackson carried the engrossed manuscript Convention report (CDR, 304–5. See also Appendix II, RCS:Vt., 245–58.) to the Confederation Congress in New York City, where it was received, read, and debated (CDR, 322–53). On 28 September Congress unanimously approved a resolution transmitting the Constitution to the state legislatures recommending that state conventions be called to consider whether or not to ratify the Constitution.

On 21 June 1788, New Hampshire became the ninth state to ratify the Constitution. Four days later news of the event arrived in New York City. New Hampshire's official form of ratification arrived on 1 July and was read the next day, at which time Congress appointed a committee to examine the nine official state ratifications and report an act "for putting the said constitution into operation." On 2 July Congress received news that Virginia had ratified—the tenth state to do so.

On 8 July the committee reported. The report was made the order of the day for 9 July, but Congress did not consider it until the next day. The report provided that the presidential electors should be elected on the first Wednesday in December, that they should cast their ballots in their home states on the first Wednesday in January 1789, and that Congress should assemble on the first Wednesday in February. The committee left the place for Congress to meet blank, presumably in

deference to New York whose Convention was still meeting in Poughkeepsie. After New York ratified on 26 July 1788, Congress debated the issue and took roll calls but could not obtain a vote of nine states that would settle the issue. Southern delegates wanted to leave New York City, where Congress had been meeting since 1785, in favor of a more central location. Virginians advocated a site on the banks of the Potomac, while Marylanders supported Baltimore. Jerseymen wanted Trenton as the capital; Pennsylvanians wanted either Philadelphia or Lancaster, while Delawareans wanted Wilmington or some other location on the Susquehanna River. Southern delegates also complained that the committee's dates were too soon for them to meet in their state legislatures and hold statewide elections.

The debate over the location of the temporary capital was intensified by several factors, one being that it might take several years to decide on a permanent site. In the interim, many important issues would be decided. Meeting in a Northern city might diminish the attendance of Southern representatives and senators, thus increasing the majority that the Northern States already had in Congress. The location of the capital could benefit the resident city with \$100,000 worth of federal expenditures as well as numerous jobs that locals could obtain working for the government. Southerners also worried that a Northern city, particularly Philadelphia, could restrict the use of slaves that Southern members of Congress would bring with them. A seacoast location also exposed the capital to naval raids not only by the navies of other countries but also by single pirate ships. An inland town would provide safety from naval attacks and also ensure that the political center of the country would not be combined with the economic center, thus creating a Rome-like capital from which tyranny might emanate.

Everyone realized that the Congress under the Constitution would make the final choice about the permanent location of the federal capital. Some, however, argued that it would be financially irresponsible to move the temporary capital away from New York City, only to move again in a short time. Others argued that if the capital was moved from New York City to Philadelphia, it would probably stay in Philadelphia permanently. Soon the debate narrowed to a choice between Philadelphia and New York City. One New York City advocate criticized Philadelphia as a capital because ice closed it for four months every winter while the port of New York was easily accessible and never frozen.

The stalemate worried Federalists who saw the delay as enhancing the opportunity for Antifederalists to elect U.S. senators, representatives, and presidential electors and perhaps seriously alter the Constitution with amendments. When the "absolutely inflexible" congressional delegations from Delaware and Maryland left Congress, other

Southern delegates realized that they had no chance to change the temporary location of the capital. According to Virginia delegate James Madison, “the alternative remaining was to agree to N. York or to strangle the govt. in its birth” (to Edmund Randolph, 14 September, RCS: Cong., 82–83). George Washington agreed that “To be shipwrecked in sight of the Port would be the severest of all possible aggravations to our misery” (to Madison, 25 September, RCS: Cong., 84).

Finally, on 12 September, Henry Lee, a Virginia delegate, moved that “Whereas longer delay in executing the previous arrangements necessary to put into operation the federal government may produce national injury . . . the present seat of Congress” (i.e., New York City) should be set as “the place of commencing proceedings under the said constitution.” Fellow Virginia delegates Edward Carrington and James Madison proposed an alternative, stipulating that the seat of government be more centrally located in order “to obviate disagreeable and injurious dissensions.” Their motion was defeated 6 states to 3, with Georgia divided. Congress then voted 9 states to 1 to keep these words in the ordinance: “and the present seat of Congress the place” (i.e., New York City). The Delaware delegates, who alone had dissented, forced the final determination of the question to be postponed until the next day (RCS: Cong., 72–75).

On 13 September 1788, Congress, with nine state delegations voting (all but one of the Delaware delegates having absented themselves), unanimously agreed that “the present seat of Congress [be] the place for commencing proceedings under the said constitution.” To accommodate the Southern States, the dates for implementing the Constitution were delayed a month from the original committee report. Presidential electors would be chosen on the first Wednesday in January, they would cast their ballots on the first Wednesday in February, and Congress would meet in New York City on the first Wednesday in March. Congress ordered that 200 copies of the ordinance be printed and that copies be sent to all of the state executives (RCS: Cong., 76).

## Note on Sources

### *Confederation Congress Records*

The proceedings of the Confederation Congress for 2 July, 6 August, and 12–13 September 1788 are taken from Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789* . . . (34 vols., Washington, D.C., 1904–1937). An 8 July congressional committee report and a 13 September circular letter from Congress' secretary Charles Thomson are printed from the Papers of the Continental Congress, 1774–1789, Record Group 360, National Archives. A draft resolution by William Bingham and a certificate prepared by Abraham Yates, Jr., are in the New York Public Library. The Election Ordinance of 13 September 1788 is taken from the official broadside attested by Secretary Thomson.

### *Personal and Official Correspondence*

With the exception of three letters written from Mount Vernon, three from Philadelphia and one each from Wilmington, Delaware, Biddeford and Portland, Maine, and Boston, all letters were written from New York City. New York City writers included thirteen delegates to Congress, the secretary of Congress, a member of the Confederation Board of Treasury, Postmaster General Ebenezer Hazard, and four French diplomats. The letters are found in the Amherst College Library, Amherst, Mass.; Boston Public Library; Federal Hall National Memorial, New York City; Forbes Library, Northampton, Mass.; Library Company of Philadelphia; Library of Congress; Massachusetts Historical Society; New Hampshire State Archives; New-York Historical Society (The Gilder Lehrman Collection); New York Public Library; Historical Society of Pennsylvania; University of Virginia Library; and Archives du Ministère des Affaires Étrangères and Archives Nationales, Paris, France. Letters also come from three printed sources. Excerpts from French diplomat Comte de Moustier's journal are at the Yale University Library.

### *Newspapers*

One extract of a letter from New York City, one pseudonymous essay, and five other newspaper items are printed here. Five of these items originally appeared in Philadelphia newspapers and one each in Boston and New York City.

## **Delegates to Congress in Attendance Between 2 July and 13 September 1788<sup>1</sup>**

President: Cyrus Griffin      Secretary: Charles Thomson

### Connecticut

Pierpont Edwards (2 July, 10 July–6<sup>?</sup> August,  
28 August–12 September)  
Benjamin Huntington (2 July–13 September)  
Jeremiah Wadsworth (10 July–26 August, 12<sup>?</sup>–13 September)

### Delaware

Dyre Kearny (10 July–13 September)  
Nathaniel Mitchell (10 July–13 September)

### Georgia

Abraham Baldwin (2 July–13 September)  
William Few (2 July–13 September)

### Maryland

Benjamin Contee (2 July–13 August)  
John Eager Howard (7–18<sup>?</sup> July)  
David Ross (16 July–8 September)  
Joshua Seney (14 July–8 September)

### Massachusetts

Nathan Dane (2 July–13 September)  
Samuel A. Otis (2 July–14 August)  
Theodore Sedgwick (31 July–3 September)  
George Thatcher (6 August–13 September)

### New Hampshire

Nicholas Gilman (2 July–26 August, 4–13 September)  
Paine Wingate (2 July–13 September)

### New Jersey

Abraham Clark (2 July–13 September)  
Jonathan Dayton (2 July–13 September)  
Jonathan Elmer (2 July–14 August)

### New York

Egbert Benson (14 July–13<sup>?</sup> August)  
Leonard Gansevoort (25 August–13 September)  
Alexander Hamilton (30 July–13 September)

Ezra L'Hommedieu (2 July–13<sup>?</sup> August)  
 Abraham Yates, Jr. (2 July–5<sup>?</sup> September)

#### North Carolina

John Swann (2 July–26<sup>?</sup> August)  
 Hugh Williamson (2 July–13 September)

#### Pennsylvania

John Armstrong, Jr. (28 July–13<sup>?</sup> August, 3–13<sup>?</sup> September)  
 William Bingham (2 July–7<sup>?</sup> August, 25<sup>?</sup> August–5<sup>?</sup> September)  
 William Irvine (14 July–13 September)  
 Samuel Meredith (29 July–13<sup>?</sup> September)  
 James R. Reid (2 July–8 August, 20 August–13 September)

#### Rhode Island

Peleg Arnold (2 July–7 August, 8–13 September)  
 Jonathan J. Hazard (2 July–7 August)

#### South Carolina

Daniel Huger (2 July–12<sup>?</sup> September)  
 John Parker (2 July–13 September)  
 Thomas Tudor Tucker (2 July–13 September)

#### Virginia

John Brown (2–9<sup>?</sup> July, 4–12<sup>?</sup> August)  
 Edward Carrington (2 July–13 September)  
 Cyrus Griffin (2 July–13 September)  
 Henry Lee (29 July–13 September)  
 James Madison (17 July–13 September)

1. Compiled from Smith, *Letters*, XXVI, v–xlvii. The dates of attendance are only for the period that the Confederation Congress considered the Election Ordinance and do not include all of the delegates' attendance in 1788.



**Charles Thomson to John Dickinson**  
**New York, 30 June 1788<sup>1</sup>**

I have the pleasure to inform you that authentic accounts have been recd. of New hampshire having ratified the New Constitution, So that now nine states have adopted it[.] It is hoped that Virginia will also adopt it and that we shall soon receive the agreeable intelligence from that State. There are now present seven of the adopting States and a delegate is hourly expected from Maryland; on his arrival eight of the states which have adopted the Constitution will be represented in Congress[.] As Delaware is absent I wish you could by any means hasten on the delegates<sup>2</sup> as I think it of importance that all the States which adopt the Constitution should be present when Congress proceed on the measures necessary for putting it in Operation

With compliments to Mrs D & cousin Sally

I am Sr Yours affectionately

1. RC, Dickinson Papers, Library Company of Philadelphia. Thomson (1729–1824), a former teacher, distiller, manufacturer, and merchant, was a leader of the Philadelphia Sons of Liberty before the Revolution. He served as secretary of the Continental and Confederation congresses, 1774–89. Dickinson (1732–1808), a wealthy Wilmington, Del., lawyer and landowner, served intermittently in the Delaware and Pennsylvania assemblies between 1759 and 1777 and in the Continental Congress, 1774–76, 1779. Seeking reconciliation with Great Britain, he voted against independence and did not sign the Declaration of Independence. He chaired the committee that prepared the first draft of the Articles of Confederation in 1776. He was president of Delaware, 1781–82, and president of the Supreme Executive Council of Pennsylvania, 1782–85. He was a delegate to the Constitutional Convention, where George Read signed the Constitution for him because he left early due to illness. Dickinson wrote the “Fabius” series of Federalist newspaper essays (CC:677).

2. The two Delaware delegates—Dyre Kearny and Nathaniel Mitchell—attended Congress on 10 July.

**Congress Proceedings**  
**Wednesday, 2 July 1788 (excerpt)<sup>1</sup>**

. . . The State of New hampshire having ratified the constitution transmitted to them by the Act of the 28 of Sepr. last and transmitted to Congress their ratification and the same being read,<sup>2</sup> the president reminded Congress that this was the ninth ratification transmitted and laid before them, whereupon

On Motion of Mr (Abraham) Clarke seconded by Mr (Pierpont) Edwards

*Ordered* That the ratifications of the constitution of the United States transmitted to Congress be referred to a com[mitt]ee to examine the same and report an Act to Congress for putting the said constitution

into operation in pursuance of the resolutions of the late federal Convention.<sup>3</sup>

On the question to agree to this Order the yeas and nays being required by Mr (Abraham) Yates

*New hampshire*

Mr Gilman           ay }  
Mr Wingate         ay } ay

*Massachusetts*

Mr Dane             ay }  
Mr Otis              ay } ay

*Rhode island*

Mr Arnold            } excused  
Mr Hazard            }

*Connecticut*

Mr Huntington      ay }  
Mr Edwards          ay } ay

*New York*

Mr L'Hommedieu     ay }  
Mr Yates             no } d

*New Jersey*

Mr Clarke            ay }  
Mr Elmer             ay } ay  
Mr Dayton            ay }

*Pensylvania*

Mr Bingham         ay }  
Mr Reid              ay } ay

*Maryland*

Mr Contee            ay\*

*Virginia*

Mr Griffin           ay }  
Mr Carrington       ay } ay  
Mr Brown             ay }

*South Carolina*

Mr Huger             ay }  
Mr Parker            ay } ay  
Mr Tucker            ay }

*Georgia*

Mr Few                ay }  
Mr Baldwin           ay } ay

So it passed in the affirmative. . . .

1. Printed: JCC, XXXIV, 281–82.

2. State President John Langdon and Convention President John Sullivan “forwarded” by mail the New Hampshire form of ratification to the state’s delegates in Congress on Thursday, 26 June (Langdon to Nicholas Gilman, 28 June, RCS:N.H., 405). Langdon’s letter accompanying the form was dated 25 July and was received by the delegates on the evening of 1 July. The delegates submitted the form of ratification to Congress the next day (Paine Wingate and Gilman to Langdon, 2 July, Smith, *Letters*, XXV, 201–2n. See also PCC, Item 185, Despatch Books, 1779–89, p. 37.).

3. The motion is in PCC, Item 23, Other Reports of Committees, on Administrative Affairs of Congress, the Establishment of a Residence for its President, and the Qualifications of its Members, 1775–88, p. 331. The Committee members are listed on p. 332. For their names, see their 8 July report (RCS:Cong., 13).

**John Dickinson to George Read  
Wilmington, Delaware, 5 July 1788<sup>1</sup>**

My dear Friend,—Yesterday and to-day I have received letters,—one from Tench Coxe, the other from Charles Thomson,<sup>2</sup>—by which I learn that Congress is very soon to fix upon a place for commencing

the operations of the Federal government, and that Philadelphia will unquestionably be chosen, if Delaware shall be represented.

There are, besides, many important determinations to be made, that render it in the highest degree necessary that this State should be immediately represented. The absence of *one man* has frequently confused our public affairs. I expect it will be so again, but I am discharging what I esteem a duty, and earnestly request that every measure which shall appear proper may be taken to give this State a vote in the business that is coming on.<sup>3</sup>

I am thy sincere friend,

1. Printed: William T. Read, *Life and Correspondence of George Read . . .* (Philadelphia, 1870), 466–67. Read (1733–1798), a New Castle, Del., lawyer, was a delegate to the Continental Congress, 1774–77, where he voted against independence but signed the Declaration of Independence; president of the state constitutional convention, 1776; member of the State Council, 1776–79, 1782–88; acting president of Delaware, 1777–78; and delegate to the Constitutional Convention, 1787, where he signed the Constitution. He was a U.S. Senator, 1789–93, and chief justice of the state Supreme Court, 1793–98. Read signed the Constitution for an ill Dickinson who had left two days before the signing.

2. For Thomson's 30 June letter, see RCS:Cong., 9.

3. The two Delaware delegates—Dyre Kearny and Nathaniel Mitchell—attended Congress on 10 July.

### Samuel A. Otis to John Adams New York, 7 July 1788<sup>1</sup>

Permit me tho late to congratulate you & your amiable Lady upon a return to your native Country,<sup>2</sup> the pleasure & delights of which you must relish peculiarly after so long absence. I have never been much of a traveler, but I can hardly conceive of a Country under all circumstances more eligible; And the prospect of public felicity seems the brighter from the accession of ten states to a System which so far as I comprehend it, promises equal liberty, security of property, & decision—I do not indeed flatter myself with the return of the Golden Age. If any of our farmers have heard of Arcadia<sup>3</sup> they may not think of rambling in her meadows, or that her rich harvests will spontaneously flow; Ideas like these do very well in the poets imagination. Nor may our commercial people expect Gold & Silver as in Solomons reign, yet we may venture to predict that the industrious husbandman may reap plenteous harvests, & the vigilant, enterprising Mercht. may rationally expect his ships full fraught with articles of foreign growth, in exchange for produce of his own Country—At least this is my hope & belief, altho some sensible, & I doubt not well meaning friends, hold up such a doleful picture to the contrary, as if the D—I himself had sat for it—At all events the experiment will soon be tried. Ten States have

acceded. Congress feeling an obligation to call upon the people to elect their president &c, have chosen a Committee who will in a day or two report the time for operations to commence under the new Government, & which I think will probably be in Jany or Feb 1789. N York are indeed opposed, but the last accounts from their Convention from the leaders in favor of the question “bad[e] us hope”. of N Carolina there can be little doubt—R Island you will be pleased to form your own Judgmt upon—They are a kind of Comet—Verginia & N Carolina & the New settled regions at the Westward, keep teasing about Mississippi.

You may probably not be informed that Congress have ratified your last loan of 1,000,000 florins,<sup>4</sup> Indeed I know of no other alternative, No resources can at present be brot into operation.

You may have heard Congress have resolved “that it is expedient for Kentucky to become a separate State”,<sup>5</sup> but this will not take place at present. The *Dominion* was so swoln,<sup>6</sup> & Kentucky inflamed, it was thot prudent to administer *this* cooling application. The business will not progress under the present Confederation, Vermont must go hand in hand with this business—

I had the pleasure of passing an hour at Col Smiths on Saturday evening<sup>7</sup>—He is delightfully situated about 12 miles from N York, And Mrs Smith is pleased with her residence at Jamaica. I took the liberty to propose directing her Letters to the Eas[t]w[ar]d, And shall carefully deliver any you may please to cover to me.

I should feel myself honored by a communication of your opinion & advice upon any matter of such importance as to claim your attention, And with my compliments to Mrs Adams & all friends,

I am Very respectfully Your Excellencys Most Humb Sert

1. RC, Adams Papers, MHi. Otis (1740–1814), a 1759 graduate of Harvard College and Boston merchant, was a member of the state House of Representatives, 1776–77, 1781–83, 1784–88 (speaker, 1784–85); member of the state constitutional convention, 1779–80; and delegate to Congress, 1787–88. He was secretary to the U.S. Senate, 1789–1814. Adams (1735–1826), a 1755 graduate of Harvard College and Braintree, Mass., lawyer, was a delegate to the Continental Congress, 1774–77, where he signed the Declaration of Independence; primary author of the Massachusetts Constitution of 1780; and diplomat in Europe, 1780–88, where he negotiated loans with the Dutch and the peace treaty with Great Britain and served as minister plenipotentiary to Great Britain, 1785–88. He was Vice President of the U.S., 1789–97, and President, 1797–1801.

2. Adams and his wife Abigail arrived in Boston from Great Britain on 17 June.

3. A classical reference to a pastoral utopia.

4. On 1 June 1787, Adams signed an agreement for a Dutch loan of one million florins (\$400,000). The loan was necessary, in part, to pay interest on Dutch loans obtained the previous June. On 11 October, Congress approved the loan (JCC, XXXIII, 412–15, 649).

5. A paraphrase of the opening sentence of a committee report presented on 2 June 1788. Congress took further action on Kentucky statehood on 2–3 July (JCC, XXXIV, 194, 287–94).

6. “Swoln” is a contraction for “swollen.”

7. William Stephens Smith had been Adams’s secretary when Adams was U.S. minister to Great Britain, 1785–88. Smith married Adams’s daughter Abigail. The Smiths returned to the United States and resided in Jamaica, N.Y.

### **Committee Report on Election Resolutions, 8 July 1788<sup>1</sup>**

The Committee consisting of Mr [Edward] Carrington, Mr [Pierpont] Edwards, Mr [Abraham] Baldwin, Mr [Samuel A.] Otis & Mr. [Thomas Tudor] Tucker, to whom were refered the Ratifications of the new Constitution which have been transmitted to Congress by the several ratifying States, Report as follows,

*Resolved*, that whereas the Federal convention Assembled in Phila. pursuant to the Resolution of Congress of the 21st. of Feby. 1787 did on the 17th. of Sept., in the same year, report to the United States in Congress Assembled, in the words following Viz. “We the People[’] &ca<sup>2</sup>

Whereupon Congress on the 28th. of the same September did Resolve [“]Unanimously, that the said Report, with the Resolutions and letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a convention of Delegates chosen in each State, by the People thereof, in conformity to the Resolves of the Convention made and provided in that Case.”<sup>3</sup> And Whereas the States of N. Hampshire, Massachusetts, Connecticut, N. Jersey Pennsylvania, Delaware, Maryland, South Carolina and Georgia, have duly Ratified the aforesaid Constitution, as appears by the several ratifications of the said States, returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings to commence thereon as early as may be,

Therefore *Resolved*, That the first Wednesday in December next be the day for appointing Electors in the several States which have, or shall, before the said day, have, ratified the said Constitution; That the first Wednesday in January next be the day for the Electors to Assemble in their respective States and Vote for a President, and that the first Wednesday in February next be the time, and the place for Commencing proceedings under the said Constitution.

1. MS, PCC, Item 23, Other Reports of Committees . . . , pp. 333–35. The report is in the handwriting of Edward Carrington. This committee report was not placed in the Rough Journals. *The Journals of the Continental Congress* prints the report under 8 July (JCC, XXXIV, 303–4), presumably because Secretary Charles Thomson endorsed it as “read 8 July 1788/Order the day for/Thursday 9th.” However, Thomson’s own entries in Registers of Reports from Boards, Offices, and Committees of the Congress, 1781–88 (PCC, Item 189, p. 36; Item 190, p. 197) indicate that the report was presented on the 9th. The report, then, became the order of the day on Thursday, the 10th. The journals record

no action until 14 July, but for evidence that the report was considered on the 10th, see Samuel Osgood to Melancton Smith and Samuel Jones, 11 July (RCS:Cong., 14–15).

2. For the 21 February 1787 resolution, see CDR, 185–88n. For the report of the Constitutional Convention, see RCS:Vt., 245–58.

3. For the action of the Confederation Congress on the Constitution, see CDR, 322–53n, or CC:95 (briefer account).

**Peleg Arnold to Welcome Arnold**  
**New York, 11 July 1788<sup>1</sup>**

We have this Day Thirteen States on the Floor of Congress which has not been until the present case Since the year 1776—

Ten States having Ratified the New Constitution, Congress are now Deliberating on the Time for the States to appoint Ellectors, to Choose a President and when Proceedings Shall commence under Said Constitution, In this Important Business from the perculiar Situation of our State the Delegation have Declined to act—From the preasent appearance this is the Last year that Congress will assemble under the old Confederation; The time Reported by the Comtee to assemble under the New Government is the first monday in February Next the Question has not yet been Ditermin'd on; but I beleave it will not Exceed that Time—

The information from this State[']s Convention has generally Been that they would not adadopt the New Constitution; But the Last Reports Say that the Federal Party gain Strength and it is generally believed here that it will be adopted I presume the amendments by the Virginia Convention have had Considerable influence on the minds of the Members of this State Convention which has ocationed this change

I wish to have a Line from you as often as you find it Convenient and am your assured Friend

1. RC, Gratz Collection, PHi. Peleg Arnold (1752–1820), a Smithfield, R.I., lawyer and tavern keeper, was a deputy in the Rhode Island General Assembly, 1777–78, 1782–83, and an assistant in the General Assembly, 1790–95. He was a delegate to Congress, 1787–88, and chief justice of the Superior Court of Judicature, 1796–1809, 1810–12. Welcome Arnold (1745–1798), a Providence, R.I., merchant, was a deputy in the General Assembly, 1772–73, 1779–83, 1787–88, 1790–95 (speaker, 1790–91, 1793, 1793–95), and an assistant, 1783–86.

**Samuel Osgood to Melancton Smith and Samuel Jones**  
**New York, 11 July 1788 (excerpt)<sup>1</sup>**

I am this Moment informed that Judge Ogilivie<sup>2</sup> setts off in a few Hours for Poughkeepsie—

Since I wrote Mr. Smith nothing material has occurrd here excepting that the thirteen States are now represented—And that the Committee

appointed in Congress for the Purpose of Organizing the New Government have reported—The Report fixes the first Wednesday in Frebury next for convening the Members of the New Government.

Yesterday the Report was called up—And I understand was postponed without much Objection—The Reason for postponing was—That New York would in all Probability determine in a few Days in favor or against the New Constitution—When this should be known—The Question about Place would be more properly before the House.—

The Anxiety of the Citizens, is probably greater than you would imagine—both Parties seem to me equally to share in this Solicitude—If New York should come in—I am not sure that the Seat of the general Legislature will be New York; yet from the best Information we can get, it is almost reduced to a Certainty—If New York should hold out—The Opposition will have all the Blame laid at their Door for forcing Congress to leave this City—The Topic will be a feeling & a popular one—Philadelphia I have no Doubt is desirous New York may not come in, for the Purpose of getting Congress removed.—Whatever may be your Sentiments of the Advantage of Congress staying in New York, whether any real Benefit Results from it or not, yet the universal Opinion is such now, that it is intimately connected with the Rejection of the Plan. . . .

1. RC, Collections of the Federal Hall National Memorial, National Park Service, New York City. Smith docketed this letter: "Saml. Osgoods Letter recd. at Poughkeepsie." (For the entire letter, see CC:802.) Osgood (1748–1813), an Andover, Mass., native and 1776 graduate of Harvard College, was a Massachusetts delegate to the Confederation Congress, 1781–84. He was a member of the three-man Confederation Board of Treasury, 1785–89. Smith (1744–1798), a wealthy New York City merchant-lawyer, was a delegate to the Confederation Congress, 1785–87, where in September 1787 he spoke against the new Constitution. He represented Dutchess County in the state Convention, where he served as the Antifederalist "manager." With Virginia's ratification of the Constitution in June 1788, he accepted the inevitable and joined eleven other Antifederalists in voting to ratify the Constitution with only recommendatory amendments on 26 July. Jones (1734–1819), a Queens County, N.Y., lawyer and a former Loyalist who had remained in British-occupied southern New York during the Revolutionary War, was a member of the state assembly, 1786–90, and state Senate, 1791–99; recorder of the City of New York, 1789–96; and state comptroller, 1797–1800. A Queens County delegate to the state Convention, he was one of the Antifederalists who reluctantly voted to ratify the Constitution with only recommendatory amendments.

2. Peter Ogilvie was judge on the Court of Probate of the State of New York, 1787–99.

### **Pennsylvania Packet, 11 July 1788<sup>1</sup>**

*Extract of a letter from New-York, July 9.*

“The committee appointed by Congress to begin the organization of the new government have brought in a report, fixing the time &c. for

chusing the electors for the choice of the President, and fixing on your city for Congress to sit in.”

1. Reprinted seventeen times by 16 August: Mass. (2), N.Y. (1), N.J. (2), Pa. (6), Md. (2), Va. (1), S.C. (1), Ga. (2).

**Nathan Dane to Caleb Strong**  
**New York, 13 July 1788<sup>1</sup>**

My Dear Sir

I thank for your obliging letter of the 18 Ulto.<sup>2</sup>—it gives me real satisfaction, as I think must you, to see government in Massachusetts so fully restored—the reins, by consent of the people themselves have now got into good hands—and I think good men will keep the principal Share in the Government, if they do not govern too much<sup>3</sup>—

we now have thirteen States on the floor of Congress—a circumstance which has not happened before for several years past—the committee appointed to report an Act for putting the Constitution of the United States into operation, reported last week and Congress have spent one day in considering the report—the States appear to be very unanimous in this business—except as to the place where Congress under the Constitution shall meet—whether it shall meet at New York or Philadelphia will be a matter much contested—there will not be more than one State majority, I think, for either place but this you will understand will be a question only in Case N. York shall adopt the Constitution—if she does not there will, I presume, be no question—as it will generally be thought to be improper for Congress to assemble in a nonratifying State—if she shall adopt, from present appearances, it is probable that a majority of the States will prefer this City (N.Y.) for the meeting of the New Congress—this question will probably be decided in a few days—the Convention of this State is every day now expected to finish its business, and it is hoped it will adopt I think we shall fix the meeting of the New Government to be about the first Wednesday in February next the Delegates of Massachusetts and of some other States wish it to be at an earlier period as the States they represent can with ease assemble sooner—but it is said to be impossible for Virginia North Carolina, &c from their great extent sooner to make their elections and attend—In the enclosed paper you will see the amendments recommended in Virginia<sup>4</sup>

with Sentiments of esteem and friendship

1. RC, Strong Papers, Forbes Library, Northampton, Mass. Dane (1752–1835), a Beverly, Mass., lawyer, was a state representative, 1782–86; a state senator, 1793–99; and a delegate to the Confederation Congress, 1785–88. In September 1787 he opposed the



Constitution in the congressional debates on transmitting the Constitution to the states, but by July 1788 he had acquiesced in the Constitution and urged ratification by all states (CC:95; CC:392, note 12). Dane was an unsuccessful candidate for the U.S. Senate and U.S. House of Representatives in 1788. Strong (1745–1819), a 1764 graduate of Harvard College and Northampton, Mass., lawyer, was a member of either the state House of Representatives or state Senate almost continuously from 1776 through 1789 and the state constitutional convention, 1779–80. He was a delegate to the Constitutional Convention but left in August 1787. He voted to ratify the Constitution in the Massachusetts Convention in February 1788.

2. See Mfm:Va. 241 for an excerpt from this letter.

3. In the spring elections, the anti-Shaysite forces won significant victories in both houses of the Massachusetts legislature (RCS:Mass., 1729–32).

4. The amendments of the Virginia Convention (CC:790; RCS:Va., 1551–59n) were reprinted in New York City by the New York *Daily Advertiser* on 9 July and *New York Journal* on 10 July.

### **Samuel Blachley Webb to Catherine Hogeboom New York, 13 July 1788 (excerpt)<sup>1</sup>**

. . . indeed Kitty the adoption of the New Constitution by Virginia gave me very great pleasure, and we fondly hoped it would be a sufficient inducement for this State to give up all further opposition, but the accounts by last evenings Post are very unfavorable, and you can have no Idea of the rage of the Inhabitants of this City—should they not adopt it in a few days, a Resolution will pass for the new Congress to meet at Philadelphia, which will be a fatal stroke to our Commerce, & where it will end God only knows—the Southern District are determined on a separation to join the union,<sup>2</sup> and I do not believe the life of the Governor<sup>3</sup> & his party would be safe in this place, I hope they will prevent this gloomy prospect, by acting like rational beings, have the public weal, and not private emolument at heart, you must excuse my mentioning this subject, it is a serious one, & gives us much uneasiness, however let us hope for the best. . . .

1. RC, Webb Papers, Yale University Library. Webb (1753–1807), a native of Wethersfield, Conn., was an officer in the Continental Army from 1775 to 1783, serving for a time as George Washington's aide-de-camp and private secretary. In 1783 Webb was brevetted a brigadier general by Congress. The next year he established himself in New York City, where he served as an agent for Joseph Barrell, a Boston merchant. In 1785 he was an unsuccessful candidate for the office of Confederation Secretary at War. He married Catherine Hogeboom (1768–1805), the daughter of Stephen Hogeboom of Claverack, N.Y., in September 1790.

2. The "southern district" was one of the senatorial districts established in the New York constitution of 1777 and consisted of the City and County of New York, and Suffolk, Westchester, Kings, Queens, and Richmond counties. Nicholas Gilman similarly wrote: "I am very sorry to inform you that the perverseness of the Anties in their Convention continues.—they stand out for previous amendments—and are attempting to persuade the populace that Congress may receive them on such conditions.—It is impossible to

determine at present where this business will end—the south part of the State are highly federal and are greatly incensed against the Governor and his party—they threaten a derelict[i]on of the government—and if they should be unable to bring over the Country party I am inclined to think that a secession of this City and the Islands will absolutely take place—but there is still a gleam of hope, though not a very bright one, that they will accede” (to John Langdon, 15 July, RCS:N.Y., 1316).

3. George Clinton.

**Ebenezer Hazard to Mathew Carey**  
**New York, 15 July 1788 (excerpt)<sup>1</sup>**

. . . What N York will do is still uncertain: present appearances lead to an Apprehension that she will stipulate for certain Amendments as the *Condition* of her continuing in the Union:—if she should, she will throw herself out of it. Congress have treated her with Politeness by postponing the Consideration of the Report of their Committee for organizing the new Government, but Regard for the Dignity of the Union will not let them wait very long; & if this State does not soon determine as she ought to do, the *Blank* for the Place at which the new Congress are to meet, will be filled with *Philadelphia*. . . .

1. RC, Lea and Febiger Collection, PHI. For a longer excerpt, see RCS:N.Y., 1317–18. The excerpt printed here was printed in the *Pennsylvania Mercury* on 19 July and reprinted in the Baltimore *Maryland Gazette* on 25 July. Hazard (1744–1817) was postmaster general of the United States from 1782 to 1789. Carey (1760–1839), a native of Ireland who had emigrated to Philadelphia in November 1784, published the monthly magazine *The American Museum* in Philadelphia from January 1787 to December 1792.

**Caleb S. Riggs to John Fitch**  
**New York, 15 July 1788 (excerpt)<sup>1</sup>**

. . . *Politicks* to be or not to be is now the question,<sup>2</sup> time is pregnant with something which must soon appear, but in what shape or colour is left at present at best but to conjecture: by the last accounts from the Convention, it is yet a doubt whether they will follow the example of Virginia by adopting and recommending amendments or have the amendments to preceed which I call rejecting it; the federalists by their writings from Poughkeepsie express great doubts, though some of the opposition have actually come over, and those of popular characters too—The antifederalists in this City very few excepted expect and seeme to hope for its adoption and recommend amendments as the least evil of the two—If it should not be adopted and that without previous amendments, Congress will certainly remove from hence; and Philadelphia probably will be their place of abode: And we shall not only

loose them, but I think, have riot, confusion, and blood-shed introduced amongst us—I have only to add that my prayer is Heaven give them wisdom and avert the impending danger.

Pardon me for troubling You this much and You will much oblige Your sincere friend

1. RC, Fitch Papers, DLC. The letter was addressed to “Mr. John Fitch/Manufacturer of Steam/Boats/Philadelphia.” Riggs (c. 1763–1826) was a New Jersey lawyer. Fitch (1743–1798) was a Trenton, N.J., silversmith before the Revolutionary War and a gunsmith early in the Revolution. In the 1780s he lived in Bucks County, Pa. For a time Fitch was much interested in western lands, but around 1785 he turned to the invention of the steam boat, an activity that would occupy him for the rest of his life. In the first part of the letter not printed here, Riggs talks about a potential land grant from Congress to Fitch.

2. Adapted from Shakespeare, *Hamlet*, Act III, scene 1, line 55.

### Samuel A. Otis to George Thatcher New York, 17 July 1788 (excerpt)<sup>1</sup>

. . . and first I in form you That we have had Thirteen States frequently upon the floor & have been very industrious—What have you been about? Look at the Journal—One thing seems to be agreed, that new government is to take place about mid winter—Next week perhaps the Time will be agreed upon—The *place* will be a bone of Contention, Southern people are opposed to N Y, & I think the Yorkers hang back in such manner am rather of opinion it will not be here—For my own part I am in present sentiment for N York but we are all in suspense for the doings of Convention—Probably the question will this day be taken *therein*—I am of opinion it will not be a favorable decision—Clinton is popular has a majority at command & is very violent<sup>2</sup>—They may possibly adjourn which is the best expectation I form—The Yorkers are determined however to have their frolic,<sup>3</sup> & I dont know but we are in danger of runing into excess in regard to processions—Perhaps my gravity & aversion to parade may have induced this opinion—It is an implied triumph over minority which always irritates—I think the movements of the new Govt should be mild discreet & attended with great circumspection.

Enclosed is Greenleafs<sup>4</sup> which details prety fairly, To which refering you I am With regard & esteem Your Hum[bl]e S[ervan]t

1. Printed: William F. Goodwin, ed., “The Thatcher Papers,” *The Historical Magazine*, 2nd ser., VI (1869), 349. Goodwin printed no more than the excerpt printed here. Thatcher (1754–1824), a 1776 graduate of Harvard College and a Biddeford, Maine, lawyer, was a delegate to the Confederation Congress, 1787–89, and U.S. Representative, 1789–1801.

2. A reference to Governor George Clinton, who was then serving as president of the New York Convention in Poughkeepsie. Antifederalists had a two-to-one majority in the Convention.

3. A reference to the New York City procession that had been planned but was being delayed awaiting the result of the New York Convention. See RCS:N.Y., 1584–1666.

4. A reference to Thomas Greenleaf's Antifederalist newspaper the *New York Journal*.

**Nathan Dane to Theodore Sedgwick**  
**New York, 20 July 1788 (excerpt)<sup>1</sup>**

My Dear Sir

... the inclosed is the report of the Committee on the subject of putting the *Constitution of the United States of America* into operation (our reports you know are not made public till acted upon) the report some days ago was agreed to in part, that is Congress have fixed the first Wednesday in Decer. for the appointment of the Electors of the president—and the last Wednesday in the same month for them to assemble and vote for him—the majority of the States appear to be for fixing the first Wednesday in February for the Govert to assemble—the Eastern and Middle States could be much more expeditious in this business, but it is Stated by the Southern Delegates, that it is impossible for their States to be prepared to elect &c, sooner than the times mentioned—the principal point in dispute is where shall Congress assemble under the Constitution, should this State adopt—I think from present Appearances a majority of the States will be for this City—those who contended for Philadelphia about ten days ago urged vehemently for the decision of the question, but finding Congress not in a disposition to decide until after this State's Convention shall have acted upon the Subject, nothing has been said about it since as every member, I imagine, has made up his mind on the residue of the report it is, probable, we shall finish it in one day's time after we hear the result of the proceedings of the N York Convention—you see by the report we make a simple piece of business of it, nor has it caused much debate or delay—having thirteen States on the floor we took up this business sooner than was expected—

we now expect every day to hear this State has decided as to the adoption—but there seems to be no certainty what their decision will be—tho—I think the, probability, is in favor of their acceding to the New Confederacy—

I propose to stay in N. York till the inclosed report shall be acted upon and that I rather expect will be this week—I shall then make a short tour to Massa[chusets]—there is considerable of business to be done by the present Congress to clear the files, &c but none of it very important—

1. RC, Sedgwick Papers, MHi. Sedgwick (1746–1813), a Stockbridge, Mass., lawyer, was a member of either the state House of Representatives or Senate for most of the 1780s, and a delegate to the Confederation Congress, 1785–86, 1788. He was active in helping to suppress Shays's Rebellion, 1786–87, and voted to ratify the Constitution in the state Convention in February 1788. He was a U.S. Representative, 1789–96, 1799–1801, and a U.S. Senator, 1796–99.

**William Bingham to Tench Coxe**  
**New York, 21 July 1788<sup>1</sup>**

I should have suffered your favor of the 9th Inst to have remained so long unreplied to, if I had not been in daily expectation of communicating some pleasing Intelligence concerning the subject of that Letter—

But from various Circumstances the Question has been delayed, & I cannot say with Certainty when it will be determined—

A Competition from different Quarters has arisen, which divides the Suffrages into as many Parties—but however they may vibrate from one side to the other, they must at last come to rest in the Centre, which is Pennsylvania—Our rising Importance in the political Scale has caused great Jealousy, & is one Reason of our not uniting all the Votes of Congress in our favor, for in every Sense, we have the fittest place to assemble the new Congress in, & it is generally acknowledged—I wish little may be said on this subject, for in proportion as we make Exertions to establish our Pretensions, there are envious Characters, that will endeavor to oppose them—

The Convention of New York is still in Session—There are faint hopes entertained of an unconditional Ratification, or an Adjournment which will be tantamount—

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Bingham (1752–1804), a wealthy Philadelphia merchant, banker, and land speculator, was a delegate to the Confederation Congress, 1786–88, and a U.S. Senator, 1795–1801. Coxe (1755–1824), a Philadelphia merchant, represented Pennsylvania in the Annapolis Convention, 1786, and was a prolific newspaper writer supporting ratification of the Constitution. He served as assistant secretary of the U.S. Treasury, 1789–92, and as U.S. commissioner of revenue, 1792–97.

**James Madison to George Washington**  
**New York, 21 July 1788 (excerpt)<sup>1</sup>**

I have deferred writing since my arrival here in the hourly hope of being enabled to communicate the final news from Poughkepsie. By a letter from Hamilton dated the day before yesterday<sup>2</sup> I find that it is equally uncertain when the business will be closed, and what will be its

definitive form. The inclosed gazettes state the form which the depending proposition bears.<sup>3</sup> It is not a little strange that the Antifederal party should be reduced to such an expedient, and yet be able to keep their members together in the opposition. Nor is it less strange that the other party, as appears to be the case, should hesitate in deciding that the expedient as effectually keeps the State for the present out of the New Union as the most unqualified rejection could do. The intelligent Citizens here see clearly that this would be its operation and are agitated by the double motives of fœderalism, and a zeal to give this City a fair chance for the first meeting of the new Government. . . .

1. RC, Washington Papers, DLC. Printed: Rutland, *Madison*, XI, 190–91; Abbot, *Washington, Confederation Series*, VI, 392–94; and Smith, *Letters*, XXV, 240. Washington responded to this letter on 3 August (RCS:Cong., 28–29). Madison (1751–1836), a planter, was a member of the Virginia House of Delegates, 1776–77, 1784–87, 1799–1800; Virginia Council of State, 1778–79; Congress, 1780–83, 1787–88; and U.S. House of Representatives, 1789–97. He was U.S. Secretary of State, 1801–9; and U.S. President, 1809–17. He signed the Constitution; voted to ratify it in the Virginia Convention in June 1788; and contributed many essays to *The Federalist* (CC:201). Washington (1732–1799), a Virginia planter, was commander-in-chief of the Continental forces, 1775–83; president of the Constitutional Convention, 1787; and U.S. President, 1789–97.

2. On 19 July Hamilton had asked Madison if New York could ratify with the condition that it would withdraw from the Union within a number of years if amendments were not considered. Madison replied the next day that New York must ratify unconditionally or it could not become a member of the Union (RCS:N.Y., 2373–74, 2374–75n).

3. Madison probably refers to the *New York Daily Advertiser* and *New York Journal* of 21 July, both of which printed accounts of Melancton Smith's plan for the conditional ratification of the Constitution for a limited number of years and the proposal's impact on the prospects for ratification by New York (RCS:N.Y., 2225–26n, 2233, 2253–54n).

### **Pennsylvania Gazette, 23 July 1788<sup>1</sup>**

Serious apprehensions, says a correspondent, have begun to take place in the minds of many of the friends of the fœderal government, at the great delay in putting the new government in motion, and fixing the time, &c. of commencing proceedings under its authorities. This circumstance is more alarming, as it appears that on the 2d July Congress appointed a committee to report an act for that purpose, and notwithstanding the recommendation of the convention, that as soon as Nine States had assented, an efficient league should be formed betwixt them, yet we find some obstacle prevents the operation of the intended arrangements, and the fœderalists throughout the Union are kept in a state of anxious suspence.—But a point of most essential consequence to attend to, is, that there are many hundred families, we are told, in different parts of Europe, who are now waiting with much impatience

to hear of measures being taken to assemble the states under the operation of this government, in order to embark for this country, and their correspondents are desirous of imparting the important intelligence.

1. Reprinted twelve times by 7 August: Mass. (2), Conn. (4), N.Y. (2), N.J. (1), Pa. (1), Md. (1), S.C. (1).

**Comte de Moustier Journal**  
**New York, 30 July 1788<sup>1</sup>**

Colonel Henry Lee, a delegate from Virginia, put forward precisely the opposite to what his colleagues Mr. Madison and Mr. Carrington had declared relative to the disposition of the inhabitants of Virginia for Congress to adjourn to Philadelphia, and he asserts that it is in Virginia's interest to attract Congress to the shores of the Potomac, and that it would be much easier to fix it there if it remained [temporarily] in New York, than if it would find itself enveloped in the snares of the Philadelphians; that it would be necessary to look for the true motive for this motion [for Philadelphia] in the heart of Mr. [Robert] Morris who is impatiently burning to accept again all the financial operations and to revive a pernicious stockjobbing which undermined the states during the war and took its source from this virtuous city in which patriotism is so pompously displayed. Mr. Lee, who has the habit of frankly speaking his mind, has spared no one.

Mr. Hamilton asserted that the delegates of New York were going to lose their popularity if the new Congress did not remain in this state because they had solemnly promised it at the [New York] Convention if the new Constitution was ratified there. Mr. D<sup>2</sup>, one of the delegates, has declared that he would lose his reputation if Congress changed residence. It is astonishing that the personal interests of each delegate is so active in attracting Congress to his own state.

1. Translated from *Extraits du Journal de M. de Moustier*, in *Extraits des papiers de la Légation de France aux États-Unis*, I, Part II (Cahier 3), [24]–25, Benjamin Franklin Collection, Yale University. Moustier (1751–1817), French minister plenipotentiary to the United States, arrived in January 1788. He presented his credentials to Congress in February and remained in the United States until October 1789.

2. Probably James Duane, the mayor of New York City and a former delegate to the New York Convention where he voted for ratification on 26 July 1788.

**Theodore Sedgwick to Benjamin Lincoln**  
**New York, 1 August 1788 (excerpt)<sup>1</sup>**

My dear Sir,

. . . Congress have now before them the report of a committee for the organization of the new government. The gentlemen from the southward were urgent to postpone the assembling of the administration

untill March. From a principle of conciliation the northern members have acceded to it, but the same temper doth not prevail with regard to the place. The southern members excepting those of S. Carolina are anxious to Assemble at Philadelphia. To this measure I feel myself greatly opposed, because in the first place I believe should congress there assemble that that city will thence become permanently the seat of Government, and in the next place I consider it as the most improper of any great town on the continent because, it is the greatest commercial place in America, & because it is generally believed that there exists in that town an undue influence inimical to the general good. Now whether this idea is well or ill founded the effect on the public mind will be precisely the same. Besides should the members of the legislature in that state be men of tolerable discernment, they will be able to dictate in all the matters of national concern.

Certainly the Government ought not to be permanently established in any great town, nor in any place accessible by water.

I probably shall not continue in this place more than one month. . . .

1. RC, Lincoln Papers, MHi. Lincoln (1733–1810), a Hingham, Mass., farmer, was a major general in the Massachusetts militia, 1776; became a major general in the Continental Army, 1777; and commanded the Southern Department, 1777–80. The British captured him in Charleston in 1780, but he was exchanged. Lincoln rejoined Washington, and, in 1781, he was at Yorktown. Lincoln was Confederation Secretary at War, 1781–83. He led the troops that suppressed Shays's Rebellion, 1786–87. Lincoln voted to ratify the Constitution in the Massachusetts Convention in February 1788. In 1789 Washington appointed him collector of the port of Boston, a position he held until 1809.

**James Madison to Edmund Randolph**  
**New York, 2 August 1788 (excerpt)<sup>1</sup>**

My dear friend,

. . . Congress have been some days on the question where the first meeting of the New Congr. shall be placed. Philada. failed by a single voice from Delaware which ultimately aimed at that place, but wished to bring Wilmington into view. In that vote N. Hampshire & Connecticut both concurred. N. York is now in nomination and if those States accede which I think probable, and Rhode Island which has as yet refused to sit in the Question can be prevailed on to vote which I also think probable, the point will be carried.<sup>2</sup> In this event a great handle I fear will be given to those who have opposed the new Govt. on account of the Eastern preponderancy in the foederal system.

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, XI, 214–15. Madison dated the letter "July 2d," but the content indicates that it was written in August. After his signature Madison added: "I enclose a copy of the ratification of N. York. What think



you of some of the expository articles?" Randolph (1753–1813), a Williamsburg, Va., lawyer, was attorney general of Virginia, 1776–86, and governor, 1786–88. He was a delegate to Congress, 1779, 1781–82, a member of the Annapolis Convention, 1786, and a delegate to the Constitutional Convention, 1787, where he refused to sign the Constitution. In June 1788, however, he voted for ratification in the Virginia Convention. He was U.S. Attorney General, 1789–94, and Secretary of State, 1794–95.

2. Brockholst Livingston, a New York City lawyer, reported the same day that "Much depends on one Rhode Island delegate who has not yet consented to vote on the question—If he does, we shall have a majority" (to William Livingston, Livingston Papers, MHi). The Rhode Island delegate was probably Jonathan J. Hazard.

### **Comte de Moustier to Comte de Montmorin New York, 2 August 1788<sup>1</sup>**

The State of Newyork on the 25th of last month finally acceded to the new Constitution, which is now adopted by eleven States. The recommended amendments<sup>2</sup> are so numerous and so important that if the new Congress takes them into account, this Constitution will barely resemble its first form. However, a great blow has been dealt to the individual Sovereignty of the States taken separately. The phantom of Democracy that has seduced the people is about to disappear. The credulous majority, intoxicated by the noblest hopes that it allowed itself to be fed, has itself forged the bonds by which sooner or later the Leaders of the people will be able to subjugate and control them after having appeared to want to obey them. The Constitution is taken on approval until a better one is found. This tendency always to perfect is infinitely favorable to the designs of the ambitious, who, by means of alterations, will manage to weary the American people and make them receive with indifference the yoke that is prepared for them and that they will probably endure much more patiently than expected. The proposed amendments offer a multitude of pretexts at the outset even for a reorganization of Government. This means is open to various parties. It is not doubted that each will profit from it according to its views.

The new Constitution appeared to be a remedy for all the ills from which the United States is suffering. The joy of the majority is especially expressed by public rejoicings. Different cities had processions in which all the classes of Citizens were represented. The city of Newyork did not even wait for the State Convention to give its decision.<sup>3</sup> It had its procession at a time when it was strongly doubted that the State would adopt the Constitution. What was special about this popular festival is that Congress in a way risked sanctioning its purpose, which was to show the particular opinion of the city in opposition to what was assumed to be the opinion of the State, by attending all together and consequently

as a Sovereign, a rather mediocre dinner given by the professions and trades of the city.<sup>4</sup> I had been invited, and I attended this dinner, seated to the right of Congress and was followed in succession by the Minister Plenipotentiary of the States-General, the Chargé d'affaires Plenipotentiary of Spain, the Consuls and other foreigners of distinction. To the left of Congress were its Officers and the members of the Clergy from the City, Anglicans, Presbyterians, Catholics, Lutherans, Calvinists, Jews, all indiscriminately seated, except that the Anglican Bishop had taken the right from all the others and had said the *blessing*. Congress, itself realizing that it was out of place in this festival as an official body, then wanted to maintain that it had not been there as Congress, but I insisted, in part jokingly, in part seriously with different Members, that it had been everyone's opinion that they were, that were it not for that, they would have had to have been scattered among the guests and that I would have had to have been to the right of the President. Beyond this, this entire ceremony can be regarded as without significance; even though people try to lend significance to it everywhere, it still signified nothing; but it is a malady brought to this country from the Mother-country, where pretensions of this type take shape on every occasion. It is to be hoped that this unpleasantness will gradually disappear.<sup>5</sup>

One of the purposes of the festival of the Citizens of Newyork was to cajole Congress and urge it to adjourn the new Sovereign body here. For its part, Congress appeared to want to postpone its decision on this matter until the time when the [New York] Convention would have adopted the Constitution. Some of its Members did not neglect to hint that this uncertainty was the only obstacle preventing Congress from adjourning the new one here. This bait had its effect. The Federalists of the Convention even went so far as to assert that there would be no difficulty as soon as the State of Newyork entered into the new union. Now, since the pretense is no longer necessary, the Pennsylvanians are doing everything they can in order to obtain a preference in favor of Philadelphia. The entire week has been spent in debate on this subject, in which it seemed that personal interest has a much greater part than the public interest.

The question of determining a suitable time and place to which to adjourn has aroused the attention of all the States and consequently Delegates from each one are found here; they will probably disperse as soon as these two questions are decided. The Delegates from Rhode-island content themselves with attending the deliberations without giving an opinion on any question that could be regarded as foreign to their State, since it has rejected the new Constitution.

As soon as the decision of North Carolina is known, I will have the honor to send You in the same packet, My Lord, the Constitution as it has been proposed by the general Convention, with the comparison of the different amendments proposed by the individual Conventions. I will separate this statement from the observations that I propose to have the honor of submitting to You on the influence of the Constitution on the foreign policy of the United States and on the probabilities of the system that can prevail in this respect.

There was an example here of what is to be expected from the dominant party during changes of Government, in spite of the beautiful name of liberty, which so rarely finds itself corresponding to the facts. An unfortunate Printer, who was the last to set about to print a gazette in a city in which there are too many of them, in order to make his paper fashionable had conceived of collecting small bits of gossip that were in opposition to the Federalist party. A tasteless joke about a mishap that occurred in the federal procession, which has been punished by the destruction of his printing establishment and personal insults, obliged him to flee from his house and to abandon it to the champions of liberty, who often make a bad use of it against the weakest when the latter have the imprudence to use incautiously the liberty they believe they themselves have.<sup>6</sup>

1. RC (Tr), Correspondance Politique, États-Unis, Vol. 33, ff. 238–41, Archives du Ministère des Affaires Étrangères, Paris. This is dispatch number 18 and was received on 26 September. Montmorin (1745–1792) was France's Minister of Foreign Affairs and Minister of Marine.

2. On 25 July the Committee of the Whole of the New York Convention recommended that the Constitution be ratified and that recommendatory amendments be approved. The next day the Convention adopted the Committee's report. For the New York amendments, see CC:818 A–B; RCS:N.Y., 2326–35n.

3. The New York procession took place on 23 July, three days before the New York Convention ratified the Constitution. See RCS:N.Y., 1584–1666.

4. On 24 July the Antifederalist *New York Journal* reported: "We are informed, that the honorable the Congress and gentlemen of the clergy, declined *walking* at the procession, on account of this not being a *ratifying* state: they however accepted a seat at the table." Cyrus Griffin, the President of Congress, was seated in the center of the middle pavilion, while members of Congress dined at the other tables (*New York Daily Advertiser*, 2 August, RCS:N.Y., 1657).

5. The attaché to the French legation in the United States, Victor Marie DuPont, also made disparaging comments about New York City's 23 July procession and the penchant of Americans for such demonstrations: "We had a federal procession here in Honor of the adoption of ten States[.] it cost a great deal of money which could have been much better employed than hauling a little ship in the streets on 4 wheels and giving a dinner in an open field to 4 thousand people, the congress sitting altogether in a small pavilion[.] you will see the description of all this in several days, the toys of these people who

are still very young, who always have at their lips the word Roman, and who compare these parades to the public games of that great people, are sometimes very amusing to an unimpressed observer that I endeavor to be, although I have a great tendency to fall into ways opposed to those of my ancestors, namely excessive enthusiasm” (to Pierre Samuel DuPont de Nemours, 26 July, Victor DuPont Papers, Eleutherian Mills Historical Library, Greenville, Del.).

6. On 24 July, the day after the procession, Antifederalist Thomas Greenleaf of the *New York Journal* published a description of the procession, which included several paragraphs that aroused antagonism:

Yesterday the GRAND PROCESSION ‘in honor of the Constitution of the United States,’ paraded to and fro, and walked up and down, in this city, to the novel entertainment of all classes of people. The procession made a very pompous appearance, and was conducted in a regular and decent manner. . . .

The stages [i.e., floats] were of various sizes, and mostly very slight, inasmuch that the poor *Potters* were separated from their clay, and no longer had power over it; the stage fell! and, alas! the *clay* became exposed to the power of every passerby.

It was really laughable to see the variety of phizzes on this occasion. The poor *antis* generally minded their own business at home; others, who were spectators at an *awful* distance, looked as sour as the Devil. As for the *feds*, they rejoiced in different degrees—there was the ha, ha, ha! and the he, he, he!

Evidently, the potters and others took offense and the next day Greenleaf inserted this note in his newspaper: “Mortified that any exceptions should be taken to the paragraphs in yesterday’s paper, the editor is induced to assure his fellow citizens, that by inserting of them he had not the least idea of giving offence or injuring the feelings of any one. As a vein of innocent humour is frequently interspersed in newspapers, he expected, where it flowed naturally, as in the case of the Potters clay, &c. it would be received as innocent, and, as not intended to reflect or censure.” According to Postmaster General Ebenezer Hazard, such remarks “gave great Offence” and some people dropped their subscriptions to Greenleaf’s *New York Journal* (to Jeremy Belknap, 27 July, RCS:N.Y., 2428).

At 1:00 a.m. on 27 July, after the celebration of the ratification of the Constitution by the New York Convention, a mob broke into Greenleaf’s house and shop and destroyed his type. On 7 August Greenleaf printed his version of the incident in his *New York Journal*, stating that his description of the 23 July procession “was not the sole reason” for the attack upon his home and shop. The attack also “was intended, by some artful and designing persons, to ruin him with the public, and thereby destroy the usefulness of his paper as a free and impartial one.”

### George Washington to James Madison Mount Vernon, 3 August 1788<sup>1</sup>

My dear Sir,

Your favors of the 21st. & 27th of last month came duly to hand.<sup>2</sup>—The last contained the pleasing—and I may add (tho’ I could not reconcile it with any ideas I entertained of common policy) unexpected account of the unconditional Ratification of the Constitution by the

State of New York—That No. Carolina will hesitate long in its choice, I can scarcely believe, but what Rhode Island will do is more difficult to say, though not worth a conjecture, as the conduct of the Majority there, has, hitherto, baffled all calculation.—

The place proper for the New Congress to meet at, will, unquestionably, undergo (if it has not already done it) much investigation, but there are certain things which are so selfevident in their nature as to speak for themselves—this, possibly, may be one—where the true point lays I will not undertake to decide, but there can be no hesitation I conceive in pronouncing one thing, that in all Societies, if the bond or cement is strong and interesting enough to hold the body together, the several parts should submit to the inconveniencies for the benefits which they derive from the conveniencies of the compact.

We have nothing in these parts worth communicating.—Towards New York we look for whatever is interesting, until the States begin to act under the New form, which will be an important epoch in the annals of this Country.—With sentiments of sincere friendship and affection

I am—Yours

1. RC, Special Collections, Signers of the Declaration of Independence, Amherst College Library, Amherst, Mass. A letterbook copy is in the Washington Papers at the Library of Congress.

2. Madison's 27 July letter has not been located but for an excerpt from his 21 July letter, see RCS:Cong., 21–22.

### **William Knox to Henry Knox**

**New York, 5 August 1788 (excerpt)<sup>1</sup>**

I informed you yesterday that seven States had voted in favor of Baltimore, as the future Seat of Government, the business however has been resumed this day and it is said the opinions in Congress have taken another turn. it seems to stand thus from the information given me this afternoon by Mr. [Abraham] Baldwin—The proceeding in the first instance was intended to be a resolve, but by management is now an Ordinance, and therefore the proceedings of yesterday is construed into a first reading, and he says it is still open to final decision—I have not been able to converse with any other members, & as to retailing what passes outdoors, would be endless however the spirits of the Town are vastly raised from the state they were in yesterday. . . .

I am Yours Affectionately

1. RC, Knox Papers, GLC02437.03956, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, at the New-York Historical Society. Knox indicated that the letter was written on "Tuesday afternoon—/[6?] oClock Augt. 5th. 1788." William Knox (c. 1756–1795) was Henry Knox's youngest brother. He had been military

secretary to his brother, 1776; had engaged in privateering, 1777; and had visited The Netherlands, France, and England to promote trade with the U.S., 1781–85. He served as clerk to his brother in the War Department, 1789, and was U.S. consul in Dublin, Ireland, 1790–92. Henry Knox (1750–1806), a former Boston bookseller, had been major general and chief of artillery in the Continental Army during the Revolutionary War. He was the first secretary of the Society of the Cincinnati (1783), and in 1785 he was appointed Confederation Secretary at War. Residing in New York City, Knox was a clearing house of information on national and state politics. His incoming and outgoing correspondence was vast.

### **Congress Proceedings**

#### **Wednesday, 6 August 1788<sup>1</sup>**

Congress assembled present the thirteen states.

The order of the day being called for and the act as amended for putting the Constitution into Operation being read as follows:

Whereas the convention assembled in Philadelphia pursuant to the resolution of Congress of the 21 feby 1787 did on the 17 of Sept in the same year report to the United States in Congress assembled a constitution for the people of the United States whereupon Congress on the 28 of the same September did resolve unanimously “that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case” and whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary therefore,

*Resolved* that the first Wednesday in January next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution, that the first wednesday in feby next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the town of Baltimore in the state of Maryland the place for commencing proceedings under the said constitution.

A motion was made by Mr (Thomas Tudor) Tucker<sup>2</sup> seconded by Mr (Henry) Lee further to amend the act by striking out the words “and the town of Baltimore in the state of Maryland” and ~~in lieu thereof~~ inserting as follows, And Whereas a central situation would be most eligible for the sitting of the Legislature of the United States, if such could be found in a condition to furnish in due time the accommodations necessary for facilitating public business, and at the same time

free of weighty objections which might render it improper or unlikely to be the seat of Government either permanently or until a permanent seat can be agreed on; and whereas the most effectual means of obtaining finally the establishment of the federal government in a convenient central situation is to leave the subject to the deliberate consideration of the future Congress, uninfluenced by undue attachment to any of the places which may stand in competition for preference on so interesting a question, and unembarrassed by want of time and means to fix on and prepare the most proper place for this purpose; and whereas the removal of the public Offices must be attended with much expence, danger and Inconvenience, which ought not to be incurred but with a well founded expectation of advantages that may fully counterbalance the same; and whereas no such advantages can be expected from a removal to any place now in a condition to receive the federal legislature; and whereas in addition to the beforementioned reasons unnecessary changes of the seat of Government would be indicative of instability in the national councils and therefore highly injurious to the interests as well as derogatory to the dignity of the United States, therefore, *Resolved* that the city of New York in the State of New York be the place for commencing proceedings under the said Constitution.

A motion was then made by Mr (Hugh) Williamson<sup>3</sup> seconded by Mr (James R.) Reid to postpone the motion before the house in order to take up the following.

Whereas it is proper that the seat of the new Congress and of the national Government should be placed as near the centre of the Union as may consist with present accommodation in order that its influence and benefits may be equally felt by the great body of citizens throughout the United States, that members of Congress and other persons may approach it with equal convenience from the opposite extremes, and that no species of partial favour may seem to have been extended to one extreme, rather than to the other; and whereas the present residence of Congress is far removed from the center of the Union, whether population or distance are considered, since the new Congress is to consist of eight Senators from States to the eastward of New York, and sixteen from States to the southward, and since there are to be only 17 members in the house of representatives from the eastern States, though there are to be 42 members from southern States; and since the distance to the seat of government in the extreme eastern state is hardly equal to one third of the distance to the seat of Government in the most southerly state, and whereas it is to be desired that the new Congress may be convened in the same spirit of mutual accommodation which has hitherto appeared in all deliberations respecting the

new government, and that proceedings under the said Government may commence under the impressions of mutual confidence, without that general irritation and loss of time which must attend the removal from an improper situation, and without those painful apprehensions which will naturally arise from a measure that may seem to have originated in an undue regard to local considerations. Therefore *Resolved* that the seat of the new Congress ought to be in some place to the southward of New York.

And on the question to postpone for the purpose abovementioned, the Yeas and Nays being required by Mr (Hugh) Williamson:

*New Hampshire*

Mr Gilman	no	} no
Mr Wingate	no	

*Massachusetts*

Mr Sedgewick	no	} no
Mr Dane	no	
Mr Otis	no	
Mr Thatcher	no	

*Rhode Island*

Mr Hazard	no	} no
Mr Arnold	no	

*Connecticut*

Mr Huntington	no	} no
Mr Wadsworth	no	
Mr Edwards	ay	

*New York*

Mr L'Hommedieu	no	} no
Mr Benson	no	
Mr Hamilton	no	
Mr Yates	no	

*New Jersey*

Mr Clark	no	} no
Mr Elmer	ay	
Mr Dayton	no	

*Pensylvania*

Mr Irvine	ay	} ay
Mr Meredith	ay	
Mr Armstrong	ay	
Mr Bingham	ay	
Mr Reid	ay	

*Delaware*

Mr Kearny	ay	} ay
Mr Mitchell	ay	

*Maryland*

Mr Seney	ay	} ay
Mr Contee	ay	
Mr Ross	ay	

*Virginia*

Mr Griffin	ay	} ay
Mr Madison	ay	
Mr Carrington	ay	
Mr Lee	no	
Mr Brown	ay	

*North Carolina*

Mr Williamson	ay	} ay
Mr Swann	ay	

*South Carolina*

Mr Huger	no	} no
Mr Parker	no	
Mr Tucker	no	

*Georgia*

Mr Few	ay	} ay
Mr Baldwin	ay	

So it passed in the Negative.



A motion was then made by Mr (Edward) Carrington seconded by Mr (William) Bingham to amend the amendment by striking out the words “New York in the state of New York”, and in lieu thereof, inserting “Philadelphia” and on the question to agree to the amendment to the amendment the Yeas and Nays being required by Mr (James R.) Reid:

<i>New Hampshire</i>			<i>Delaware</i>	
Mr Gilman	no	} no	Mr Kearny	ay
Mr Wingate	no		Mr Mitchell	ay
<i>Massachusetts</i>			<i>Maryland</i>	
Mr Sedgewick	no	} no	Mr Seney	ay
Mr Dane	no		Mr Contee	ay
Mr Otis	no		Mr Ross	ay
Mr Thatcher	no		<i>Virginia</i>	
<i>Rhode Island</i>			Mr Griffin	ay
Mr Hazard	no	} no	Mr Madison	ay
Mr Arnold	no		Mr Carrington	ay
<i>Connecticut</i>			Mr Lee	no
Mr Huntington	no	} no	Mr Brown	ay
Mr Wadsworth	no		<i>North Carolina</i>	
Mr Edwards	ay		Mr Williamson	ay
<i>New York</i>			Mr Swann	ay
Mr L’Hommedieu	no	} no	<i>South Carolina</i>	
Mr Benson	no		Mr Huger	no
Mr Hamilton	no		Mr Parker	no
Mr Yates	no		Mr Tucker	no
<i>New Jersey</i>			<i>Georgia</i>	
Mr Clark	no	} no	Mr Few	no
Mr Elmer	ay		Mr Baldwin	ay
Mr Dayton	no			
<i>Pensylvania</i>				
Mr Irvine	ay	} ay		
Mr Meredith	ay			
Mr Armstrong	ay			
Mr Bingham	ay			
Mr Reid	ay			

So it passed in the Negative.

[Congress approved Tucker’s motion to substitute New York City for Baltimore in the resolving clause.<sup>4</sup>]

A division was then called for and on the question to agree to the resolving clause the Yeas and Nays being required by Mr (Henry) Lee.

<i>New Hampshire</i>		<i>Delaware</i>	
Mr Gilman	ay	Mr Kearny	no
Mr Wingate	ay	Mr Mitchell	no
	} ay		} no
<i>Massachusetts</i>		<i>Maryland</i>	
Mr Sedgewick	ay	Mr Seney	no
Mr Dane	ay	Mr Contee	no
Mr Otis	ay	Mr Ross	no
Mr Thatcher	ay		
	} ay		
<i>Rhode Island</i>		<i>Virginia</i>	
Mr Hazard	ay	Mr Griffin	no
Mr Arnold	ay	Mr Madison	ay
	} ay	Mr Carrington	no
<i>Connecticut</i>			} no
Mr Huntington	ay	Mr Lee	ay
Mr Wadsworth	ay	Mr Brown	no
Mr Edwards	ay		
	} ay		
<i>New York</i>		<i>North Carolina</i>	
Mr L'Hommedieu	ay	Mr Williamson	no
Mr Benson	ay	Mr Swann	no
Mr Hamilton	ay		} no
Mr Yates	ay		
	} ay		
<i>New Jersey</i>		<i>South Carolina</i>	
Mr Clark	ay	Mr Huger	ay
Mr Elmer	ay	Mr Parker	ay
Mr Dayton	ay	Mr Tucker	ay
	} ay		} ay
<i>Pensylvania</i>		<i>Georgia</i>	
Mr Irvine	no	Mr Few	ay
Mr Meredith	no	Mr Baldwin	no
Mr Armstrong	no		} divid.
Mr Bingham	no		
Mr Reid	no		

So it was resolved in the Affirmative.

On the question to agree to the preamble, the Yeas and Nays being required by Mr (William) Irvine.

<i>New Hampshire</i>		<i>Delaware</i>	
Mr Gilman	ay	Mr Kearny	no
Mr Wingate	ay	Mr Mitchell	no
	} ay		} no
<i>Massachusetts</i>		<i>Maryland</i>	
Mr Sedgewick	ay	Mr Seney	no
Mr Dane	ay	Mr Contee	no
Mr Otis	ay	Mr Ross	no
Mr Thatcher	ay		
	} ay		} no
<i>Rhode Island</i>		<i>Virginia</i>	
Mr Hazard	ay	Mr Griffin	no
Mr Arnold	ay	Mr Madison	no
	} ay	Mr Carrington	no
<i>Connecticut</i>			ay
Mr Huntington	ay	Mr Brown	no
Mr Wadsworth	ay		
Mr Edwards	no		
	} ay		} no
<i>New York</i>		<i>North Carolina</i>	
Mr L'Hommedieu	ay	Mr Williamson	no
Mr Benson	ay	Mr Swann	no
Mr Hamilton	ay		
Mr Yates	ay		
	} ay		} no
<i>New Jersey</i>		<i>South Carolina</i>	
Mr Clark	ay	Mr Huger	ay
Mr Elmer	no	Mr Parker	ay
Mr Dayton	ay	Mr Tucker	ay
	} ay		
<i>Pensylvania</i>		<i>Georgia</i>	
Mr Irvine	no	Mr Few	ay
Mr Meredith	no	Mr Baldwin	no
Mr Armstrong	no		} divid.
Mr Bingham	no		
Mr Reid	no		

So it was resolved in the Affirmative.

1. Printed: JCC, XXXIV, 395–402.

2. A draft of this motion is in PCC, Item 23, Other Reports of Committees . . . , pp. 343–44.

3. A draft of this motion is in PCC, Item 23, Other Reports of Committees . . . , pp. 339–42. The draft, except for the deletion of Lancaster as the place to meet and a few other minor revisions, is apparently the same document which Williamson used as the base of his motion on 4 August (DHFFE, I, 60).

4. The Rough Journals of Congress contain no record of a vote to approve Tucker's motion. Nevertheless, at this point in the proceedings, it was still the motion before

Congress. Charles Thomson noted on his copy of Tucker's motion to amend the resolving clause: "Passed Aug 6th 1788" (PCC, Item 23, Other Reports of Committees . . . , p. 345). Since the following vote was on the resolving clause as a whole, it seems evident that Tucker's motion must have been passed before the vote was taken, and the draft of the ordinance read to Congress on 13 August included Tucker's motion with only slight changes in wording.

### **William Bingham: Draft Resolution in Congress**

#### **6 August 1788<sup>1</sup>**

Whereas by the Recommendation of the federal Convention assembled at Philadelphia, Congress are desired (*inter alia*) to fix the Place, where Proceedings are to commence under the federal Constitution,

(1st. And whereas, the States which have parted with all those Powers, which regulated their national & aggregate Interests, & which they have vested in the federal Government, have been fully persuaded, that in So doing they have consulted their mutual Advantage by their consolidating & strengthening the Powers of the Union.

2[nd] And whereas, it is essentially necessary to the Peace, Prosperity, & Preservation of the Union, that in all the Arrangements made by Congress, the respective Interests & Accommodation of the States be impartially attended to,

And Whereas, the Dangers that the Union has most to apprehend, arise from the unequal Portion of Strength, possessed by the Northern & Southern States, which involves the Necessity of taking Care that the Ambition of the powerfull Members, Should not be accompanied by the Means, of degrading the Weak, & rendering them Subordinate & dependent, which might tend to dissolve the Confederacy, as has happened with other political Leagues constituted on dissimilar Terms.)<sup>2</sup>

And whereas, the Power, of regulating Commerce, which may confine & monopolize the carrying Trade, & Establishing Such high Duties on the Importation of foreign Articles of Consumption, (in order to encourage the domestic Manufactures of the Country) as may operate as a Prohibition, may be exercised by the Seven navigating & manufacturing States alone, & which may be made the Engines of Severe oppression to the Southern States, & which renders it their Interest to guard against the Effects of Such a Combination.<sup>3</sup>

3. And whereas, the Southern States have been more Seriously alarmed on these, than on any other Points, & have Selected them, as inducing the strongest Objections to the federal Constitution; Should therefore the Seat of Government be placed amongst the navigating & manufacturing States it must evidently discompose the Harmony of the Union; by creating strong Apprehensions of an Influence & Cooperation of

Interests, which would engender Commercial & Fiscal Regulations, exceedingly oppressive & injurious to them; the Government would consequently commence in Distrust, proceed with Jealousy, & possibly terminate in Discord; for if Influence, by facilitating the Means, gives the Opportunity, & a distinct & Separate Interest forms the Impulse, to concert & carry into Effect Schemes of Oppression, for any part of the Union, there is Nothing to depend upon, as an adequate Controul, to check the Inducements, that will exert to Sacrifice the weaker Party; That a Conjecture concerning the Extent of Influence is well founded, we need only recollect, that most of the Officers who will grow out of the Necessities of Revenue, & are an Appendage to that System, most of the Appointments of the federal Judiciary, on whose Decision will depend the great Controversies, in which States both foreign & domestic will be Parties, as well as those betwixt Citizens of the different States; most of the Officers in the military Establishment of the Union, most of those, Superior & Subordinate in the great Departments, will probably be chosen from the Inhabitants of the Surrounding District, as they will possess the Advantage of Soliciting, & Supporting their Pretensions, by personal Application & Address

And whereas, there is great Cause of Alarm in the Facility with which a combined Force in the federal Legislature, if connected with the adjacent States, may be assembled, whenever any great Question to which they were attached, was to be agitated, or any great Point determined in which it was necessary to outnumber their Opponents, & accomplish the Secret Wishes of an interested Majority,

It becomes an Object therefore, deeply affecting the Interests of the Union, to determine, where the federal Government Shall be placed, to Satisfy the general Wishes, & consult the mutual Convenience of the Union; where, it will be the best Situated, to preserve the Confederacy, by Suppressing Faction, guarding internal Tranquillity, & repelling external Invasion, for, if its Influence will be great, in the first years of its Establishment, by the Creation of numerous offices & the Enjoyment of a most extensive Patronage Congress should So place it, that the first Fruits of its Benefits may circulate as equally as possible, & that it may equally diffuse its animating Effects; To answer this salutary purpose it must be placed in the Centre of the Union, from whence its Operation may diverge, & be proportionally felt throughout the whole Extent of the United States; If it is placed at a Distance from this Central Point, its Foundation will be laid in extreme Partiality, & a View to local Aggrandizement & particular Interests, which Spirit, if too much cultivated in one part of the Union, must beget So unequal a Division of Strength, as must terminate, when aided by ambitious Views, in the

Extinction of the Confederacy, or the Degradation of a considerable Portion of it—

And whereas, it has been contended by very respectable Authority, that this Government was on too extended a Scale, & that its Movements could not be Sufficiently energetic to reach to, & controul the Extremities, & that the Reins of Government would consequently be relaxed at a Distance from the Seat of Empire; Now, to obviate this Objection as far as possible, & to Satisfy every part of the Union, that there is an equal Attention paid to its Interests & Convenience, its Position Should be fixed in the Midst of the Population of the Country, where, by Strengthening the Centre, the Extremities are fortified, where the Collective Resources of the Confederacy may be drawn into a Point, & administered with the greatest Facility, where, the Speediest Intelligence of hostile Preparations & Movements may be obtained, & a military force to oppose them, directed with the greatest Dispatch;

By being thus Situated, the more Southern States, which are in the Neighbourhood of continual Danger from their Contiguity to the settlements of foreign Nations, as well as to hostile Tribes of Indians, will feel a Confidence, by knowing that the Government, to which they look up for Protection, is placed as near them, as the general Interests of the Country will permit—Besides, the frequent & necessary Communications betwixt the Members of the federal Legislature & their Constituents, will be thereby facilitated, as well as those, betwixt the Officers of the great Departments, & their respective Dependencies in the different states

And whereas, the Place where Congress resides Should be free from Danger, & not exposed to the predatory naval Incursions of an Enemy, for without Such security the Functions of Government must be Suspended during an Alarm of War, untill a Place of Refuge can be found, where the Deliberations of Congress could be free from Apprehension, & where its Records could be deposited in unmolested Security—

And whereas, the Objects that will press most on the Attention of the first Congress will be those of Commerce & Revenue; and whereas the Regulation of the former & Establishment of the latter, require the Government to be Situated in a maritime, opulent, & populous Country, as well to promote the success of the great Operations of Finance, which essentially depend on the Confidence of the monied Interest, as to profit by the Institution of a Bank, which is an Engine of powerfull Effect, to aid the fiscal Administration, by anticipating the Revenues of the Country, & facilitating the requisite Supplies to the Treasury—

And whereas, Pennsylvania is not only the middle State, that Separates the Union into equal Divisions, but is Situated in the very Centre of

the national Population as must appear evident from the equal Number of senators & Representatives that the respective States in the Northward & southward Districts, are, by the Constitution, entitled to Send to the federal Legislature, And whereas, by being thus critically placed in the Midst of the Union, it fortunately happens, that Pennsylvania is a State of great Resource & Vigor, inhabited by a frugal & industrious People & is calculated to afford a respectable Weight to aid the Government, in counterpoising the undue Preponderance of either the Northern or Southern Scale, as well as to furnish Assistance, by a well trained Militia to any Part of the Union that may require it; And Altho, these Circumstances which under the old Confederation, might beget a political Jealousy in other states, must under the federal Constitution become a Cause of Congratulation, as by the Consolidated System of Union, all the States are melted down into one great Mass of common undivided Interest, & the Benefits to be procured by the Exertions & local Advantages of one State, are proportionally participated of by all the others, more particularly, as the most productive Branches of Revenue are exclusively appropriated by the general Government,

And whereas, from the general Expectation throughout the United States, that Pennsylvania would be the state where Proceedings under the new Constitution would commence, which opinion was founded not only on its various Advantages, both local & political its central & secure situation, but from its having been the Place, where the United Voice of America fixed the first Congress, & where the United Voice of America assembled the federal Convention, the Convention of the State of Pennsylvania have voted for the Accommodation of Congress untill it has fixed a permanent Residence,<sup>4</sup> the Use of all their public Buildings, Situate in Philadelphia, with an elegant Garden as an Appendage, occupying an entire Square, which Buildings, are Sufficiently extensive to Supply large & commodious Rooms for two deliberative Assemblies, as well as Offices for the Secretaries & the different Departments

1. MS, Bancroft Collection, Continental Congress, Bingham (William), NN. This undated document, in Bingham's handwriting, is endorsed: "A proposed Resolution to be made in Congress." Below this endorsement, in a different handwriting, appears: "In the handwriting of Wm. Bingham—& from his papers." Apparently the resolution was not introduced in Congress, perhaps because it was so similar to Hugh Williamson's motion of 6 August (printed immediately above). Bingham's proposed resolution provides a fuller argument in favor of a central location for the federal capital than either Williamson's motion or Bingham's newspaper essay signed by "A Member of the Federal Club" (*Pennsylvania Packet*, 22 August, RCS:Cong., 53–57n).

2. The text in angle brackets appears to have been struck out with a single line across each paragraph.

3. To avoid preferential treatment for Northern commercial and manufacturing interests, Southern Antifederalists wanted to require a two-thirds vote in Congress for passage of all commercial acts.

4. On 15 December 1787, the last day of its session, the Pennsylvania Convention by a vote of 48 to 11 adopted a resolution offering Congress “the use of such public buildings within the city of Philadelphia, or any other part of this state, as they may find convenient,” until Congress selected “a district for the place of their permanent residence” (RCS:Pa., 613).

### **Pennsylvania Gazette, 6 August 1788<sup>1</sup>**

Should Virginia give a President, and Massachusetts a Vice-President to the United States, Pennsylvania should certainly come in for the honor of being the seat of the federal government. Her central situation, her active federal spirit, which set the whole union in motion in favor of the constitution upon its first promulgation, her numerous resources for arts and manufactures, and the connection of her name with the original splendor and fame of Congress, all strongly mark her as the most proper state for the new government of the United States.

1. Reprints by 27 August (13): N.H. (2), Mass. (5), R.I. (1), Conn. (2), N.J. (1), Pa. (2).

### **Ebenezer Hazard to Jeremy Belknap New York, 7 August 1788 (excerpts)<sup>1</sup>**

My dear Sir,

It *was* “a mercy that the N York Convention did not hold their Session before that of your State [i.e., New Hampshire] & Virginia”; & indeed all things respecting the new Constitution have been mercifully ordered so far:—from the evident Interposition of Heaven in its favor I please myself with the Idea that it will answer the Purposes intended. . . .

Congress have been a Week debating about the Place for the new Con: to *meet* at Phila. was proposed & lost it:—Lancaster (in Pennsylvania) too. Baltimore carried it, but lost it on Reconsideration. N York was inserted in the Blank, having 7 1/2 States in its favr.—today<sup>2</sup> Rhode Island refused to vote on the *whole Ordinance*, & all is undone again for the present. I often meet with Proofs of Solomon’s Wisdom.—

1. RC, Belknap Papers, MHi. Printed: “The Belknap Papers,” *Collections* of the Massachusetts Historical Society, 5th series, Vol. III (Boston, 1877), 57–58. Belknap (1744–1798), a native of Boston and a 1762 graduate of Harvard College, was pastor of the Congregational Church in Dover, N.H., 1767–86, and, from 1787, of the Congregational Church in Long Lane in Boston.

2. Virginia’s congressional delegation split with James Madison and Henry Lee voting in favor of New York and Cyrus Griffin, Edward Carrington, and John Brown voting against New York. The Georgia delegation also split with William Few in favor and Abraham Baldwin against. Virginia’s split counted as a no vote but Georgia’s split meant that



the state's vote did not count. Hazzard, however, is counting Georgia as  $\frac{1}{2}$  in favor of New York.

**William Knox to Henry Knox**  
**New York, 7 August 1788 (excerpt)<sup>1</sup>**

The decisions in Congress yesterday were in favor of New York, Seven States for it Viz. N. Hampshire Rhode Island Connecticut, Massachusetts, N. York, New Jersey & South Carolina. Mr. Maddison & Colo. Harry Lee from Virginia in favor & Mr. Few of Georgia<sup>2</sup>—However to day the subject of the whole Ordinance being on the Carpet Rhode Island either declines voting or is not permitted by the Southern States to vote, so that the final business is still undetermined, and tomorrow may produce another change in the Majority of votes. . . .

I am Your Affectionate Brother

1. RC, Knox Papers, GLC02437.03957, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, at the New-York Historical Society.

2. See Ebenezer Hazard to Jeremy Belknap, 7 August, note 2 (immediately above).

**Abraham Yates, Jr.: Cautionary Certificate**  
**New York, 8 August 1788<sup>1</sup>**

In early August 1788, New York was represented in Congress by four delegates—Egbert Benson, Alexander Hamilton, Ezra L'Hommedieu, and Abraham Yates, Jr. A fifth delegate, Leonard Gansevoort, was not in attendance and would probably not be able to attend in the near future. During the debate over the ordinance for putting the new Constitution into effect, one of the key issues was locating the meeting place of the new government. Advocates for New York City, Philadelphia, Baltimore, and several other sites strenuously lobbied for their city. Before the final vote on the ordinance, Benson and L'Hommedieu were scheduled to leave Congress to attend a meeting with the Six Nations (Iroquois). Thus there was a good chance that when the final vote on the ordinance came up, only Yates and Hamilton would represent New York.

In Congress, the vote was by state delegation, not by delegate. A minimum of two delegates was required to have an official delegation in Congress. If a delegation split its vote evenly, the delegation would be recorded as divided. Thus, if only Yates and Hamilton represented New York, the delegation could be split. Yates made an agreement with his three fellow delegates, all of whom supported the ordinance. He promised that he would vote for the ordinance if only he and Hamilton were in attendance, thus guaranteeing that New York's delegation favored the measure. If, however, the final vote came when more than two delegates were in attendance, Yates would enter his dissent or not vote. Yates signed this "Cautionary Certificate," which was followed by a paragraph signed by the other three delegates.

When the "final question" on the election ordinance was taken on 13 September, only Hamilton and Gansevoort represented New York in Congress. Yates had left Congress around 5 September.

Being Confident that the Constitution for the general government in its present form will be destructive to the liberties of the People: And as such by every means to be avoided as one of the greatest of all evils: and that the convention of new york in adopting it without express conditional amendments have been mistaken both in their expectations and apprehensions—I intended upon the Ordinance to organize the same to preserve to myself the evidence of a desent on the final question.

But being now called upon by my Collegues and informed, that Messrs. Lehommedieu and Benson must leave this place on Wednesday next to meet the six nations: That it is not likely that Mr Gansevoort, altho Wrote for Will then be down; That in the Mean time the vote of the state may be called for, and if so Cannot be Carried Without me; That the Convention having adopted the Constitution, my vote cannot be attended with any other inconsistency or inconveancy than that of Acting Against my private Judgment; When the loss of the vote of the state, might be attended, With the Removal of Congress to a place less conveneant to the Citizens of this state, and less promising to obtain the amendments Which the Convention have looked upon indispensibly Necessary for the security of the liberty and fredom of the People.

In this situation, if the question should be put, and as often as the vote of the state cannot be carried without me I shall Join in the vote to compleat the Ordinance: Being Assured that should the vote be put before Messrs. Lehommedieu and Benson go of[f] or after Mr Gansevoort is arrived they will assist me in geting my desent entered or to avoid voteing in a Manner most desent and proper

Abm. Yates Junr

Done on Friday 8th Augt. 1788

We do Certify that Mr Yates has delivered to us a paper subscribed by him (of which the proceeding is a Copy) as declarative of his principles on Which he Will vote in Congress in the affirmative on the final question on the ordinance for puting the new constitution for the united states into operation

Ezra L Hommedieu  
Egbt. Benson  
Alexander Hamilton

1. ADS, Yates Papers, NN. Docketed: "Abm. Yates Junr.'s/Cautionary Certificate/respecting his Conduct/on the United States/constitution/8 August 1788/xd May 31." A draft of the certificate is also in the Yates Papers. L'Hommedieu, Benson, and Hamilton signed the draft. On the smooth copy, Yates wrote their names.

Yates (1724–1796), a native and resident of Albany, was a strong supporter of American independence and a delegate to the New York provincial congresses, 1775–77. He was

chairman of the committee that drafted the state constitution in 1777. He was a state senator, 1777–90; a delegate to the Confederation Congress, 1787–88; and the mayor of Albany, 1790–96. Throughout the 1780s he wrote newspaper articles and pamphlets opposing the increase of Congress' powers at the expense of the states. As an Antifederalist leader, he also wrote newspaper articles attacking the Constitution.

**Henry Lee to Richard Henry Lee**  
**New York, 10 August 1788 (except)<sup>1</sup>**

. . . Congress are yet engaged concerning the temporary residence of the fœderal Govt.—N York will probably succeed notwithstanding the ardent love which so many bear to Philada. & therefore Potomac will have a good chance for the permanent residence—At all events I think that the ten miles square may be to the south of the susquehannah which will assist in its consequences very much the trade of the chesapeak. . . .

1. RC, Lee Family Papers, University of Virginia Library. Printed; Smith, *Letters*, XXV, 285. Henry Lee (1756–1818), a 1773 graduate of the College of New Jersey (Princeton) and a Westmoreland County, Va., planter, was an officer in the Continental Army during the Revolutionary War, a member of the House of Delegates, 1785–86, 1789–91, 1795–99, and a delegate to the Confederation Congress, 1786–88. He voted to ratify the Constitution in the Virginia Convention in June 1788. He was governor, 1791–94. His cousin, Richard Henry Lee (1732–1794), was a Westmoreland County planter. He represented that county in the lower house of the state legislature for much of the time between 1758 and 1785. He was a delegate to Congress, 1774–79, 1784–85 (president), 1787. He signed the Declaration of Independence and the Articles of Confederation. Lee declined appointment to the Constitutional Convention and opposed ratification of the Constitution. He was a U.S. Senator, 1789–92.

**James Madison to George Washington**  
**New York, 11 August 1788<sup>1</sup>**

I have been duly favored with yours of the 3d. instant.<sup>2</sup> The length of the interval since my last has proceeded from a daily expectation of being able to communicate the final arrangements for introducing the new Government. The place of meeting has undergone much discussion as you conjectured and still remains to be fixed. Philadelphia was first named and negatived by a voice from Delaware. New York came forward next. Lancaster was opposed to it & failed. Baltimore was next tried and to the surprize of every one had seven votes. It was easy to see that that ground had it been free from objections was not maintainable. Accordingly the next day New York was inserted in the place of it with the aid of the vote of Rhode Island. Rhode Island however has refused to give a final vote in the business and has actually retired from Congress. The question will be resumed between New York and

Philadelphia. It was much to be wished that a fit place for a respectable outset to the Government could be found more central than either. The former is inadmissible if any regard is to be had to the Southern or Western country. It is so with me for another reason, that it tends to stop the final and permanent seat short of the Potowmac certainly, and probably in the state of New Jersey. I *know* this to be one of the views of the advocates for New York. The only chance the Potowmac has is to get things in such a train that a coalition may take place between the Southern and Eastern states on the subject and still more that the final seat may be undecided for two or three years, within which period the Western and South Western population will enter more into the estimate. Wherever Congress may be, the choice if speedily made will not be sufficiently influenced by that consideration. In this point of view I am of opinion Baltimore would have been unfriendly to the true object. It would have retained Congress but a moment, so many States being North of it, and dissatisfied with it, and would have produced a coalition among those States and a precipitate election of the permanent seat and an intermediate removal to a more northern position.

You will have seen the circular letter from the Convention of this State.<sup>3</sup> It has a most pestilent tendency. If an early general Convention cannot be parried, it is seriously to be feared that the system which has resisted so many direct attacks may be at last successfully undermined by its enemies. It is now perhaps to be wished that Rhode Island may not accede til this new crisis of danger be over. Some think it would have been better if even New York had held out til the operation of the Government could have dissipated the fears which artifice had created, and the attempts resulting from those fears and artifices. We hear nothing yet from North Carolina more than comes by the way of Petersburg.

1. RC, Washington Papers, DLC. Madison's copy (Madison Papers, DLC) is misdated 15 August. On 11 August Madison wrote a similar letter to Virginia Governor Edmund Randolph (Rutland, *Madison*, XI, 227–29). Washington responded to Madison's letter on 18 August (RCS:Cong., 45–46n).

2. For Washington's letter of 3 August, a response to Madison's letters of 21 and 27 July, see RCS:Cong., 28–29. Madison's 27 July letter has not been located. For an excerpt from the 21 July letter, see RCS:Cong., 21–22.

3. For New York's Circular Letter of 26 July, see RCS:N.Y., 2335–37n; CC:818–C.

**William Knox to Henry Knox**  
**New York, 14 August 1788 (excerpt)<sup>1</sup>**

... Congress have undone yesterday all they had heretofore done with respect the Ordinance, and nothing to day has been transacted

on the business so that where they will next meet is uncertain—North Carolina has rejected the Constitution by a great Majority. . . .

1. RC, Knox Papers, GLC02437.03961, The Gilder Lehrman Collection, The Gilder Lehrman Institute of American History, at the New-York Historical Society.

**George Washington to James Madison**  
**Mount Vernon, 17–18 August 1788 (excerpts)<sup>1</sup>**

. . . That the circular letter from the Convention of New York should be handed to the public as the unanimous sense of that body is, to me, surprizing.—It will, I fear, be attended with pernicious consequences.—The decision of North Carolina—unaccountable as it is—is not, in my opinion, more to be regretted.<sup>2</sup> . . .

[18 August] I had written this letter, but had not sent it to the Post-Office, when your favor of the 11th.<sup>3</sup> was brought to me.—

I am clearly in sentiment with you that the longer the question respecting the permanent Seat of Congress remains unagitated,<sup>4</sup> the greater certainty there will be of its fixture in a central spot.—But not having the same means of information and judging that you have, it would have been a moot point with me, whether a *temporary* residence of that body at New York would not have been a less likely mean of keeping it *ultimately* from the center (being farther removed from it) than if it was to be at Philada., because, in proportion (as you draw it to the center, you lessen the inconveniences and of course the solicitude of the Southern & Western extremities;)<sup>5</sup>—and when to these are super-added<sup>6</sup> the acquaintances and connections which naturally will be formed—the expences which more than probably will be incurred for the accomodation of the public Offices<sup>7</sup>—with a long train of et-ceteras, it might be found an arduous task to approach nearer to the Axis thereafter.—These, however, are first thoughts; and may not go to the true principles of policy which governs in this case.—

1. RC, Berg Collection, NN. Printed: Abbot, *Washington, Confederation Series*, VI, 454–55; Rutland, *Madison*, XI, 234–35. The letterbook copy (Washington Papers, DLC) differs in numerous ways from the recipient's copy. See notes 4–7 (below) for significant differences. Madison responded to Washington on 24 August (RCS:Cong., 57–59).

2. On 2 August the North Carolina Convention proposed amendments to the Constitution and refused to ratify the Constitution until amendments were submitted to the first federal Congress and to a “Convention of the States that shall or may be called for the Purpose of Amending the said Constitution” (CC:821).

3. See RCS:Cong., 43–44.

4. “Remains unagitated” replaced “is delayed” in the letterbook copy. One of the definitions of “agitate” is “to discuss, debate, or push forward.” In other words, the longer the issue was not discussed, etc., the more likely the capital would be moved.

5. In the letterbook the text in angle brackets reads: “as you draw to the center the inconveniences which are felt by the Southern & western extremities of the Union will be lessened, and of course their anxieties.”

6. In the letterbook “safe added.”

7. In the letterbook “Officers.”

**William Irvine to Samuel Holden Parsons**  
**New York, 18 August 1788 (excerpt)<sup>1</sup>**

... [All the States?] except Rhode Island and North Carolina have adopted the new Government, accounts have just arrived here that the latter have rejected by 100 of a majority in their Convention—Congress have been employed some time on an Ordinance for organizing the Government—which was all pretty easily gone through til the place of meeting of the new Congress became a question, since which there has been a stagnation, many places have been proposed & rejected, some agreed to, then reconsidered, in short there has been on this subject hitherto little spirit of accommodation shewn—at present this business is suspended, in part occasioned by a kind of abdication of the Rhode Island Delegates, who did not think themselves at liberty to vote on the final question for organizing the Government, as their State had rejected, tho they did on the place of meeting—some say they are to return with instructions, but I hope ere that, a greater degree of harmony will prevail—should this be the case it is not improbable I think that Lancaster in Penna. will be the place, but if *violent* voting is still adhered to, N york will be the place. . . .

1. Copy, Caryl Roberts Collection of Irvine Papers, Phi. Irvine (1741–1804), a brigadier general in the Continental Army and Pennsylvania delegate to the Confederation Congress, 1787–88, was defeated for election to the U.S. Senate and the U.S. House of Representatives in 1788. Parsons (1737–1789), a Connecticut lawyer, served as a Continental Army officer during the Revolutionary War. Congress appointed him a land commissioner to deal with Indians in the Northwest Territory in 1785 and a judge of the Northwest Territory in 1787. He became a director of the Ohio Company in the latter year. He voted to ratify the Constitution in the Connecticut Convention in January 1788, and in April he moved to the Ohio frontier.

**William Bingham to Benjamin Rush**  
**New York, 19 August 1788<sup>1</sup>**

I find that some of the Advocates for New York begin to be alarmed at the Tendency of their Perserverance in Supporting the Pretensions of a Place So very improper for the Seat of federal Government.

If they could have carried the Point by a Coup de Main<sup>2</sup> the public Mind would not have had Time to be agitated.

The Delay has given room for reflection and the more the object is contemplated, the greater appears the Injustice oppression and Partiality that must arise to the Southern States from such an Arrangement.

The Friends to the federal Government even in the Eastern States, if they wish the Tranquillity of the Union, must deprecate the pernicious Consequences that will ensue.

It would have a good Effect to let it appear, that the Views of those who advocate the Claim of New York are known out of the Door of Congress. For this purpose I have hurried over a rough Piece, which I would wish inserted in Dunlap's Paper to Morrow.<sup>3</sup>

The signature does not involve an Expectation of Attention to the Stile. It must be kept an entire secret that I am the Author.

It is plain Argument divested of personal reflection, and can give no Offence.

Care Should be taken to have it inserted in Several Philad[elphi]a Papers, as well as to introduce it in Some of those of New York, which possibly can be accomplished thro[ugh] the Agency of the Printers.

It is impossible to determine as yet what will be the Issue of this Business.

1. RC, Alexander Biddle Collection, PHi. The letter is dated only "Tuesday Morning." The newspaper essay probably referred to in the letter appeared on 22 August (note 3 below). The previous Tuesday was the nineteenth. Rush (1745–1813), a Philadelphia physician, was a prolific writer on medical subjects, social reforms, and state and national politics. Beginning in 1776, he advocated the establishment of a strong central government. He supported the Constitution in newspaper articles and Philadelphia town meetings and voted for ratification in the Pennsylvania Convention in December 1787. In the 1790's Rush became a Democratic-Republican and served as Treasurer of the U.S. Mint from 1797 to 1813.

2. French: A sudden surprise attack.

3. The essay was probably "A Member of the Federal Club," *Pennsylvania Packet*, 22 August (RCS:Cong., 53–57n).

### **Thomas FitzSimons to Samuel Meredith Philadelphia, 20 August 1788<sup>1</sup>**

I would have wrote to you sometime Ago if I had not expected your Return, but if you Mean to Stay till Congress Agree where their Successors are to Meet I am afraid, I shall be deprived for a good while of the pleasure of seeing you—

Without Knowing more than any person out of Congress can know it would be Impertinent to offer an Opinion as to what is best to be done under present Circumstances but on the other hand, those without are better informed of the opinions of people abroad than Congress are—it seems to be a very General one here, that their delaying

to make the Recommendation pointed out by the New Constitution till the Adoption by New York was Improper & laid the foundation of all the subsequent Cabal Intrigue & final disappointm[en]t but the delay now is Considered by many (& I Confess I am one of them) as highly Injurious to the Common Cause—there are Moments in public as well as private affairs—which if not Improved are Never to be Recoverd I fear you are Loseing that time and giving an oppy to artfull & Industrious Enemy's to counteract all that has been done—You know the Indefatigable perseverance of a party in this state and how deficient their opponents are in these Necessary quality's they are at this Moment Using every means in their power. the principle one will be to delay any Measure that Relates to the Genl Government till the Meeting of the New assembly in which they hope to have more Influence than in the present—whether that will be the case or not it is not easy to determine—but it would at least be Safer to take advant[ag]e of the present Which I suppose may be done if your ordinance comes out. It must Occurr to you that the Representation of this state in the New Congress will in a Great Measure depend upon the plann that May be adopted for Chussing them. a Good Mode Might now I believe be Obtained Which in another assembly would not be practicable—this perhaps may exist More in my fears than in Reality, but I see such a Supineness in many that I Confess I have my fears—

there is one Circumstance Which gives weight to My opinion that is the No [i.e., Number] of people Concern'd in Public security's & Who will make their interest in that Respect the Pole Starr of their direction—at present they recive Interest from the state—Which tho depreciated is Important this Interest arise from Impost & Excise both of which they foresee will Imm[ediately] fall into the hands of the New Governm[en]t And as it will not be possible for them to make any Arrangement Immy of the Domestic debt of Course a Suspension must take place—some Mens fears go further & suggest the possibility of a Composition in that debt—And from hence Nos. Advocating the Alteration of that part that respects direct taxation they say make Requisition & if not Complyd with then let Congress have the power in Case of Requisition they would Levy the tax and set off the Interest pd in Continental Certificates

There are so many people interested in this Arrangement that you may depend upon it the friends of the New Government will divide upon it and those so Circumstanced will endeavor to trust in men that will promote their Views you Know Moreover that the Constn party in Pensylva foresee their Annihilation if they cannot Get into the Genl Legislature where they may Combine with men of like Views from the



other states—I am persuaded the more time they have the more formidable they will appear and that Nothing Can happen so Injurious to the Common Cause as the delay of Congress—

I will say nothing as to place. I Suppose it must be New York tho I confess I think them least intitled to that honor—I think too Pensylva may have it in her power to retaliate severely—in some of those Who have so Rancorously Opposed her—but at any rate Let us not Lose the fruit of all our former Exertions & Remain the Scoff of Every other Country—

1. RC, John Read, Jr., Papers, Library Company of Philadelphia. Because the last page of the letter is missing, there is no addressee indicated and no signature. The letter was written to a delegate in Congress, probably Samuel Meredith, because other letters to Meredith are in the Read Papers. FitzSimons (1741–1811), a Philadelphia merchant and banker and a Pennsylvania assemblyman, was a delegate to Congress, 1782–83, and a signer of the Constitution in the Constitutional Convention. He was a member of the U.S. House of Representatives, 1789–95. Meredith (1741–1817), a Philadelphia merchant-banker, rose to the rank of brigadier general during the Revolutionary War, served in the Pennsylvania Assembly, 1778–79, 1781–83, and was a delegate to the Confederation Congress, 1786–88. He was treasurer of the United States, 1789–1801.

**Robert Morris to Samuel Meredith**  
**Philadelphia, 20 August 1788 (excerpt)<sup>1</sup>**

. . . If Congress permit the Ordinance for the New Government to Sleep much longer they will probably meet the Reproaches of the Major part of the People of America, the sole consideration that ought to influence the determination of “Place” for the Meeting of the New Government, should be which is the properest place for them, not which is most agreeable to the interest or Humour of the Members of the present Congress. However I dont care much how this question is determined but I think it ought to be soon *determined*. . . .

1. RC, Clymer-Meredith-Read Papers, NN. Morris (1734–1806), a native of England and Philadelphia merchant, was a delegate to the Continental Congress, 1775–76, where he voted against independence but signed the Declaration of Independence. He had a contract for supplying the Continental Army during the Revolutionary War and was U.S. Superintendent of Finance, 1781–84. He was a delegate to the Constitutional Convention, 1787, where he signed the Constitution, and a U.S. Senator, 1789–95.

**James R. Reid to Tench Coxe**  
**New York, 20 August 1788<sup>1</sup>**

My dear Sir,

on my arrival I made some enquiries into the relative views and strength of the parties on the question lately agitated with so much

violent intemperance in Congress. I found them nearly as I had left them, with wounds still smarting and the sicatrise<sup>2</sup> unformed. and indeed at present they have the appearance of two fortified Camps within view of each other, neither of whom wish to come out of their strong hold—what will be the probable consequence is mere conjecture—The eastern States seem more anxious (though not more interested) to give immediate operation to the New Government than the people of the South, the late rebellion in Massachusetts<sup>3</sup> urges to an immediate transition from this to a better Government The powerful antifederal influence in this State will not weaken by delay—

we can pretend that the Southern States will be very well accommodated if the new government shall [not] be put in motion untill next fall coming a year and in a particular manner the State of Pennsylvania who can lay up a private purse out of her impost—Virginia is also a state of great internal resources and can better her funds by delay, what those arguments may produce depends upon the experiment. This my dear friend is a jesuitical policy which grows out of necessity, and is the only weapon with which we can combat an enemy with similar weapons and on similar ground honesty is certainly the best policy but it cannot always be brought fairly into view

as soon as opinion takes any form I shall send it to you if it has but one feature—at present there is no such thing by which we can judge of the event

I delivered Your letters, and wish You a great deal of health & happiness

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. No addressee is indicated, but evidently the letter was written to Coxe. Reid (1750–1789), a 1775 graduate of the College of New Jersey (Princeton) and a former major in the Continental Army, was a Pennsylvania delegate to the Confederation Congress, 1787–1789.

2. “Cicatrice” is French for “scar.”

3. Shays’s Rebellion.

### Massachusetts Centinel, 20 August 1788<sup>1</sup>

“*Great bodies move slow*”—or it would seem, says a correspondent, that Congress have had time sufficient, since the ratification by nine States, of framing an act for putting the new government into operation. The delay does not give satisfaction to the *Masters of Congress*, THE PEOPLE, who scruple not to attribute it to motives, which it is to be hoped do not exist.

1. Reprinted: Worcester, Mass., *American Herald*, 21 August; *Connecticut Courant*, 25 August; *New York Morning Post*, 28 August; and *Pennsylvania Gazette*, 3 September.

**Thomas B. Wait to George Thatcher**  
**Portland, Maine, 21 August 1788 (excerpt)<sup>1</sup>**

My dear Thatcher

. . . Why, my friend, do you contend so warmly for Newyork, as the seat of Government?—Do you, in this, act the part of a *true Fiederal Philosopher*?—We should remember the question is not, What will be most convenient, or best suit the interest of Newengland?—But what does the interest of the Union require?—How shall that be accomodated?—But this last I suppose would be an odd question in Congress—There, it is the *Southern*, interest, or the *Northern*; and every man of them ranges himself upon one side or the other, and contends with as much earnestness and warmth as if at an Olympic Game.—

Well, fight it out; and I will have the pleasure of standing aloof, looking on and making *now and then* an observation on the squabble—One remark now, if you please—or rather a Query—Will not this clashing of interest produce a creation of *new*, and a division, and subdivision of the *old* States?—A *diminution* of state influence will follow—in exact proportion to *which* the power and Consequence of Congress will be increased—Curse on the prospect—it does not please me—so I will say no more about it. . . .

Your everlasting friend

1. RC, Thatcher Papers, Boston Public Library. Wait (1762–1830), an Antifederalist, was publisher of the Portland, Maine, *Cumberland Gazette* and a close friend of Thatcher.

**James Madison to Edmund Randolph**  
**New York, 22 August 1788<sup>1</sup>**

My dear friend

I have your favor of the 13th. The effect of Clintons circular letter<sup>2</sup> in Virga. does not surprise me. It is a signal of concord & hope to the enemies of the Constitution every where, and will I fear prove extremely dangerous. Notwithstanding your remarks on the subject I cannot but think that an *early* convention will be an unadvised measure. It will evidently be the offspring of party & passion, and will probably for that reason alone be the parent of error and public injury. It is pretty clear that a majority of the people of the Union are in favor of the Constitution as it stands, or at least are not dissatisfied with it in that form; or if this be not the case it is at least clear that a greater proportion unite in that system than are likely to unite in any other theory. Should radical alterations take place therefore they will not result from the deliberate sense of the people, but will be obtained by management,

or extorted by menaces, and will be a real sacrifice of the public will as well as of the public good, to the views of individuals & perhaps the ambition of the State legislatures.

Congress have come to no final decision as to the place for convening the new Governmt. It is unfortunately become a question now between N. & South, and notwithstanding the palpable unreasonableness of the thing, an adherence to N. York in preference to any more central position seems to grow stronger & stronger, and upon grounds which tend to keep Congress here till a permanent seat be established. In this point of view I own the business has a serious aspect considering injustice & oppression to the S. Western & Western parts of the Union.

Yr. afecly.

1. RC, Madison Papers, DLC. No addressee is indicated, but the letter is clearly a reply to Randolph's letter of 13 August (Rutland, *Madison*, XI, 231–32). Randolph replied to this letter on 3 September (Rutland, *Madison*, XI, 246–47).

2. New York's Circular Letter, passed unanimously by the state Convention on 26 July 1788, called for a second general convention of the states to consider amendments to the Constitution (RCS:N.Y., 2335–37n; CC:818–C).

### **James Sullivan to George Thatcher**

**Boston, 22 August 1788<sup>1</sup>**

A Squadron of french ships 14 in the whole are Entering our harbor

We are generally attentive in this Town to the question where the Seat of the federal Government is to be the General opinion is, that you ought by no means to agree upon Philadelphia for the first meeting of the new arranged Congress, because the Government if it meets in a large City will take a Stile instead of giving one, if it meets there it will not be easily removed to a more Central & convenient place, but if it meets at New York a removing will be easily effected—when we cast our Eye on the Map of the union & consider the extent Westward we should I think conceive the Potomack the Central place, a River Navigable into the Country two hundred miles including the Chesapeake will I believe invite to the building a metropolis where Packets may have access & where an Army or fleet cannot reach in hostility before the whole Country is subdued—Why the members of the Southern States vote for Philadelphia unless they intend to fix Congress finally there I do not conceive

They are all talking here of Washington for President and Hancock Vice President. There is some doubt whether the former will accept—but I believe there is not doubt as to the other

1. Printed: William F. Goodwin, ed., "The Thatcher Papers," *The Historical Magazine*, 2nd ser., VI (1869), 350. Sullivan (1744–1808), a native of Maine and a Boston lawyer,

was judge of probate for Suffolk County, 1788–90. He became Massachusetts attorney general in 1790, holding that position until 1807.

**A Member of the Federal Club  
Pennsylvania Packet, 22 August 1788<sup>1</sup>**

Messrs. Printers, I am a plain unlettered man, but a good federalist, and strongly attached to the constitution and form of government established by the convention.

I belong to a club that meet every evening, where none but federal liquors are introduced, such as Hare's porter, Haine's beer, or Jones's cyder.

It is said that it requires some previous tuition to make a cobbler, but that every man thinks himself born a politician;—this is literally the case with our club;—But although we freely discuss all subjects of a public nature, we admit no crooked or eccentric paths in our politics.—we endeavour to square our opinions by the strait lines of plain reason.

We have been lately much agitated with the question, concerning the place where the federal government is to be convened, which we think ought to have been determined as soon as nine states had ratified, but which we find is not as yet decided;—this delay has given a great alarm, and has begun to create a very considerable clamour through the country.

Our first conjecture was, that an attempt was made to arrest the progress of this business, and that Congress was not willing to sign its own death warrant, or if it must die, like Macheath in the opera,<sup>2</sup> it would die hard, and not part with its existence without a struggle—this was soon found to be an anti-federal report.

However, we have since been informed, that the contest in Congress is concerning the place where the new government is to be convened.

The dictates of common sense induced us to believe, that Philadelphia being the place where the first Congress was assembled, and where the Federal Convention was appointed to meet, would be preferred, until a permanent residence was fixed by Congress, more particularly, as we never heard that any state had expressed a dissatisfaction with this arrangement.

But we find that the city of New-York claims a preference over Philadelphia, Lancaster and Baltimore, which places, we understand, have been successively in nomination. We have examined the pretensions of this city, and the causes that could lead its friends to advocate them.

Some of our club, Messrs. Printers, are mechanics, who are in the habit of rearing their superstructures on solid foundations;—they therefore require that arguments addressed to them, must be well supported.

We began with an examination of the letter addressed to Congress, by the president of the convention, when the constitution was transmitted, in which he informs them that a spirit of amity and of mutual deference and concession alone induced so unanimous a concurrence to this plan of government, which the diversity of state interests seemed rather calculated to preclude:<sup>3</sup>—It was but a reasonable expectation, that the same spirit would actuate Congress, and that the first act of government would indicate a disposition to impart equal advantages and accommodations to every part of the union—that consequently the government would be assembled to commence proceedings in the place, nearest the centre of national population.

The convention has furnished a rule by which the relative situation of each state, in this respect, may be determined—which is, by the number of representatives, that it is entitled to send to the federal legislature.—We examined the pretensions of New York by this scale, and found that there were but 17 representatives from the states to the northward, and as many as forty-two from those to the southward, which calculated by 40,000 to each representative<sup>4</sup> makes 680,000 inhabitants on one side, & 1,980,000<sup>5</sup> on the other—we found likewise that the extreme part of the district from which the 168,000 are to come, amount to above 1000 miles and on the opposite side to about 350 miles.—Such an arrangement militates against every principle of republican government, and of the federal constitution, which was instituted for the purpose of promoting the general welfare, and of securing equal rights to the people—It must involve the southern states in the greatest inconvenience, from the number of persons that will have business to transact with the federal government, and the federal judiciary, who must travel such a great distance beyond the central point.

Besides, the more southern states, which are in the neighbourhood of continual danger from their contiguity to hostile tribes of Indians, as well as to foreign nations, and which are so weak and defenceless, must complain at having the power of that government exercised at such a distance, whose protection alone can insure them tranquility;—and in case of domestic insurrections, or external invasions, the necessary assistance must be delayed, in proportion to the time it will take in soliciting it—the essential communications betwixt the southern members of the federal legislature and their constituents will be greatly obstructed by placing Congress in such an eccentric position; and these communications will be required with the greater solicitude, as the states, having resigned such considerable powers in favor of the federal government, will be impatient to know in what manner they will be affected by the exercise of them, in the organization of the new system.

The great and complicated interests of the western country, where new settlements are forming that will soon rise into independent states, demand a pointed attention, and require Congress to be placed in a central situation.

We know, Messrs. Printers, that the southern and northern parts of the union have interests and pursuits essentially different—the former, consisting chiefly of planters and consumers, and the latter of agricultural, commercial and manufacturing people.

We have been told, that the southern delegates in the convention, with great reluctance yielded to a bare majority the powers of regulating commerce, from an apprehension that a combination of states that had similar interests might be easily formed, which by partial operations of government, could greatly oppress the southern district of the union.

We find, that this has been the popular topic of declamation, to work on the passions of the people, in the southern conventions, and we discover that Virginia has founded one of her proposed amendments on her fears on this subject;<sup>6</sup>—we are likewise told, that Patrick Henry so much deprecated the pernicious effects that might arise to Virginia from the exercise of this power, that he concluded a most eloquent harangue, by saying, that he would narrowly watch its tendency, with the eye of an eagle, watching its prey.

If the strength and connection of the northern members of the confederacy have already created such great alarm in the southern states, why should it be increased by placing Congress in the midst of this district, thereby throwing all the influence of government in the scale that is already thought to be preponderant.

This local influence must be immense when it is considered that the numerous appointments of officers under government will be generally confined to the inhabitants of the surrounding district, they being on the spot to solicit, and by personal application and address to enforce their pretensions.

The revenues of the confederacy, drawn from all parts of the union, will be mostly expended in the adjacent country, to the great benefit and emolument of those states, which approach nearest to the seat of government; and in the discussion of great points which involve peculiar advantages to the northern parts of the union, the ease of obtaining a full representation of their members, so as to insure a decided majority, is certainly a cause of serious apprehension to the southern states.

I have been told, Messrs. Printers, that the kings of England have much increased the powers of the executive authority, since they have

been compelled to exchange the stern voice of prerogative, for the more persuasive accents of influence; this influence must exist in every government, in proportion to the extent of its powers and of its revenue system; and its effects must be greatly felt in the districts which approach the place where the government is administered.

To prevent the appearances of local aggrandizement operating at the expence of public interests, it becomes absolutely necessary to place the government in the centre of the union, that its benefits and advantages may be equally diffused.

I cannot expect, Messrs. Printers, that the sentiments of a plain man, like myself, can have any effect on the opinions of those great statesmen in Congress that hold the reins of government. But it certainly would be expedient at this critical period of our affairs, to sacrifice points of lesser magnitude, to preserve the union.

How can the northern states expect a ready concurrence of the southern, in granting a monopoly of the carrying trade, in establishing high duties on the importation of such articles from Europe, as they manufacture and can supply the southern states with, in the attainment of great advantages in commercial treaties, when their first agency in an act of government that has a view to the new system involves partiality and injustice as it regards the southern states, and must create in them, a spirit of discord and disunion, instead of a temper of harmony and conciliation, and which must necessarily operate in the formation of the first acts of legislation.

It will be said that the delegates from a southern state, acquiesce in the obnoxious derangement; individuals may err—but the people can never be mistaken—for their language is always governed by their interests; and what the interests of that state are, viewing its local position, taking into consideration its surrender of powers to the general government, will not admit of a moment's hesitation to decide.

It is really time this important question was determined. Every federalist throughout the union laments and deprecates the consequences of delay. Every antifederalist rejoices in it, as most conducive to the purposes of confusion.

It will not be surprising that New-York obstinately adheres to her pretensions; but it is to be expected that the other states, less interested in the event, will possess a more accommodating spirit, and put an end to a contest that has disgraced the councils of the nation, and must terminate, if longer pursued, in the most dreadful consequences to the union.

1. William Bingham was probably the author. See Bingham to Benjamin Rush, 19 August, and Thomas Willing to Bingham, 27 August (RCS:Cong., 47, 62–63). The essay



was reprinted in the *New York Journal*, 4 September. An article using similar arguments appeared in the *Pennsylvania Packet* on 25 August (Mfm:Cong. 1).

2. A reference to the highwayman and womanizer who is the main character in *The Beggar's Opera* by John Gay and John Christopher Pepusch (London, 1728). Macheath is jailed, escapes, rearrested, sentenced to hang, and reprieved at the last moment.

3. For the letter from George Washington, the president of the Constitutional Convention, to the president of the Confederation Congress, 17 September 1787, see the Convention's report in Appendix II (RCS:Vt., 245–46).

4. The Constitution provided that there should be no more than one representative for every 30,000 inhabitants. This error was repeated in other newspaper items.

5. The correct figure here and in the line below should be 1,680,000.

6. The eighth amendment proposed by the Virginia Convention on 27 June 1788 provided that all navigation (commercial) acts be passed by a two-thirds vote in each house of Congress (RCS:Va., 1554; CC:790, p. 204).

### **James Madison to George Washington New York, 24 August 1788<sup>1</sup>**

I was yesterday favored with yours of the 17th. 18th. under the same cover with the papers from Mr. [Thomas] Pleasants.<sup>2</sup> The Circular letter from this State<sup>3</sup> is certainly a matter of as much regret, as the *unanimity* with which it passed is matter of surprize. I find it is every where, and particularly in Virginia, laid hold of as the signal for united exertions in pursuit of *early* amendments. In Pennsylv. the antifederal leaders are I understand, soon to have a meeting at Harrisburg, in order to concert proper arrangements on the part of that State.<sup>4</sup> I begin now to accede to the opinion, which has been avowed for some time by many, that the circumstances involved in the ratification of New York will prove more injurious than a rejection would have done. The latter wd. have rather alarmed the well meaning antifederalists elsewhere, would have had no ill effect on the other party, would have excited the indignation of the neighbouring States, and would have been necessarily followed by a speedy reconsideration of the subject. I am not able to account for the concurrence of the federal part of the Convention in the circular address, on any other principle than the determination to purchase an immediate ratification in any form and at any price, rather than disappoint this City of a chance for the new Congress. This solution is sufficiently justified by the eagerness displayed on this point, and the evident disposition to risk and sacrifice every thing to it. Unfortunately the disagreeable question continues to be undecided, and is now in a state more perplexing than ever. By the last vote taken, the whole arrangement was thrown out, and the departure of Rho. Island & the refusal of N. Carolina to participate further in the business, has left eleven States only to take it up anew. In this number there are not

seven States for any place, and the disposition to relax, as usually happens, decreases with the progress of the contest. What and when the issue is to be is really more than I can foresee. It is truly mortifying that the outset of the new Government should be immediately preceded by such a display of locality, as portends the continuance of an evil which has dishonored the old, and gives countenance to some of the most popular arguments which have been inculcated by the Southern anti-federalists.

New York has appeared to me extremely objectionable on the following grounds. It violates too palpably the simple and obvious principle that the seat of public business should be made as equally convenient to every part of the public, as the requisite accommodations for executing the business will permit. This consideration has the more weight, as well on account of the catholic spirit professed by the Constitution, as of the increased resort which it will require from every quarter of the Continent. It seems to be particularly essential that an eye should be had in all our public arrangements to the accommodation of the Western Country, which perhaps cannot be sufficiently gratified at any rate, but which might be furnished with new fuel to its jealousy by being summoned to the sea-shore & almost at one end of the Continent. There are reasons, but of too confidential a nature for any other than verbal communication, which make it of critical importance that neither cause, nor pretext should be given for distrusts in that quarter of the policy towards it in this. I have apprehended also that a preference so favorable to the Eastern States would be represented in the Southern as a decisive proof of the preponderance of that scale, and a justification of all the antifederal arguments drawn from that danger. Adding to all this the recollection that the first year or two will produce all the great arrangements under the new system, and which may fix its tone for a long time to come, it seems of real importance that the temporary residence of the new Congress, apart from its relation to the final residence, should not be thrown too much towards one extremity of the Union. It may perhaps be the more necessary to guard agst. suspicions of partiality in this case, as the early measures of the new Government, including a navigation act will of course be most favorable to this extremity.

But I own that I am much influenced by a view to the final residence, which I conceive more likely to be properly chosen in Philada. than in New York. The extreme eccentricity of the latter will certainly in my opinion bring on a premature, and consequently an improper choice. This policy is avowed by some of the sticklers for this place, and is known to prevail with the bulk of them. People from the interior parts

of Georgia, S.C. N.C. Va. & Kentucky will never patiently repeat their trips to this remote situation, especially as the legislative sessions will be held in the winter season. Should no other consequence take place than a frequent or early agitation of this contentious subject, it would form a strong objection agst. N. York.

Were there reason to fear a repugnance to the establishment of a final seat, or a choice of a commercial City for the purpose, I should be strongly tempted to shun Philada. at all events. But my only fear on the first head is of a precipitancy in carrying that part of the foederal Constitution into effect, and on the second the public sentiment as well as other considerations is so fixedly opposed as to banish the danger from my apprehensions. Judging from my own experience on this subject, I conclude that from motives of one sort or another ten States at least (that is 5 from each end of the Union) to say nothing of the Western States will at any proper time be ready to remove from Philada. The only difficulty that can arise will be that of agreeing on the place to be finally removed to and it is from that difficulty alone, and the delay incident to it, that I derive my hope in favor of the banks of the Potowmac. There are some other combinations on this subject into which the discussion of it has led me, but I have already troubled you with more I fear than may deserve your attention.

The Newspapers herewith inclosed contain the European intelligence brought by the last packets from England.

1. RC, Washington Papers, DLC. The preceding day Madison had written a letter with similar information to Thomas Jefferson (Boyd, XIII, 539–41).

2. See RCS:Cong., 45–46n.

3. See Madison to Edmund Randolph, 22 August, note 2 (RCS:Cong., 52).

4. The Harrisburg Convention assembled on 3 September and proposed twelve amendments to the Constitution. See DHFFE, I, 258–64.

**William Bingham to Tench Coxe**  
**New York, 25 August 1788<sup>1</sup>**

The Spirit which now exists in Congress is of such a Nature, as to require Reasons more forcible than the Strength of personal or Party Views, to eradicate it—

Nothing can more effectually induce the Advocates for New York to abandon the Pretensions of this Place, than to find the public Mind agitated on the subject of the Delay, & the public Voice, clamorous for a more equitable & impartial Arrangement

The only Method to answer this Purpose is to awaken the People in the Eastern States & in So. Carolina, to a Sense of the unjust Views of

their Delegates in Congress, & to the pernicious Consequences that may result to the Union, from the Pursuit of such Measures

You have an extensive Correspondence, & will have the Means of answering such Views, without the Appearance of Design—

The Legislature of Jersey is to meet this Week—It is an essential Object to induce them to instruct their Delegates to vote in favor of a more central & southern Position; that they may no longer concur in the Support of a Measure, which has in View local Aggrandizement, at the Expence of general Interests—

From the Attachment that exists in Jersey to the federal Constitution, much is expected from their Legislature;—What they will decide on, will give the Ton[e] to the other states, whose Delegates have voted for New York, which renders it an Object of essential Consequence, to gain their Suffrages in our favor—

As Dunlaps Paper & Halls,<sup>2</sup> have an extensive Circulation, it would be very politic to insert Paragraphs on this subject, which would be transposed into other Gazettes, & have an excellent Tendency—I have wrote a few, which I inclose you for the purpose, & would recommend that whenever any thing of this Nature is published, the Papers should be transmitted to all the States<sup>3</sup>—

But these Arrangements must be Kept secret, or they will lose their Effect—

I am with sincere Esteem & Regard

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. No addressee is given, but the letter was obviously sent to Coxe.

2. The *Pennsylvania Packet* and the *Pennsylvania Gazette*, respectively.

3. For a previous essay probably by Bingham, see “A Member of the Federal Club,” *Pennsylvania Packet*, 22 August (RCS:Cong., 53–57n).

**Abraham Clark to Governor William Livingston  
New York, 26 August 1788<sup>1</sup>**

I am unable to say when the Act of Congress for putting the New Government into Operation will be agreed to: This matter was taken up in Congress as soon as nine States had ratified, but the Convention of New York being then Setting, in which two thirds of the members were Opposed to the New Constitution, it was thought unadvisable to proceed in the business at that time further than agreeing upon the time to chuse Electors—the time for them to meet to Elect a president & Vice president—and the time of meeting of the New Congress: but the place of meeting was purposely delayed untill the New York Convention should come to some final determination; two reasons induced

Congress to this delay, first that New York could not be fixed upon as the place unless they ratified; Secondly, to appoint any other place while they were deliberating would, in all probability insure a final rejection, to prevent which it was suffered to pass as a very probable event, if not as a matter of Certainty, that in case they did Adopt, New York would be the place of meeting; this perhaps was one principle Cause of their adopting, and without their being led into this opinion I believe they would have Rejected the Constitution.—In this Business I feel no particular attachment in favour of N. York, nor as they have Adopted the New Constitution whereby all former grounds of Complaint are removed, ought I as a member from New Jersey to retain any resentment:<sup>2</sup> I am influenced by other motives; for as it was a very important and desirable Object to have this State become a member of the New Government, so it is necessary for Congress to Act in such a manner as to avoid the Charge of deceiving the State in what I consider well grounded expectations: besides, all our public Offices are here and cannot be removed without a great expence which our Treasury cannot conveniently defray; and after all we might go to a place the New Congress might disapprove of as a temporary residence. New Jersey laying between New York and Philadelphia are equally contiguous to each and at this time in that point of view ought not to give a preference to either, such as a removal from one to the other; the same reason would hold good against removing to New York were Congress at Philadela.—to which I may add, that a removal to Philada. would be losing all Chance of having the permanent Seat of Government fixed near the falls of Delaware as formerly agreed to, which is an Object New Jersey ought not to lose sight of so long as a probable Chance remains: to go to Philada. before the future Seat of Government is fixed on, will be giving up all prospects of this kind, as there will not be a probability of Obtaining it to the Northward of the place Congress shall be in at the time,—they may go from hence to the Delaware near Trenton, Pennsylvania may as formerly join in such a measure, but never will if Congress are at Philadela.—These are reasons that induced me to give New York the preference.—Should the Delegation of New Jersey join in favour of Philadela. it would be of no avail, it would only make an equal division of the States, there would in that case be five States and a half for New York, and the same number for Philadela.—as Eleven only Vote upon the Occasion, and no more can be expected unless Rhode Island comes forward in favour of New York as is expected, the Delegation of North Carolina will not vote on the question.

As there may be different Opinions in the Legislature Respecting the Conduct of their Delegates on this question, I have taken the liberty to request your Excellency to Communicate to both Houses this Statement of the principle reasons that influenced my conduct which I trust will be satisfactory: The Several votes will appear in the Journals of Congress sent forward by the Secretary.

In order to Accommodate all the States we were obliged to place the times for Electing &c. at periods much more distant than were Necessary for New Jersey, some Legislatures could not be convened earlier than November, none except the present meeting in New Jersey will be before some time in October; should the business be delayed some time longer in Congress (which it is wished may not be long) no inconvenience will happen, provided the same go to the States by the time they meet in October.

1. RC, Livingston Papers, MHi. Clark (1726–1794), the leader of the East Jersey party, was a New Jersey delegate to the Continental and Confederation congresses, 1776–78, 1780–83, 1786–88, where he signed the Declaration of Independence in 1776. He declined an appointment to the Constitutional Convention. Livingston (1723–1790), a native of New York and an Elizabethtown, N.J., lawyer, was a delegate to the Continental Congress, 1774–76, militia brigadier general, 1774–76, and governor, 1776–90. He was a delegate to the Constitutional Convention, 1787, where he signed the Constitution. As leader of the West Jersey party, Livingston opposed Clark throughout the 1780s on most controversial political matters, such as the issuance of state paper money.

2. A reference to New York's commercial dominance over New Jersey in which Jersey-men indirectly paid \$30,000 annually into the New York treasury for goods imported into New York City but eventually sold to Jerseymen. New York City merchants paid the New York import duties, which were then added to the price of these goods when exported to other states.

**Thomas Willing to William Bingham  
Philadelphia, 27 August 1788 (excerpt)<sup>1</sup>**

My dear Sir

. . . Your Reflections & animadversions on the very Critical situation of our public affairs, are just, & truly alarming—The Conduct of Congress, is certainly unbecoming the Representatives of all America—local prejudices & private Interest, may very naturally influence the Individuals of N York, as well as those of Philada. but that these Causes shou'd govern the Votes of other States, is extraordinary—The *Member of the federal Club*, has wrote well on the Subject;<sup>2</sup> & the truth of every argument he has adduced, can most certainly be supported; but had I been at his Elbow, I wou'd have quoted an Old saying to him; “the Truth is not always to be spoken, tho: he ought never to say any thing

wh. is not true” *he say’s*: (I had like to have said *You say too much*) abt. the advantages which will be obtained by those who are nearest to the Seat of the New Government—In saying this to the people at N York, you are just as wrong, as you wou’d be to talk of a Halter in the house of a Man, whose father had been hanged—*Hinc Ille lachrymy*:<sup>3</sup> they well know what they are to lose by the Removal of Congress, & of course what we are to gain by it; if as their Rival, the New Congress shou’d here be fixed—however; as this is the only error, & even this Error is a truth too, I forgive you, or him, whoever he is that wrote the peice to which I allude. I have just seen the proceedings of yr. great body, published in Dunlaps paper—The Introduction is well hit off, & worth reading.<sup>4</sup> I wish I cou’d say as much of the proceedings of Congress wh. follow it. I have heard many a good Text from the Pulpit, followed by a wretched Sermon. in this Instance, your employment is not quite as innocent as the Battle of Squirt where no Man is killed, & no Man is hurt;<sup>5</sup> for I fear we shall all of Us be hurt, & terribly too, unless you act more like Wise Men, & settle this long & now perplexed business—If you don’t soon do it, the White boy’s, or wild boys, or some other mischeivous boy’s, will do it for You and Us too—but enough of all this; you are a parcell of froward Children, & my advice will be thrown away upon you. . . .

Yr. affectionate friend

[P.S.] Some such boy’s as I have mentioned above, are to meet at Harrisburgh<sup>6</sup>—B Mc.—en, was named by a meetg. of 4 or 5 at Germantown to go for the County; and G. B—n C. P—t. Doctr. Ja—n<sup>7</sup> appointed by themselves I believe, for there has been no public meetg. or even one call’d, to give any body such appointment, are going from this City, to co’operate with other Antis, to take advantage of your tedious delay—

1. RC, Gratz Collection, PHi. Willing (1731–1821), a Philadelphia merchant and banker, was a partner with Robert Morris in several mercantile firms, president of the Bank of North America, 1781–91, and president of the First Bank of the United States, 1791–97. As a member of the Continental Congress, 1775–76, he voted against Richard Henry Lee’s motion for independence in July 1776.

2. For this essay, see the *Pennsylvania Packet*, 22 August (RCS:Cong., 53–57n).

3. Latin: *hinc illae lacrimae*; meaning “Hence the tears.” This phrase was used by Terence, Horace, and Cicero.

4. The reference is to an article in the *Pennsylvania Packet*, 25 August (Mfm:Cong. 1), which is similar to Bingham’s article in the *Packet* on 22 August (RCS:Cong., 53–57n). The 25 August article is followed by excerpts from the Journals of Congress giving the roll call votes on 28 and 30 July, and 4, 5, and 6 August.

5. Taken from the title of the pamphlet *A Battle! a Battle! a Squirt; Where no Man is kill’d, and no Man is hurt!* . . . (Philadelphia, 1764) (Evans 9596).

6. For the Harrisburg Convention, which met on 3 September, see DHFFE, I, 258–64.

7. References to Antifederalists Blair M'Clenachan, George Bryan, Charles Pettit, and Dr. James Hutchinson.

**New York Independent Journal, 30 August 1788<sup>1</sup>**

A Correspondent observes, with real concern, that notwithstanding it is more than two months since the Ratification of the Constitution by the *ninth* State was transmitted to Congress, yet, to the grief and astonishment of all true Federalists, no steps whatever are taken by that Honorable Body towards putting it in operation. After the various obstacles and impediments that attended its adoption in different States had been happily overcome, and the insidious arts of its adversaries frustrated, they had good reason to hope no difficulty would occur in that Body, whose province it was only to set it in motion.

The question on the place for commencing proceedings under the New Government, it appears, has been the cause of this extraordinary delay; and the proposed ordinance rejected because the blank had been filled up with the City of New-York: Can any impartial American admit, that this was a point of sufficient magnitude to authorise so disagreeable a measure, at a time when unanimity and energy in the Federal Council is particularly necessary! We have surprized all Europe by an unprecedented example of patriotism; we are now about to give them another cause for wonder and astonishment, but of a *very* different nature. A majority of the States in Congress (though not a sufficient number, according to the rules of their proceedings, to pass an ordinance)<sup>2</sup> are in favour of New-York; can or ought the minority then to expect that they will give up their opinion on a subject which they have an equal right to decide upon? It would be highly dishonorable to suppose it; and the Gentleman from the Southward who has it in his power to determine the question, must be sensible of the truth of the observation.<sup>3</sup> Though the Citizens of New-York may not extol the advantages she possesses, or feel inclined to become the *arbitress of the Union*, nor like some States boast of the *purity of their morals*, yet her consequence to the Union will appear as great to the unprejudiced mind, as those who, Publican like, make a parade of their justice and virtue, and profess to hold in contempt all who do not acknowledge their imaginary superiority.<sup>4</sup> As to situation, New-York appears at present to be as eligible for the Seat of Government as Philadelphia; the intercourse between the States to the Southward of Maryland, and both places is principally by water, and the navigation of the former is seldom or ever impeded, whilst the port of the latter is generally shut up



three or four months in the year: But independent of all other considerations which might be urged in her favour, the City of New-York has undoubtedly a just claim to all the benefits which may arise from its being the residence of Congress. No City on the continent has suffered so much by the ravages of war as she has; nearly one-third has been destroyed by fire; and her inhabitants, returned from a painful exile of seven years, are yet unable to rebuild what has been so unfortunately laid waste; her merchants too are many of them nearly ruined by the depreciation of the Continental Currency, and other losses, sustained in common with the rest of their fellow citizens. These considerations alone (without the additional one of expence which must attend the removal of the public offices, &c.) appear sufficient to satisfy the mind of every candid friend to the Federal Government in the United States.

1. Reprinted eight times by 18 September: Mass. (2), R.I. (1), Conn. (1), Pa. (1), Md. (1), Va. (1), S.C. (1). An answer appeared in the *Pennsylvania Packet* on 6 September (DHFFE, I, 124–25n), which in turn was answered by the author of the original piece in the *New York Independent Journal* on 13 September (Mfm:Cong. 2), asserting that only Pennsylvanians wanted to move the capital and that they should be censured for delaying the actions of Congress.

2. The votes of nine states were necessary to exercise certain enumerated powers of Congress under Article IX of the Articles of Confederation. Any other matter required a majority vote (CDR, 92). The rules of Congress adopted on 4 May 1781 did not mention how many votes were required to pass an ordinance (JCC, XX, 476–82).

3. Probably a reference to James Madison.

4. See Luke 18:9–14 for the parable of the Pharisee and the Publican (tax collector).

### **Pennsylvania Packet, 2 September 1788<sup>1</sup>**

It is remarked, that there is an amendment which now appears necessary in the new Constitution, which has never been in the contemplation of a single state, and of which recent experience in Congress dictates the necessity—it is *permission for the Senate to vote by proxy*; otherwise the southern states, being at such a distance, and consequently more exposed to have their members frequently absent, may be oppressed by the operation of laws, which could never have passed, if they had had a full representation.

1. Reprinted: New Jersey *Brunswick Gazette*, 9 September.

### **Nicholas Gilman to President John Langdon New York, 5 September 1788<sup>1</sup>**

I have to acknowledge the honor of your Excellencys obliging favor of the 25th Ultimo, and it is with real regret that I am again constrained

to inform you that the ordinance for the organization of the new government remains incomplete; owing to the absence of the delegates of Rhode Island and to a want of that spirit of accommodation which has hitherto confessedly marked the conduct of New Hampshire on this subject.—The ordinance has once been completed in all its parts and when the final question was about to be taken the delegates of Rhode Island left the Hall & the City.—

The time for choosing electors, of their meeting and the assembling of the New Congress was fixed at later periods than could meet the wishes of the Eastern States in order to accommodate the southern.

The Question on the place for commencing proceedings under the New Government was first taken for Philadelphia—when the delegates of New Hampshire and Connecticut (conceiving it to be the wish of the Southern States, and being actuated by that spirit of accommodation & conciliation which it is their ardent desire to see operating in the general government of the States, and on which our national prosperity so greatly depends) gave their assent.—But to their surprize the Question was lost by the negative of South Carolina and the division of Delaware and Georgia among the Southern States.—The Question was afterwards taken for New York in a full representation of all the States and carried, south Carolina voting in the affirmative & Georgia divided—but as the final question did not obtain, owing to the circumstances above related, an attempt has since been made to send out the ordinance without inserting the place leaving it for the new Congress to assemble where the old Congress should be sitting at the time, but without success.—Thus has the business past on from day to day waiting the return of the delegates from Rhode Island—

As it seems to be the general opinion that New York or Philadelphia must be the place for the first Congress to assemble in and as seven States and an half are in favor of the former and half the Delegation of Delaware, in addition pointedly opposed to the latter it appears to be the effect of unwarrantable obstinacy that the minority will not concede the point in question without further delay.—I hope however that we shall be able to finish this business within a few days when I shall do myself the honor to give your Excellency the earliest notice—

With the highest Respect

1. RC, State Papers, Revolution, 1775–1789, New Hampshire State Archives. A copy is in the Peter Force Transcripts, New Hampshire Miscellany, in the Library of Congress. Gilman (1755–1814), a resident of Exeter, N.H., was an officer in the Continental Army, 1776–83. He was a delegate to the Constitutional Convention, 1787, where he signed the Constitution; a delegate to the Confederation Congress, 1787–89; and a member of the U.S. House of Representatives, 1789–97. Langdon (1741–1819), a wealthy Portsmouth,

N.H., merchant engaged in the West Indian trade and militia colonel, 1777–78, served in the state legislature for much of the time between 1776 and 1787 (often as speaker of the House of Representatives). He was state president, 1785–86, 1788–89; a delegate to the Constitutional Convention, 1787, where he signed the Constitution; a member of the New Hampshire Convention, 1788, where he voted to ratify the Constitution in June; and a member of the U.S. Senate, 1789–1801.

**Jeremiah Hill to George Thatcher**  
**Biddeford, Maine, 9–11 September 1788 (excerpt)<sup>1</sup>**

Have just arrived from Boston kiss'd Ma'm and set down to peruse yours of the 26th Ulto. Am mad, that is, politically disordered in mind, to find the Congress so obstinate, as to keep that Government *the People* their Constituents have adopted out of Motion—they ought to shew their Exordium's on less momentous Occasions, not when their best Friends have their Eyes Lifted to Heaven, their hearts sending forth ejaculations, and heaving with every Shoulder while their Petitions are ascending for their spirited exertions, when the wheels of Government are as it were stuck in the mud—

The friends of the new Government are alarmed to find Congress so dilatory, they say one party (that is, the smallest) ought upon every political Principle to give way to the great Object in view, the good of the whole: for while they are dallying along in this way the Enemy is sowing tares among the Wheat<sup>2</sup>—Antifederalism is a common enemy we ought all to guard against and Obstinacy is a *ditto*, but true genuine political qualities are an open Mind, a clear head, and an honest Heart—this minute (Sept 10th 10. O:C.) the post has arrived and brought me yours of the 2d inst. went immediately to see Miss Thatcher delivered your enclosed Letter, kiss'd Madam & return'd, by the by all well, Janey Laugh'd, Sally smiled, Rachel seemed pleased & Saml. wanted me to praise his little wheel Carriage &c—am now at Home, my harps upon the willows,<sup>3</sup> lamenting the imprisonment of the new Constitution. You Inquire after the politicks of the Times &c—I tell you, my friend, the Politicians in general blame the Carpenters for not launching the Hull of the new Ship—and say it will be time enough then to procure Helmsmen, Navigators &c. However I will give you an extract from the *Teltale*, “Yesterday set out from his Seat in B—n B—n H—n, Esqr. Solicitor extraordinary from his E—y J— H— Esqr. to the S— S—s<sup>4</sup> to negotiate for a Lieutenantcy on board the new Ship *federal Constitution* now on the Stocks, it is said the Commission is a Secret and all things must be conducted under the Rose”<sup>5</sup>—

The news papers will tell you much more about electione[e]ring than time will permit me to tell in the Letter way. all hands seem to give the

Presidency to Genl. Washington the Second is a matter of doubt here, I wish you to tell me who they have in view at the Southward. wont Mr. Adams stand a fair Candidate, you know his political Reasoning has prejudiced me in his favor—*Simile simeli gaudet*<sup>6</sup> is an old Motto and it is as true as that two & two makes four, the old feds of '86 are calculating for the dons of that day to take the helm of Affairs, when the new Constitution is put in Motion, and the antis are for those who can shift sides *upon Occasion* Our General Court stands adjourned to Octr. 8th. as soon as they have received Congressional Orders for the organization of the new Government we shall begin to talk strong about Districts for Representation as that mode is generally supposed will be adopted, if these Counties should make a District I think my Friend G— will stand a fair Chance,<sup>7</sup> but I wont say any more about constitution Matters, but wait with patience till deliverance comes. . . .

1. RC, Thatcher Papers, Boston Public Library. This letter was written on 9, 10, and 11 September. The portion written on the 11th is not printed here. Hill (1747–1820), a Biddeford, Maine, merchant and a former captain in the Continental Army during the Revolutionary War, was town clerk, a justice of the peace, and a member of the Massachusetts House of Representatives. In 1789 he was appointed U.S. collector of customs for the Biddeford and Pepperellborough District of Maine.

2. For the parable of the tares among the wheat, see Matthew 13:24–30.

3. Psalms 137:2.

4. Inserting the missing letters produces the following: “Boston,” “Benjamin Hichborn,” “Excellency John Hancock,” and “Southern States.” Hichborn, a prominent Boston lawyer, apparently was seeking the office of President for Hancock, who had long been rumored a candidate for the vice presidency.

5. *Sub rosa*.

6. Latin: “Like takes pleasure in like.”

7. Probably George Thatcher himself who represented the district consisting of the Maine counties of Massachusetts in the U.S. House of Representatives from 1789 to 1801.

### **Pennsylvania Mercury, 9 September 1788<sup>1</sup>**

A correspondent asks, why is the almost unanimous voice of the people treated with neglect? Why are the dearest interests of America, and the wishes of her best citizens, disregarded? In fine, why have not Congress complied with the recommendation of the federal convention, in organizing the new government, when adopted by *nine* states? The plan proposed by that august body has been re-echoed by *eleven* states, a considerable while since; yet, strange to tell! (in a republican government) the great voice of the people has not been respected by our rulers; and the impending ruin which has long threatened to overwhelm the United States, instead of rousing them to action, seems to have thrown them into a lethargy, fatal to the prosperity of their country. But we are told, forsooth, that they cannot agree in appointing a

place of meeting for the new Congress. This, to say the best of it, is but a childish tale—Surely they cannot fix upon any permanent place of residence for their successors, who will have the power of determining for themselves. This being the case, would it not be prudent in them to avoid the trouble and expence of moving from New-York at present? which they must do, should they appoint any other place for the first meeting of the federal government. It is to be hoped, that they will immediately awake to a sense of their duty,—to a sense of their own dignity,—and not suffer uninteresting and trivial debates to engage their attention, at this alarming, this important crisis. Let the place of meeting be New-York, Philadelphia, or Baltimore, nay, the banks of the Potowmac, Ohio, or Mississippi—let it be any where; but for Heaven’s sake, let the *vox populi* prevail—let the government be put in motion.

1. Reprinted: *Massachusetts Centinel*, 17 September (brief excerpt); *New Haven Gazette*, 18 September; and Richmond *Virginia Gazette*, 18 September.

### **Morgan Lewis to Tench Coxe**

**New York, 10 September 1788 (excerpts)<sup>1</sup>**

The Printer of Publius promised me, when the second Volume should be ready, he would transmit you your Copy. My Reliance on him, and Absence from the City, are the Reasons you had it not earlier—General Armstrong’s Servant I hope has delivered it you—I sent it by him about ten Days since.<sup>2</sup> . . .

The Question “*Where shall the New Legislature Meet*” is still undecided in Congress; but I think appearances in favor of New York—There are, no doubt, great Jealousies on the Subject; and the Endeavour to run the Question, while our [New York] Convention was in Session, and on the Eve of Ratification, did not tend a little to excite them—They have however so far subsided, that all Parties are at least in appearance in perfect good Humour—A few hot & disappointed excepted—

You and I can hardly give an impartial Opinion on the Question as it relates to Phia. & N. York—A temporary Residence being all they have at present in View, I cannot concieve the Interests of the Continent materially affected be the Determination in favor of either. I do not consider a central Situation for the Seat of Government so important an Object as ’tis generally thought. Kingdoms, States &ca, have long subsisted independent of it; nor do I recollect an Instance, where any national Calamity has been ascribed to the Want of it—Circumstanced as we are, perhaps in determining this Question, if of such Importance, Policy would dictate the Propriety of looking forward to the Day when our Government will embrace vast Tracts of Country at

present [un?]inhabited,<sup>3</sup> and Others in poss[ess]ion of foreign Powers—However visionary it may be; [I?]<sup>4</sup> do not view the Day far distant when all the northern Parts of this Continent shall compose a Part of confederated America. Should it take Place it will doubtless add to the Grandeur of our Country; but I question its adding one Particle to the Happiness of

Your obliged Friend  
[P.S.] forget not my Map

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Lewis (1754–1844), a 1773 graduate of the College of New Jersey (Princeton) and a New York City lawyer, attained the rank of colonel in the Continental Army during the Revolutionary War. He served in the New York Assembly, 1789–90, 1792; was state attorney general, 1791–92; and was a justice of the state Supreme Court, 1792–1804 (chief justice, 1801–4). He was New York's third governor, 1804–7.

2. The second volume of the book edition of *The Federalist* was advertised for sale in New York City on 28 May 1788 (CC:Vol. 6, pp. 83–87. See also the headnote to CC:201.).

3. The manuscript is torn here.

4. The manuscript is torn here.

**Paine Wingate to President John Langdon**  
**New York, 11 September 1788 (excerpt)<sup>1</sup>**

I acknowledge the honor of receiving your Excellency's favor of the 11th ulto., also yours of the 2d instant to Mr. Gilman and to me, enclosing our Commissions for the ensuing year. I thank your Excellency for your obliging attention in sending on our commissions, and Mr. Gilmans acknowledgments, at his desire, are joyned with mine; but I hope and expect not to have occasion for my commission. I think it likely that the states will not be generally represented in Congress after November next, and unless any emergency should make it necessary for the delegates to attend, I conceive that it will be judged most expedient to let what little business may be left, pass over to the new government. Your Excellency observes that you do not recollect any business of the state that will require my attendance after the general business is compleated, and that I must use my own judgement in determining when to return home. My wish is to return as soon as may be without neglect of my trust, and as several of the delegates from other states are already gone, and others will probably soon follow, and as there does not appear to be any matters of great consequence to be decided before the end of the present year, except such as may be dispatched in a few days, I shall conformably to my inclination, and I believe the interest of the state, leave this city for home on the last of

next week, unless something unexpected should prevent.—I am happy to have your Excellency's approbation respecting the late loan.

I do most sincerely joy in your congratulations on the general adoption of the new constitution. Altho North Carolina, being mislead by the information received from this state, and not discovering their mistake until too late, did not ratify; yet all accounts from that state agree, that they will as soon as may be take the matter into consideration again and adopt, as they would doubtless have done had they heard from New York convention a day or two sooner. A delegate in Congress lately from Rhode Island, and who has heretofore been antifederal, says that state is now in a fair way of calling a convention, and he is of opinion that they will ratify. So that we may hope once more to see a union of the thirteen states, and I trust in a government that may make us a great and happy nation.—

My Colleague has informed your Excellency of the reasons which actuated our conduct in the late endeavours to organize the new government.<sup>2</sup> They were such as we supposed ought to influence us, and would vindicate us from any blame in the past delay. Nothing has been further attempted in this business since Mr. Gilman wrote; but we have reason to think it will be compleated in a few days. I do not imagine that the delay as yet has put off the time when the operation of the new government would commence, or has been injurious, further than a waste of time in Congress, and keeping the public in a painful suspence, and some little irritation of the parties. These it is true, tho' I think they will be attended with no very disagreeable consequences, are evils which I wish had been avoided, and that the government had commenced with a perfect harmony of sentiment. Had all parties been as disinterested as the delegates of New Hampshire in this affair it might have been the case; but the rivalship of Philadelphia and New York would not admit of it. . . .

1. RC, State Papers, Revolution, 1775–1789, New Hampshire State Archives. A copy is in the Peter Force Transcripts, New Hampshire Miscellany, in the Library of Congress. Printed: Smith, *Letters*, XXV, 354–55. Wingate (1739–1838), a native of Massachusetts and a 1759 graduate of Harvard College, was ordained a Congregational minister in 1763, serving in Hampton Falls, N.H. In 1776 he moved to Stratham and ceased to be a minister, taking up the occupation of farmer. Wingate was a delegate to the state constitutional convention in 1781; a member of the state House of Representatives, 1783–95; and a delegate to the Confederation Congress, 1788. He was a U.S. Senator, 1789–93; a member of the U.S. House of Representatives, 1793–95; and an associate judge of the state superior court, 1798–1809.

2. See Nicholas Gilman to Langdon, 5 September (RCS:N.H., 65–67n).

**Confederation Congress Enacts the  
Election Ordinance, 12–13 September 1788**

*Congress Proceedings*

*Friday, 12 September 1788 (excerpt)*<sup>1</sup>

... A motion being made by Mr (Henry) Lee seconded by Mr ~~Cause-voort~~ (Nicholas) Gilman in the words following

Whereas longer delay in executing the previous arrangements necessary to put into operation the federal government may produce national injury *Resolved* that the first Wednesday in Jany next be the time for appointing electors in the several states which before the said day shall have ratified the said constitution and that the first Wednesday in feby next be the day for the electors to assemble in their respective states and vote for a president and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution.

A motion was made by Mr (Edward) Carrington seconded by Mr (James) Madison to amend the proposition by striking out the words “and the present seat of Congress be the place” and by adding “And whereas it is of great importance, that a government founded on the principles of conciliation and impartial regard to the Interests and accommodation of the several parts of the Union should commence in a spirit corresponding with these principles and under every circumstance calculated to prevent Jealousies in one part of the Union, of undue bias in the public councils or measures towards another part, and it is conceived that these desireable purposes will be much favored by the appointment of some place for the meeting of the new Government more central than the present seat of Congress, and which will at the same time be more likely to obviate disagreeable and injurious dissensions concerning the place most fit for the seat of federal business until a permanent seat be established as provided for by the new Constitution, *Resolved* that \_\_\_\_\_ be the place for commencing proceedings under the new Constitution.[”]

On the question to agree to this amendment the Yeas and Nays being required by Mr (Nicholas) Gilman,

*New Hampshire*

Mr Gilman	no	} no
Mr Wingate	no	

*Massachusetts*

Mr Dane	no	} no
Mr Thatcher	no	

*Connecticut*

Mr Huntington	no	} no
Mr Wadsworth	no	
Mr Edwards	ay	



*New York*

Mr Hamilton           no }  
 Mr. Gansevoort       no } no

*New Jersey*

Mr Clark               no }  
 Mr Dayton           no } no

*Pennsylvania*

Mr Irvine              ay }  
 Mr Meredith         ay } ay  
 Mr Reid               ay }

*Delaware*

Mr Kearny             ay }  
 Mr Mitchell          ay } ay

*Virginia*

Mr Griffin            ay }  
 Mr Madison          ay } ay  
 Mr Carrington       ay }  
 Mr Lee                no }

*South Carolina*

Mr Huger             no }  
 Mr Parker           no } no  
 Mr Tucker          no }

*Georgia*

Mr Few                no }  
 Mr Baldwin          ay } divid.

So the question was lost.

(Motion of Mr. Kearny on organization of the government under the Constitution<sup>(a)</sup>)

Whereas from the great Diversity of Sentiment prevailing in Congress relative to the Place ~~where the Said Government of the commencing of proceedings under the~~ new Federal legislature should first convene for the transaction of the public Business. The organisation of the said System of Governmt. as far as the Agency of Congress has been required thereto has met with undue procrastination by which high inconveniences must accrue to the union at large and much Dissatisfaction and Discontent derived to the Good People of the United States. And Whereas ~~from the continued~~ the same unhappy Cause of Delay still exists and there is but little apparent likelihood that such accommodation will result as to gain the assent of the United States in Cong Assembled to any Place for the meeting of the sd. Government, and whereas Nevertheless it is of the highest importance to the Welfare of the Union ~~and~~ that such steps be pursued by Congress as will tend as far as in their Power lies to promote ~~the great End~~ the measures recommended to their Attention by the late Federal Convention. Therefore Resolved That the first Wednesd etc. and that the first wednesday in March next be the time for commencing Proceedings under the Said Constitution at Such Place as Congress shall hereafter appoint.

A motion was then made by Mr (Dyre) Kearny seconded by Mr (Nathaniel) Mitchell to strike out the words “~~and that the first wednesday of March next be the time, and the present seat of Congress the place for commencing proceedings under the new Constitution~~”, and on the

question shall those words stand, the yeas and nays being required by Mr (Nathaniel) Mitchell,

*New Hampshire*

Mr Gilman           ay }  
Mr Wingate         ay } ay

*Massachusetts*

Mr Dane            ay }  
Mr Thatcher        ay } ay

*Connecticut*

Mr Huntington    ay }  
Mr Wadsworth     ay } ay  
Mr Edwards        ay }

*New York*

Mr Hamilton       ay }  
Mr. Gansevoort    ay } ay

*New Jersey*

Mr Clark           ay }  
Mr Dayton         ay } ay

*Pensylvania*

Mr Irvine           ay }  
Mr Meredith        ay } ay  
Mr Armstrong      ay }  
Mr Reid             no }

*Delaware*

Mr Kearny         no }  
Mr Mitchell        no } ay

*Virginia*

Mr Griffin         ay }  
Mr Madison         ay } ay  
Mr Carrington     ay }  
Mr Lee             ay }

*South Carolina*

Mr Huger           ay }  
Mr Parker          ay } ay  
Mr Tucker         ay }

*Georgia*

Mr Few             ay }  
Mr Baldwin         ay } ay

So it was resolved in the affirmative.

The motion being then amended to read as follows, Whereas the convention Assembled in Philadelphia pursuant to the resolution of Congress of the 21st. Feby. 1787, did on the 17th. of Sept. in the same year, report to the United States in Congress Assembled a constitution for the people of the United States. Whereupon Congress on the 28th. of the same September did resolve unanimously, “that the said report with the resolutions and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case.” And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by Congress, and are filed in the office of the Secretary, therefore *Resolved*, that the first wednesday in January next be the day for appointing

Electors in the several States, which before the said day shall have ratified the said constitution; that the first wednesday in Feby next be the day for the Electors to assemble in their respective States, and vote for a President, and that the first wednesday in march next be the time, and the present seat of Congress the place for commencing proceedings under the said Constitution.

When the question was about to be put the determination thereof was postponed till tomorrow by the State of Delaware. . . .

(a) *Papers of the Continental Congress*, [Item] No. 23, [Other Reports of Committees . . .], p. 111, in the writing of Mr. Dyre Kearny.

*Congress Proceedings*

*Saturday, 13 September 1788 (excerpt)*<sup>2</sup>

Congress assembled present New hampshire Massachusetts Connecticut New York New Jersey Pensylvania Virginia North Carolina South Carolina and Georgia and from Rhode island Mr (Peleg) Arnold and from Delaware Mr (Dyre) Kearny.

On the question to agree to the proposition which was yesterday postponed by the State of Delaware the yeas and nays being required by Mr (Nicholas) Gilman

<i>New Hampshire</i>			<i>Pensylvania</i>	
Mr Gilman	ay	} ay	Mr Irvine	ay
Mr Wingate	ay		Mr Meredith	ay
<i>Massachusetts</i>			Mr Armstrong	ay
Mr Dane	ay	} ay	Mr Reid	ay
Mr Thatcher	ay		<i>Virginia</i>	
<i>Connecticut</i>			Mr Griffin	ay
Mr Huntington	ay	} ay	Mr Madison	ay
Mr Wadsworth	ay		Mr Carrington	ay
<i>New York</i>			Mr Lee	ay
Mr Hamilton	ay	} ay	<i>South Carolina</i>	
Mr Gansevoort	ay		Mr Parker	ay
<i>New Jersey</i>			Mr Tucker	ay
Mr Clarke	ay	} ay	<i>Georgia</i>	
Mr Dayton	ay		Mr Few	ay
			Mr Baldwin	ay

So it was resolved as follows  
 [For the text printed here, see the Election Ordinance, 13 September, immediately below.]

*Election Ordinance, 13 September 1788*<sup>3</sup>

By the United States in Congress assembled  
 SEPTEMBER 13, 1788

WHEREAS the Convention assembled in Philadelphia, pursuant to the Resolution of Congress of the 21st February, 1787, did, on the 17th of September in the same year, report to the United States in Congress assembled, a Constitution for the People of the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously, “That the said report, with the Resolution and Letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case:” And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such Ratifications duly authenticated have been received by Congress, and are filed in the Office of the Secretary—therefore,

RESOLVED, That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress the place for commencing Proceedings under the said Constitution.

*Charles Thomson to the State Executives*

*New York, 13 September 1788*<sup>4</sup>

Circular

Office of Secretary of Congress  
 Sept 13. 1788

Sir

I have the honor to transmit to your Excellency herewith enclosed an Act of the United states in Congress assembled for putting into Operation the Constitution now ratified by the conventions of eleven states

With great Respect I have the honor to be Your excellency's Most obedt and Most humble Servt

1. Printed: JCC, XXXIV, 515–19.

2. Printed: JCC, XXXIV, 521–23.

3. Broadside (Evans 21518). Congress ordered 200 copies printed. John Dunlap was paid £2.0 for the printing (JCC, XXXIV, 635). Broadside signed by Charles Thomson,

Congress' secretary, were sent to the state governors. Congress' delegates were given copies which they sent to state officials and friends. The ordinance appeared in the September issues of the Philadelphia *American Museum* and New York *American Magazine* and in sixty-one newspapers by 1 November: Vt. (2), N.H. (4), Mass. (12), R.I. (3), Conn. (8), N.Y. (7), N.J. (2), Pa. (9), Md. (2), Va. (6), N.C. (2), S.C. (2), Ga. (2). Several papers printed the ordinance twice.

4. PCC, Item 18, Letterbooks of the Secretary of Congress, 1779–89, p. 166.

### **Pennsylvania Congressional Delegates to Thomas Mifflin New York, 13 September 1788<sup>1</sup>**

This letter will be accompanied by an act of Congress of this morning, which Mr. Secretary *Thomson* will have the honor of transmitting.<sup>2</sup>

The public interest and expectation excited by the subject of it—the time employed in its discussion—and the temper in which it has been advocated by some states and opposed by others, make it not less necessary, than respectful, that we should state the facts under which we gave the assent of *Pennsylvania* to the decision which has been taken: These are—

1st. That some states, who invariably contended with us for giving a more central residence to the national government, withdrew themselves from Congress while the dispute was depending; leaving the minority extremely small, and without a hope of succeeding, but such as grew out of the bare possibility of a change of sentiment, or relaxation of obstinacy in the majority.

And 2d. That others of the same description, believing that the organization of the new government could not be longer suspended, without risking consequences more disagreeable than any that could result from the mere circumstance of the place at which the government might be convened—determined to yield the objections they had made, and acquiesce in the appointment of *New-York*.

Under these facts the delegates of *Pennsylvania* were left to choose between opposing alone and unsuccessfully, or submitting to the pre-determined sense of the union. We did not hesitate in choosing the latter, persuaded that, of the two alternatives, this was at once the most dignified and wise.

*We are, SIR, With the highest respect, Your most obedient humble servants,*

1. Printed: *Minutes of the Third Session of the Twelfth General Assembly of the Commonwealth of Pennsylvania . . .* (Philadelphia, 1788) (Evans 45329), 238. The letter was signed by William Irvine, Samuel Meredith, John Armstrong, Jr., and James R. Reid. Mifflin (1744–1800), a 1760 graduate of the College of New Jersey (Princeton) and a Philadelphia merchant, rose to the rank of major general in the Continental Army during the Revolutionary War. He was a delegate to Congress, 1774–76, 1782–84 (president, 1783–84);

a member of the state Assembly, 1778–79, 1785–88 (speaker 1785–88); and a delegate to the Constitutional Convention, 1787, where he signed the Constitution. He was president of the state Supreme Executive Council, 1788–90; president of the state constitutional convention and supported revision of the state constitution, 1789–90; and governor, 1790–99. The letter was addressed to Mifflin as speaker of the General Assembly.

2. Mifflin received the election ordinance on the evening of 16 September. For the election ordinance and Thomson's letter, see immediately above.

### **Louis-Guillaume Otto to Comte de Montmorin**

**New York, 13 September 1788<sup>1</sup>**

Never has the United States found itself so completely represented as about six weeks ago; this was neither to wait for the issue of the debates on the new government nor to conclude the important treaties, nor to decide on an altercation between different states, but it was to determine the residence of the new Congress. If one had need of proof to demonstrate that the states are hardly disposed to forming only a *consolidated* empire, in the same way as the new Constitution implies, the heat of the debates which have taken place on this occasion would provide many convincing proofs for it. The Southern party and that of the North equally wanted to locate the assembly in a city devoted to them. New York, Philadelphia, Baltimore, Annapolis were proposed and rejected alternately and it had come to the point of not wanting to organize the elections for the new government, because they could not agree on a residence. The candor with which the members of Congress often express themselves in public in their debates has augmented the scandal which this singular discussion had occasioned, and even the newspapermen began to throw some ridicule on one assembly which, from the beginning, obstructed the formation of the new government, which they had had so much trouble ratifying. The Southern party, or the minority, failed, however, to show plausible arguments for insisting on the transference of the residence of Congress from New York to a more central city. The delegates of Virginia and Pennsylvania observed that it was indispensable for pacifying their constituents to transfer this residence to a place, any place, between Delaware and the Potomac, that this measure has caused much anguish in the Northern states and it would be better to make the present Congress carry the blame than to begin the new government with some discussions that would be so much more passionate than the respective delegates would have had time to receive instructions on and prepare debates for. The minority has, however, yielded, and the Congress has just passed an ordinance, by which, without naming the city of New York, will convoke the new government in *the present residence of Congress*. It set the first Wednesday

of next January for the nomination of the *Electors*, the first Wednesday of February for *the assembly of Electors* to choose a *President of the United States*, and the first Wednesday of March for the assembly of all the members of the new government.

This important affair is finally terminated and it remains with us to see what the effect of this revolution will be, for which so much trouble has been taken to make the people of the interior assent to, and to which they still only grudgingly assent.

As for the residence, My Lord, it is not doubted that the new Congress, where the Southern party will have a decided majority in the lower house, will leave the city of New York to establish itself in a more central place. This city is almost entirely English with regard to prejudices, habits, commerce, correspondence, and as far as the Congress will reside in the Northern part of the United States, the principal places of government will be given to the men of the North, generally less disposed to favor us. These two motives cause me to strongly desire the transference of the residence and it would have still more value if the Southern party had triumphed from this moment on. Many delegates have never lived in the great cities; upon arriving in New York they go out into society and from there they draw prejudices unfavorable to our liaisons with the United States. We have many more partisans in the Middle States and in those of the South and if one has reason to hope the new government becomes settled in Pennsylvania or Maryland, the system of commerce will feel the effects of the spirit of these two states who are interested in treating us kindly.

The relative question of the residence being decided for the moment, the members of Congress are beginning to disperse again and they find themselves with hardly seven states represented.

I am with a deep respect, My Lord, Your very humble and very obedient servant.

1. RC (Tr), Correspondance Politique, États-Unis, Supplement, Vol. 33, ff. 263–65, Archives du Ministère des Affaires Étrangères, Paris. Otto (1754–1817) had served as France's chargé d'affaires since 1785 and continued to be its principal diplomatic representative in America until the arrival of the Comte de Moustier early in 1788.

### **Nathan Dane to Governor John Hancock New York, 14 September 1788 (excerpts)<sup>1</sup>**

I have the pleasure, after a long and somewhat disagreeable discussion relative to the place of the new Government assembling, to transmit to your Excellency the act of Congress passed Yesterday for putting the *Constitution* into operation—as the Secretary of Congress will, no

Doubt, by this or the next post transmit to your Excellency an authenticated copy—the Delegates of the State think it unnecessary to send one formally—this act finally past by a unanimous vote, nine States being present—R. Island Delaware—Maryland and N. Carolina being absent—a considerable majority has all along preferred N. York to any other place for the New Congress to meet at—tho not a majority sufficient to pass a constitutional vote, without R. Island, till yesterday—when gentlemen gave the preference to this City, considerations respecting the early establishment of a federal town or District had their weight, as well as present circumstances—and from what I hear from the different parts of the Country, I believe the pretty general opinion, is that the assembling of the N. Government at N. York will be for the interest of the Union at large . . .

with sentiments of the highest esteem and respect

P.S. I did not get the inclosed signed by Mr. Thompson meaning it as well as this letter only for your Excellency's private information—the Delegates of Massa. and most of the Eastern Delegates wished the new Government to meet at a much earlier period, but the Southern members said it was impracticable for them in their extensive States to make their elections and meet sooner—and as the Eastern members had their choice as to the place of meeting, and the Southern gentlemen were many of them disappointed in this, it was thought adviseable not to press them very hard as to the time of meeting—

1. RC, Collections of the Federal Hall National Memorial, National Park Service, New York City. Hancock (1737–1793), a 1754 graduate of Harvard College and a wealthy Boston merchant, held many colonial and state offices, the most important of which were delegate to the Continental Congress, 1775–78 (president, 1775–77), where he signed the Declaration of Independence and the Articles of Confederation; governor, 1780–85, 1787–93; and delegate to and president of the state Convention, where he voted to ratify the Constitution in February 1788.

### **Antoine de la Forest to Comte de la Luzerne**

**New York, 14 September 1788<sup>1</sup>**

After three months of debates yesterday the Congress passed the ordinance that determines the operation of the new Constitution. This measure, which ought to have been adopted immediately after the ratification of New Hampshire, was suspended for so long only because of the difficulty of fixing the place where the general government is to reside. Congress was divided into two parties on this question, which supported their respective opinions with a passion of which there had been little example of up to now. Each of them seemed disposed to jeopardize the fate of the new Constitution rather than to yield, and



for awhile people feared that the slightest incident could stop a system of government which the most happy circumstances had contributed to bring about so far. The subject of the debates was all the more complicated since in the state where the finances of the United States are located, it is not only a question of finding the central point among the representation, the population, the wealth, and the maritime and interior parts of the Empire, but it is also necessary to provide a convenient place of residence while waiting for Congress to build the federal city. Philadelphia and Baltimore challenge this advantage of New York; The five southern states want to entice Congress there; the Northern states want it to remain with them; each side fears that the state which has Congress nearest it will have too much influence on national affairs. On the other hand each state which because of its position, could claim to have Congress, clings to it all the more fervently since it is supposed that reasons of convenience will cause preference to be given to its citizens for public jobs and that it counts on having a special influence in this manner. But all the intrigues which originated from this clash of interests having been exhausted in vain, Pennsylvania finally voted with the party for New York, so that the new government will begin its operations in the latter city on the first Wednesday of March of next year. It is very likely that after having won this difficult point, New York will continue to be the residence of the general government until one is built in a central point, which Congress must determine. The motive for this unforeseen compromise on the part of the delegates of Pennsylvania, must be attributed to the advantage which the Antifederalists have drawn from the delays of Congress, in assuring the election of members of their party in the [state] legislatures and in the general government. The danger had become alarming and the Federalists were muttering haughtily about seeing the public good sacrificed to inferior insight. The latter prevail in most of the present legislatures and will perhaps be the minority in those that will follow; It was essential for the success of their cause that Congress immediately ask the legislatures to appoint the two Senators which each of the states should send and order the election of the delegates [i.e., U.S. Representatives] and of the President: In effect, [if] all the officers were named by the influence of the Antifederalists, they themselves would lend a hand in the attempts that their party must make to reduce the powers of the new government. Pennsylvania in particular has just had a conference among the Antifederalists of all the counties of the state<sup>2</sup> under specious pretences, and they have secretly agreed to the list of officers whom their party must nominate; the ordinance of Congress seems at times, to permit the legislature presently seated to assure itself

of Federalist Senators. It is because of this circumstance that that state had to vote in favor of the New York residence.

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 910, New York, ff. 77–79, Archives Nationales, Paris. This dispatch was numbered 239. Antoine René Charles Mathurin de la Forest (b. 1756) was French vice consul for the United States stationed in New York City. César-Henri, Comte de la Luzerne (1737–1799), was French Minister of Marine and Colonies, 1787–90. He is sometimes confused with his brother, the Marquis de la Luzerne, who had been French minister plenipotentiary to the United States.

2. For the Harrisburg Convention, which met on 3 September, see DHFFE, I, 258–64.

**James Madison to Edmund Randolph**  
**New York, 14 September 1788<sup>1</sup>**

My dear friend

Your favor of the 3d. instant would have been acknowledged two days ago but for the approaching completion of the arrangement for the new Govt. which I wished to give you the earliest notice of. This subject has long employed Congs. and has in its progress assumed a variety of shapes, some of them not a little perplexing. The times as finally settled are, Jan[uar]y for the choice of Electors. Feb[ruar]y for the choice of a President, and March for the meeting of the Congress. The place, the present seat of the fedl. Govt. The last point was carried by the yielding of the smaller to the inflexibility of the greater number. I have myself been ready for bringing it to this issue for some time, perceiving that further delay, could only discredit Congs. and injure the object in view. Those who had opposed N. York along with me could not overcome their repugnance so soon. Maryland went away before the question was decided in a temper which I believe would never have yielded. Delaware was equally inflexible. Previous to our final assent a motion was made which tendered a blank for any place the majority would chuse between the North River and the Potowmac. This being rejected the alternative remaining was to agree to N. York or to strangle the Govt. in its birth. The former as the lesser evil was of course preferred and must now be made the best of. I acknowledge at the same time that I anticipate serious inconveniences from it. It will I fear be regarded as at once a proof of a preponderancy in the Eastern scale, and of a disposition to profit of that advantage. It is but just however to remark that the event is in great degree to be charged on the Southn. States which went into that scale. It will certainly entail the discussion on the new governt. which ought if possible to be exempt from such an additional cause of ferment in its councils. N. York will never be patiently suffered to remain even the temporary Seat of Govt. by those who will be obliged to resort to it from the Western & Southn. parts

of the Union. This temporary period must continue for several years, perhaps seven or eight, and within that period all the great business of the Union will be settled. I take it for granted that the first Session will not pass without a renewal of the question, and that it will be attended with all the displeasing circumstances which have just been experienced. In the last place, I consider the decision in favor of N. York as in a manner fatal to the just pretensions of the Potowmac to the permanent Seat of the Govt. This is unquestionably the light in which many of the advocates for N. York view the matter. The Legislature of N. Jersey which lately met approved of the part taken by her delegates on the principle that the first meeting of the Govt. at N. York would give the best possible chance for an early choice of the permanent Seat, as this would do, for a preference of Trenton. As the case now Stands, the Susquehanna is probably the most that can be hoped for, with no small danger of being stopped on the Delaware. Had any place South of the Delaware been obtained, the Susquehannah at least would have been secured, with a favorable chance for the Potowmac.

The result of the Meeting at Harrisburg<sup>2</sup> is I am told in the press & will of course be soon before the public. I am not acquainted with the particulars, or indeed with the general complexion of it. It has been said here that the meeting was so thin as to disappoint much the patrons of the scheme.

I am glad to hear that Mazzei's book is likely to be vendible. The copies allotted for this and several other markets will not I fear be so fortunate.<sup>3</sup>

Yrs. affectly

1. RC, Madison Papers, DLC. Madison wrote a similar letter to George Washington on the same day (Rutland, *Madison*, XI, 254–55).

2. See DHFFE, I, 258–64.

3. The reference is to Philip Mazzei's *Recherches Historiques et Politiques sur les États-Unis de l'Amérique Septentrionale* . . . (4 vols., Paris, 1788).

### **George Washington to James Madison Mount Vernon, 23 September 1788<sup>1</sup>**

I duly received your letter of the 24th. of last Month,<sup>2</sup> but as we had no intelligence or circumstance in this quarter worthy of your acceptance, I postponed even the acknowledgment until I was gratified by the receipt of your subsequent favor of the 14th. instant.<sup>3</sup>—Indeed I have now little more to give you in return, than this information to prevent your apprehension of miscarriage; and my thanks for your illustration of the subject which has lately engaged the attention of Congress.—

Upon mature reflection, I think the reasons you offer in favor of Philadelphia as the place for the first meeting of Congress are conclusive: especially when the further agitation of the question respecting its permanent residence is taken into consideration.—But I cannot, however, avoid being satisfied that the minority should have acquiesced in any place, rather than to have prevented the system from being carried into effect.—The delay had already become the source of clamours and might have given advantages to the Antifederalists.—Their expedient will now probably be an attempt to procure the Election of so many of their own Junto under the New government, as, by the introduction of local and embarrassing disputes, to impede or frustrate its operation.—

In the meantime it behoves all the Advocates of the Constitution, forgetting partial & smaller considerations, to combine their exertions for collecting the wisdom & virtue of the Continent to one centre; in order that the Republic may avail itself of the opportunity for escaping from Anarchy, Division, and the other great national calamities that impended.—To be shipwrecked in sight of the Port would be the severest of all possible aggravations to our misery—and I assure you I am under painful apprehensions from the single circumstance of Mr. H——<sup>4</sup> having the whole game to play in the Assembly of this State, and the effect it may have on others—It should be counter-acted if possible.—With sentiments of the highest esteem & regard I am My dear Sir Your Affectionate Hble Servt.

P.S. Permit me to request the favor of you to forward the Letters under cover with this by a favourable conveyance.

1. RC, Lee Kohns Memorial Collection, NN. The letterbook copy is in the Washington Papers at the Library of Congress.

2. See RCS:Cong., 57–59.

3. See Madison to Edmund Randolph, 14 September, note 1 (immediately above).

4. Patrick Henry.

### **St. John de Crevecoeur to Thomas Jefferson New York, 20 October 1788 (excerpt)<sup>1</sup>**

... After a long & melancholy interval, there are at last well grounded hopes, that the new Constitution will take place & bind every part of this Continent into a firm & solid political compact; I shall greatly rejoice to see this auspicious event; The murmurs of partial discontent, cloak'd under what is called here antifederalism, seems now greatly to abate; there remains but one wish, which is, that those country partys may not preponderate in the choice of federal Senators & Delegates; if a majority of federalists can be obtained in those two bodies, every

thing will go smoothly on. Their first Session which is to begin in March, will put the finishing hand to the great organisation: but an amazing task when one considers the extent of all the departments. What a cool & exploring sagacity will be wanted in the discussion & acceptance of those numberless amendments, which a few of the States insist upon in order to please every body, & yet to discriminate the useful from the needless &ca. In contemplating this great event, I see with pleasure the happy & immediate consequences which will result to this country from this atchievement of reason, for hitherto no other weapon has been made use of; if the natural order of causes & effects is not interrupted by untoward circumstances, by those fatal accidents which are so apt to start up, the transient evils which this country labors under, will gradually disappear to lead the people to gradual & substantial happiness. Experience will prevent & correct past errors; the inhabitants of this Country will awake from their delusive dreams of credit, of unlimited trade, from those motley expedients which have been so often made use of by several of the States, in which dignity, national honor, justice & law have been perverted; the destructive jealousy, the fatal influence of local prepossessions, will be partly extinguished; one great national prevailing sentiment will operate throughout the whole. Never was so great a change in the opinion of the best people, as has happened these five years, almost every body feels the necessity of coercive laws, Government, Union, Industry & labor. I hope the small differences entertained by some people about the mode of regeneration, will no longer be a barrier. Such will be the foundations of America's future peace, opulence & power. The exports of this country have singularly increased within these two years, & the Imports have decreas'd in proportion. manufactures of the most useful Kind are establishing in Pennsylvania, Connecticut & Massachusetts; in the South they begin to cultivate Cotton, & in the North, they are erecting engines to spin it. Nails, canvass, cordages, glass, Woolens, linnens are now making, as good of their Kind as any in Europe: Bridges are building every where, new communications are opening, new settlements forming, the fisheries have been singularly prosperous this year: Even here a singular spirit of improvement is conspicuous, they are paving all their Streets in *dos d'ane*<sup>2</sup> with elegant foot Paths on each side; towards the North river, immense docks are filling up, with the adjacent banks, over which, a beautiful Street 60 feet wide is already laid out, which begins at the battery, and is to extend two miles, a considerable part of which is already done & paved. 4,000 Pounds have been subscribed for embellishing & enlarging the City Hall, in order to accomodate the new federal corps with more decency, & Major l'Enfant<sup>3</sup> has been appointed

to preside over these works, which he has planned himself; this country once consolidated, will easily pay all its debts, by a wise system of commercial laws, encourage the industry of its inhabitants, & draw forth all this genius: The transapalachian country is filling apace, there lies the embryo of new connections a vast political field which I dare not explore. . . .

With sentiments of the most unfeigned esteem & respect.

1. RC, Jefferson Papers, DLC. Printed: Boyd, XIV, 28–31. Crèvecoeur (1735–1813), a native of France but a naturalized citizen since 1765, was French consul for New York, New Jersey, and Connecticut since 1783. Jefferson (1743–1826), a Virginia planter, author of the Declaration of Independence, and future secretary of state, vice president, and president, was U.S. minister to France, 1785–89.

2. French: High-crowned road, i.e., a road higher in the middle than at the edges to aid with drainage.

3. Pierre Charles L'Enfant, a native of France and American civil engineer and architect, redesigned the New York City Hall (Federal Hall) for the new Congress under the Constitution and designed the street layout for the new federal capital, Washington, D.C.

Vermont







## Vermont Introduction

### *The Land*

In early March 1791, Nathaniel Chipman returned to Vermont from Philadelphia. He had been representing the state's interests before the U.S. Congress in an effort to gain statehood for Vermont. He wrote to Governor Thomas Chittenden that the act admitting Vermont to the Union had recognized that Vermont\* was "rightfully possessed of sovereignty independent of the union" and this "clearly secures our property vested by former laws."<sup>1</sup> Vermont had finally prevailed in a prolonged struggle to secure the validity of New Hampshire land titles. For nearly three decades before Vermont entered the Union as the fourteenth state on 4 March 1791, the possession of the land under valid, legally recognizable and enforceable titles dominated public policy.

In the eighteenth century, extracting value from land served as the primary method to amass wealth in both New England and New York, though each developed different traditions and structures of ownership and governance. In New England land furnished the space for the expansion of traditionally large families to repeat the settlement process of their ancestors. The land provided the subsistence for life itself, and allowed a surplus of crops, livestock, and forest products to create a market economy. It underwrote the demand that stimulated the activities of coastal and inland merchants, the maritime industry, nascent manufacturing, the need for lawyers and other professionals, and religious establishments and schools. The tax base that supported all levels of government, the militia, and public improvements was derived from the land. The ownership and careful management of land created the foundation of the economy and underwrote other activities.

The geography of Vermont exacerbated the overlap of land titles and resulted in competing grant holders. Located between the Connecticut River and New Hampshire on the east side and Lake Champlain and New York on the west, the Green Mountain range bisected Vermont from south to north. The communities that were split between the east and west sides of the mountains often had somewhat different experiences and interests. This gave rise to the terms "east side" and "west side" that were frequently used in early documents and histories of the

\*Although the name Vermont did not exist until 1777, for purposes of simplification, the Introduction applies it to the territory that became Vermont.

state. Vermont shared a southern border with Massachusetts and a northern one with Canada. The area held three major drainage systems, which shaped distinct regions and significantly impacted the economic and political behavior in Vermont: the east side of the mountains relied on the Connecticut River, which flowed south to Long Island Sound; in southwestern Vermont, the tributary rivers flowed to the Hudson River, then on to Albany and the port of New York; and northwestern Vermont drained into Lake Champlain, which flowed northward into Canada through the Richelieu River and eventually reached the St. Lawrence River between Montreal and Quebec, providing important access to European markets.

### *Colonial Land Disputes*

The path that led to the Vermont ratifying Convention in January 1791 revolved almost entirely around the efforts of speculators and settlers to secure the validation of the land titles west of the Connecticut River. The titles, some established as early as 1750, were granted by New Hampshire's Royal Governor Benning Wentworth as he took advantage of local border disputes. Vermont's situation between hostile Algonquin and Iroquoian nations, along with the competing and often warring empires of the French, on the St. Lawrence, and the Dutch (and after 1664, the English), astride the Hudson River entry, inhibited settlement. In 1666 the French established Fort St. Anne on Isle La Motte in Lake Champlain. The earliest English settlements formed west of the Connecticut River on the Equivalent Lands north of the Massachusetts border. In 1713 Massachusetts and Connecticut rationalized their border and Massachusetts had to compensate Connecticut with 108,000 acres, 44,000 of them in Vermont. Because of anxiety about Indian troubles, in 1724 Massachusetts erected Fort Dummer near the southerly border of Brattleborough on the west bank of the Connecticut River, and a small settlement developed around it. In 1740 the English Crown settled a boundary dispute between Massachusetts and New Hampshire, thus placing Fort Dummer and other towns of the Equivalent Lands north of Massachusetts. New Hampshire then garrisoned and supported the fort and used it as evidence for its rightful jurisdiction west of the Connecticut River.<sup>2</sup>

In 1750, Governor Wentworth began chartering townships west of the Connecticut River with the grant of Bennington, less than forty miles from Albany and only twenty-four miles from the Hudson River. By 1754, when the outbreak of the French and Indian War temporarily halted his operation, Wentworth had chartered thirteen townships west

of the Connecticut River. All of the Wentworth grantees, motivated by the potential for financial gain, ignored the crown's requirement of having at least fifty settlers on the ground in a town. The majority of Wentworth grants went to non-resident proprietors, with a preponderance from Connecticut, Massachusetts, New York, and New Jersey, all of whom paid fees to the governor. The pattern of the grants was consistent: the governor reserved two proprietary shares for himself, shares for his family and politically influential local placeman, a right for the Society for Propagation of the Gospel in Foreign Parts (the missionary arm of the Church of England), a right for glebe land in support of the Church of England, and a right for the first settled clergyman. The investors became proprietors of the towns, with the responsibility for its management until enough settlers could organize the town in the traditional New England manner.

Wentworth's actions were not unnoticed by New York. Royal Governor George Clinton (c. 1686–1761) wrote to Wentworth in 1750, asserting New York's jurisdiction and putting forth a variety of reasons that buttressed his position. He made the 1664 charter to the Duke of York the centerpiece of his case. Wentworth responded with arguments in support of his actions. Both colonies laid the matter before London authorities in letters and reports, directly and through their agents, stating their positions to the Board of Trade. New York's rebuttal did not reach London until as late as 1753, when the Board of Trade postponed a determination until it received instructions from the crown. That same year New York issued a proclamation ordering the apprehension and punishment of anyone taking possession of land west of the Connecticut River with a New Hampshire or Massachusetts title.<sup>3</sup>

The outbreak of the French and Indian War temporarily deflected attention from the controversy, but after the British defeated the French and hostilities ceased in 1760, Wentworth resumed his land business. By 1764, he had granted a total of 129 townships in much of the best land in Vermont before the King in Council ended the operation. By that time, Wentworth had personally amassed 65,000 acres west of the Connecticut River, his father-in-law, Theodore Atkinson, had a share in 57 towns, 766 individuals had shares in two towns, and 306 had shares in three or four towns.<sup>4</sup>

While interrupting Wentworth's activities, the war at the same time promoted and quickened postwar development of Vermont. The newly-established road across Vermont from Fort No. 4 at Charlestown, N.H., to Crown Point on the west shore of Lake Champlain, provided a constant presence of militia units and regular troops between there and

Canada through the Champlain Valley, making many aware of the desirability of the land. With the cessation of hostilities in 1760, speculators and potential settlers zealously sought grants, and Wentworth, eager to accommodate them, went back into business. As the Board of Trade noted, "The restoration of Peace having removed the obstacles which prevented the extension of Settlements during the War," allowed both Governor Wentworth and Lieutenant Governor Cadwallader Colden of New York to avail "themselves of this favorable Situation, to dispose of Your Majesty's Lands."<sup>5</sup>

Another effect of the war was the royal proclamation of 7 October 1763. The British Order in Council issued the proclamation in an attempt to rationalize and govern the vast territory that they had gained in North America from the war. To pay the army, it provided patents of ungranted, fee-free crown land, ranging from 5,000 acres for field officers to 50 acres for the rank and file. As most troops disbanded in New York or sailed for home from that port, speculators purchased many of these patent rights at deep discounts. By the beginning of the American Revolution, New York had granted about 300,000 acres, including some in Vermont, a portion of which overlapped the Wentworth titles.<sup>6</sup>

The New York case, now managed by Lieutenant Governor Colden, accused Wentworth of making illegal grants on a number of grounds. When pressed from London for an explanation, Wentworth dilatorily responded with obvious excuses, faulty reasoning, and deliberate factual distortions. The Board of Trade agreed with the New York position and dressed down Wentworth for making grants "in a secret & clandestine manner" that "concealed" them and noting that "had not the Grantees, or persons employ'd by them, travelled" as far as the Province of New Jersey, "publickally offering the Lands to sale at such low rates, as evinced the Claimants had no Intention of becoming Settlers, either from inability, or conscious they could derive no Title." The Board reached the conclusion that New York could manage the land better than New Hampshire and would provide the settlers with a better government. They concluded Wentworth's grants were "in every particular totally inconsistent with the Mode of Settlement prescribed in Your Majesty's Instructions, and seem to have been made with a view more to private interest than public advantage." On 20 July 1764, on the recommendation of the Board of Trade, the King in Council issued an order declaring that "the western banks of the river Connecticut from where it enters the province of Massachusetts bay, as far north as the forty-fifth degree of northern latitude, [were] to be the boundary line between the two provinces of New Hampshire and New York."<sup>7</sup>

Much of Vermont historiography paints the land controversy between New York and Vermont as a contest between avaricious, cunning men of affairs and the prospective and actual settlers. Ethan Allen claimed that “no sooner had New York obtained Jurisdiction, than Governor Colden began to Patent, to certain celebrated Attornies and principal Gentleman in the Province, the very Lands on which the New-Hampshire Settlers dwelt.” He went on to assert that the New York “Executors of the law, are most (if not all) the pretended Claimants to the Lands whereon the New-Hampshire Grantees and Occupants dwell.”<sup>8</sup> Ethan Allen and his colleagues ignored the sound legal position of New York and that speculators, not settlers, like the Allen brothers and their Onion River Land Company held a vast majority of the acreage granted by Wentworth purchased at depressed prices. And the seduction of men to secure their fortunes through speculation in land did not stop at the Vermont border. As one historian put it: “patentees, purchasers, or settlers, whether claiming under New Hampshire or New York, acted like men and not like archangels” with “no essential difference in the motives” for either group.<sup>9</sup> By 1775, New York had chartered twenty-five towns that conflicted with New Hampshire grants.

In their efforts to secure recognition of their titles, the Wentworth claimants adopted a variety of arguments and strategies that evolved as circumstances changed, even up to the time of statehood in 1791. They would argue that the July 1764 Order in Council only validated New York authority from that date, leaving the grants prior to that intact. They also believed that they could convince a benevolent king to support them—a belief they mistakenly held even after Lexington and Concord and Allen’s capture of Fort Ticonderoga in 1775 made them rebels.<sup>10</sup> In 1767 they decided to send Samuel Robinson of Bennington to London to present a petition to the Board of Trade and make the case for royal recognition. Robinson was a good spokesman, as he was an actual settler who had led his family and others from Hardwick, Mass., to settle Bennington in 1761.

When in London, Samuel Robinson collaborated with William Samuel Johnson, a Connecticut attorney who some of the New Hampshire proprietors had retained. Johnson had access to both the coffeehouse clubs, where influential men often conducted business, and the leadership of the Church of England. It quickly became apparent to Johnson and Robinson that the royal government considered much of Wentworth’s activity fraudulent, and the obviously fabricated petition Robinson carried would have only damaged the appeal. With Johnson’s guidance, Robinson drafted a petition with only one signature: his own.

In addition he and Johnson arranged to have a second petition, submitted by the Society for the Propagation of the Gospel and addressed "To the King's most Excellent Majesty, in Council," for recognition of the New Hampshire grants. Robinson's petition sought crown recognition of the grants and the establishment of a new colony or annexation to New Hampshire, arguing the distance, difficulty, and inconvenience of the seat of government in the city of New York created an untenable situation for the Vermont settlers. The Church's petition argued that the "Government of New York claiming the said Lands and the Jurisdiction thereof as belonging" to New York would deprive the Society of the shares in the Wentworth grants. Invalidating a New York grant made by a representative of the king, or equivalently securing recognition of Wentworth's grants, would require the action of the crown or a competent court. Johnson expressed some optimism for success, but in October 1767 Robinson contracted smallpox and died. For a short time Johnson continued to work on behalf of the New Hampshire proprietors, but he only achieved success in securing a 1767 Order in Council seeking to protect bona fide settlers by prohibiting New York from making any grants in the contested area.<sup>11</sup>

As Robinson petitioned the royal government in London, New York, fearing he might succeed, launched a campaign to defame him with such slanders that he had committed a felony in Massachusetts and his military service amounted to only driving an ox cart. In 1765 the New York Council had issued an order that obligated New York not to make grants that conflicted with "*Occupants under New Hampshire, who were settled before the 22nd Day of May 1765.*"<sup>12</sup> However, the dispute over conflicting titles grew increasingly ugly. New York offered to confirm or re-charter New Hampshire towns as New York entities for a fee. Over fifty towns on both sides of the Green Mountains explored the remedy, but only nineteen towns eventually took advantage of it, almost all along or close to the Connecticut River. Robinson's petition claimed that New York charged "at the rate of Twenty-five pounds New York Money for every one thousand Acres amounting to about Three hundred and thirty pounds Sterling at a Medium for every Township." Robinson may have overstated the case, but even when New York Governor William Tryon later reduced the fees, the cash poor speculators like the Allens could not even contemplate the expense. The crown might relent for actual settlers, but it would not indulge the speculators. They would have to secure their titles by other means.<sup>13</sup>

Not wanting their own chance at the opportunity to acquire large tracts and to receive fees for making grants slip away, New York officials

became increasingly aggressive, especially as settlers with New Hampshire claims almost doubled the population from about 4,000 to nearly 8,000 between 1767 and 1771.<sup>14</sup> Heeding the royal instructions would have reduced the acreage New York could grant, thus reducing the fees the officials could collect. In the late 1760s New York issued charters for nearly 1,000,000 acres, much of it in the better land and in conflict with New Hampshire grants. In October 1769 a Bennington settler, farming on a New Hampshire claim with a prior New York patent, gathered his neighbors and they collectively drove off a New York surveying team. This effort to survey an operating farm made the potential for a settler to lose their land and all of their improvements starkly clear. The next year a group of New York title-holders filed writs of eviction against nine settlers living in Bennington and neighboring Shaftsbury.

These cases would come to trial in June 1770 in the New York Supreme Court, sitting in Albany County. The absentee proprietors with New Hampshire titles were keenly aware of their relationship with these settlers, and understood the serious threat posed by these cases. At meetings in Sharon and Canaan, Conn., they engaged Ethan Allen to manage the defense. He had lately come to Vermont from Connecticut and had aggressively begun to purchase depressed New Hampshire titles. He went to Portsmouth, N.H., to assemble documents, where, apparently confident of the court outcome, he purchased more Wentworth rights. He traveled to New Haven and engaged a prominent Connecticut attorney to defend the settlers. In Albany they retained Peter Silvester, a well-respected local lawyer who often represented Sir William Johnson and could appear in a New York court. New York Attorney General John Tabor Kempe and James Duane, both of whom owned substantial holdings in Vermont, represented the New York claimants. The court pronounced New Hampshire titles invalid and not admissible. At that point the Connecticut counsel understood that he had no defense and returned to New Haven. The court proceeded to rule for the New York plaintiffs in every remaining case.<sup>15</sup>

Validating Wentworth's grants, or invalidating overlapping New York grants, required action of the crown or a New York court. But the ejectment suits made it clear that the New Hampshire title holders, speculators and settlers alike, could expect no relief from a New York court. In an effort to assert its authority on the ground, in 1766 New York placed its own court and other officers in Vermont by cleaving off part of Albany County, which then included all of Vermont. The area was newly chartered as Cumberland County, located generally between the Connecticut River and the Green Mountains. By the time of the

ejection suits, New York had established its authority east of the Green Mountain by setting up functional courts and appointing judges, justices of the peace, sheriffs, coroners, tax assessors, and other civil officers.<sup>16</sup> Cumberland County began to send representatives during the thirty-first New York Provincial Assembly (1769–76). Because many of the towns in Cumberland County had paid to reconfirm the Wentworth grants with New York titles, the settlers and some speculators, mostly accepting New York authority, did not have anxiety about their ownership of the land. Nonetheless, chief judge Thomas Chandler reported disruptions that frequently forestalled the adjudication of land disputes often abetted by residents of New Hampshire who would flee across the Connecticut River to evade arrest. These New York courts largely dealt with debt related matters, disposing of as many as ninety cases a day. The organization of Cumberland County “provided such positive results” that in 1770, those living along the northern reaches of the Connecticut River petitioned for the formation of yet another county. The institution of organized government had proven such a threat to “undesirables” the petitioners explained, that they thought a new county could help them deal with the “Rapine and Plunder from a Sett of Lawless wretches of Banditti, Felons & Criminals, who fly thither from other places.” New York responded in 1770 and chartered Gloucester County, which was north of Cumberland County and east of the Green Mountains. Newbury, founded by Jacob Bayley, who would have a prominent role in the creation of Vermont, became the county seat in 1772.<sup>17</sup>

Meanwhile, in the area west of the Green Mountains, that was under the jurisdiction of Albany County, the Green Mountain Boys harassed New York civil officers and settlers, often with physical abuse, in an effort to prevent the exercise of their authority. The depredations of Allen’s guerillas were recounted in numerous depositions made in the safety of Albany and included accounts of kangaroo courts, corporal punishment with the “beech seal,” burning houses, banishing settlers, trampling fields, and other intimidating behavior frequently accompanied by brandishing firearms and salty language.<sup>18</sup> As the tumult grew, New York tried conciliatory measures to lessen the tensions. In November 1773 a mob led by Allen destroyed property and terrorized New York officials in Clarendon. Outraged, the New York General Assembly passed an act in March 1774 that provided the authority to capture and hang without trial the ringleaders of the Green Mountain Boys. In response to this “Bloody Act,” the leaders announced their own readiness for a “Game of Scalping . . . for our martial Spirits glow with Bitter Indignation.”<sup>19</sup>



In 1772 New York established Charlotte County from the northern part of the somewhat diminished Albany County. The new county covered the west side of the Green Mountains as well as some land west of Lake Champlain and north to the Canadian border. Three rival groups sought to secure the new county seat in their holdings. The seat of county government would stimulate development on their land by erecting a courthouse and jail, employing court personnel, attracting attorneys and all of the other support apparatus including lodging, taverns, and a transportation infrastructure. Two small groups of investors based in the city of New York petitioned to secure the county seat. A third investor, Philip Skene, sought to place the seat at Skenesborough on the vast tract of over 25,000 acres at the southern end of Lake Champlain that he had secured directly from the crown and not from New York. (He later received additional land from New York.)<sup>20</sup>

Ethan Allen and some of the prominent west side leaders had developed a friendly relationship with Skene, a tough and successful British officer in several European conflicts (in 1746 with the Duke of Cumberland against the Scots at Culloden and in the French and Indian War). He had developed a good relationship with Generals Jeffery Amherst, Thomas Gage, and William Howe. In 1771, as New York justice of the peace, Skene conveyed a message to Allen asking him to “repair to Connecticut” and stay there until he was no longer supposed to arrest him. In March 1772 Allen wrote to Skene indicating that he could not “Dispute Your friendship to me” and thanked him for the “Generous & Sotiable Treatment to me when at Your house.” He also never “had Ground to Distrust Your friendship Either to me” or the New Hampshire title holders. With other flattering and obsequious comments, he “Retained the Most honourable Sentiments Toward You . . . as the Most Consummate politician” who would “Not be an Adversary to the Settlers.” Yet Allen would not flee, reminding Skene of a “Late Law in Province, they are Not Allowed to hang any man before they have ketched him.”<sup>21</sup> Skene and Allen had clearly discussed the issue of the Wentworth grants, and apparently they understood that a friendly New York court could resolve the matter in favor of the New Hampshire title holders.

Skene presented Governor Tryon with a petition bearing 379 signatures seeking to locate the seat of Charlotte County in Skenesborough. In October 1772 Jehiel Hawley of Castleton wrote to Skene that deputies from the New Hampshire townships had made Hawley their agent to “solicit matters relative to their old [New Hampshire] Grants.” He informed Skene “some designing People of Bennington, ” i.e. the Green

Mountain Boys, “would be glad to present a petition” about the seat of Charlotte County. But many of those “designing People” did sign the petition, including Robert Cochrane, an object of the “Bloody Act” and a key leader of Allen’s Green Mountain Boys. Seven of the signatories on Skene’s petition accompanied Ethan Allen’s small force of eight-three (sixty-six Grants residents), on the successful assault of Fort Ticonderoga in the pre-dawn hours of 10 May 1775.<sup>22</sup>

Governor Tryon also understood the implications of a court disposed to validate New Hampshire titles. Because “A great part of the said [Charlotte] county being involved in a state of anarchy and confusion, by reason of the violent proceedings of riotous and disorderly people, from what it must of present be extremely difficult, if not impracticable, to bring offenders to justice,” the legislature passed an act locating the county seat at Fort Edward, much closer to Albany than Skenesborough. Fort Edward had made no provision for a courthouse or a jail. New York appointed Philip Schulyer, a leading member of the colony’s aristocracy, judge of the Court of Common Pleas, and reserved all criminal proceedings to the Supreme Court in Albany. Although the Charlotte County Court held a session in October 1773, New York was never able effectively to extend its legal jurisdiction over Vermonters.<sup>23</sup>

With no functioning court system in Vermont and sporadic violence taking place, Skene and his allies in the New Hampshire Grants, including Ethan Allen, tried a new approach to secure their titles.<sup>24</sup> “To avoid the government of Newyork,” the Reverend Samuel Williams reported two decades later in his pioneering first history of Vermont, “a plan was contrived about this time [1774], by some of the inhabitants, and *Phillip Skeen*, to have the Newhampshire grants formed into a royal government, as a new province.”<sup>25</sup> In February 1780 Jonas Fay, Moses Robinson, and Stephen Row Bradley, attending the Continental Congress to look out for Vermont interests, confirmed the existence of the plan. They informed Congress “that in consequence of their remonstrances and petitions to the court of Great Britain,” it created “a distinct government of the territory now comprehending the state of Vermont, and appointed Gov. Skene to preside” over it. Had the outbreak of the Revolutionary War not thwarted Skene’s becoming lieutenant governor of the new colony, it would have obliged “every man, even those interested [i.e., New York claimants], to acknowledge that Vermont had an equal right . . . to assume an independent government” with authority to resolve land title disputes. Skene later confirmed the arrangement, writing that he had “Steped out” to secure the “rights of the Good people of Vermont” by “concuering advice of my old Friends at Castletown,” including Hawley and Ethan Allen.<sup>26</sup> The plan

to turn Charlotte County into a jurisdiction separate from New York rested on Skene's reputation, connections, and influence in top governmental circles in London, and to some extent the crown's desire to end the dispute over New Hampshire titles that had vexed it since the 1750s. By enlisting Philip Skene, the New Hampshire title holders thought that they had finally gained influence in the highest levels of British government.

Even as the Bennington mob continued to disrupt New York's attempts to establish authority in Charlotte County, its leaders remained hopeful that "his most Gracious Majesty" would settle the dispute in their favor with "Royal Confirmation." Ethan Allen reported on the "General Meeting of the Committee for several Townships on the West Side of the Range of Green Mountains, of New Hampshire title holders, convened on March 1, 1774 at the House of Mr. Eliakim Wellers in Manchester." The meeting resolved that "we purchased our Lands of One of his Majesty's Governors, and on the good Faith of the Crown of Great-Britain, we are determin'd to maintain those Grants . . . until his Majesty's Royal Pleasure shall be known." They asserted their loyalty and "so for the future we will remain loyal and dutiful Subjects," and would rely on him as their "political Father."<sup>27</sup>

Skene, after a visit with General William Howe in New York, departed for London in 1774. His access to highly placed members of the government quickly produced results. On 28 January 1775 he received an appointment from the crown as lieutenant governor with an annual salary of £200. His appointed province included the forts Ticonderoga and Crown Point and much of the surrounding New York territory. Less than three weeks later, on 16 February, he received the appointment of "Inspector into the state of all lands not claimed as private property being within the district of the Province of Quebec and that part of New York which lay on Lake Champlain" at an annual salary of £300.<sup>28</sup> He set sail for North America carrying a potential remedy to the title controversy that probably would have favored the New Hampshire title holders, including the speculators. But larger events overtook him. Delayed at sea by contrary winds and storms, off the Grand Banks he learned of the fighting at Lexington and Concord and that Ethan Allen had captured Fort Ticonderoga. He would find out later that Samuel Herrick at the head of another contingent of Green Mountain Boys had plundered his estate at Skenesboro, defiled his late wife's casket to turn its lead lining into ammunition, and captured his sloop. The captain, hoping for clemency from the Quaker populace, headed for Philadelphia where Skene, labeled by John Adams an "infernal scoundrel," became a prisoner in June 1775 as he came ashore. By

joining the Revolution, Ethan Allen had turned his friend into an opponent.<sup>29</sup>

Other events on the New Hampshire Grants loosened New York's authority and propelled the efforts to make Vermont independent. In the spring of 1775 farmer-debtors on the east side of the Green Mountains petitioned Chief Judge Thomas Chandler of the Cumberland County Court to postpone the foreclosure cases until after the harvest provided them the ability to pay creditors. Chandler agreed to limit the session to a single murder case. Hearing rumors that more hardline judges who would sit with Chandler would insist on trying the original docket, the day before the session would open on 13 March, an angry mob seized the courthouse at Westminster. In response, New York's Cumberland County Sheriff William Paterson raised a posse and went to the courthouse. There the Yorkers and the insurgents exchanged insults and verbal threats. Paterson and his posse retreated to John Norton's tavern to fuel their courage. The posse returned to the courthouse that night. In what became known as the "Westminster Massacre," Paterson's men, failing to evict the protestors, fired, killing two and wounding others; they then secured the courthouse and jailed ten protestors. Word of the confrontation spread quickly and a mob of angry settlers, supported by local militia from New Hampshire and Massachusetts, gathered the next day and forcefully reclaimed the courthouse. The court prudently adjourned, never to meet again under New York authority. The militia took Paterson and some of his men into custody and marched them to the Northampton, Mass., jail. When news of the event reached the west side of the mountains, Ethan Allen dispatched a company of Green Mountain Boys to support the insurgents. Led by Robert Cochran, who had signed the petition to locate the Charlotte County Court in Skenesboro, the company arrived at Westminster on 15 March 1775 and lifted the spirit of the settlers. "Upon their application to the chief justice of Newyork" the jailed members of the posse "were released from their confinement, and returned home," angering the rioters and their supporters. A meeting in Westminster on 11 April 1775 attended by "a large body of the people" resolved "That it is the duty of the inhabitants, wholly to renounce and resist the administration of the government of Newyork, until such time as the lives and property of the inhabitants may be secured: Or until such time, as they can have opportunity to lay their grievances before his most gracious Majesty."<sup>30</sup> With the news of the fighting at Lexington and Concord, those supporting the growing revolutionary movement quickly conflated a debtors' riot with opposition to both British and New York authority. They would soon memorialize William French, one

of the two killed, as a victim of “Cruel Ministerial tools of George the 3d.”<sup>31</sup> Many quickly turned their attention “to the general cause of America” in which “the enterprising spirit of *Allen*, soon found a new object for its employment.”<sup>32</sup>

*The American Revolution*

Allen opened his 1779 *Narrative of the Capture of Ticonderoga and of His Captivity and Treatment by the British* with the self-serving observation that “Ever since I arrived to a state of manhood . . . I have felt a sincere passion for liberty.” The “systematical and bloody attempt at Lexington, to enslave America, thoroughly electrified my mind, and fully determined me to take part with my country.” With a small company, largely made up of Green Mountain Boys, he overran the sleeping garrison and demanded the surrender of Fort Ticonderoga “In the name of the great Jehovah, and the Continental Congress.”<sup>33</sup>

Always ambitious for fame, Ethan Allen had become something of a celebrity with his success at Ticonderoga. He and his lieutenant Seth Warner, who had captured the British post at Crown Point the same May night, traveled to Philadelphia to convince the Continental Congress to authorize an invasion of Canada and to form a regiment of Green Mountain Boys. On the way they tarried several days in New York City, where the Bloody Act of 1774 had only months before made them both liable to arrest and hanging without trial. In Philadelphia the Continental Congress agreed to the regiment, and on 24 June 1775 President John Hancock asked the New York Provincial Congress to employ the Green Mountain Boys “among the Troops you shall raise.”<sup>34</sup> After some delay spent in debating whether or not to receive a man deemed in New York an outlaw, the Provincial Congress narrowly agreed to Hancock’s request to form the new regiment including the provision to allow it to select its own officers in the New England tradition. While a regiment formed under the auspices of, and paid for by, New York, a convention of committees from “several townships on the New Hampshire Grants” met at Cephas Kent’s tavern in Dorset on 26 July 1775 and “chose” the officers. Seth Warner was elected the lieutenant colonel by secret ballot with a vote of forty-one to five. Allen, who assumed he would become colonel, bitterly blamed the action on “the old farmers” who were not inclined “to go to war.”<sup>35</sup> His desire for fame and recognition not sated, Allen pled with Philip Schuyler to permit him to join the pending expedition against Canada as a volunteer. Schuyler, who “always dreaded his impatience” reluctantly relented after exacting Allen’s witnessed and “solemn” promise to “demean himself properly.”<sup>36</sup> Yet in September 1775, Allen led a rash and unauthorized attack

on Montreal and was taken prisoner by the British. Allen remained a British captive for two and a half years.

The Revolutionary War changed the struggle for the recognition of New Hampshire titles and New York's effort to maintain authority in Vermont. Because of its position along the entire length of the Lake Champlain corridor, Vermont had become critical to the 1775–76 American invasion of Canada and to the defense of the northern approaches after the failure of the Canadian campaign. Since the 1760s, New York's royal government had encountered difficulty in establishing its authority in the separatist stronghold west of the Green Mountains, and the new government of the State of New York, distracted by the prosecution of the war, fared no better. Despite New York's providing munitions and funds, coordinating with committees of safety in Cumberland and Gloucester counties, assisting militia units, and establishing small ranging units on both sides of the Green Mountains, the separatists persisted in their efforts to undermine New York authority.<sup>37</sup> The failure of the invasion of Canada, the consequent anticipation of a British invasion over Lake Champlain, and the loss of the capital city of New York in the summer of 1776, forced the revolutionary government of New York to focus its attention and resources on more pressing military matters than its authority in Vermont. Some believed the separatists capitalized on this shift of focus. James Duane complained that, when New York's "misfortunes and her dangers ought to have excited an earnest solicitude for her safety," instead "the Leaders of her revolting Citizens" took "advantage of her distresses, and press forward their project of independence."<sup>38</sup>

#### *A New State Constitution*

The Vermont separatists, an increasingly organized minority, opened a new chapter in the defense of their titles. Between January 1776 and December 1777, those "warmly engaged in setting up their new State" pursued "that which they esteem their private interest," to secure the recognition of New Hampshire titles.<sup>39</sup> While dealing with the threat of the British in Canada, they put into motion general conventions, a series of seven consecutive meetings, each adjourning with agreement on a time and a place for the next session. They boldly asserted the legitimacy of their actions by adapting the principles and rhetoric of the American Revolution to their struggle against New York. These meetings, beginning in January 1776, moved incrementally from questioning "if the Law of New York shall have free circulation" where it did not "infringe" on land titles, to discussing the advantages of forming a separate state, to an outright declaration of independence in January 1777.<sup>40</sup>

In July 1776, the convention—attended by representatives of thirty west side towns and one eastside (Townshend)—named a committee “to treat with the Inhabitants of the New Hampshire Grants East side of the range of Green Mountains, relative to their associating with this Body.” Through these efforts the separatists gathered momentum by expanding the size and geographic scope of the movement. The conventions grew from representatives of eighteen towns in July 1776, all but one from the west side, to a meeting in June 1777 of fifty towns, twenty-three west side towns and twenty-seven from the east.<sup>41</sup> The west side ringleaders understood the importance of broadening their support, and in a gesture of recognition and inclusion the last four conventions met on the east side. The meetings understood that the Continental Congress could recognize the newly forming state and, through that, remove the New York impediment to securing recognition of the New Hampshire titles or, conversely, robustly support New York and make matters more difficult. To monitor and informally to argue their case, they regularly sent representatives to attend Congress. They generally encountered a rather unsympathetic Congress swayed by New York’s opposition and wary of sanctioning nascent separatist movements in any of the thirteen states. The New York delegates to Congress ably refuted the Vermont arguments. The Vermont conventions deemed “enemies to the Common Cause of the N. Hampshire Grants” any inhabitants with an association with New York or its counties’ committees of safety.<sup>42</sup> Eventually they established committees of war for the east and west sides of the mountains.<sup>43</sup> The convention at Westminster in January 1777 declared the territory’s independence as “New Connecticut” and called for another convention to draft a constitution and establish a government for the new state.<sup>44</sup>

The convention that convened on 4 June 1777 in Windsor formally agreed to call the new state “Vermont,” following a recommendation made by Ethan Allen’s boyhood mentor Dr. Thomas Young. They also requested all towns to meet on 23 June 1777 to “choose delegates to attend a general convention [on 2 July] at the meeting-house in Windsor . . . to form a Constitution.” This convention, upon learning that Burgoyne’s army had appeared on Lake Champlain, sent a delegation to the commander at Fort Ticonderoga to “consult with him respecting the regulations and defense of the frontiers.” During most of 1777 Vermont would focus on the dual effort to defend itself from the British and establish its government.<sup>45</sup>

The separatist leaders expected a constitution would provide the framework to assert their independence and secure their titles. The State of New York exacerbated the problem by circulating its new constitution (April 1777) that retained much of the hierarchical structure

of the old royal government rather than traditional New England patterns of governance. Jacob Bayley, speaking for east siders, informed the New York council of safety that “before they saw the constitution,” the people “were not willing to trouble themselves about a separation from the state of New York, but now almost to a man they are violent for it.”<sup>46</sup>

On 15 May 1776 the Continental Congress recommended that the colonies form their own governments. Vermont used this recommendation as a screen to legitimize its drafting a constitution asserting independence from New York. In a letter to the inhabitants of Vermont, Thomas Young, who John Adams referred to as an “Eternal Fisher in Troubled Waters,” recommended that “*your committee*” drafting a constitution consider the “constitution of Pennsylvania for a model.”<sup>47</sup> In large measure they followed Young’s advice, doing more copying than drafting. But unlike the Pennsylvania model, the final draft began with a preamble added by the council of safety well after the convention. The preamble catalogued the grievances with New York, making clear that they intended the constitution to confirm independence from New York as much, if not more, than from the British. Chapter I enumerated “A DECLARATION of the RIGHTS of the INHABITANTS of the STATE of VERMONT.” Chapter II laid out the “PLAN OR FRAME OF GOVERNMENT.”<sup>48</sup> Historians have analyzed the Vermont constitution of 1777 at some length, and they generally agree that it represented “the most democratic constitution produced by any of the American states.”<sup>49</sup> The ringing opening statement of the Declaration asserted “That all men are born equally free and independent.” It further declared that no male who reached the age of twenty-one, or female eighteen, would be required to “serve any person as a servant, slave or apprentice” unless “bound by their own consent.” This age-determined prohibition against slavery made no mention of any racial dimension and Vermont has become widely accepted as the first American state to outlaw black slavery.<sup>50</sup> Historians also point to Section VI of the frame that provided the right of suffrage to every twenty-one year old male who had lived in the state for a year, without the necessity to own property.<sup>51</sup> The constitution of 1777 also made guarantees that any disputes concerning property had a right to trial by jury and that “no part of a man’s property can be justly taken from him, or applied to public uses, without his own consent.”<sup>52</sup> Other provisions prohibited the seizure of property without a warrant and that enumerated rights “ought never to be violated on any pretence whatsoever.”<sup>53</sup> The constitution also contained conservative elements as it created a unicameral legislature and assigned executive, legislative, and judicial powers to the governor, deputy governor,



and a twelve-member council elected at large, which helped Vermont establish its authority.<sup>54</sup> The document made no provision for popular approval and there was no attempt to seek official statehood because the early leaders of Vermont distrusted the Continental Congress.

In the absence of an “official record, and no full and satisfactory unofficial account” of the proceedings of Vermont’s constitutional convention, historians rely on piecing together relevant documents, newspaper reports, and the account written and published by Ira Allen two decades after the fact.<sup>55</sup> The convention concerned itself more with military affairs and Burgoyne’s thrust from Canada than the drafting of constitutional provisions. The news that the British had, on 6 July 1777, routed the heavily defended American stronghold at Fort Ticonderoga and Mt. Independence stunned the delegates. Many of them, with their family and farms threatened, prepared to leave the convention until, in Allen’s version, a providential summer thunderstorm forced them to delay. They remained in Windsor long enough to adopt the constitution without dissent. They also set December 1777 for the first elections of the assembly, governor and deputy governor, and the twelve-person council and January 1778 for the new government to assemble in Bennington. The delegates then named a council of safety to “act in the recess of this Convention,” which “shall supply the place of a Council for the next [i.e., the first under the new Constitution] General Assembly, until the new Council be declared chosen,” and left Windsor.<sup>56</sup>

The council of safety played a critical role in transitioning Vermont from a series of meetings and a not-yet printed constitution to a working state. Nine of the twelve members and all of its officers came from the west side of the mountains, with four,—Nathan Clark, Jonas Fay, Joseph Fay, and Moses Robinson—residing in Bennington. Three others—Heman Allen, Ira Allen, and Thomas Chittenden—had moved to towns close to Bennington because of the British threats to their northern residences. Only three—Jacob Bayley, Benjamin Carpenter, and Paul Spooner—lived on the east side. Chittenden served as the president of the council and Ira Allen as its secretary. This group of west side leaders formed the Arlington Junto, or the Allen-Chittenden faction, a family compact that would dominate Vermont government well into the next decade. They opposed both the ratification of the Constitution of the United States and Vermont statehood.<sup>57</sup>

The military crisis that persisted until Burgoyne’s surrender at Saratoga in October 1777 prevented having the new Vermont constitution printed and distributed in time for the December elections. The council of safety employed the delay unilaterally to make small revisions in the constitution, like changing the time of elections from December to

March 1778 and creating the lengthy preamble to justify the split from New York.<sup>58</sup> Knowing that the state must raise funds to support the militia, the council of safety began a systematic violation of the new constitution before it went into effect by appointing “Commissioners of Sequestration, with the authority to seize the goods and chattels of all persons who had or should join the common enemy; and that all property so seized should be sold at public vendue.”<sup>59</sup> This practice flouted the constitutional guarantee that no “man’s property” be taken or “applied to public uses, without his own consent.”<sup>60</sup> When the first General Assembly met in March 1778, it not only sanctioned the practice legislatively but also expanded it. The west side Confiscation Courts dominated by the Chittenden-Allen faction were much more aggressive than those on the east side. Ethan Allen, especially, who had developed a hatred for the British during his captivity, conflated Yorkers and Loyalists. Many claiming loyalty to the United States protested that Vermont officials, as a means of culling opposition to the new state, persecuted them because of their New York ties. They asserted “partizans for a new State have confiscated & sold & are selling many valuable real & personal Estates,” and “they have attempted repeatedly to exercise judicial and military Authority over those who continue loyal to the State of New York.” Shortly after returning to Vermont following his captivity, Allen stated his views clearly when he wrote he would send “17 wicked Tories” to Albany. “These inimical persons are Yorkers as well as Tories,” he added.<sup>61</sup>

In March 1778 the freemen elected Thomas Chittenden governor. He would hold the office, with the exception of the single and critical year of 1789–90, until he resigned a short time before his death in 1797. In 1778 the freemen returned a council with six west side representatives and eight from the east, but with Chittenden as governor, the Allen-Chittenden faction continued to dominate the council, especially as it often met in special sessions in Arlington which the east side members could not attend on short notice. The council of safety and the new government that replaced it in March 1778 frequently flouted the dictum of the constitution that government ought not operate for the “advantage of any single man, family, or set of men.” As Daniel Chipman noted, the Allen-Chittenden faction governed in a more “patriarchal than constitutional” fashion.<sup>62</sup> The confiscation and sequestration of land raised money for the support of the military effort and paid the expenses of the new government, making Vermont an asylum for persons who wanted to avoid taxes and, for some, military duty. The confiscated land often ended up in the hands of the leaders. When the Assembly made grants of land, the governor affixed the seal

of the state to the town charter and often awarded rights to himself, judges, soldiers, councillors, representatives, and prominent out-of-state men to induce them to favor Vermont. While not so magnificently as Benning Wentworth, Chittenden received a proprietary share in forty-four towns, about one-third of the towns he granted. His four sons and his wife also received a few shares.<sup>63</sup> These actions built an investment in Vermont independence and support for the new government.

The council of safety devoted much of its attention to military matters, and the stunning victory at Bennington in August 1777 bolstered the credibility of the new government. Already with substantial authority, the governor and council assumed power beyond that explicitly specified by the constitution. In its first years the weak Assembly did little to check the governor and council, as most suggestions for laws or the actual drafts came from the governor and council.

In February 1779 the Assembly, apparently with pressure from the council, passed "An Act for Forming and Regulating the Militia. . . ." The act delineated the militia's organization and included an oath of loyalty to Vermont. Refusal or neglect to serve as ordered carried a fine "levied on the goods and chattels of the respective delinquents." Designed as much to force support of Vermont from the disaffected leaders who continued to support New York authority as to organize a militia for defense, the act led to a situation, dubbed the Cow War, in which Vermont asserted its authority. New York's Governor George Clinton continued to encourage residents to defy Vermont in a manner Ethan Allen characterized as "either romantic, or calculated to deceive woods people, who, in general, may not be supposed to understand law, or the power of a legislative authority."<sup>64</sup> The attempt to recruit militia ran into opposition from New York supporters in Cumberland County and resulted in a fine of two cows, which were advertised for sale at public auction on 28 April 1779. A few days before the scheduled sale, about a hundred New York supporters assembled and reclaimed the cows.<sup>65</sup>

With reports from Cumberland County of the resistance to Vermont authority, Governor Chittenden "commanded" Ethan Allen "to engage one hundred able bodied effective men . . . in the County of Bennington" to assist the sheriff of Cumberland County to execute orders he may receive from the superior court in the county.<sup>66</sup> Samuel Minot, the head of the Yorker committee of safety in Cumberland County, reported that "Col. Ethan Alline [i.e., Allen] with a number of Green Mountain Boys" came across the mountains "for the purpose of reducing the loyal Inhabitants of this County to submission to the authority of the State of Vermont." Allen, Minot continued, "treated the people here

with the most insulting language assaulted and wounded several persons with his sword without the least provocation” and bid “defiance to the State of New-York.” Allen arrested forty-five of the protesters and hauled them off to jail in Westminster to await court appearances. In a “critical and distressing” situation, Minott urged Clinton “to take the most speedy & effectual Measures for our Relief; otherwise our Persons and Property must be at the disposal of Ethan Allin which is more to be dreaded than Death with all its Terrors.”<sup>67</sup>

When the Cumberland County court allowed the Yorker prisoners to engage legal counsel, they retained Stephen Row Bradley, who cited Blackstone as a legal authority to have the charges dropped. Allen, watching the proceedings, unbuckled his sword and “strode up the aisle” to the front of the courtroom and thundered, “I can upset your Blackstones, your whitestones, your gravestones, and your brimstones,” and made it clear that releasing the prisoners would be a grave mistake.<sup>68</sup> Allen’s bluster produced the desired result. Ira Allen later commented on the wisdom of foregoing the letter of the law, which permitted whipping, by simply fining and releasing the Yorker prisoners as Vermont would not treat “the inhabitants of this county with severity, but with as much lenity” as the “case” admitted. “We mean not,” he continued, “to boast of our victory over those gentlemen” who favor New York, “but hope to make them our friends.”<sup>69</sup> On 2 June 1779 the Vermont General Assembly appointed a three-man committee “to wait on his Excellency the Governor and the honble the Council and give them the thanks of this Assembly for their raising and sending the *Posse Comitatus* into Cumberland County in May last past for the purpose of apprehending the rioters who were tried at Westminster.”<sup>70</sup>

New York’s response was limited. Before the outbreak of the Cow War, New York’s Governor Clinton had advised Cumberland County “in no instance to acknowledge the authority of Vermont, unless where there is no alternative left between Submission & inevitable Ruin.” And in the case of threats by the “Green Mountain Boys or any Parties,” Clinton promised his support. However, he never came close to sending forces to relieve Cumberland County. Instead he relied on the Continental Congress, with its powerful New York delegation, to threaten and intimidate Vermont. In the face of the military situation with Burgoyne on Lake Champlain and the British army on the lower Hudson River, he could only threaten to issue “orders to the militia & make the necessary arrangements for marching to repel this outrage.” At the same time he urged the Yorkers to hold fast and to “rest assured that I shall make every exertion for your Protection of which the Executive

Authority of Government is capable.”<sup>71</sup> Yet Clinton had little capacity to take the forceful action he loudly proclaimed.

The Cow War provided a harbinger of the political division that would roil Vermont and become an important factor in the process of Vermont’s ratifying the Constitution and joining the union. Clinton’s inability to act led the Yorker sympathizers in the southeastern corner of Vermont to transfer their allegiance to Vermont, though they were still unsupportive of the Allen-Chittenden faction. The incident also hardened the hostility of Chittenden, the Allens, and their allies against New York and Clinton, and heightened their distrust of Congress.

A serious threat to the new government, and especially to the Allen-Chittenden faction’s control of it, came in 1778 with an alliance of Vermont’s Connecticut River towns with sixteen New Hampshire towns across the river. The formation and dissolution of this so-called “East Union” bloc would reinforce both Chittenden and Allen’s distrust of Congress. It began when the residents of the New Hampshire towns in the Connecticut River Valley complained that the state’s government, located in coastal Exeter, had neglected their defense, did not provide adequate representation or sufficient civil and military appointments, paid little heed to the transportation needs of the inland towns, and did not support Dartmouth College properly. Sixteen New Hampshire towns withdrew from the state, and with neighbors in the Vermont river towns, petitioned the Vermont Assembly in March 1778 to annex them.<sup>72</sup> The Assembly, “much perplexed with this petition,” decided to refer the matter “to the consideration of the freemen of the several towns,” in a form of referendum by towns.<sup>73</sup> This both angered New Hampshire and threatened to provoke the wrath of Congress. More importantly, it threatened to wrest control of the new state from the west side Arlington Junto. On 11 June 1778 the Assembly voted that the union take place, 37–12. The east siders demonstrated their power when the Assembly later voted “to take the incorporated university of Dartmouth, under the patronage of this State” and to appoint college president Eleazar Wheelock a justice of the peace.<sup>74</sup>

The representatives from the New Hampshire towns participated in the October 1778 elections and sent representatives to the Assembly, giving the east side a substantial majority. Governor Chittenden and the council went into action. They dispatched Ethan Allen to Congress to assay its attitude and sent Ira Allen to meet with New Hampshire Council of Safety president Meshech Weare in Exeter. After asking the New Hampshire delegation to enlist the aid of Congress to dissolve the East Union, Weare wrote to Chittenden expressing his astonishment that Vermont “should supply their enemies with arguments against

them,” that many of the residents in the sixteen towns preferred to remain in New Hampshire, and that “for the sake of their future peace and tranquility,” Vermont should “relinquish every connection . . . with the towns on the east side of Connecticut river.” Ethan Allen reported that both New Hampshire and New York vigorously opposed the union of the sixteen New Hampshire towns and that Vermont had to “recede from such union, immediately,” or else “the whole power of the confederacy of the United States of America will join to annihilate the state of Vermont.”<sup>75</sup>

Despite operating without a majority, the west side leaders outmaneuvered the eastern faction. The October 1778 Assembly session, meeting in the west-side stronghold of Bennington, took up the issue of forming new counties to accommodate the New Hampshire towns. To the east side’s surprise, the Assembly voted 35 to 26 to retain the county structure in place before the union, effectively leaving the New Hampshire towns without county government, including courts.<sup>76</sup> The east siders argued that the action was “in direct opposition to the report of the Committee” the preceding June which had favored union. They next tried to attach the sixteen towns to Cumberland County, but that failed by a 33 to 28 vote and “effectively debarred” the towns on the east side of the Connecticut River “from all benefit protection and security of the Commonwealth of Vermont.” A third attempt to form the New Hampshire towns into a “distinct county by themselves” failed by exactly the same vote. The angry east siders then launched a protest led by Joseph Marsh, the Lieutenant Governor, along with two members of the Council, and twenty-four Assembly members resigned and walked out in an effort to cripple the government by leaving it without a quorum.<sup>77</sup> On 23 October the Assembly passed resolutions asking the towns to instruct their representatives on how to deal with the sixteen New Hampshire towns and to replace the representatives who had walked out. When the Assembly reassembled in February 1779, it dissolved the East Union.<sup>78</sup> The Allen-Chittenden faction survived the threat and maintained control.

In the aftermath of the East Union debacle, the Continental Congress took steps to resolve the Vermont situation. In June 1779 Congress established a five-member commission to visit Vermont. Only two delegates came to Vermont, sapping the commission of a quorum and any authority it had. In the more than two years operating as an independent state, the desire to retain independence had solidified in Vermont. Chittenden made it clear to the delegates from Congress that even with the recognition of New Hampshire titles, Vermont would not accept New York authority.<sup>79</sup> A year later, in September 1780, Ira Allen and

Stephen Row Bradley attended Congress as observers. They asserted that Vermont had greatly assisted the prosecution of the war against Britain and that, if Congress would not defend and recognize it as a state, Vermont reserved the right to negotiate with any allies. Chittenden supported that position in a lengthy letter to the president of Congress. He pointed out that the many towns in New Hampshire, Massachusetts, and New York would “have been ravaged by the common enemy, had it not been for the indefatigable exertions of this state.” Vermont, he declared, will take such “measures as self-preservation may justify.”<sup>80</sup> In fact, the Arlington Junto had already embarked on that path.

After Burgoyne’s defeat at Saratoga, the British, fearing that the Americans would consider another invasion of Canada, pursued a two-part policy toward Vermont. Lord George Germain, British secretary of state for the colonies, ordered Frederick Haldimand, the governor of Canada, to launch raids into Vermont and the neighboring New York towns along the Hudson River north of Albany. The activity was meant to disrupt the invasion routes from the upper Connecticut River and Lake Champlain. Germain also ordered Haldimand to assist General Henry Clinton, named commander-in-chief in North America in 1778, in the effort to lure Vermont back into the British orbit.

Between 1778 and Cornwallis’ surrender at Yorktown in October 1781, the British in Canada conducted sporadic and small, yet lethal, raids led by regular officers accompanied by troops and Native American allies. In 1778 the British conducted two raids in the Champlain Valley, in which they burned buildings, took cattle, and took prisoners. In 1780 British troops went up the Onion (Winooski) River, where a previous raid had destroyed Ira Allen’s blockhouse. Lieutenant Richard Houghton’s force of regulars, along with nearly 200 Native Americans, burned Tunbridge on 15 October. The next day at Royalton they burned dozens of buildings, dispatched livestock, killed four settlers and took twenty-six men prisoner. On their retreat to Canada, they burned Randolph. The raid itself had little military import, but the killings, scalplings, transport of captives to Canada, and sudden assaults on the settlements in the Indian fashion of warfare, set the Vermont frontier on edge.<sup>81</sup>

The British and the Indians also launched raids along the Hudson River. In 1780 they took Fort George at the south end of Lake George. During those raids, the villages of Sandy Hill, Fort Ann, and Fort Edward were burned. Perceiving that they could not reach the objective of Schenectady, they stopped after skirmishes at several towns. Governor Clinton, with inadequate resources to resist, requested and received

the help of Seth Warner's badly depleted Green Mountain Continental Regiment. Ill health and exhaustion caused Warner to resign his commission and the unit disbanded in late 1780. New York's inability to defend these towns caused them to look toward an alliance with Vermont.<sup>82</sup>

In October 1780, the same month of the Royalton raid, Ethan Allen and the council agreed to a temporary truce and negotiations with the British, after Allen had received a secretly delivered invitation from the British. Vermonters knew about and approved of the truce, but they did not know the extent of the negotiations. Agents of General Frederick Haldimand conducted clandestine negotiations with Ira Allen ostensibly under a flag to conduct a prisoner exchange. When rumors reached Vermont that the discussions may have gone further than the exchange of prisoners, the Assembly created a committee of investigation. Chittenden, the Allens, and a handful of others in the inner circle who knew about the secret meetings, dissembled and produced a second set of doctored documents. This satisfied the Assembly, but in approving the cartel to exchange prisoners and the truce, it requested that Chittenden "discharge the Militia and Volunteers raised for the defence of the Northern frontiers."<sup>83</sup> This request and his apparent wish to disassociate himself, at least publically, from the negotiations, caused Ethan Allen's noisy resignation as brigadier-general of the Vermont militia. With the surrender of Cornwallis at Yorktown, the Haldimand negotiations ended, as there was no longer any possibility that the Assembly would approve a return to British affiliation.

Historians disagree about the seriousness of the Haldimand negotiations. In the nineteenth century, the accepted version became that the wily Vermonters had found a strategy both to defend the northern border and pressure Congress for recognition, but they had no real intention of rejoining the British. This view continues to persist in some of the most recent literature. However, beginning in the 1920s, revisionists found the Allens and their fellow conspirators serious in considering the return to the Empire primarily motivated by the opportunity to win recognition of their New Hampshire titles and access to the Canadian and British markets.<sup>84</sup> That the Allens would return to the negotiations in 1782 provided further evidence of the seriousness of the negotiations, as did their attempts to form a close tie with Quebec in the late 1780s.

Earlier in 1781 Chittenden and his supporters took aggressive measures to further their control and Vermont's independence. They induced the Assembly to adopt "Articles of Union," which created a second Eastern Union by annexing thirty-five New Hampshire towns. At



the same time, towns in northeastern New York, unhappy with what they deemed a tepid defense by New York during Burgoyne's invasion and the subsequent British raids, expressed an interest in joining Vermont. When Philip Schuyler and others supported a bill in the New York Assembly to recognize Vermont, Governor Clinton blamed the activity on "some of our monied gentlemen" who were induced "to speculate in lands and solicit grants."<sup>85</sup> The bill was killed, but Vermont responded by annexing fifteen New York towns between the informal New York-Vermont boundary and the Hudson River. They then announced a "Greater Vermont" with the Eastern and Western Unions.<sup>86</sup>

Incensed by Vermont's actions and his inability to force Vermont out of the West Union, Clinton sent Congress documents that implicated Vermont in the Haldimand negotiations, demonstrating an express purpose of returning Vermont to the British. At the same time, Chittenden wrote to George Washington complaining that the hostile activities of neighboring states and the failure of Congress to act had provoked Vermont's actions. Washington feared that the Vermont situation could touch off a civil war. He wrote to Chittenden that if Vermont withdrew to the confines "of your old limits," then "all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties."<sup>87</sup> Washington's reference to "old limits" tacitly recognized Vermont independence. In response, Chittenden called a special session of the Assembly where he presented Washington's letter. The governor pledged to continue military aid to the dissolved towns if they left Vermont, and he endorsed numerous grants of land, especially to leaders of the thirty-five New Hampshire towns. When "Greater Vermont" dissolved in April 1782, Vermont applied to Congress for admission as the fourteenth state. Congress did not act, adding to the Allen-Chittenden faction's distrust of the Confederation.<sup>88</sup>

### *Postwar Vermont*

As the leaders of Vermont continued to consolidate its authority, the state was changing. The estimated population of 7,000 in 1771 had grown to about 14,000 at the time of its declaration of independence in 1777. From 1780 to the first federal census in 1791, the Vermont population grew from roughly 30,000 to 85,000. With an annual average growth rate of 12 percent and the rate of natural increase at about 2.2 percent, most of the population growth came from in-migration.<sup>89</sup> Drawn to Vermont by inexpensive land, no state taxes, or to avoid military service, migrants did not bring with them the experience of the bitter struggle with New York. Coming from other states, they also did

not have the same wariness and antipathy for Congress and a federal government.

When the Assembly gathered in Rutland in 1784 nearly half (45 percent) of the representatives had never previously served, and they elected one of the freshmen representatives as speaker. Only seventeen of the eighty-three members had sat in its first gathering of the Assembly in 1778. The revolutionary leaders with their “bottom up” predilection in public policy gradually exited the stage. The new arrivals brought a different perspective to Vermont’s changing demography and conditions. Some also, unlike any of the Vermont separatist leaders, had served in the Continental Army, had a college education, and practiced law or other professions. Nathaniel Chipman, Yale educated and an aspiring and ambitious lawyer who had studied law with Tapping Reeve, resigned his commission in the Continental Army in 1778 and followed his parents to Vermont. College of New Jersey (Princeton) graduate Isaac Tichenor came to Vermont as a Continental quartermaster assigned to Bennington in June 1777. He made Bennington his permanent residence. Nathaniel Niles, a College of New Jersey (Princeton) graduate who studied medicine, law, and theology in New York, migrated to Vermont in 1781 and became a lay minister. These men and their associates held more aristocratic values, emphasizing respect and deference for authority. The Chipman-Tichenor-Niles faction and their allies became the chief opponents of the Allen-Chittenden bloc.<sup>90</sup>

The two competing factions clashed on a variety of matters that ranged from public policy to sheer personal dislike. Chipman and Matthew Lyon, a Chittenden stalwart and later his son-in-law, exchanged taunts in Stephen Row Bradley’s Westminster office in 1780. When Chipman called Lyon “an ignorant Irish puppy,” Lyon, sensitive about his Irish roots and his time as an indentured servant, attacked. Chipman defended himself with the knife he had used to sharpen a quill pen. It took both Bradley and Chipman to subdue Lyon.<sup>91</sup> Isaac Tichenor, with some allies, engaged in ugly and often *ad hominem* attacks on Ira Allen. These brutal attacks, both in the Assembly and under pseudonyms in the press, claimed Allen mishandled his offices as Vermont’s treasurer and surveyor general. “A Plain Man” expected that “Mr. Allen’s recommendation of himself as a very honest Treasurer” would no longer fool the voters. “A Friend to Justice” reflected on the threat of not re-electing Allen as surveyor general, claiming that if Vermonters “neglect him he becomes an enemy, and so ruins us. . . . If this be our case, miserable indeed is our present situation, and most deplorable our future prospects!”<sup>92</sup> Allen defended himself with lengthy

self-serving reports, but they did not effectively compete with the more lively and damning prose of his opponents. He would lose both offices.

As the settlers arrived in Vermont, many fell short of having clear, legal ownership of the land they had laboriously cleared and planted. With murky titles, some cheats, and no central registry, certain settlers could not defend themselves against others who labeled them squatters and claimed the land and improvements for themselves. In 1781 the Allen-Chittenden faction, with Matthew Lyon leading in the Assembly, passed the Betterment Act entitling those dispossessed of their farms to receive payment for their improvements from the “true” owners. The growing number of lawyers and more conservative members of the Assembly strongly opposed forcing rightful owners to pay because someone had taken possession without their knowledge or consent. In 1784, the Assembly formed a committee to reconsider betterments, which recommended the re-enactment of the 1781 law with tighter controls on how to establish the amount of restitution. The Assembly rejected the bill. The conservatives—in an effort to kill betterments altogether—successfully sponsored a bill for a non-binding referendum on the issue. Roughly 60 percent of the voters supported a betterment act, but by a narrow margin the bill failed in the Assembly, defeated by the same coalition of lawyers and east side opponents of the Allen-Chittenden faction. A new bill, making a settler entitled to the “value of improvements and betterments,” if he believed that he had good title to the land, and half of any enhanced value of the land, passed by a margin of five votes. In this instance the Chipman-Tichenor-Niles faction had not prevailed.<sup>93</sup>

In 1785 the voters elected the first council of censors, a body provided for in the constitution of 1777 to meet every seven years to review all of the activities of the state government, report to the people, and make recommendations for legislative repairs for the consideration of the Assembly. If it deemed it was warranted, the council of censors could recommend a constitutional convention. Elected at large, with no state office holder eligible, the thirteen members of the 1785 council of censors had only a small minority of reliable supporters of Chittenden and several inveterate opponents, including Joseph Marsh and Jonathan Hunt.<sup>94</sup>

After its review of the governmental activities, the council of censors made its recommendations. The council called for the impeachment of Matthew Lyon for refusing to turn over records. In addition, the council made many recommendations for the amendment or repeal of

laws, especially the more draconian punishments. The council opposed the Betterment Act and laws that addressed specific individuals like divorces, land disputes, and debtor issues. The council also called for a constitutional convention.<sup>95</sup>

The constitutional convention met as scheduled in Manchester in June 1786. The convention suggested changes to improve governance by stipulating that the legislative, executive, and judiciary powers should be “separate and distinct” and protecting Assembly members from retribution or prosecution for positions taken in deliberation or debate. They also required recording deeds in the office of the town clerk where the land was located. The convention turned down the recommendations to constrict male suffrage by limiting it to tax payers and limiting the Assembly to fifty members, as well as apportioning the seats not by towns, but in districts. The convention also rejected term limits for the elected executive offices of governor and treasurer. They also opposed the effort to change the council through electing it by counties rather than at large. The proposed changes to the Assembly and Governor’s Council would have placed power in the older, more populous and wealthy southern towns that increasingly provided the base of opposition to the Allen-Chittenden group.<sup>96</sup>

The major victory of the Chipman-Tichenor-Niles faction was the provision that no individual could hold more than one state office simultaneously. The leaders of the Allen-Chittenden circle, especially Ira Allen, but also notably Moses Robinson and Matthew Lyon, had held multiple offices. New members elected to the council gave the growing opposition a majority. They included Jacob Bayley, who had once called the Chittenden gang “all the Friends of Hell Combined and using all their Deiabolicall Arts to Disunite us . . . Changing themselves into angels of light now pleading you were abused by the State of N, Y.”<sup>97</sup> Jonathan Hunt of Vernon, formerly a strong adherent of New York, also opposed the Junto. Isaac Tichenor, a conservative thorn in the side of both Chittenden and Allen, also won a seat. Nathaniel Chipman and Nathaniel Niles won election to the supreme court.<sup>98</sup> The new constitution provision weakened the old guard’s grip.

The postwar economic downturn that provoked farmer’s protests from Georgia to New Hampshire did not bypass Vermont. Many farmers found themselves unable to pay the creditors who obtained court judgments against them. In August 1786 two hundred farmers from ten towns gathered in Rutland where the court had a long docket of cases against debtors. Chittenden responded to the protest with a message to the people of Vermont and a proposal for relief. He noted that, “Law suits are become so numerous that there is hardly money sufficient to pay

for entering the actions.” The cries to “kill the lawyers and deputy sheriffs” would not, he admonished, resolve the matter.<sup>99</sup> That October and November it took employment of the militia to quell rioters’ threats to close the courts in both Windsor and Rutland counties. In Rutland the anti-court protests led to some violence, arrests, and prosecution. In August Chittenden had proposed a tax on law suits, the creation of a state land bank, and issuance of paper money to address the problem. He proposed that the land bank, run by the state, would issue paper money that farmers could borrow to pay their creditors. The lawyers and creditors opposed Chittenden vehemently. They recalled the experience of severe wartime inflation of Continental and state paper money that would allow debtors to repay loans with devalued currency. Neither the land bank nor the issuance of paper money were adopted by the assembly at its October session, but an act passed allowing the payment of debts in certain specified articles. Creditors objected to being forced to accept perishable agricultural products and livestock, at legislatively fixed high values, in a depressed market.<sup>100</sup>

Incensed by the proposed tax on lawsuits and a visceral dislike of paper currency, Nathaniel Chipman led the opposition to the proposals, claiming they would “greatly increase and prolong the sufferings of the people.” Fearing that Chittenden had enough support in the Assembly to prevail, he proposed a referendum for January 1787 on component issues like the wisdom of paper money, general tender, and fulfillment of contracts. Chipman and his associates campaigned in both Vermont newspapers and it had their desired effect as voters rejected Chittenden’s initiative by wide margins.<sup>101</sup>

However, the debtor crisis did not subside. News of Shays’s Rebellion in neighboring Massachusetts quickly reached Vermont. This induced Chittenden to issue a proclamation on 27 February 1787 by the “request of the General Assembly” and “advice of the Council” admonishing Vermonters not to “harbour, entertain, or conceal” Daniel Shays and his followers nor to take arms nor furnish the rebels “with arms, ammunition, or otherwise” or they would answer for it “at their peril.” Ethan Allen’s letter to Massachusetts Colonel Benjamin Simmons, conveyed—as Allen expected—to Massachusetts Governor James Bowdoin and from him, to Governor Clinton in New York, stated somewhat disingenuously that the Vermont “government are so alarmed at the present conduct of your Insurgents” that it would do anything “requisite for the mutual peace.” Vermont, despite its protestations, did little to enforce Chittenden’s proclamation and many Shaysites remained in Vermont.<sup>102</sup> This communication between Massachusetts and Vermont, along with an article in the Boston *Independent Chronicle* that envisioned

New England forming itself into a separate republic of five states, gave tacit recognition of Vermont as a state.<sup>103</sup> With the widespread agrarian rebellions and other issues demonstrating the weakness of the Articles of Confederation, national leaders set into motion events that would result in the Constitutional Convention that would draft a new frame of government for the United States.

The proposed Constitution of the United States responded to the situation in Vermont. Article IV, section 3, addressed the admission of new states and the power of Congress over territory. It provided that “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.”<sup>104</sup> With the ratification of the Constitution in 1788, the path to Vermont’s statehood required New York first to recognize it and then to obtain confirming congressional action. It would also require Vermont to agree to become a state under the terms and conditions of the U.S. Constitution. The robust New York debates that led to its ratification of the Constitution recognized that Vermont presented a real problem that required resolution. Whether New York and Vermont could reach an accommodation in the face of the opposition some leaders in Vermont and New York still felt, and, even achieving that, whether Vermont would ratify the U.S. Constitution, remained open questions.

The Allen-Chittenden faction did not support statehood. In a long letter of 16 July 1788 to Lord Dorchester, governor of Canada, Ethan Allen discussed the “subject of American politics.” He affirmed the importance of the trade with and through Canada to European markets, that “Haldimand’s policy would still be the best,” referring to the former negotiations with the British. “The leading men of Vermont,” he asserted, “are not sentimentally attached to a republican form of government.”<sup>105</sup> Levi Allen confirmed that “the principal men of Chittenden’s and Allen’s party was clear for joining Great Britain immediately.” To his wife and brother he exclaimed, “in the name of almighty *God*, You will not Join Congress. Govr C——n, my deceased Brother [Ethan], Yourself, Col. Lyon, Clark, Enos, Hitchcock, Spafford’s, Coit, Ebenr. [Ebenezer Allen] &c. &c. &c. all being fully determined” against statehood. Levi feared that something “respecting Joining Congress, while [Governor Moses] Robinson was in the Chair” would need undoing because of “consequence to Vermont & our Family in Particular.”<sup>106</sup>

In July 1788, Nathaniel Chipman wrote to Alexander Hamilton about the need to overcome the hurdle posed by the Vermont government

and the link between opposition to joining the union and securing land titles. "The governor and some few gentlemen deeply interested in those lands," he reported, "have expressed themselves some what bitterly against the new federal plan of government." Chipman recognized that conditions concerning New Hampshire and, by then, Vermont titles as well, would have to accompany Vermont's entry into the union.<sup>107</sup>

Yet the pressure for Vermont statehood continued to rise from a variety of quarters, as many in New York appreciated that the Vermont situation needed resolution. In the spring of 1787 Alexander Hamilton introduced a bill in the New York Assembly to confirm the sovereignty and independence of Vermont. Hamilton labeled New York's efforts to assert authority in Vermont "fruitless," and asserted that Vermont's independence was "a matter fixed & inevitable." He also knew of the danger inherent in Vermont's negotiations with the British. He thought it best to recognize Vermont's independence and have it "*confederated*" into the union.<sup>108</sup> Hamilton and others also recognized the need for an additional northern state to counterbalance the anticipated addition of Kentucky as a slave state. In a long, powerful speech rebutting opposition, Hamilton pointed out the reasons that Vermont's non-confederated status posed threats to New York and the United States. He noted that, "Vermont is, in fact, severed from New York, and has been so for years. There is no reasonable prospect of recovering it, and the attempt would be attended with certain and serious calamities."<sup>109</sup> At Governor Clinton's urging, the New York senate killed the bill. However, other key leaders like James Madison, John Adams, and John Jay, who had reversed Clinton's previous opposition, joined Hamilton in acknowledging the importance of the matter and did not relent.

Aware of the activities in New York, Nathaniel Chipman had opened an unofficial private channel of communication with Hamilton. He introduced himself as a "citizen" of Vermont, and he suggested the "people of this State, could certain obstacles be removed, I believe, might be induced almost unanimously to throw themselves into the foederal scale." Some in New York thought "The State of Vermont is laying on her oars and watching the proceedings" in New York.<sup>110</sup> Chipman, grasping an oar, identified the major obstacle as the recognition of the Wentworth and Vermont land titles. The pressure to join the union mounted. Governor Chittenden received several communications from prominent New Yorkers requesting to know what conditions Vermont required to "come into the union" and offering to facilitate it.<sup>111</sup> On 22 October 1788 the Vermont Grand Committee (made up of the Assembly and Council) elected Moses Robinson, Ira Allen, and Jonathan

Arnold as agents to Congress; they were then instructed “to use all due diligence to remove every obstacle to the accession of this State to the Federal government.”<sup>112</sup>

In February 1789 the New York senate once again thwarted a bill to negotiate with Vermont, but the proponents did not give up. A July bill to appoint commissioners with the power to recognize “a certain territory within the jurisdiction” of New York (i.e., Vermont) became law. On 16 July 1789, the New York commissioners informed Chittenden of their powers and requested he advise them “of any measures which may be taken on your part to effect the attainment” of negotiations.<sup>113</sup> Chittenden did not inform the Assembly or call it into session, which would have likely established a parallel Vermont commission with tight instructions about the latitude of negotiations.

Those favoring statehood, well aware the New York legislature wanted to begin negotiations that could lead to Vermont statehood, determined to remove the barriers. The principal proponents arranged what amounted to a coup to remove Chittenden from office in the elections of October 1789. The plot harkened back to 1781 when Major Theodore Woodbridge forfeited his Vermont grant of a Canadian border town for not paying the requisite fees. In 1783 the Assembly passed an act authorizing the governor and council to fund the survey of the state’s remaining ungranted towns, including Woodbridge. They directed Ira Allen, the surveyor general, to dispose of Woodbridge and part of the town of Jay to pay for his expenses. Allen instead paid for the work with his own funds. In 1785 the council meeting in Arlington authorized payment, but with only six members present it did not have a quorum, and Allen did not get reimbursed. In the statewide elections of 1786, Ira Allen lost his bid for re-election as treasurer and requested that Chittenden reimburse him for his surveying expense with the grant of the entire town of Woodbridge. Chittenden made the grant in spite of the absence of a quorum. In October 1787, Jonathan Hunt of Vernon, a member of the council first elected in 1786, had to have known about the technical problem with Chittenden’s action. Hunt, a proponent of statehood and enemy of the Chittenden government, in October 1787 petitioned the Assembly for a grant of a town that matched the description of Woodbridge. During the 1788 session, Hunt expressed shock and outrage that Chittenden had already granted the town to Ira Allen. The Assembly appointed a three-man committee of inquiry made up of the governor’s political opponents that reported Chittenden had failed to “keep the *Public Seal* of this State *sacred*: and that he has converted it to *private, sinister views*.”<sup>114</sup> The report was entered into the journal of the Assembly, thus making the scandal and



rebuke a matter of public record. That sufficiently damaged Chittenden and he fell short of an absolute majority in the October 1789 elections. The Vermont constitution required that, without a majority, the election would default to the combined session of the Assembly and council. In that session Moses Robinson, with only 26 percent of the popular vote to Chittenden's 44 percent, won election as governor.<sup>115</sup> Moses Robinson's politics mirrored Chittenden's, but the two men differed on statehood. Robinson would work with the Chipman-Tichenor-Niles faction to bring about statehood, though he did not align with their other politics.<sup>116</sup>

A few months later, in 1790, a special independent committee established to settle Ira Allen's accounts as surveyor general, issued a report that cleared Chittenden and Allen of any fraudulent intent.<sup>117</sup> Chittenden won election again in October 1790, but by that time the activities that would lead to Vermont's ratifying convention and statehood in 1791, with its evident public support, had proceeded too far for the popular governor to thwart it.

In October 1789, after Chittenden had lost the election, he went to the Assembly where he "communicated such letters & advices as he had received from abroad touching our situation with the Federal government." Two days later the Vermont "Agents to Congress verbally reported their proceedings" on their mission. After that report the Assembly resolved "that a sub-committee of seven be appointed to draft a bill" naming their own commissioners to deal with New York's commissioners.<sup>118</sup> They passed the resulting legislation on 23 October 1789 and named Nathaniel Chipman, Isaac Tichenor, Stephen Row Bradley, Elijah Paine, Stephen Jacob, Israel Smith, and Ira Allen commissioners.<sup>119</sup> Allen, the odd man out among prominent, well-educated Federalist advocates, never attended a meeting. On 21 October 1790, having concluded their negotiations, the commissioners issued a report to the Assembly on their agreement with New York. The commissioners had encountered little difficulty in dealing with the Vermont-New York boundary and war debt, but the issue of land remained unresolved until New York agreed to accept \$30,000 in compensation from Vermont.<sup>120</sup> The Assembly confirmed the agreement and passed an act calling a convention to consider the U.S. Constitution on 27 October 1790. The Assembly also enacted legislation agreeing to pay New York \$30,000 by 1 June 1794.<sup>121</sup>

The 1791 Convention voiced its approval of the Constitution, 105 for and 4 dissenters (See RCS:Vt., 218–20). The Convention reported to Governor Chittenden, who also presided as the Convention's president. He had the duty to report to the Assembly and request it "take effectual

measures in the proposed negotiation with the Congress of the United States of America for the admission of this state into the Confederated government.” He was also required to inform them that the agreement to end the “disputes concerning landed property be in no wise impeached” and must “remain in full force.”<sup>122</sup> On 20 January 1791 Vermont named Nathaniel Chipman and Lewis R. Morris commissioners to represent Vermont and monitor Congress to make certain that federal legislation would remain true to the terms of the agreement with New York.<sup>123</sup> By February both the United States Senate and the House of Representatives had agreed to an act that provided for the United States judiciary, a collector of customs, a census, and other federal apparatus and, on 4 March 1791, formally admitted Vermont to the union as the fourteenth state.<sup>124</sup>

Becoming the fourteenth state caused exuberant celebrations in Vermont. The Rutland festivities included the “discharge of cannon,” and toasts to the president of the United States and, magnanimously, to “The state of New York.” A song composed for the occasion instructed the celebrating throng to “Fill fill your bumpers high” in the best tradition of the Green Mountain Boys.<sup>125</sup> The long, arduous path to recognition of the Wentworth, and later, Vermont, land titles, concluded when New York recognized that it had lost all authority in the Green Mountain State. After decades of dispute and rancor, and with Governor Clinton still opposed, New York had actually facilitated Vermont’s entrance into the union as the fourteenth state.

1. E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont* (8 vols., Montpelier, 1875), III, 486–87 (hereafter *G&C*).

2. Matt Bushnell Jones, *Vermont in the Making, 1750–1777* (Cambridge, Mass., 1939), 6–16, presents an excellent account of the Equivalent Lands and the transfer of Fort Dummer from Massachusetts to New Hampshire.

3. *Ibid.*, 44, 49–50, 430–32.

4. *Ibid.*, 21, 27–30, 36, 44, 49–50.

5. *Ibid.*, 398.

6. *Ibid.*, 47, 70, 278.

7. *Ibid.*, 75, 397–403.

8. J. Kevin Graffagnino, ed., *Ethan and Ira Allen: Collected Works* (3 vols., Benson, Vt., 1992), I, 3, 9.

9. Jones, *Vermont in the Making*, 41.

10. It took some time for the speculators on the New Hampshire Grants to abandon their misguided optimism and learn that George III would not come to their rescue and validate their titles. When William French lost his life in a courthouse riot in March 1775 his epitaph referred specifically to the “Cruel Ministerial tools of George the 3rd,” but in reality the “policies of King George and his ministers were one and the same” (Nathaniel Philbrick, *Bunker Hill: A City, A Siege, A Revolution* [New York, 2013], 112, 262). For the complete epitaph, see Frederick F. Van de Water, *The Reluctant Republic: Vermont, 1724–1791* (New York, 1941), 125.

11. Jones, *Vermont in the Making*, 166, 404–07.
12. *Ibid.*, 119–20.
13. *Ibid.*, 108–18, 434–35. The preamble to the Vermont constitution of 1777 claimed that New York “refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township; and did enhance the quit-rent three fold” (*The Constitution of the State of Vermont . . .* [Hartford, Conn., 1778] [Evans 16151], 4).
14. John J. Duffy and H. Nicholas Muller III, *Inventing Ethan Allen* (Hanover, N.H., 2014), 30.
15. Ethan Allen’s biographers and histories of Vermont all treat the Ejectment Trials. Michael Sherman, Gene Sessions, and P. Jeffrey Potash provide a succinct summary in *Freedom and Unity: A History of Vermont* (Barre, Vt., 2004), 82–84. A former governor and careful attorney, Hiland Hall presents a more legalistic account in *The History of Vermont . . .* (Albany, 1868), 118–21. See also Duffy and Muller, *Inventing Ethan Allen*, 30–34, for a more recent treatment.
16. Benjamin H. Hall, *History of Eastern Vermont, From Its Earliest Settlement to the Close of the Eighteenth Century* (New York, 1858), 762–73, provides a “List of Civil and Military Officers of Cumberland and Gloucester Counties.”
17. Gary G. Shattuck, “‘A Heathenish Delusion’: The Symbolic Constitution of Vermont” (MA thesis, American Public University System, 2016), 42–43.
18. E. B. O’Callaghan, ed., *The Documentary History of the State of New York* (4 vols., Albany, 1851), IV, 518–21 (hereafter *DHNY*).
19. Graffagnino, *Collected Works*, I, 19–20, 24.
20. *DHNY*, IV, 469–471.
21. John Pell, *Ethan Allen* (Boston, 1929), 45–46.
22. *DHNY*, IV, 486, 496–98, 818–21; Russell S. Taft, “The Supreme Court of Vermont: The Pre-Revolutionary Courts,” *The Green Bag*, V (1893), 558.
23. Taft, “Supreme Court,” 558; Doris Begor Morton, *Philip Skene of Skenesborough* (Granville, N.Y., 1959), 35.
24. Willard Sterne Randall, *Ethan Allen: His Life and Times* (New York, 2011), 279.
25. Samuel Williams, *The Natural and Civil History of Vermont* (Walpole, N.H., 1794) (Evans 28094), 224.
26. Hiland Hall, *History*, 305; Heather M. Haley, ed., “Philip Skene of Skenesborough: Selected Transcriptions,” *The Bulletin of the Fort Ticonderoga Museum*, XVII (2016), 43.
27. Graffagnino, *Collected Works*, I, 10–12.
28. Morton, *Skene*, 38.
29. Robert Taylor et al., eds., *The Adams Papers: The Papers of John Adams* (Cambridge, Mass., 1977–), III, 54–56; John G. Pell, “Philip Skene of Skenesboro,” *The Quarterly Journal of the New York State Historical Association*, IX (1928), 34–36; Morton, *Skene*, 38–39, 46–47.
30. Williams, *History*, 225.
31. For a succinct account of the Westminster Massacre, see H. Nicholas Muller III in John Duffy, Samuel B. Hand, and Ralph H. Orth, eds., *The Vermont Encyclopedia* (Hanover, N.H., 2003), 317–18.
32. Williams, *History*, 226.
33. Graffagnino, *Collected Works*, II, 3–4.
34. PCC, Item 40, Other Reports of Committees of Congress: Papers Relating to the New Hampshire Grants, 1776–1784, Vol. I, p. 401.
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36. Pell, *Ethan Allen*, 114.
37. Shattuck, "Heathenish Delusion," 102.
38. James Duane, "State of the Evidence and Argument in Support of the Territorial Rights and Jurisdiction of New York . . . ," *Collections of the New-York Historical Society for the Year 1870*, Publication Fund Series, III (New York, 1871), 34–35.
39. Shattuck, "Heathenish Delusion," 103.
40. *G&C*, I, 11, 37, 48–50.
41. *Ibid.*, 15, 21, 53–54.
42. *Ibid.*, 24.
43. *Ibid.*, 46.
44. *Ibid.*, 44.
45. *Ibid.*, 55, 57–59.
46. *Ibid.*, 30–31.
47. *Ibid.*, 58; Pauline Maier, "Reason and Revolution: The Radicalism of Dr. Thomas Young," *American Quarterly*, 28 (1976), 229–49.
48. Constitution (1777), 7, 11.
49. Robert Shalhope, *Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1760–1850* (Baltimore, 1996), 170–72.
50. Constitution (1777), 7. Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777–1810* (Barre, Vt., 2014), 74–75, demonstrates that the Vermont constitution notwithstanding, Vermont continued to harbor a small number of slaves as demonstrated by Vermont's 1786 "Act to prevent the sale and transportation of Negroes & Molattoes out of this State."
51. Constitution (1777), 12.
52. *Ibid.*, 9.
53. *Ibid.*, 10, 23.
54. *Ibid.*, 11, 16–17.
55. *G&C*, I, 62.
56. *Ibid.*, 108.
57. Graffagnino, *Collected Works*, III, 50; *G&C*, I, 109. *G&C*, I, 110–29, provides a very useful analysis of the membership of the council of safety. For the familial ties in the council of safety, see Patricia Lavery Thomas, "A Study of Familial Ties in Early Vermont Government" (MA Thesis, University of Vermont, 1972).
58. *G&C*, I, 85–6; Graffagnino, *Collected Works*, III, 58.
59. Graffagnino, *Collected Works*, III, 52.
60. Constitution (1777), 9.
61. *G&C*, I, 22–23, 235, 283–87; *State Papers of Vermont* (20 vols., Montpelier, 1918–1969), VI, *Sequestration, Confiscation, and Sale of Estates*, 13–17; Randall, *Ethan Allen*, 455–56; Michael Bellesiles, *Revolutionary Outlaws* (Charlottesville, 1993), 167; *DHNY*, IV, 576–77; *EAHK*, I, 82.
62. *G&C*, I, 233–4; Daniel Chipman, *A Memoir of Thomas Chittenden . . .* (Middlebury, Vt., 1849), v.
63. Frank Smallwood, *Thomas Chittenden: Vermont's First Statesman* (Shelburne, Vt., 1997), 96–97.
64. *State Papers of Vermont*, XII, *Laws of Vermont*, 57, 64; Ethan Allen, *An Animadversory Address to the Inhabitants of the State of Vermont . . .* (Hartford, Conn., 1778) (Evans 15719), 21.
65. Duffy, *Vermont Encyclopedia*, 142.
66. *G&C*, I, 298–300.
67. *DHNY*, IV, 581.

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69. Benjamin H. Hall, *Eastern Vermont*, 345. Hall provides a full rendition of the Cow War on pages 332–47.
70. *State Papers of Vermont*, III, *Journals and Proceedings of the General Assembly of the State of Vermont . . .*, Part 1, 69.
71. *DHNY*, IV, 579, 582, 584.
72. Jere R. Daniel, *Experiment in Republicanism: New Hampshire Politics and the American Revolution, 1741–1794* (Cambridge, 1970), 153–4.
73. Graffagnino, *Collected Works*, III, 61.
74. *State Papers of Vermont*, III, *Journals*, Part 1, 24–27.
75. *G&C*, I, 413–16.
76. *State Papers of Vermont*, III, *Journals*, Part 1, 41–45.
77. *Ibid.*, 41–45; *G&C*, I, 423.
78. *State Papers of Vermont*, III, *Journals*, Part 1, 47–48, 53; *G&C*, I, 423.
79. *G&C*, I, 520–25.
80. William Slade, comp., *Vermont State Papers . . .* (Middlebury, Vt., 1823), 118–22.
81. Neil Goodwin, *We Go As Captives: The Royalton Raid and the Shadow War on the Revolutionary Frontier* (Barre, Vt., 2010), provides a full account of the Royalton Raid and the experiences of the captives. David Bennett, *A Few Lawless Vagabonds: Ethan Allen, the Republic of Vermont, and the American Revolution* (Philadelphia, 2014), 162–70, provides a summary of the raids and an analysis of their effect. See also Oscar E. Bredenberg, *Military Activities in the Champlain Valley after 1777* (Champlain, N.Y., 1962).
82. Bennett, *Lawless Vagabonds*, 166–67; Bredenberg, *Military Activities*, 27–29.
83. *State Papers of Vermont*, III, *Journals*, Part 1, 145–46.
84. Historians of Vermont have long offered opposed positions about the Allen-Chittenden faction’s intent in the Haldimand negotiations. Williams in his 1794 *History* allowed Ira Allen to review the manuscript and make his case prior to publication. Williams told Allen that he had “inserted every thing that you mentioned to me, and I believe it now stands in a light that cannot be construed unfavorable to any person who was concerned in it, or by the british in Canada” (*EAHK*, II, 423–24). That the Allen-Chittenden group slyly out-foxed the British to secure the northern border against British attack from Canada and to put pressure on the Continental Congress for recognition remained the only interpretation until the 1920s. Since then revisionists have opened a debate asserting that the Vermont leaders negotiated in earnest. For a recent and full discussion of the historiography of the debate see Duffy and Muller, *Inventing Ethan Allen*, 167–94. A recent and carefully documented analysis by Bennett, *Lawless Vagabonds*, comes down squarely and definitively on the side of the revisionists and seriousness of the negotiations.
85. *G&C*, II, 270.
86. Sherman, *Freedom and Unity*, 115–16.
87. *G&C*, II, 350–54.
88. Smallwood, *Chittenden*, 116–17.
89. H. Nicholas Muller III, “Shifting Boundaries, Elusive Settlers, and the Population of the ‘Republic of Vermont’: A Review Essay on Vermont 1771 Census,” *Vermont History*, 51 (1983), 179–89.
90. *G&C*, III, 103; Robert A. Mello, *Moses Robinson and the Founding of Vermont* (Barre, Vt., 2014), 203–16; *State Papers of Vermont*, III, *Journals*, Part 3, 65; John M. Comstock, ed., *Principal Civil Officers of Vermont from 1777 to 1918* (St. Albans, Vt., 1918), 16.
91. *Annals of Congress* (42 vols., Washington, D.C., 1834–56), 5th Cong., 2nd Sess., 999–1000.

92. See Jonathan K. Graffagnino, "Revolution and Empire on the Northern Frontier: Ira Allen of Vermont, 1751–1814" (Ph.D. Diss., University of Massachusetts, 1993), 228–34, for samples of the politics of personal attack against Ira Allen.
93. Mello, *Moses Robinson*, 205–9; Smallwood, *Chittenden*, 123–29.
94. Paul S. Gillies and Gregory Sanford, eds., *Records of the Council of Censors of the State of Vermont* (Montpelier, 1991), xi–xii; *G&C*, III, 64.
95. *G&C*, III, 30–31, 33, 37–42.
96. *Ibid.*, 43–57, 80–83.
97. *DHNY*, IV, 560.
98. *G&C*, III, 101–104.
99. *G&C*, III, 359–61.
100. *Ibid.*, 364; Smallwood, *Chittenden*, 141–47.
101. Sherman, *Freedom and Unity*, 123; *State Papers of Vermont*, III, *Journals*, Part 3, 284–85.
102. *G&C*, III, 375–80.
103. Joseph J. Ellis, *American Creation* (New York, 2007), 93. Maine would not become the sixth New England state until 1820.
104. *RCS:Vt.*, 255.
105. *RCS:Vt.*, 150–53.
106. *RCS:Vt.*, 228, 230.
107. *RCS:Vt.*, 148–50.
108. *G&C*, III, 422–24.
109. *Ibid.*, 433.
110. *RCS:Vt.*, 148; *RCS:N.Y.*, 1301.
111. *G&C*, III, 443–45.
112. *Ibid.*, 447.
113. *Ibid.*, 448–49.
114. *Ibid.*, 508–14; Smallwood, *Chittenden*, 153–59.
115. *State Papers of Vermont*, III, *Journals*, Part 4, 119–21.
116. Mello, *Moses Robinson*, 254.
117. Smallwood, *Chittenden*, 157.
118. *State Papers of Vermont*, III, *Journals*, Part 4, 135, 138, 141.
119. *State Papers of Vermont*, XIV, *Laws*, 477.
120. *G&C*, III, 460–61.
121. *State Papers of Vermont*, III, *Journals*, Part 4, 220.
122. *RCS:Vt.*, 220.
123. *G&C*, III, 485.
124. Linda Grant De Pauw, Charlene Bangs Bickford, Kenneth R. Bowling, et al., eds., *Documentary History of the First Federal Congress of the United States of America, March 4, 1789–March 3, 1791* (22 vols., Baltimore, 1972–2017), VI, 2003–5.
125. *RCS:Vt.*, 222, 223.

## Note on Sources

### *Legislative and Executive Records*

The proceedings for the October 1790 session of the Vermont General Assembly are found in *A Journal of the Proceedings of the General Assembly of the State of Vermont . . .* (Windsor, Vt., 1791) (Evans 23937). The Assembly journal for 1778 through 1792 can also be found in Volume 3 of the *State Papers of Vermont: Journals and Proceedings of the General Assembly of the State of Vermont . . .*, Parts I–V (Bellows Falls and Montpelier, Vt., 1924–1970). Laws from the October 1786 and 1790 legislative sessions are cited or printed in this volume. They come from *Acts and Laws, of the State of Vermont. Passed at the Session of the General Assembly holden in Rutland, in October 1786* (Bennington, Vt., 1786) (Evans 45006) and *Acts and Laws, Passed by the Legislature of the State of Vermont, At their session at Castleton, the second Thursday of October, 1790* (Windsor, Vt., 1790) (Evans 23013). The laws for the 1777–1795 period can also be found in Volumes 12–15 of the *State Papers of Vermont: Laws of Vermont* (Montpelier, Vt., 1965–1967).

Executive records for the 1775–1791 period can be found in the first three volumes of E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont* (Montpelier, Vt., 1873–1875). The first volume also contains the records of the Council of Safety and the General Conventions. Appendices in these three volumes include documents on New York-Vermont relations and Vermont diplomatic overtures towards Canada and Great Britain. Gubernatorial proclamations were printed as broadsides and/or in Vermont newspapers. The changes made to the 1777 state constitution in 1785–86 are found in Paul S. Gillies and D. Gregory Sanford, eds., *Records of the Council of Censors of the State of Vermont* (Montpelier, Vt., 1991). Volume 4 of E. B. O’Callaghan, ed., *The Documentary History of the State of New-York* (Albany, 1851), provides useful information on the dispute between New York and Vermont.

### *Vermont Convention Sources*

Neither a manuscript nor a printed journal exists for the January 1791 Convention that ratified the U.S. Constitution. The *Vermont Gazette* printed the Convention roster and accounts of the Convention’s proceedings and debates in five issues (10, 17, 24, and 31 January and 14 February 1791).

An original engrossed copy of the Vermont form of ratification is *not* in RG 11, Certificates of Ratification of the Constitution and Bill of Rights . . . , at the National Archives in Washington, D.C. But a copy of

the original is in the Bankson Journal, RG 11, Ratifications of the Constitution with Copies of Credentials of Delegates to the Constitutional Convention, at the National Archives. On 9 February 1791, President George Washington forwarded the Vermont form of ratification to Congress (along with other related documents). The form of ratification was printed in the U.S. Senate journal (DHFFC, I, 552, 559–60). Neither the copy in Bankson's Journal nor the copy in the Senate journal includes delegates' signatures. The retained copy of the form of ratification with signatures is in the collections of the Vermont Historical Society. E. P. Walton printed the retained copy with the signatures (*Records of the Governor and Council*, III, 480–82).

The Vermont act ratifying the twelve amendments to the Constitution proposed by the first federal Congress is in Volume 15 of the *State Papers of Vermont: Laws of Vermont* (Montpelier, Vt., 1967), 45, and in RG 11, Certificates of Ratification of the Constitution and Bill of Rights . . . , at the National Archives.

#### *Personal Papers*

Five letters from either Ethan or Levi Allen come from John J. Duffy, ed., *Ethan Allen and His Kin: Correspondence, 1772–1819* (2 vols., Hanover, N.H., 1998). Two letters to Alexander Hamilton are in the Hamilton Papers at the Library of Congress, and one from Hamilton is in Harold C. Syrett et al., eds., *The Papers of Alexander Hamilton* (27 vols., New York, 1961–1987). One letter from Boston distiller and merchant John Avery, Jr., comes from the Hall Park McCullough Collection at the University of Vermont Library, and one letter from New Hampshire Confederation Congress delegate Nicholas Gilman is in the John Langdon Papers at the Portsmouth Athenæum.

#### *Newspapers*

In the late 1780s and early 1790s Vermont had two weekly newspapers, both begun in 1783. Anthony Haswell and David Russell printed *The Vermont Gazette* in Bennington on Mondays during the period 1787–91, when the state debates over ratification were taking place. During the late 1780s the masthead read: “*With generous Freedom for our constant Guide, — We scorn Controul, and print for every Side.*” That couplet disappeared with the issue of 20 July 1789. Following a period with no couplet in the masthead, a more elaborate masthead with a new couplet appeared on 14 December: “*While DECENCY and CANDOUR guide the PEN — Our PRESS shall SCORN the IMPERIOUS FROWN of MEN.*” All of the issues of the *Gazette* for the period from September 1787 through February 1791 are extant.



George Hough and Alden Spooner published *The Vermont Journal, and the Universal Advertiser*, which was printed in Windsor on Mondays from September 1787 through June 1789, on Wednesdays from July 1789 through June 1790, and on Tuesdays from July 1790 through February 1791. Only four issues of the *Journal* for this period are not extant. The paper's masthead contained the words "Vermont: Freedom & Unity." Though Hough retired in December 1788, leaving Spooner as the publisher, the title of the paper did not change to *Spooner's Vermont Journal* until 20 March 1792. Spooner was also the state printer until an act passed in October 1790 provided that the state laws would be printed by either Spooner or Haswell-Russell, depending on which side of the mountains the legislature was sitting (*State Papers of Vermont*, III, Part 4, 198n).

The full report of the Constitutional Convention, including the text of the Constitution and related documents, was published in both newspapers in October 1787. Both newspapers carried a great deal of information dealing with the dispute between New York and Vermont. The newspapers also printed many advertisements announcing tax delinquencies for property, state laws, the gubernatorial proclamations announcing a day of thanksgiving, and the debates in the first federal Congress under the new Constitution. Between 10 January and 14 February 1791, the *Vermont Gazette* printed the debates that took place in the Vermont ratifying Convention.

#### *Broadsides and Pamphlets*

Very few broadsides and pamphlets about the ratification debate were printed in Vermont. By mid-November 1790, Alden Spooner printed the Constitution as a twenty-three-page pamphlet entitled *The Constitution of the United States of America, As agreed upon by their Delegates in Convention, September 17th, 1787: Together with the Articles of Amendment, As adopted by the Congress of the said States, in the Year 1789* (Evans 22977). Advertisements for this pamphlet were printed in the *Vermont Journal* on 16, 23, 30 November and 14, 21 December 1790.

Governor Moses Robinson issued two proclamations of Thanksgiving. The first, published October 1789 as a broadside (Evans 45731), was reprinted in both Vermont newspapers and called for a day of thanksgiving and praise throughout the state. In March 1790, Robinson issued another proclamation that called for a day of "PUBLIC HUMILIATION, FASTING and PRAYER" and admonished citizens to reflect on past sins and pray for future wisdom (Evans 23014). This broadside was reprinted in the *Vermont Journal*. Robinson's two proclamations referred to the

favorable prospects for Vermont joining the United States. The act that officially admitted Vermont into the Union was printed as a broadside in February 1791 and was signed by Secretary of State Thomas Jefferson (Evans 23856).

### *Secondary Sources*

A recent general history of Vermont is Michael Sherman, Gene Sessions, and P. Jeffrey Potash, *Freedom and Unity: A History of Vermont* (Barre, Vt., 2004). For various aspects of the history of the late colonial, revolutionary, and early national periods, see Hiland Hall, *The History of Vermont, From Its Discovery to Its Admission Into the Union in 1791* (Albany, N.Y., 1868); Matt Bushnell Jones, *Vermont in the Making, 1750–1777* (Cambridge, Mass., 1939); Frederic F. Van de Water, *The Reluctant Republic: Vermont, 1724–1791* (New York, 1941); Chilton Williamson, *Vermont in Quandary: 1763–1825* (Montpelier, Vt., 1949); Oscar E. Brendenbergh, *Military Activities in the Champlain Valley after 1777* (Champlain, N.Y., 1962); Michael Sherman, ed., *A More Perfect Union: Vermont Becomes a State, 1777–1816* (Montpelier, Vt., 1991); James S. Davidson, “The New Immigration and Postwar Problems (1779–1791),” *Rutland Historical Society Quarterly*, 23 (1993), 2–14; Robert E. Shalhope, *Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1760–1850* (Baltimore, 1996); Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777–1810* (Barre, Vt., 2014); Gary G. Shattuck, “‘A Heathenish Delusion’: The Symbolic 1777 Constitution of Vermont” (M.A. thesis, American Public University System, 2016); and Peter S. Onuf, “State-Making in Revolutionary America: Independent Vermont as a Case Study,” *Journal of American History*, 67 (1981), 797–815. Vermont regional and local histories include Benjamin H. Hall, *History of Eastern Vermont, From Its Earliest Settlement to the Close of the Eighteenth Century* (New York, 1858) and Doris Begor Morton, *Philip Skene of Skenesborough* (Granville, N.Y., 1959). Information on the Revolutionary War in Vermont can be found in Neil Goodwin, *We Go As Captives: The Royalton Raid and the Shadow War on the Revolutionary Frontier* (Barre and Montpelier, Vt., 2010).

Useful biographical information can be found in Jacob G. Ullery, *Men of Vermont: An Illustrated Biographical History of Vermonters and Sons of Vermont* (Brattleboro, Vt., 1894). See also Jonathan K. Graffagnino, “Revolution and Empire on the Northern Frontier: Ira Allen of Vermont, 1751–1814” (Ph.D. diss., University of Massachusetts, 1993); Dorr Bradley Carpenter, ed., *Stephen R. Bradley: Letters of a Revolutionary War Patriot and Vermont Senator* (Jefferson, N.C., 2009); Daniel Chipman, *The*

*Life of Hon. Nathaniel Chipman* (Boston, 1846); Daniel Chipman, *A Memoir of Thomas Chittenden, the First Governor of Vermont; with a History of the Constitution during His Administration* (Middlebury, Vt., 1849); Frank Smallwood, *Thomas Chittenden: Vermont's First Statesman* (Shelburne, Vt., 1997); and Robert A. Mello, *Moses Robinson and the Founding of Vermont* (Barre and Montpelier, Vt., 2014).

Much has been written on Ethan Allen. Useful books include Charles A. Jellison, *Ethan Allen: Frontier Rebel* (Syracuse, N.Y., 1969); John Pell, *Ethan Allen* (Boston, 1929); J. Kevin Graffagnino, ed., *Ethan and Ira Allen: Collected Works* (3 vols., Benson, Vt., 1992); Michael A. Bellesiles, *Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier* (Charlottesville, Va., 1993); Willard Sterne Randall, *Ethan Allen: His Life and Times* (New York, 2011); David Bennett, *A Few Lawless Vagabonds: Ethan Allen, the Republic of Vermont, and the American Revolution* (Philadelphia, 2014); and John J. Duffy and H. Nicholas Muller III, *Inventing Ethan Allen* (Hanover, N.H., 2014).

Four useful reference works for Vermont are John M. Comstock, ed., *A List of the Principal Civil Officers of Vermont from 1777 to 1918* (St. Albans, Vt., 1918); Esther Munroe Swift, *Vermont Place-Names: Footprints of History* (Brattleboro, Vt., 1977); John J. Duffy, Samuel B. Hand, and Ralph H. Orth, eds., *The Vermont Encyclopedia* (Hanover, N.H., 2003); and T. D. Seymour Bassett, ed., *Vermont: A Bibliography of Its History* (Boston, 1981).

## Vermont Chronology, 1764–1792

### 1764

20 July British Order in Council awards New York disputed territory of Vermont

### 1775

10 May Ethan Allen captures Fort Ticonderoga

10 December Call for a provincial convention

### 1776

16 January Vermont Provincial Convention meets in Dorset (no towns east of mountains)

24 July Vermont Provincial Convention meets in Dorset

25–28 September Vermont Provincial Convention meets in Dorset

30 October Vermont Provincial Convention meets in Westminster

### 1777

15 January Vermont Provincial Convention meets in Westminster and declares Vermont a new state under the name of New Connecticut

4 June Vermont Provincial Convention meets in Windsor

4 June “Vermont” name adopted (re-enacted by Vermont Assembly in 1779 and 1782)

2–8 July Windsor Convention

8 July Windsor Convention accepts Vermont constitution

### 1778

March New Hampshire towns east of Connecticut River petition to join Vermont

12–26 March First Vermont Assembly meets

4–18 June Second meeting of Assembly

11 June Vermont Assembly accepts 16 towns east of Connecticut River (East Union)

8–24 October Third meeting of Assembly

### 1779

12 February Vermont Assembly rejects annexation of New Hampshire towns on east bank of Connecticut River

### 1781

16 January Charlestown Convention of 43 Connecticut River towns

17 January New Hampshire towns east of Connecticut River vote to join Vermont

14 February Vermont lays claim to towns between Lake Champlain and the Hudson River

14 February Vermont Assembly votes to annex New Hampshire towns east of the Connecticut River (Second East Union)

- 15 May Cambridge, N.Y., Convention votes to secede from New York and unite with Vermont
- 16 June Vermont accepts annexation of New York towns (West Union)
- 1782**
- 22 February Vermont Assembly repeals annexation of New Hampshire towns east of Connecticut River and New York towns west of Lake Champlain
- 1784**
- 8 March Assembly rejects Grand Committee resolution to open negotiations with Quebec
- 29 October Legislature passes act to appoint commissioners to negotiate opening free trade with Quebec
- 1785**
- 8 June Ira Allen reports to the assembly on the negotiations for opening trade to Quebec
- 1786**
- 24 March British Order in Council prohibits importation of American goods into Quebec
- 26 October Governor and Council appoint Levi Allen as one of commissioners to negotiate with Quebec
- 1787**
- 1, 8 October First Vermont printing of U.S. Constitution (*Vermont Gazette*)
- 1788**
- 14 July Nathaniel Chipman writes to Alexander Hamilton that Vermonters would “almost unanimously” support joining the Union if they were protected from losing land to New York
- 16 July Ethan Allen writes to Lord Dorchester suggesting Vermont’s interests might benefit from an alliance with Britain rather than the United States
- 1789**
- 16 July New York act appoints commissioners to negotiate with Vermont
- 23 October Vermont Assembly appoints commissioners to negotiate with New York
- 1790**
- 9–13 February New York and Vermont commissioners meet
- 6 March New York expands its act concerning negotiations with Vermont
- 7 October Vermont and New York commissioners agree to treaty resolving outstanding differences
- 7 December Vermont elects delegates to state convention

- 21 October Commissioners report New York-Vermont Treaty to Vermont Assembly  
 27 October Vermont act calling convention to ratify U.S. Constitution  
 28 October Vermont act accepting New York-Vermont Treaty

**1791**

- 6–10 January Vermont Convention meets  
 10 January Vermont Convention ratifies Constitution, 105 to 4  
 18 February U.S. act admitting Vermont to statehood  
 4 March Vermont becomes the fourteenth state  
 3 November Vermont Assembly passes tax to pay New York \$30,000;  
 Vermont Assembly approves twelve amendments to U.S. Constitution

**1792**

- 7 January Vermont transmits adoption of amendments to Congress

## Officers of the State of Vermont 1787–1791

### *Governor*

Thomas Chittenden (1787–89, 1790–91)  
Moses Robinson (1789–90)

### *Lieutenant Governor*

Joseph Marsh (1787–90)  
Peter Olcott (1790–91)

### *Secretary of State*

Micah Townsend (1787–88)  
Roswell Hopkins (1788–91)

### *Attorney General*

Samuel Hitchcock (1790–91)

### *Treasurer*

Samuel Mattocks (1787–91)

### *Auditors of Accounts*

Elisha Clark (1790–91)  
Roswell Hopkins (1787–88)  
John Strong (1787–88)  
Isaac Tichenor (1788–91)

### *Surveyor General*

James Whitelaw (1787–91)

### *Supreme Court*

*1787–1788*

Moses Robinson, Chief Judge  
Nathaniel Niles, Side Judge  
Paul Spooner, Side Judge

*1788–1789*

Moses Robinson, Chief Judge  
Paul Spooner, Side Judge  
Stephen Row Bradley, Side Judge

*1789–1790*

Nathaniel Chipman, Chief Judge  
Noah Smith, Side Judge  
Samuel Knight, Side Judge

*1790–1791*

Nathaniel Chipman, Chief Judge  
Noah Smith, Side Judge  
Samuel Knight, Side Judge

## COUNCILLORS<sup>1</sup>

11th Council (1787–1788)	12th Council (1788–1789)	13th Council (1789–1790)	14th Council (1790–1791)
Timothy Brownson (Sunderland)	Timothy Brownson (Sunderland)	Timothy Brownson (Sunderland)	Timothy Brownson (Sunderland)
Peter Olcott (Norwich)	John Fassett, Jr. (Cambridge)	John Fassett, Jr. (Cambridge)	John Fassett, Jr. (Cambridge)
Jacob Bayley (Newbury)	Peter Olcott (Norwich)	Peter Olcott (Norwich)	Jacob Bayley (Newbury)
Samuel Fletcher (Townshend)	Jacob Bayley (Newbury)	Jacob Bayley (Newbury)	Thomas Porter (Tinnmouth)
Thomas Porter (Tinnmouth)	Samuel Fletcher (Townshend)	Thomas Porter (Tinnmouth)	Samuel Safford (Bennington)
Thomas Murdock (Norwich)	Thomas Porter (Tinnmouth)	Samuel Safford (Bennington)	John Strong (Addison)
Samuel Safford (Bennington)	Thomas Murdock (Norwich)	John Strong (Addison)	Jonathan Hunt (Hinsdale)
John Fassett, Jr. (Cambridge)	Samuel Safford (Bennington)	Jonathan Hunt (Hinsdale)	Ebenezer Walbridge (Bennington)
John Strong (Addison)	John Strong (Addison)	Ebenezer Walbridge (Bennington)	Isaac Tichenor (Bennington)
Jonathan Hunt (Hinsdale)	Jonathan Hunt (Hinsdale)	Isaac Tichenor (Bennington)	Nathaniel Niles (Fairlee)
Ebenezer Walbridge (Bennington)	Ebenezer Walbridge (Bennington)	Nathaniel Niles (Fairlee)	Luke Knoulton (Newfane)
Isaac Tichenor (Bennington)	Isaac Tichenor (Bennington)	Luke Knoulton (Newfane)	Jonathan Arnold (St. Johnsbury)
Secretary: Joseph Fay	Secretary: Joseph Fay	Secretary: Joseph Fay	Secretary: Joseph Fay
<i>Alphabetically with years:</i>			
Jonathan Arnold (St. Johnsbury) (1790–91)	Jonathan Hunt (Hinsdale) (1787–91)	Jonathan Hunt (Hinsdale) (1787–91)	Thomas Porter (Tinnmouth) (1787–91)
Jacob Bayley (Newbury) (1787–91)	Luke Knoulton (Newfane) (1789–91)	Luke Knoulton (Newfane) (1789–91)	Samuel Safford (Bennington) (1787–91)
Timothy Brownson (Sunderland) (1787–91)	Thomas Murdock (Norwich) (1787–89)	Thomas Murdock (Norwich) (1787–89)	John Strong (Addison) (1787–91)
John Fassett, Jr. (Cambridge) (1787–91)	Nathaniel Niles (Fairlee) (1789–91)	Nathaniel Niles (Fairlee) (1789–91)	Isaac Tichenor (Bennington) (1787–91)
Samuel Fletcher (Townshend) (1787–89)	Peter Olcott (Norwich) (1787–90)	Peter Olcott (Norwich) (1787–90)	Ebenezer Walbridge (Bennington) (1787–91)
Secretary: Joseph Fay (1787–91)			

1. The Council consisted of the governor, lieutenant governor, and 12 councillors.



# General Assembly of Vermont

## 14–24 October 1790 and 10–27 January 1791

Speaker: Gideon Olin  
Secretary: Roswell Hopkins

Clerk: Lewis R. Morris  
Chaplain: Matthias Cazier

### ADDISON COUNTY

Addison	Middlebury	Shoreham
David Whitney	Gamaliel Painter	Josiah Pond
Bridport	Monkton	Vergennes
Philip Stones	Samuel Barnum	Jabez G. Fitch
Cornwall	New Haven	Weybridge
Thomas Tolman	Elijah Foot	Abel Wright
Ferrisburgh	Panton	Whiting
Abel Thompson	Benjamin Holcomb	Ebenezer Wheelock
Leicester	Salisbury	
John Smith	Eleazer Claghorn	

### BENNINGTON COUNTY

Arlington	Pownal	Shaftsbury
Timothy Todd	Thomas Jewet	Gideon Olin
Bennington	Rupert	Stamford
Jonathan Robinson	Israel Smith	Andrew Selden
Dorset	Sandgate	Sunderland
William Dunton	Richard Hurd	Gideon Brownson
Manchester		
Gideon Ormsby		

### CHITTENDEN COUNTY

Burlington	Georgia	New Huntington
Samuel Hitchcock	John White	No representative present
Cambridge	Highgate	St. Albans
Amos Fasset	John Knickerbacor	Silas Hathaway
Charlotte	Hinesburg	Shelburne
John McNeile	Lemuel Bostwick	William C. Harrington
Colchester	Jericho	Swanton
Ira Allen	Martin Chittenden	Daniel Stannard
Essex	Johnson	Two Heroes
Joel Woodworth	Jonathan McConnel	Stephen Pearl <sup>1</sup>
Fairfax	Milton	Williston
Nathan Spafford	Abel Waters	Jonathan Spafford

## ORANGE COUNTY

Barnet	Lunenburg	St. Johnsbury
Alexander Harvey	Samuel Gates	No representative present
Bradford	Maidstone	Strafford
Ashur Chamberlain	John Rich	William Dennison
Brookfield	Newbury	Thetford
Daniel Kingsbury	Thomas Johnson	Israel Smith
Corinth	Peacham	Tunbridge
Peter Sleeman	William Chamberlin	Seth Austin
Danville	Randolph	Vershire
David Whither	Israel Converse	Ebenezer West
Fairlee	Ryegate	Williamstown
Israel Morey	John Gray	Elijah Paine
Guildhall		
David Hopkinson		

## RUTLAND COUNTY

Benson	Harwich (Mount Tabor)	Poultney
Asahel Smith	John Jenkins	William Ward
Brandon	Hubbardton	Rutland
Nathan Daniels	Ezekiel Churchill	Samuel Williams
Castleton	Ira	Shrewsbury
Eli Cogswell	Cephas Carpenter	Nathan Finney
Chittenden	Middletown	Sudbury
Nathaniel Ladd	(Middletown Springs)	John Hall
Clarendon	Ephraim Carr	Tinnmouth
Elihu Smith	Orwell	Ebenezer Marvin
Danby	Ebenezer Wilson	Wallingford
Wing Rogers	Pawlet	Abraham Jackson
Fair Haven	Lemuel Chipman	Wells
Matthew Lyon	Pittsford	Samuel Lathrop
	Benjamin Cooley	

## WINDHAM COUNTY

Athens	Jamaica	Thomlinson (Grafton)
James Shafter	Silas Hayward	Henry Bond
Brattleborough	Londonderry	Townshend
Gardner Chandler	Edward Aiken	Joshua Wood
Dummerston	Marlborough	Wardsborough
Thomas Clark	Benjamin Olds	Asa Wheelock
Guilford	Newfane	Westminster
Peter Briggs	Calvin Knoulton	Stephen Row Bradley
Halifax	Putney	Whitingham
Benjamin Henry	John Campbell	Isaac Lyman
Hinsdale (Vernon)	Rockingham	Wilmington
Arad Hunt	Jehiel Webb	Chipman Swift

## WINDSOR COUNTY

Andover	Hartford	Royalton
Frederick Rogers	Joshua Hazen	Daniel Tuller
Barnard	Hartland	Sharon
Aaron Barlow	Oliver Gallup	Anthony Morse
Bethel	Norwich	Springfield
Michael Flynn	Joseph Hatch	Jotham White
Bridgewater	Pomfret	Weathersfield
John Hawkins	Berius Green	Joseph Hubbard
Cavendish	Reading	Windsor
Asaph Fletcher	Elkanah Day	Benjamin Greene
Chester	Rochester	Woodstock
Daniel Heald	Enoch Emerson	Jesse Safferd

1. On 24 October 1790 the Assembly ordered a special election to fill the seat vacated by Pearl on his being elected sheriff of Chittenden County. On 11 January 1791 Ebenezer Allen of South Hero was seated as representative from the Two Heroes. The legislature rejected Nathan Hutchen's credentials as representative from North Hero, stating that the Two Heroes were entitled to only one representative. Each Hero, however, had its own delegate in the state Convention, which had ended on the previous day.

**Editors' Note**  
**The Publication of the Constitution in Vermont,**  
**1 October 1787–1790**

Both Vermont newspapers printed the full report of the Constitutional Convention that included the Constitution, the 17 September 1787 cover letter from Convention President George Washington to the president of the Confederation Congress, and two Convention resolutions (RCS:Vt., 245–58). The *Vermont Gazette* printing appeared in the issues of 1 and 8 October, while the *Vermont Journal* printing appeared on 15 and 22 October.

On 27 October 1790 the Vermont Assembly passed a resolution calling a convention to consider ratifying the U.S. Constitution. The next day, the Assembly resolved “That the Secretary of State be directed to procure a copy of the Constitution of the United States, as it now is—and that the State’s Printer publish the same, and forward them as soon as possible, to the several Town-Clerks in this State” (*Assembly Journal* [October 1790], 52). By mid-November 1790, Alden Spooner, the state printer and the printer of the *Vermont Journal*, printed the Constitution as a twenty-three-page pamphlet entitled *The Constitution of the United States of America, As agreed upon by their Delegates in Convention, September 17th, 1787: Together with the Articles of Amendment, As adopted by the Congress of the said States, in the Year 1789* (Evans 22977). The *Vermont Journal* printed advertisements for this pamphlet edition on 16, 23, 30 November and 14, 21 December 1790. The December ads included an additional statement by Spooner: “(*Vermont being called upon to accept or reject this Constitution, renders it highly necessary that ALL her citizens be fully acquainted upon what they are about to act—Therefore buy and read, says the Printer.*)”

**Governor Thomas Chittenden: A Proclamation of Thanksgiving**  
**Newbury, Vt., 12 October 1787<sup>1</sup>**

BY HIS EXCELLENCY

THOMAS CHITTENDEN, Esq. Captain-General, Governor & Commander in Chief, in and over the State of VERMONT.

A PROCLAMATION.

*As the great first cause of all things is to be considered our Creator, constant Preserver, and bountiful Benefactor: the author of all our blessings, both domestic, civil and social; from whose bounty we are fed, and vesture are cloathed; and as the benevolent author and former of the glorious plan of redemption, which is the source of all our joys, and hopes, and pregnant with every blessing*

*pertaining to eternal life through Jesus Christ our Lord:—as these considerations teach us all the duty and fitness of ascribing praise- to our God, and unitedly invite us with one heart to this agreeable and joyful service.*

I have therefore thought fit, by and with the advice of Council, and in concurrence with the General Assembly, to set apart a day for public thanksgiving; and do therefore set apart and appoint, THURSDAY the TWENTY-NINTH DAY of NOVEMBER next, to be observed as a day of PUBLIC THANKSGIVING through this State; and do earnestly recommend it to ministers and people of every denomination, to meet on said day for public worship, and unitedly ascribe sincere and hearty praise to God, through Christ, for the innumerable streams of his goodness which we have experienced—That he hath granted us the enjoyment of health through our borders—blessed us with a rich and plentiful harvest, and ordered the seasons in mercy, and gladdened our hearts with every temporal favor—That he hath caused insurrections to cease—continued peace and tranquility, and a righteous administration of government; and hath especially preserved to us the glad tidings of salvation, blessing us with the light and invitations of the gospel of peace, and for every gracious interposition in favor of the kingdom of his Son.—And furthermore, let the prayers of all unitedly meet, through Christ, at the throne of grace, that God (for the ensuing year) would preserve us from every desolating judgment, and surround us with the effusions of his benevolence, in blessings both civil, temporal, domestic, and social, and crown the year with his goodness—That he would establish government upon a firm and equitable basis, causing a righteous and impartial administration of it—that vice may be discountenanced, and virtue promoted—That he would defend us against every domestic and foreign enemy, and give us favor with the United States of America, and the nations of the world, that we may live in quietness, peace and safety—That he would smile propitious on every part of our land, and incline our States to conduct in every respect with real dignity and true greatness, that they may enjoy the friendship and esteem of other States, Kingdoms and Empires of the earth—That he would pour out his holy spirit upon all—spread a preached gospel—extend and multiply his church with real saints, and carry on his work where it is now begun, with an increasing enlargement; and cause the blessed era soon to commence, when the peaceable and joyful kingdom of Christ our Lord, shall fill the earth, and God be served, praised and exalted through the world by every rational creature, to the everlasting praise and glory of his grace.

All servile labor is forbidden on said day

*Given under my hand, in the Council-Chamber at Newbury, this 12th day of October, in the year of our Lord, one thousand seven hundred & eighty-seven; and in the eleventh year of our independence.*

Thomas Chittenden.

*By his Excellency's command,*  
JOSEPH FAY, *Sec'ry.*

GOD SAVE THE PEOPLE.

1. Printed: *Vermont Journal*, 29 October. Reprinted: *Vermont Gazette*, 12 November.

### **Vermont Gazette, 15 October 1787**

#### A JUST OBSERVATION.

“Nothing is so essential to the happiness of a people, as the possession of a free government. Without this the most fertile country and mildest climates, become scenes of misery and desolation; but with it, the most rugged regions of the earth are crowded with cheerfulness and plenty. This is one of those important truths of which all men seem to be sufficiently convinced; and yet very few nations have taken care to secure to themselves the inestimable blessing.

[“]In all ages the bulk of mankind have been consigned to slavery & wretchedness. The reason of this is but too obvious; what concerns all men alike is too often neglected by all; but the private interests of a few selfish and ambitious individuals is pursued with unremitting ardour. The wealthy & powerful combine together to make a property of their fellow citizens; and few governments have ever existed in which a conspiracy has not been formed against the liberties of the people.”

### **Vermont Journal, 22 October 1787**

#### *An EPIGRAM upon the TIMES*

When faction was loud, when parties ran high,  
Religion and Liberty join'd in the cry;  
But, O grief of griefs! in the midst of the fray,  
Religion and Liberty both ran away.

### **Vermont Gazette, 12 November 1787**

#### To the LADIES.

At this alarming crisis, our dear bought country loudly calls for the aid of all her real friends, and invokes the assistance of their hands, their heads, and their hearts, to extricate her from the embarrassments under which she labours. The tender feelings of every true patriot receive a wound on reflecting how few there are who cheerfully espouse

their country's cause, and boldly dare to hazard every thing to promote its welfare. But if the male sex are lost to a sense of reason, and still refuse to succour their sinking country; on you, I call, ye fair daughters of America; let your example fire them with patriotic zeal, exert your influence over them (the greatest in the world to excite them to their duty); lead the way in plans to industry and œconomy; despise as frippery the gewgaws of foreign importation; adorn yourselves in the products of your own country; your native charms need not the embellishment of costly dress to captivate or hold in subjugation the man whose conquest ought with you to be an object; let virtue in its native simplicity and propriety achieve what all the studied arts of refinement cannot reach; and may yours be the honor of rescuing your bleeding country from the horrid extreme of anarchy and despotism, and of establishing of it, on the sure basis of industry, integrity and œconomy, that sure ground of national security.

Then will you behold those halcyon days, the thoughts of which now animate every true patriot.

#### **Vermont Gazette, 19 November 1787**

The southern papers are filled with political pieces for and against the new federal form of government, several of which we shall immediately lay before our readers.<sup>1</sup> It appears that a majority of the states have, agreeable to the request of the late hon. Federal Convention, appointed committees to take the matter into consideration immediately.

1. The *Vermont Gazette* in its next issue (26 November) reprinted the Antifederalist "Cincinnatus" I and a brief account of the Rhode Island legislature adjourning without acting on the Constitution from the *New York Journal*, 1, 15 November (CC:222; CC:Vol. 2, p. 453). It also reprinted "The News-Mongers Song for the Winter of 1788" from the *Albany Gazette*, 15 November (CC:263) and the first original piece on the Constitution in New Hampshire from the *New Hampshire Spy*, 2 October (CC:123).

#### **Juvenis**

##### **Vermont Gazette, 26 November 1787**

A few Observations on the bad consequences of too great a zeal for the New-Constitution.

Many pens are employed, many ideas already suggested, but the subject is not exhausted; therefore, permit a young patriot to unbosom his anxious feeling to his country, which is now pregnant with hope, fear, joy and grief. He feels himself under infinite obligation to many worthy penmen, who have already treated upon the interesting subject of the

new constitution. Yet he fears some of them have not viewed the matter on all sides. He fears they have strained, some strings too tart, whilst they have left others too lax; where this is the case jargon must ensue.

There is such a thing as blowing the fire to too high a pitch in popular fuel, even on the side of justice. To shew the bad consequences of this is the author's design. Undoubtedly the many swoln pieces written of late have a great tendency this way, and indeed they are so unreasonably bloated that they look awfully gangrenous, says one, "It is again the time to TRY MEN'S SOULS, the FATE of AMERICA is ONCE MORE AT STAKE."<sup>1</sup> Says another, "the FATE of AN EMPIRE, in many respects the most interesting of any in the world, is now concerned."<sup>2</sup> To these the author would observe, that it is a short idea to suppose the subversion, the utter ruin of America, will inevitably follow should this constitution be rejected. It is in the first place supposing America has but ONE set of wise men, and in the second place that those men have but ONE form of government in their pericraniums. But still short as they are, they have most fatal consequences, for there are always people of short capacities enough to drink them down, and consequently soon draw their swords; rightly judging the greatest exertions are required where worlds are at stake.

Something similar to this may be seen in the ill treatment Mr. Mason received for refusing to sign the Federal Constitution.<sup>3</sup> Whilst the author reads the account he is filled with most exquisite pain, being persuaded that such premature, unpolite, unpopular conduct, can no more originate from a sincere regard to the American constitution, than it can from a sincere regard to that of Algiers; nay he might add such conduct well suits that of the latter. It is past doubt that the many spirited pieces which have been written, were the causes of those flames which in sundry places have blazed so high in favor of the Constitution. This being the case then it is to be observed, that the constitution itself is in danger of being consumed in the very flame which essays to promote it: For history shews, experience teaches, that an unjust cause is the best fuel for a popular fire. Therefore the danger is conspicuous, the eminent danger it may be added, should chance turn the popular scale, which always hangs suspended, ready to preponderate with the warmest declamation.

Persons frequently irritated become irascible. So people frequently animated by oratorical harrangues, become irascibly vain, and are turn'd just like an angry cloud, by every shifting blast; whether the speeches are just or unjust, whether they tend to virtuous or vicious ends it matters not, if they are but filled with a suitable degree of zeal and warmth. And further there is such an eternal innate itching in the populace for



change and novelty that nothing which has the appearance of either, is at any time unacceptable, but stone blind, being roused by they know not what, they rush promiscuously to deeds glorious and inglorious, and all this in consequence of the fire's being blown to too high a pitch. Rome herself has often felt the sorrowful effects of what has now been asserted. The late disturbances in Massachusetts are not foreign for application.<sup>4</sup>

It is in vain urged that America has not her Cesars and Cromwells, or that our plebians have hearts too honest for a wicked subversion of government. A Fabian General has been raised up in America,<sup>5</sup> & by a parity of reasoning she may conclude she has sons who exceed in villainy and fraud any that ever Rome produced; as much as what the type WASHINGTON exceeds the antitype Fabius. And it is allowed by all, that there was never a people riper for a wicked revolution, than what the United States are at this moment of time. What then have we not to fear! should a Cesar or a Cromwell, instead of a Shays, at this time step forth, my countrymen, where would liberty, where would peace, in a word where would the name of United States be found? Lost, gone forever: Then let moderation and candor, yet a profound respect for the Federal Constitution, be the characteristic of all those who appear in public.

1. The quotation is taken from "P. Valerius Agricola," *Albany Gazette*, 8 November (RCS:N.Y., 187). "P. Valerius Agricola" quotes Thomas Paine's opening line in "The American Crisis," No. I (December 1776).

2. The quotation is taken from Publius, *The Federalist* 1 (CC:201, p. 494).

3. The *Pennsylvania Gazette*, 17 October, printed the following account: "We hear from Virginia, that GEORGE MASON has been treated with every possible mark of contempt and neglect, for neglecting to sign the Fœderal Constitution. . . ." This brief account was reprinted twelve times by 3 November, including seven times in New England. See CC:171-B.

4. A reference to Shays's Rebellion.

5. George Washington.

## "B. A."

### Vermont Gazette, 3 December 1787

*Messrs. Printers, Permit a friend and customer to offer a few observations through the channel of your paper.*

Independence and peace were the object of eight years severe contest, the former we obtained, at the price of the blood of many of our fathers, brothers, and friends, but the latter we have not nor ever shall obtain, 'till our government is settled on a more sure and permanent basis than it is at present.<sup>1</sup> Every American heart ought to glow with

gratitude to the divine disposer of all events, for the prospects of so great a blessing as that of the Federal constitution's being adopted, but even this, though it ought to be the summit of every American's wish, has some foes. This is no more than we might have rationally expected: no form of government ever was or ever will be adopted without having some objections made to it, mankind are of such a nature, that they will look at their own interest before that of the public, and those where it interferes with their interests, are straining every nerve to gain some proselytes, they make every gnat a camel, there never will be a time when America will be free from ill designing men; we ought to have some regard to the public, as well as to our private good; this constitution perhaps is equal to any that could be framed, at least we have reason to think so. It was formed by men of the greatest abilities in America, if not the greatest in the world.

My friends, when we consider their characters can we scruple their good intentions? can we, I say, scruple the good intentions of a Washington? can we doubt the wisdom of a Franklin? If they are unable to form a constitution who are able? It requires no answer, if men of the greatest abilities cannot form one, it cannot be formed; it must appear evident to every unprejudiced mind, that it is better for America to be governed by one set of rulers; then every State and every individual will have one common interest, and they will all endeavour to promote that interest; but when there are different governments their interests must inevitably clash. We find this has been the case, this and some of the other states have felt the bad effects of it. There never was a country so advantageously situated for inland communication as America. Such vast rivers and wide lakes. A very profitable internal traffic might be carried on, did not some states fleece from the others all their living, by imposts,<sup>2</sup> but when the new constitution is adopted, all their grievances will be removed, had it been formed at the close of the last war, or had congress been empowered to regulate trade and imposts and have laid heavy duties on foreign friperies and gewgaws, America might have retained that manliness of spirit, that disdain of tinsel, in short that *simplex mundictis*,<sup>3</sup> which has always been her characteristic. But we find she is rapidly changing, instead of that bold intrepid spirit, she has become effeminate. Servility and venality have swallowed up virtue and liberty, no national imposts laid, foreign luxuries cheap, easily procured, that is not all, these luxuries must be carried in foreign bottoms. But we expect soon all these difficulties will be remedied, virtue to flourish, and America to regain her former character.

1. For a similar argument, see Benjamin Rush's Address to the People of the United States, Philadelphia *American Museum*, January 1787 (CC:2-A, p. 46).

2. A reference to states such as New York and Pennsylvania in which their state imposts brought in large revenues partly paid by non-residents in the form of higher prices for foreign imports. Connecticut residents allegedly paid £50,000 annually into the New York treasury; New Jersey £30,000.

3. Latin: Simple elegance (Horace, *Odes*, Book I, Ode 5, line 5).

## Desultor

### Vermont Gazette, 10 December 1787

#### DESULTORY OBSERVATIONS.

The doctrine of Universal Salvation prevailing. People of Vermont have nothing for sale but lands. Clergymen very much wanted. In suits at law the plaintiff obliged to pay cost on both sides of the question. Female education neglected. Result of the Federal Convention will be adopted. Vermont in imminent danger without knowing it. Governor of the state removed to Onion River; a place entirely out of the channel of information upon political subjects. A remarkable fine autumn. The Hobby-Horse won the race; he ran over the Governor and Council. All men are liars. No profitable business but tavern keeping. Horse-thieves very rife among us. We must import a halter from the State of New-York. The polite art of dancing considered a great crime. Laciviousness winked at. Lord Dorchester cannot tolerate any separate intercourse with the people of Vermont without infringeing the peace of 1783. Surrounding States draw annually from Vermont by imposts and duties, as large sums as we are able to pay, or as they would be disposed to collect in case they possessed the power of direct taxation. The people of Vermont contribute largely to support governments in which they are not represented and from which (while ununited) they cannot expect protection. Taxation, without representation, an old and a just ground of complaint. Union with our brethren of the United States our highest political interest. Separation from them our certain political ruin.

## John Avery, Jr., to Nathan Dane

### Boston, 27 May 1788 (excerpt)<sup>1</sup>

. . . I heartily join with you in your wishes that Congress may admit Vermont into the Union—in my humble Opinion it would have been good policy in Congress, if they had admitted them some Years ago and I suppose it would have been done, hadn't it been thro the influence of the N. York Members prevented—they are a hardy set of People and will make an excellent frontier State in case of a War—they have become a numerous People and they never will submit to the Yoke

of Bondage again and I wish that I may have the Pleasure of hearing soon that your Hon'ble Body have admitted them and as the District of Kentucky is now under Consideration; it will be a good opportunity to reassume the consideration of the Indepency of Vermont State. . . .

I am Sir with great Esteem & respect Your friend & very hum Servt. . . .

1. RC, Item 388, Hall Park McCullough Collection, University of Vermont Library. See RCS:R.I., 265, for another excerpt from this letter. Avery (1739–1806), a 1759 graduate of Harvard College and a former Boston distiller and merchant, was a leader of the Sons of Liberty before the Revolution. He was deputy secretary of the Massachusetts Council, 1776–80, and secretary of the Commonwealth, 1780–1806. Dane (1752–1835), a 1778 graduate of Harvard College and a Beverly, Mass., lawyer, was a member of the Massachusetts House of Representatives, 1782–86, and a state senator, 1793–99. He was a delegate to Congress, 1785–88, and a critic of the Constitution. Dane was also the primary author of the Northwest Ordinance (1787).

**Nicholas Gilman to John Langdon**  
**New York, 5 June 1788 (excerpt)<sup>1</sup>**

. . . I am happy to hear that the people in Vermont are federally inclined and much in favor of the new Constitution.—With the greatest Respect & Esteem

1. RC, Langdon Papers, Portsmouth Athenæum. For the entire letter, see RCS:N.H., 324–25. Gilman (1755–1814), a resident of Exeter, N.H., was an officer in the Continental Army, 1776–83. He was a delegate to the Constitutional Convention, 1787, where he signed the Constitution; a delegate to the Confederation Congress, 1787–89; and a member of the U.S. House of Representatives, 1789–97. Langdon (1741–1819), a Portsmouth, N.H., merchant and delegate to the Second Continental Congress, 1775–76, served in the state legislature between 1776 and 1787 (often as speaker of the House of Representatives). He was state president, 1785–86, 1788–89; a member of the Constitutional Convention, 1787, where he signed the Constitution; a member of the New Hampshire Convention, where he voted to ratify the Constitution in June 1788; and a member of the U.S. Senate, 1789–1801.

**Nathaniel Chipman to Alexander Hamilton**  
**Tinmouth, Vt., 14 July 1788<sup>1</sup>**

Your character as a federalist, has induced me, altho' personally unknown to you, to address you on a subject of very great importance to the State of Vermont, of which I am a citizen, and from which, I think, may be derived a considerable advantage to the foederal Cause—Ten States have now adopted the new foederal plan of government—That it will now Succeed is beyond a doubt—what disputes the other States may occasion, I know not—The people of this State, could certain obstacles be removed, I believe, might be induced almost unanimously to throw themselves into the foederal Scale—you are not unacquainted

with the Situation of a considerable part of our landed property—Many grants were formerly made, by the government of Newyork, of lands within this territory, while under that jurisdiction—on the assumption of government by the people of this State, the Same lands, partly it is said, for want of information respecting the true Situation of those grants, and partly from the opinion prevailing with our then Leaders, that the Newyork grants within this territory were of no validity, have been granted to others under the authority of this State—It is now generally believed that Should we be receivd into the union the Newyork grants would in the foederal Court be prefered to those of Vermont—The Legislature of this State have in some instances made a compensation to the grantees under Newyork; and I am persuaded, were it in their power, would gladly do the same for others—but they are possessed of no more land for that purpose—for these reasons, I presume, no others, the governor and some few gentlemen deeply interested in those lands under Vermont have expressed themselves some what bitterly against the new federal plan of government—Indeed were we to be admitted unconditionally it would introduce much confusion—now, Sir, permit me to ask, whether you do not think it probable, that the foederal Legislature, when formed, might, on our accession, be induced on some terms to make a compensation to the Newyork grantees out of their western land? And whether those grantees might not be induced to accept of such compensation? Let me farther Suggest whether it might be favorable for Vermont to make some of those amendments, which have been proposed by Several States, and which I think are generally within the power of the federal Legislature the basis of her admission? could the difficulties, I have mentioned, be removed all interest in opposition would here be reconciled; the Idea of procuring Justice to be done those, whom we had, perhaps, injured by our too precipitate measures, and of being connected with a government which promises to be efficient, permanent and honorable, would I am persuaded produce the greatest unanimity on the Subject— if you think these matters worthy the attention of the friend of the confederacy, be good enough to write me by my brother, who will be the bearer of this—

Our Legislature will meet in October, when these matters will be taken up Seriously—Several gentlemen of my acquaintance who are men of influence, and will be members of the Legislature have requested me to procure all the information in my power on this Subject—Any thing you may communicate to me in confidence will be Sacredly attended to, of which Mr Kelly who writes by the same opportunity will give you the fullest assurance<sup>2</sup>—

### I am Sir with Sentiments of esteem your most obedient Servant

1. RC, Hamilton Papers, DLC. For Hamilton's response, see his letter to Chipman dated 22 July (RCS:Vt., 153–54). The letter was delivered by Chipman's brother Daniel, who, in a nineteenth-century biography, explained how the idea for the letter originated:

Nathaniel Chipman . . . felt extremely anxious to devise some means by which the controversy with New York might be speedily adjusted. And in the early part of July [1788], a number of gentlemen, among whom were the late Judge [Lewis R.] Morris, then of Tinmouth, and the late Judge [Gideon] Olin, of Shaftsbury, met at his house in Tinmouth to hold a consultation on the subject, and they took this view of it. They said that Hamilton, Schuyler, Harrison, Benson, and other leading federalists in New York must be extremely anxious to have Vermont join the union, not only to add strength to the government, but to increase the weight of the northern and eastern states. This was, therefore, the most favorable time for settling the controversy with New York, and it was agreed that Nathaniel Chipman should write to Hamilton on the subject (Daniel Chipman, *The Life of Hon. Nathaniel Chipman* . . . [Boston, 1846], 70–71).

Hamilton (1757–1804), a New York City lawyer, served as George Washington's aide-de-camp, 1777–81. He was a delegate to the Confederation Congress, 1782, 1783, 1788; to the Annapolis and Constitutional conventions; and to the New York Convention, where he voted to ratify the Constitution in July 1788. He was one of the authors of *The Federalist* and served as the first U.S. Secretary of the Treasury, 1789–95.

2. New York land speculator John Kelley was an agent for several New Yorkers interested in land in Vermont. Kelly's letter has not been located.

### Ethan Allen to Guy Carleton, Lord Dorchester Quebec, 16 July 1788<sup>1</sup>

My Lord.

I have the honor of addressing your Lordship, on the subject of American politics, as it may respect the reciprocal interest of Great Britain, and the little rising State of Vermont. Your Lordship is undoubtedly sensible of the Jealousy of the United States over Vermont, since it is not and will not be confederated with them. They proceed so far as to threaten its subjugation, as soon as they have established their new proposed constitution and made their government sufficiently energetic. Their arguements for so doing, (in case of their ability,) appear to be too well founded to be disputed in a political view. For, say they, Vermont is locally situated to the waters of lake Champlain which communicate with those of St. Laurence, and lies contiguous to the province of Quebec, where they must be dependent for trade, business, and intercourse, which naturally incline them to the British interest. They likewise frequently mention, that in the latter part of the late war there was no fighting between the Kings Troops and those of Vermont. Besides these arguments of the United States, which are truly

natural, the people of Vermont, further argue, that a confederation with those States, would not only expose them to the displeasure of Great Britain and ruin their Commerce, but involve them in debt, if not in Insolvency, and in the broils of those States relative to their federal government, concerning which they are probably as much divided and subdivided, as can well be conceived. The vast extent of this territory is the source of much of their confusion. They are spread over different climates, have different religions, prejudices, and interests. Furthermore, the licentious notions of liberty, taught and imbibed in the course of the late revolution, operates strenuously against their uniting in any confederate government. Nevertheless there are considerations in favour of their new proposed constitution's taking place, for some government or other will be found to be necessary, and after much strife and confusion, possibly with amendments their foederal system may be adopted. Should this be the final event, yet there would be a large minority opposed to it, including many leading and influential men in the several States, as well whigs as tories, which cannot fail to render their foederal government weak, if not able to prevent its taking place, and consequently make it difficult, precarious, and probably impossible, for the United States to subjugate Vermont, which will undoubtedly be attempted by them, at such time as they may conclude that is within the limit of their power, without indangering their premised foederal government. Vermont could on an emmergency bring fifteen thousand able effective men into the field, who in point of prowess, would probably more than equal a like number of the troops of the United States, especially in defending themselves against the usurpation of those States: on their own ground, where they are acquainted with every natural advantage. Besides, the people of Vermont having originated from the contiguous united States, and part of Family, friends, relations, and connections both from consanguynity and interest residing partly in both territories, would render it quite impossible, to bring the troops of these States into Vermont. The probability is, that they would join together with the antifoederalists throughout the States, and crush the premised foederal government. Vermont small as at first she may appear to be, has a heavy influence in the American politicks, and may turn the scale, and is well worth the attention of Great Britain. For besides her own natural population she has a constant immigration from the united States, and whether whig or tory it makes no odds, as they come to Vermont to rid themselves of exorbitant taxation, they very cordially unite with the policy of the State, in rejecting every Idea of a confederation with the united States, since property in the lue of liberty is their main object. Should an

appeal to arms be the Dernier [i.e., Last], resort, it would be in the power of the united States to prevent Vermont from obtaining military Stores from their territory, in which case this province would be our only resource, and it is expected that the British government, on an emmergency, would not prohibit the people of Vermont, from procuring of the merchants in this province, any stores which the exegancy of these affairs may require. Finally should Vermont obtain favour of the British government, it would be a delicate part of the policy, to point out the mode of it. Probably General Haldimand's policy would still be the best.<sup>2</sup> Matters were so contrived with the General, and certain men of influence in Vermont that hostilities ceased between Great Britain and Vermont the last three years of the late war, which answered all the purposes of an allyance of neutrality, and at the same time prevented the United States from taking any advantage of it. A formal publick allyance between them, or that at present Vermont should become a british province, might occasion a war between France and the United States on the one part, and Great Britain including Vermont on the other, when on the Haldermand policy, it may be prevented, and a friendly intercourse and commerce without any cost of protection to the Crown, be continued, and at any future day, such alteration of the policy be made, as to suite futer emergencies. In the time of General Haldimand's command, could Great Britain have afforded Vermont protection, they would readily have yielded up their independency, and have become a province of Great Britain.

And should the United States attempt a conquest of them, they would, I presume, do the same, should the British policy harmonize with it. For the leading men in Vermont are not sentimentally attached to a republican form of government, yet from political principles are determined to maintain their present mode of government, till they can have a better, and hope that they will be able to do it, as long as the united States will be able to maintain their, or till they can on principles of mutual Interest and advantage, return to the British government without war or annoyance from the united States. These appear to me to be the outlines of the policy, which if adopted, would be for the common interest of great Britain, and the people of Vermont, which is humbly submitted to your Lordships Consideration.

I should not have had the assurance to have wrote to one of the first Generals, and Statesmen of Europe on these important matters, had not a clear sense of the danger with which Vermont is threatened, and in which my interest, and preservation, and that of my friends is involved, urged me to do it.



I am my Lord with the greatest respect and am Your Lordship devoted, most Obedient Ser[van]t

1. Printed: Duffy, *Allen*, I, 273–75. The severely damaged manuscript is in the Henry Stevens Collection in the Vermont State Archives. Allen (1738–1789), a revolutionary and military leader, was a native of Connecticut. In 1770 he moved with his brothers to the New Hampshire Grants in the Green Mountains, where he formed the Green Mountain Boys to challenge New York's jurisdiction over the territory. In 1775 he led the Green Mountain Boys in capturing Fort Ticonderoga. The Second Continental Congress gave him command of the Green Mountain Regiment in the Continental Army, but political enemies took the command from him. During the invasion of Canada in 1775, Allen was taken prisoner by the British and endured considerable hardships in prison. In 1778 the British released him, largely through the efforts of his family. From 1778 to 1784 he was commander-in-chief of Vermont's military forces and political advisor to Governor Thomas Chittenden. From 1778 to 1781 he tried to convince Congress to grant statehood to Vermont; failing in that he sought annexation to the British Empire. In 1786 he rejected Daniel Shays's offer to lead the rebellion in Western Massachusetts. In doing so he convinced New York Governor George Clinton of Vermont's reliability, ending the New York legislature's fight to reclaim Vermont. Clinton, however, refused to approve Vermont's entry into the Union until 1791, two years after Allen's death.

Carleton (1724–1808), who was made the first Baron Dorchester in 1786, served as governor of Quebec, Nova Scotia, and New Brunswick from 1786 to 1796. Commissioned in the army in 1742, Carleton rose in the ranks to become major general in command of Quebec, 1775–76. He returned to Britain in 1778 and replaced Sir Henry Clinton as commander-in-chief of British forces in North America in 1782 and oversaw the British evacuation of New York in November 1783.

2. Frederick Haldimand served as governor of Quebec from 1778 to 1786. Returning to England in the summer of 1784, he never returned to Canada. Haldimand urged Ethan and Ira Allen to make Vermont a British province, but before that happened, Haldimand saw the utility of Vermont remaining an independent republic. See also RCS:Vt., 112, 125 note 84.

**Alexander Hamilton to Nathaniel Chipman**  
**Poughkeepsie, N.Y., 22 July 1788<sup>1</sup>**

Your brother delivered me your favour which I received with pleasure as the basis of a correspondence that may be productive of public good.

The accession of Vermont to the Confederacy is doubtless an object of great importance to the whole, and it appears to me that this is the favorable moment for effecting it upon the best terms for all concerned. Besides more general reasons, there are circumstances of the moment which will forward a proper arrangement. One of the first subjects of deliberation with the new Congress will be the Independence of Kentucky for which the Southern States will be anxious. The Northern will be glad to send a counterpoise in Vermont. These mutual interests and inclinations will facilitate a proper result.

I see nothing that can stand in your way but the interfering claims under the grants of New York. As to taxation, the natural operation of

the new System will place you exactly where you might wish to be. The public debt, as far as it can prudently be provided for, will be by the Western lands and the appropriation of some general fund. *There will be no distribution of it to particular parts of the community.* The fund will be sought for in indirect taxation; as for a number of years, and except in time of war, direct taxes would be an impolitic measure. Hence as you can have no objection to your proportion of contribution as consumers, you can fear nothing from the article of taxation.

I readily conceive, that it will be scarcely practicable to you to come into the Union, unless you are secured from claims under New York grants. Upon the whole therefore I think it will be expedient for you as early as possible to ratify the Constitution “upon condition that congress shall provide for the extinguishment of all existing claims to land under grants of the State of New York, which may interfere with claims under the grants of the State of Vermont.” You will do well to conform your boundary to that heretofore marked out by Congress; otherwise insuperable difficulties would be likely to arise with this State.

I should think it altogether unadvisable to annex any other condition to your ratification. For there is scarcely any of the amendments proposed, that will not have a party opposed to it, and there are several that will meet with a very strong opposition; and it would therefore be highly inexpedient for you to embarrass your main object by any collateral difficulties.

As I write in Convention, I have it not in my power to enlarge. You will perceive my general ideas on the subject, I will only add, that it will be wise to lay as little impediment as possible in the way of your reception into the Union.

1. Printed: Syrett, V, 186–87. A transcript is in the John C. Hamilton Transcripts in the Columbia University Libraries.

### **New Hampshire Recorder, 5 August 1788<sup>1</sup>**

We are informed that the Legislature of the State of Vermont intend sending delegates to Congress, agreeable to a late request from that honorable body.—They also propose calling a Convention immediately, for the purpose of considering the Federal Constitution.

1. On 19 August the *Massachusetts Gazette* reprinted this item, omitting the word “late” and changing the two words “Federal Constitution” to “new constitution.” The *Gazette’s* version was reprinted thirty-eight times by 25 October: N.H. (4), Mass. (5), R.I. (1), Conn. (8), N.Y. (2), Pa. (7), Md. (2), Va. (3), N.C. (2), S.C. (2), Ga. (2). The Newburyport, Mass., *Essex Journal*, 3 September, omitted “late” but kept “Federal Constitution.”

**Vermont Journal, 11 August 1788<sup>1</sup>**

(We are informed by a gentleman from the southern part of this State, that the Convention of Newyork, which have been sitting at Poughkeepsie, have ratified the Federal Constitution. Although the majority was but five,<sup>2</sup> yet those in the opposition manifested a much more pacific disposition than at the first sitting of the Convention—Certain amendments, we understand, were recommended; but what they were, we have not yet heard.) Eleven States have now adopted that Constitution which the Grand Convention of the United States thought the most advisable: Northcarolina and Rhodeisland are yet to follow—we hope the example of the others. Congress, we hear, are now deliberating on the subject of putting the Federal Constitution into operation; and in all probability this State will very soon be called on to raise a PILLAR to the NOBLE EDIFICE;—or hear their fate with respect to a division. It would perhaps be well for every man to acquaint himself as thoroughly as possible with the new Constitution, and have his mind ripe for a candid determination should we be called on as a State in the Great Union; which, we have every reason to believe, will be the case.

1. Reprinted without the text in angle brackets in the *Maryland Journal*, 30 September; *Virginia Centinel*, 8 October; and Winchester *Virginia Gazette*, 8 October. The reprintings did not put the words “pillar” and “noble edifice” in large capital letters.

2. New York’s Convention ratified the Constitution on 26 July 1788 by a vote of 30 to 27 (RCS:N.Y., 2323).

**Nathaniel Chipman to Alexander Hamilton  
Newfane, Vt., 6 September 1788<sup>1</sup>**

I have received by Capt. Ville your favour of the 22d of July<sup>2</sup>—Since I wrote you I have had an opportunity of conversing with his Excellency the governor and most of the council on the Subject of Vermont’s accession to the confederacy. They generally agree that the terms suggested are good—that it will be highly the interest of Vermont to accede—and that the present is likely to be a favorable crisis—but it is a question whether we ought to make any propositions to the present Congress, or prepare matters and wait the new arrangement. Vermont will not make a point of introducing any amendments—we shall not be the first to feel the inconveniences, if any should arise, from the exercise of the new federal powers.—for myself, I readily conceive that direct taxation under the new System will be very inconsiderable during the continuance of peace; yet I find an exemption from the expenses of the late war will have, with the Citizens of this State a very powerful effect in producing unanimity on the Subject of a union.—

[text mutilated] will not be [text mutilated] State; but I hope this matter will in some way be compromised. If Sir you have any thing to Suggest on this Subject that may promote the public good, I should be very happy in the communication previous to the Session of assembly in October next—The Choice of representatives, which was on Tuesday last, has, as far as I have heard, succeeded favorably—

Mr. [John] Kelly who is so obliging as to take the charge of this letter, will be able to give you a more particular account than can be done in this way as he has conversed largely with the governor, Council and other persons of influence with whom he has great weight.

I am Sir with much esteem and respect your most obedt. Ser[van]t

1. RC, Hamilton Papers, DLC.
2. See RCS:Vt., 153–54.

### **Massachusetts Centinel, 6 September 1788<sup>1</sup>**

The 16th of August, the anniversary of the battle of Bennington,<sup>2</sup> was celebrated in that town. If the toasts, songs, &c. given and sung on this occasion, are a criterion, we venture to pronounce that the federalism of Vermont is undoubted.

1. Reprinted: Massachusetts *Salem Mercury*, 9 September; *New Hampshire Spy*, 9 September; Newburyport, Mass., *Essex Journal*, 10 September; *Massachusetts Spy*, 11 September; and Springfield, Mass., *Hampshire Chronicle*, 17 September. For the Bennington celebration, see the *Vermont Gazette*, 18 August (supplement) (Mfm:Vt. 2).

2. General John Burgoyne, leading a British army south from Canada toward Albany, sent a force to capture much needed supplies at Bennington. The Americans defeated the British force between 14 and 16 August 1777. The victory contributed to the British defeat and surrender at Saratoga in October.

### **Alexander Hamilton to Nathaniel Chipman New York, post-6 September 1788<sup>1</sup>**

Your favour of the 6th of September has been duly handed to me,<sup>2</sup> and I receive great pleasure from the hopes you appear to entertain of a favourable turn of affairs in Vermont in regard to the new Government. It is certainly an object of mutual importance to yourselves and to the Union and well deserves the best endeavours of every discerning and good man.

I observe with satisfaction your opinion that Vermont will not make a point of introducing amendments (I mean as a condition of her accession). That ground would be the most hazardous which she could venture upon, as it is very probable that such amendments as might be popular with you would be deemed inadmissible by the friends of the

system who will doubtless be the most influential persons in the national councils and who would rather submit to the inconvenience of your being out of the Union 'till circumstances should alter, than consent to any thing that might impair the energy of the Government. The article of taxation is above all the most delicate thing to meddle with; for as *plenary* power in that respect must ever be considered as the vital principle of government; no abridgment or constitutional suspension of that power can ever upon mature consideration be countenanced by the intelligent Friends of an effective national government.

You must as I remarked in my former letter<sup>3</sup> rely upon the natural course of things which I am satisfied will exempt you in ordinary times from direct taxation, on account of the difficulty of exercising it in so extensive a country, so peculiarly situated, with advantage to the revenue or satisfaction to the people. Though this difficulty will be gradually diminished from various causes, a considerable time must first elapse; and in the interim you will have nothing to apprehend on this score. As far as indirect taxation is concerned it will be impossible to exempt you from sharing in the burthen nor can it be desired by your citizens. I repeat these ideas to impress you the more strongly with my sense of the danger of touching this cord and of the impolicy of perplexing the main object with any such collateral experiments. While I am glad to perceive that you do not think your people will be tenacious on the point.

It will be useless for you to have any view in your act to the present Congress—They can of course do nothing in the matter. All you will have to do will be to pass an act of accession to the new constitution on the conditions upon which you mean to rely. It will then be for the new Government when met to declare whether you can be received on your terms or not.

I am sorry to find that the affair of boundary is likely to create some embarrassment. Mens minds every where out of your state are made up upon and reconciled to that which has been delineated by Congress. Any departure from it must beget new discussions, in which all the passions will have their usual scope, and may occasion greater impediments than the real importance of the thing would justify. If however the further claims you state cannot be gotten over with you I would still wish to see the experiment made though with this clog; because I have it very much at heart that you should become a member of the Confederacy. It is however not to be inferred that the same disposition will actuate everybody. In this state the pride of certain individuals has too long triumphed over the public interest and in several of the Southern states a jealousy of Northern influence will prevent any great

zeal for increasing in the national councils the number of Northe[r]n Voters. I mention these circumstances (though I dare say they will have occurred to you) to show you the necessity of moderation and caution on your part and the error of any sanguine calculation upon a disposition to receive you at any rate. A supposition of this nature might lead to fatal mistakes.

In the event of an extension of your boundary beyond the Congressional line would it be impracticable for you to have commissioners appointed to adjust any differences which might arise?—I presume the principal object with you in the extension of your boundary would be to cover some private interests. This might be matter of Negotiation.

There is one thing which I think it proper to mention to you about which I have some doubt; that is whether a *legislative* accession would be deemed valid. It is the policy of the system to lay its foundations in the *immediate* consent of the people. You will best judge how far it is safe or practicable to have recourse to a Convention. Whatever you do no time ought to be lost. The present moment is undoubtedly critically favourable.—Let it by all means be improved.

1. RC, Hamilton-McLane Families Bertholf, DLC.
2. For Chipman's letter, see RCS:Vt., 155–56.
3. See Hamilton to Chipman, 22 July (RCS:Vt., 153–54).

### Vermont Gazette, 20 October 1788

Accounts from New-York, Massachusetts, &c shew, that a military spirit prevails among the citizens of United Columbia. From the late judicious arrangements with respect to the militia of Vermont, and the present military ardor of our citizens, we are led to conclude, that when the disposer of all events, shall order our STAR and PILLAR to decorate and assist in supporting the FEDERAL ARCH, no State in the Union will have reason to look with contempt upon it. The celebrated Mr. Ramsey, in an elegant oration lately published by him, in S. Carolina, observes, that tradition says, a late monarch of France had determined, at a certain time, to invade English America, but happening to see the Militia Law of Massachusetts Bay (just before his plan was ripe for execution) he abandoned his design.<sup>1</sup> If the judicious military arrangements of a single state could prevent a powerful monarch from executing a proposed invasion, how great a dread must a due arrangement of the militia of Columbia, strike on the mind of any European despot, who may meditate to disturb our peace.

1. A reference to an oration written by David Ramsay in honor of South Carolina's ratification of the Constitution which he intended to deliver at a procession in Charleston

on 27 May. Because the crowd was too large for the oral delivery, however, the oration was published in the Charleston *Columbian Herald*, 5 June, and reprinted in whole or in part in newspapers in six states by the end of August 1788. In defending the new Constitution's provision concerning the state militias, Ramsay wrote that "Tradition informs us, that about forty years ago France meditated an invasion of New-England; but on reading the militia law of Massachusetts, declined the attempt." (See CC:773, p. 160; RCS:S.C., 433.) Over two years later, both Vermont newspapers reprinted a lengthy excerpt from David Ramsay's *History of the American Revolution* (Philadelphia, 1789) (Evans 22090) (*Vermont Gazette*, 6 December 1790, and *Vermont Journal*, 25 January 1791).

**Governor Thomas Chittenden: A Proclamation of Thanksgiving  
Manchester, Vt., 20 October 1788<sup>1</sup>**

By his Excellency

THOMAS CHITTENDEN, Esquire, Governor, Captain General and Commander in Chief in and over the State of Vermont,

A PROCLAMATION.

*The Supreme Disposer of Events having been graciously pleased to order the Providential Occurrences of the Year past, as to call loudly for the Praise and Adoration of Individuals, and of Community at large. And as a Public Acknowledgement of the inestimable and unceasing Bounties of a gracious and merciful GOD is at all Times an incumbent and ought to be a delightful Duty of every rational Mind:*

I have thought fit by and with the advice of my Council, and at the Request of the General Assembly, to appoint, and I do hereby appoint, THURSDAY the 27th Day of November next, to be observed as a Day of PUBLIC THANKSGIVING AND PRAISE, throughout this State.

And I do hereby earnestly recommend to all Persons residing within the same, strictly to observe said Day, that we may with united Hearts render unfeigned Praises to the munificent Bestower of every desirable Gift, for the manifold Mercies of the Year past, both of a public and private nature: That it has pleased him to order the Seasons in infinite Mercy, abundantly to replenish the Earth, and to crown the Labour of the Husbandman with plentiful Harvests: That he has caused a Spirit of Unanimity to pervade all Ranks of People among us; and preserved us from internal Feuds and from foreign Invasion: And humbly to implore (that he would direct to and bless such Means as may be necessary to put into Execution the FEDERAL GOVERNMENT of the UNITED STATES, and establish it on a permanent Basis,) so that it may contribute to the best good of that extensive Empire; That it may graciously please his adoreable Majesty (to order, in the course of Events, that the United States offer their Friendship and the Protection of their Government, on equitable Terms, to this State, so that we may be enabled

to join with them in PERFECT UNION:) That under the divine Auspices we may become a Band of Brothers,<sup>2</sup> a People zealous of Good Works, whose highest Ambition shall be to honor and adore his Name, and under the Banner of the divine Redeemer, to erect an Empire that shall prove an Assylum for the persecuted and distressed from every Quarter of the Globe.

At the same Time under a deep Sense of our Unworthiness, to implore his Forgiveness of our manifold Sins, and a continuance of his Favor towards us, our Allies, and the whole World of mankind.

*GIVEN under my Hand in the Council Chamber, in Manchester, this 20th Day of October, 1788, in the twelfth Year of our Independence.*

THOMAS CHITTENDEN.

*By his Excellency's Command,*  
JOSEPH FAY, *Secretary.*

GOD save the PEOPLE.

1. Printed in the *Vermont Gazette*, 27 October, and reprinted in full in the *Vermont Journal*, 3 November. The *Connecticut Courant*, 24 November; *Massachusetts Salem Mercury*, 25 November; and Northampton, Mass., *Hampshire Gazette*, 26 November, reprints omitted the last paragraph. The text in angle brackets was printed as an excerpt in the *New York Packet*, 21 November and was reprinted in nine other newspapers by 7 February 1789: Pa. (2), Md. (1), Va. (4), N.C. (1), Ga. (1). A longer excerpt was printed in the *Massachusetts Centinel*, 26 November, and reprinted once each in New Hampshire, Rhode Island, Pennsylvania, and New Jersey by 10 December 1788. The reprinting of the *Centinel's* excerpt in the *New Hampshire Spy*, 2 December, was titled: "FEDERAL BLOSSOM."

The excerpt printed in the *Massachusetts Centinel*, 26 November, attached a new paragraph at the end: "The Federal Convention were great pilots—they knew 'that there was a tide in the affairs of nations, as well as men—which taken at the flood leads on to fortune'—they embraced it—and we dare say our country will experience the 'fortune.'" This extra statement also appeared in the *Philadelphia Federal Gazette*, 8 December.

2. William Shakespeare, *King Henry V*, Act IV, scene iii, lines 60–62. "We few, we happy few, we band of brothers;/For he to-day that sheds his blood with me/ Shall be my brother. . . ."

### Connecticut Norwich Packet, 4 December 1788<sup>1</sup>

Notwithstanding the general wish, that North-Carolina, and Rhode Island might become united to the federal government; the same is hardly once mentioned of *Vermont*; which when considered in a political view is most certainly of equal consequence to the last mentioned State.—The question naturally arises, why under such circumstances she has never had an audience before *Congress*, for the purpose of her admission into the Union?

1. Reprinted: *Boston Gazette*, 14 December; *New York Journal*, 24 December; and *New York Poughkeepsie Journal*, 29 December.



**Vermont Gazette, 12 January 1789**

The opinion that a new convention ought to be called, previous to the session of the first Federal Congress, seems to be strenuously contended for by a party in New York and a party in Virginia. It is to be hoped however, *say the federalists*, that their pernicious politics will fail, and that the plan formed by the collected wisdom of America, will be allowed a fair trial, and not be rejected lightly.

**Vermont Gazette, 4 February 1789<sup>1</sup>**

*Copy of a letter, from*  
PETER W. YATES, Esq.

*To his Friend in the Country, Dated Albany, 24th April, 1788.*

“Dear Sir,

I have, some days ago, wrote to you respecting the next election, and now again write to you, in hopes that you will do all in your power against the new constitution; which is *so dangerous to the rights and liberties of the people, and must cause additional heavy and burthensome taxes and end in tyranny and slavery*, and thereupon, should not be adopted, unless previously amended. My dear sir, I know you have interest in your neighbourhood, and hope you will exert it in favour of the delegates, senator and assemblymen named in the enclosed.<sup>2</sup> Do not suffer yourself to be deceived by the merchants, who, it seems will adopt a bad constitution, for the sake of trade. I have no objection against that part of it which respects to, but there are so many *bad and dangerous clauses* in it, that I would not for the sake of the merchants sacrifice the *rights and liberties of the people*. I shall depend on you to do your best endeavours; and that you will attend at the poll and prevail on my good old friend—to use his best interest.

P. S It may be a good constitution for a *few great and rich men*, who expect offices and salaries under the new government; but it is a bad one for the *farmers and common people*; The power to make every Scotchman, Irishman and German, who comes over to this country pay TEN DOLLARS, is abominable, I think it is enough that they must pay for their passage, and if this new constitution is adopted, it will tend to discourage the importation of foreigners very much.”<sup>3</sup>

1. Yates (1747–1826), an Albany, N.Y., lawyer and a member of the Albany Anti-Federal Committee, wrote this letter on the eve of the New York state election of Convention delegates, assemblymen, and state senators. The manuscript copy of the letter has not been found. The first printing of the letter was apparently in a no longer extant issue of the *Albany Gazette*. Besides the *Vermont Gazette*, the letter was reprinted in the Troy, N.Y., *Federal Herald*, 19 January 1789, and *New Hampshire Spy*, 3 February. The *Spy*'s reprinting includes the following five paragraphs commenting on the letter:

If the person whose name is subscribed to the above letter denies his having written it, the original will be shewn to him. It is not published with intent to bring him out to public view, or for any purpose respecting him *personally*; it was necessary his name should appear that the purpose for which the letter is published might be fully answered.

The authority of it is one of the heads of the antifederal party in this county, and has, (as his own party term it,) *taken more pains* than any other man among them,—and this letter is produced to the public, to shew, what all the present talk about *the confidence of the great body of the people in the new constitution*, &c. really and truly is.

The great body of the people in this county have no confidence, it is said, in the new constitution.—Suppose the fact admitted—how is it to be accounted for? The answer is evident, if we suppose the great body of the people, *have a confidence* in such like *things* as the above letter;—and if it is farther to be supposed, that their general sentiments are regulated by it, then it seems the constitution must be amended, by striking out all the clauses which *are dangerous to the rights and liberties of the people*, or which may *cause additional, heavy and burthensome taxes*, or which may *end in tyranny and slavery*, and also those clauses, in consequence of which it is rendered a good government only for *the great and rich*, and farther by making such alterations as that it will *be a good government for the farmers and common people*. ————— The power to lay an impost is also not to extend to laying an impost on slaves who may be imported.

When these amendments are duly made it is to be hoped there will be a general confidence in the new constitution, and consequently that it will operate well.

Whoever presumes to censure the act of writing such letters as the above will be aware, that an attempt will be made to justify it on this clear principle in morals “*T’ other party have done as bad.*”

These five paragraphs probably first appeared in the no longer extant *Albany Gazette*.

2. A reference to the Albany Anti-Federal Committee’s 15 March 1788 broadside slate of candidates for the New York Convention, Assembly, and Senate (RCS:N.Y., 1370–73n).

3. Article I, section 9, of the Constitution, without directly mentioning slavery, was designed to prevent Congress from banning the African slave trade before 1808. It did, however, allow Congress to lay “a Tax or duty . . . on such Importation, not exceeding ten dollars for each Person.” Antifederalists sometimes charged that this tax could be laid on free immigrants. The Albany Anti-Federal Committee listed this objection in its circular letter of 10 April 1788 (RCS:N.Y., 1381).

### Vermont Gazette, 23 February 1789<sup>1</sup>

Two of the agents<sup>2</sup> of this state appointed to attend on Congress, to negotiate the admission of this state into the new federal government, have attended the Legislature of New-York, during their session at Albany, in order to influence that hon. body to recognize our independence; and we learn that a bill for that purpose is now under their consideration, by which the western towns of this state is affixed at the western bounds of the townships granted by Newhampshire.

We are informed from respectable authority, that many influential members of the Legislature of New York, are anxious for the admission of Vermont into the federal union, to prevent internal divisions among the American states. The hon. general [Philip] Schuyler and others, have given it as their opinion, that matters should be compromised amicably & speedily between this State & the York claimants, the peace of the union being of far greater value than half a million acres of land.

A correspondent observes it is highly probable, that the period is not far distant, when the government of New York will find it their interest to accede to the jurisdiction of Vermont, the county of Clinton,<sup>3</sup> together with all that district of territory adjoining the northern posts.

1. Reprinted: *Vermont Journal*, 9 March. The last two paragraphs were reprinted in the *Georgia Augusta Chronicle*, 25 April.

2. On 22 October 1788, Moses Robinson, Ira Allen, and Jonathan Arnold were appointed agents to deal with Congress. Two days later, Isaac Tichenor replaced Allen.

3. Clinton County was the northernmost county of New York west of Lake Champlain.

**Governor Thomas Chittenden: A Proclamation of Thanksgiving  
Fair Haven, Vt., 7 March 1789<sup>1</sup>**

By his Excellency

THOMAS CHITTENDEN, Esq. Captain-General, Governor and Commander in Chief in and over the State of Vermont.

A PROCLAMATION,

For a Day of public

FASTING and PRAYER.

*It being the indispensable duty of a community suitably to notice the righteous frowns and rebukes of a holy God; to humble themselves before him for their sins, acknowledge their dependance on the Supreme Governor of the Universe, and unitedly to implore his blessing and protection, of which their multiplied transgressions render them unworthy.*

I have thought fit to appoint, and by and with the advice of the council do hereby appoint WEDNESDAY the 29th day of APRIL next, to be observed throughout this State, as a day of public Humiliation, Fasting and Prayer, and do hereby earnestly recommend it to ministers and people, of every religious denomination, to assemble in their respective congregations on that day, and with true, unfeigned contrition and penitence of heart, confess their sins to Almighty God, and implore the forgiveness of them through the merits and mediation of JESUS CHRIST our saviour, resolving by the assistance of his grace, not only to reform their lives, and for sake their sins, but to bring forth the fruits of a virtuous holy life, earnestly beseeching him that he would

avert all impending judgments; that he would overrule the prevailing evils and calamities of the present day for the reformation and best good of his people, that he would promote and maintain a happy union between rulers and subjects, and the different ranks and denominations of people in the State; that he would suppress vice, immorality and infidelity, prevalent among us, cause the spirit of pure and undefiled religion, to revive and spread thro' the land; that he would build up churches in the true faith and fellowship of the gospel, cause true gospel light to spread and prevail through the world, and effect and bring about a happy period to all dissention and division in matters of religion; that he would influence and direct the Legislative, Executive, and Judiciary departments in this State; that he would prosper and bless all schools and seminaries of learning, that our youth may be trained up to all useful knowledge & be rendered blessings to church and state.

That he would prosper and promote husbandry, manufactures and every branch of useful commerce, that he would deliver and save our land from drought, frost, insects, blasts and every other desolating evil; that he would prevent wasting sickness, bring forward the spring of the year in great mercy, and crown it with health, peace, plenty and every needed effect of his goodness; that he would bless the United States of America, and open a door for the reception of this State into union with them, on honourable terms; that he would succeed the councils of the United States at home, and their negotiations abroad; preserve and establish their union; and render effectual the new plan of federal government; bless our allies, and render our connection formed with them mutually beneficial; that he would break the yoke of the proud oppressors of mankind; & grant that the establishment of freedom become universal, and the peaceful glorious kingdom of God our Saviour be established throughout the world.

And I do hereby recommend and strictly enjoin that all servile labour and recreations be suspended on that day.

Given in Council, at the Council Chamber at Fairhaven, this 7th day of March 1789, and the thirteenth year of our INDEPENDENCE.

*THOMAS CHITTENDEN.*

By his Excellency's COMMAND,  
JOSEPH FAY, *Sec.*

1. Printed: *Vermont Gazette*, 6 April. Reprinted: *Vermont Journal*, 20 April.

### **Vermont Gazette, 9 March 1789**

Wednesday the fourth instant was, perhaps, (considering the nature of its events and their consequences) as important a day as ever marked

the annals of any country “On that day the NEW FEDERAL CONGRESS of the UNITED STATES, we are informed, met in the city of New York, and the next day proceeded to business.[”] Thus has a new event happened, a large republic composed of thirteen distinct and powerful commonwealths, differing widely in political and religious sentiments, actuated by many and great local prejudices, urged on to division and discontent by able politicians, differing in sentiment from the majority of the people and towards anarchy and confusion by designing men in every part of the continent, has risen superior to all opposition, and in perfect tranquility and peace has laid the foundation of a permanent and efficient government.

The illustrious Washington is seated in the PRESIDENTIAL CHAIR by the general voice of a grateful country, and the honorable John Adams, is, we hear elected Vice President of the Congress of the United States.

A correspondent informs, that the present situation of Vermont occasions much speculation in the United States, but it is generally believed that our admission into the Union, will be acceded to on terms advantageous to this state.

**Governor Moses Robinson: A Proclamation of Thanksgiving  
Westminster, Vt., 17 October 1789<sup>1</sup>**

BY HIS EXCELLENCY  
MOSES ROBINSON, Esquire,  
Governor, Captain-General and Commander in Chief  
in and over the State of VERMONT.

A PROCLAMATION.

*It being a duty incumbent upon all men to acknowledge the over-ruling Providence of GOD; and upon all suitable occasions, with united hearts and voices, to render to Him their grateful acknowledgments for the manifold blessings which at all times he is pleased to bestow upon them.*

I have therefore thought fit, by and with the advice of Council, and at the request of the General Assembly, to appoint, and I do hereby appoint, *Thursday the twenty-sixth day of November* next, to be observed as a day of public *Thanksgiving* and *Praise* throughout this State: and I do hereby recommend to all people of every denomination residing within the same, strictly to observe said day, and devoutly to offer to Almighty GOD their humble tribute of praise through the merits of *Jesus Christ*; expressing their gratitude for the various blessings conferred upon us, particularly that he hath suffered no wasting sickness to prevail among us—That he has been pleased to order the season in

so much mercy—That he hath prospered the labor of the husbandman, and hath caused the earth to yield her increase—(That there is such a degree of unanimity prevailing among us)—That we have the full enjoyment of our civil and religious rights—And that with sincere expressions of gratitude, we join in a humble confession of our *sins*, and the sincere amendment of our lives, imploring continuance of his favors—(That he would succeed the administration of government)—That he would direct and prosper measures that may be adopted for the admission of this State into the union of United States—That the best of blessings be bestowed on the inhabitants of this land—That the knowledge of truth be promoted, the spirit of true religion revived, and the kingdom of our Lord and Saviour *Jesus Christ* be enlarged, and the whole earth be filled with his glory.

*Given under my Hand in the Council-Chamber at Westminster, this 17th Day of October, One Thousand Seven Hundred and Eighty-Nine, and in the Fourteenth Year of our INDEPENDENCE.*

Moses Robinson.

*By his Excellency's Command,*

JOSEPH FAY, *Sec'ry.*

*GOD SAVE THE PEOPLE.*

1. Printed: Broadside (Evans 45731). Reprinted in the *Vermont Journal*, 28 October, and *Vermont Gazette*, 23 November. The *Gazette's* reprinting was set in italic type and omitted two sentences. They have been placed in angle brackets.

### **Connecticut Gazette, 18 December 1789<sup>1</sup>**

It is with pleasure the public are informed that commissioners are appointed by the States of New-York and Vermont, to negotiate, and finally to adjust all differences between those states. It may therefore with reason be expected that the latter will soon be admitted a member of the American Union; the claims of the former being the only obstacle to that desirable event.

1. Reprinted: *New Jersey Journal*, 30 December; *Maryland Journal*, 8 January 1790; *Alexandria Virginia Gazette*, 14 January.

### **Levi Allen to William Pitt**

**At Col. Skene's, Chelsea, London, 25 December 1789<sup>1</sup>**

Having arrived in this city with a commission from the Governor and Council of the State of Vermont, issued in consequence of an Act of the Legislature thereof, for the Purpose of Negotiating Matters of Trade and Commerce, with special Instructions further to assure Government that Vermont as a People are both from local situation and natural Inclination desirous of sharing in the Blessings of the British Govern-

ment. This, the Congress of the United States have some Idea of, and have actually made Overtures to said Vermont, therein granting them all the Priviledges of every State in the Union, and not to be accountable for any debt or debts heretofore contracted by the thirteen states or any or either of them and to extend Vermont West till it meets the River St. Lawrence and Lake Ontario, on condition they join the Union, and become the 14th state. A particular Account of this, and much more has been secretly transmitted me by my surviving brother in Vermont, which has just come to hand, the whole Information is entirely at your Service but too Prolix to Intrude on you undesired.

Further, as the Posts (called the Upper Posts) in America are demanded by Congress, I beg leave to Proffer my Service to Raise a Regiment of Green Mountain boys for His Majesty's service, in case hostilities should make an Augmentation of Troops in America necessary.

As a duty I owe to the best of sovereigns, and the British Empire at Large I most humbly request the favor of an Audience as soon as convenient; as I think the Good intentions of the Vermonters have not been attended to, perhaps not properly explained.

1. Printed: Duffy, *Allen*, I, 336–37n. For Philip Skene, see the Introduction (RCS:Vt., 97–99). Allen (1746–1801), a native of Connecticut, was a Loyalist during the Revolutionary War and a free trader. In 1770 he moved with his brothers to the New Hampshire Grants in the Green Mountains. He became a member of the Green Mountain Boys, a militia organized by his brother Ethan to resist New York's jurisdiction over the territory. He initially supported the American cause during the Revolutionary War and was a militia officer at the capture of Fort Ticonderoga in 1775. He later abandoned the American cause and spent two years trying to free his brother Ethan, who had been captured in Montreal and imprisoned by the British. He supplied the British army in New York City and was declared a Loyalist, jailed, and had his Vermont property confiscated. He moved to Florida in 1781 and also supplied the British army there. He returned to Vermont in 1783, negotiated with the British to restore Vermont to the Empire, served as Vermont's unofficial ambassador to Canada and Britain, and moved to St. Jean, Quebec, in the 1790s. He advocated free trade between Vermont and the United States, Canada, and Britain. William Pitt the Younger (1759–1806) was British prime minister, 1783–1801, 1804–6.

### **Vermont Gazette, 8 February 1790**

The convention of Rhodeisland are now sitting,<sup>1</sup> for the purpose of ratifying the federal constitution. The commissioners from this state are attending the business of their mission in Newyork,<sup>2</sup> and from the present appearances in the political hemisphere, it is presumed, the FOURTEENTH STAR will speedily adorn the head of the FEDERAL EAGLE, in the arms of the united states.<sup>3</sup>

1. The Rhode Island legislature called a state convention on 17 January 1790. The first session of the Convention met on 1–6 March. The second session met on 24–29 May and ratified the Constitution.

2. For the meeting of Vermont and New York commissioners, see “The New York-Vermont Treaty,” 28 October 1790 (RCS:Vt., 175–77).

3. A paragraph in the Boston *Columbian Centinel*, 3 November 1790, announced the agreement between New York and Vermont and predicted that Vermont would “add, to use a favourite figure, another STAR to the Federal CONSTELLATION.” This paragraph was reprinted in the Portland, Maine, *Cumberland Gazette*, 8 November; *New York Daily Gazette*, 12 November; Philadelphia *Independent Gazetteer*, 13 November; *Pennsylvania Packet*, 18 November; *State Gazette of North Carolina*, 26 November; and *Maryland Herald*, 30 November. The *Gazetteer* and the *Herald* substituted the word “Constitution” for “Constellation.”

Another paragraph in the New York *Gazette of the United States*, 2 June 1790, indicated that “The recent accession of Rhode-Island to the constitution almost compleats the chain of our federal Union—and the way will probably be very soon opened for Vermont to make her name truly respectable as a member of the great American Family.” This item was reprinted in the Philadelphia *Federal Gazette*, 5 June; *Pennsylvania Packet*, 7 June; and *Providence Gazette*, 12 June.

### **Governor Moses Robinson: A Proclamation of Thanksgiving Bennington, Vt., 31 March 1790<sup>1</sup>**

By his EXCELLENCY  
MOSES ROBINSON, Esquire,

Governor and Commander in Chief in and over the State of Vermont.  
A Proclamation.

*It being the indispensable duty of a community to acknowledge their dependence on the supreme Disposer and Governor of all events, and humble themselves for their sins under the rebukes of his righteous hand: and particularly seasonable at the opening of the year, that the people of this state should unitedly supplicate his blessing, of which their multiplied transgressions render them unworthy.*

I have thought fit to appoint, and by and with the advice of the COUNCIL, do hereby appoint WEDNESDAY, the twenty-eighth day of April next, to be observed throughout this state, as a day of PUBLIC HUMILIATION, FASTING and PRAYER. And I do exhort both ministers and people of every religious denomination, to assemble in their respective congregations on that day, and with deep unfeigned contrition and penitence of heart to confess their sins to GOD; and implore the forgiveness of them, through the merits and mediation of JESUS CHRIST our SAVIOUR; at the same time resolving, by the assistance of grace, not only to forsake them, but to bring forth the positive fruits of a virtuous, holy life. Earnestly beseeching him that he would be pleased to suppress vice, immorality and error; that he would for this end grant the special influences of his holy spirit, to convert men from the error of their ways, and cause pure and undefiled religion, to revive and spread through the land; that he would build up churches in the simplicity, faith, order and fellowship of the gospel, and cause a spirit of mutual love, forbearance and charity to revive and prevail among



the professors of our holy religion; that he would bless and succeed the instituted means of gospel instruction, and grant to destitute congregations and churches faithful and able pastors and teachers; that he would bless and direct the legislative, executive and judiciary departments of the state; that our rulers may be examples of virtue and piety to their subjects; that by a proper exercise of their authority, they may be a terror to the wicked, and the promoters and encouragers of virtue; that a spirit of union and obedience to the laws of the State, might prevail among all ranks of men; that he would build up and prosper seminaries and schools of learning within this state, that our youth may be trained up to all useful knowledge; that he would prosper our husbandry, manufactures, and every branch of useful commerce; bring forward the spring of the year in mercy; crown the year with health, peace, plenty and every needed effect of his goodness; save from droughts, frosts, insects and every desolating judgment; that he would remove every obstacle out of the way of the reception of this state into the federal union; that he would bless the united states of America, succeed their councils at home and negociations abroad; preserve and strengthen their union, bless their allies, and render the connection formed with them mutually beneficial; that he would grant wisdom and council to their legislative, executive and judiciary departments; that he would prolong and render eminently useful the life of the president of the united states of America;<sup>2</sup> and that he would establish and build up the peaceful, glorious kingdom of GOD our SAVIOUR throughout the world.

All SERVILE LABOUR and RECREATION is forbidden on said day.

*GIVEN at the COUNCIL CHAMBER in BENNINGTON, the 31st day of March, in the year of our Lord 1790, and in the 14th year of the INDEPENDENCE of VERMONT.*

MOSES ROBINSON.

By his EXCELLENCY'S command,

JOSEPH FAY, secretary.

*GOD save the PEOPLE.*

1. Printed: Broadside (Evans 23014). Reprinted: *Vermont Journal*, 21 April 1790.

2. The *Boston Gazette*, 7 June, reprinted the text in angle brackets.

### **Vermont Gazette, 2 August 1790**

A correspondent begs leave to say, that the situation of VERMONT, as it respects the union; was never more promising than at present. The thirteen states are now consolidating their interests, and devising proper means to pay off the debts of the union; after which, the admission of Vermont, on equitable terms, to participate its advantages, will become

a matter of consequence to us and utility to the general government. From the great quantity of iron our state produces, and the enterprize of our citizens, it cannot be doubted but that the refining of it, the making of steel, and the various manufactures dependent on it, will soon render us conspicuous in the eyes of the commercial states, and the acquisition of encreasing thousands of hardy well disciplined soldiers and ingenious artizans, will be an object that cannot escape the serious regard, nor fail to engage the kind patronage of the enlightened national legislature of America.

*The federal bird shall stretch its well plum'd wing,  
Over our towering mountain's pine-clad front,  
Till nature's dirge expiring time shall sing,  
And Freedom quits the SYSTEM, at Vermont.*

**Lieutenant Governor Joseph Marsh: Retirement Announcement  
Hartford, Vt., 12 August 1790 (excerpt)<sup>1</sup>**

*To the Freemen of the state of Vermont.*

Fellow citizens,

[Two paragraphs in which Marsh states that he no longer will serve as lieutenant governor, giving illness and old age as his reasons, are omitted.]

Permit me, fellow citizens, on this occasion, to tell you with what real satisfaction I have received the repeated manifestations of your confidence, exhibited towards me in thus calling me from my private station, to share in the government of our free republic. Permit me likewise to anticipate with you the happy day, when the state of Vermont shall not be the least pillar in the support of that confederated government, which is cemented by a constitution that does honor to mankind, and is a demonstrative proof that the united states, in political genius, are not inferior to the boasted courts of Europe.

Hartford, 12th August, 1790.

1. Printed: *Vermont Gazette*, 30 August. Marsh (1726–1811), a Connecticut native, moved to Hartford, Vt., in 1772. He was a militia officer during the Revolutionary War, lieutenant governor, 1778–79, 1787–90, and a member of the state General Assembly, 1781–83.

**Governor Thomas Chittenden: A Proclamation of Thanksgiving  
Castleton, Vt., 20 October 1790<sup>1</sup>**

BY HIS EXCELLENCY

THOMAS CHITTENDEN, Esq.

Governor, Captain General and Commander in Chief,  
in and over the State of Vermont.

## A PROCLAMATION.

*The Supreme Disposer of events, having been graciously pleased so to order the providential occurrences of the year past, as to call loudly for the praise and adoration of individuals and of community at large—and as a public acknowledgment of the inestimable and unceasing bounties of a gracious and merciful GOD, is at all times an incumbent, and ought to be a delightful duty, to every rational mind:*

I have therefore thought fit, by and with advice of my Council, and at the request of the General Assembly, to appoint, and I do hereby appoint, *Thursday* the twenty-fifth day of *November* next, to be observed as a day of public THANKSGIVING and PRAISE throughout this state.

And I do hereby earnestly recommend to all persons residing within the same, strictly to observe said day:—that we may, with united hearts, render unfeigned praise to the munificent Bestower of every desirable gift—for the manifold mercies of the year past, both of a public and private nature;—that it has pleased him to preserve the healths and lives of our citizens;—that he has, in his infinite mercy, crowned the labor of the husbandman with plentiful harvests;—that he has caused a spirit of unanimity to pervade all ranks of people among us—and preserved us from internal feuds and foreign invasions;—and humbly to implore a continuance of his aid in directing the Councils of this state;—that he would so order events, that the negotiations already begun, may succeed;—and that all obstacles may be removed which has heretofore prevented a union of this state with the United States;—that he would bless the United States of America—succeed their Councils at home and negotiations abroad; preserve and strengthen their union; bless their allies, and render the connexion formed with them mutually beneficial;—that he would grant wisdom and council to their legislative, executive, and judiciary departments;—that he would prolong and render eminently useful the life of the President of the United States;—and that he would establish and build up the peaceful kingdom of GOD our SAVIOUR throughout the world.

*Given under my hand, in the Council Chamber in Castleton, this 20th day of October, A.D. 1790, in the 14th year of our independence.*

Thomas Chittenden.

*By his Excellency's command,*

JOSEPH FAY, Secretary.

GOD SAVE THE PEOPLE.

1. Printed: *Vermont Journal*, 2 November.

## Vermont Calls a State Convention 20–28 October 1790

### Governor Thomas Chittenden: Speech to the Vermont Council and General Assembly, Castleton, Vt., 20 October 1790<sup>1</sup>

The speech of his excellency governor *CHITTENDEN*, to the council and assembly, October 20, 1790.

*Gentlemen of the council and assembly,*

I have received official information of my appointment by the freemen of this state to be their governor for the year ensuing.

My heart is imprest with a grateful sense of the singular respect shewn and honor done me by this election.

This day witnesses the excellence and beauty of our glorious constitution; which by the blessing of heaven, the fortitude and perseverance of former conventions, councils, and assemblies, with the aid of the military force, we have obtained and supported, against the opposition of a potent foreign power, a haughty neighbouring government, and numerous domestic opposers. This constitution, gentlemen, grouped in the dark for days, months and years, but now it shines with purer lustre.—By it our lives, properties, liberties and privileges, civil and religious are protected: By it we retain a right to choose our own rulers and that from among ourselves;—by it we are rescued from submitting to the edicts of any foreign power, or neighboring government, while every civil officer is annually taught his dependence. The appearance of this day also evinces, that our government is well established, the minds of the people happily cemented, and every thing contributes to complete our political felicity, and prepare the way for the happy day when we shall add no small weight to the scale, and be under the protection of a new and glorious empire, which bids fair, in a short time to vie in power and policy with any of the european states, which gives me more satisfaction than all the honors in the power of this or any other state to confer on me.

It is with some reluctance that I shall enter again into public service, all circumstances considered; yet the good of this people lies so near my heart, that when duty calls, nothing shall deter me from acting that part, I judge will contribute most to the peace, happiness and prosperity of the people.

1. Printed: *Vermont Gazette*, 1 November. Reprinted: *Vermont Journal*, 16 November. The General Assembly journal indicated that the speech was “well adapted to the occasion”

(p. 21). Chittenden had been elected as Vermont's first governor in 1778 and consistently reelected thereafter. Due to a scandal in 1789 in which Chittenden's opponents condemned him for granting a town charter for Woodbridge in 1781 to Ira Allen and his associates "without the authority of law, without the knowledge of the House of Representatives, and even without the advice of his Council." (Woodbridge bordered on the province of Quebec and New York.) The scandal was well documented in "A Plain Man" and "A Vermont Freeman," both printed in the *Vermont Journal* on 18 August, and reprinted in the *Vermont Gazette* on 24 August. "A Vermont Freeman" indicated that "For several years past, the freemen of this State have been nearly equally divided in opinion, with respect to the expediency of continuing his Excellency, our present Governor, in office; although habit has cast the votes in his favor." (See also "Brutus," *Vermont Journal*, 26 August 1789.) The Assembly appointed a three-man committee (Stephen Row Bradley, Ebenezer Marvin, and Phineas Freeman) that reported that Governor Chittenden had "violated the trust reposed in him by the Constitution, to keep the Public Seal of this State sacred: and that he has converted it to private, sinister views." Chittenden appeared before the Assembly and, "to the surprise of all present, set the matter in a light still more unfavorable to himself than the report of the Committee had done." Convinced that officers in republics needed to be changed frequently, "A Vermont Freeman" believed that there were sufficient reasons not to reelect Chittenden. The Assembly then passed an act revoking the unauthorized charter.

At the ensuing election, Chittenden received 1,263 of the 2,925 votes cast—43 percent of the vote (*Vermont Gazette*, 2 November 1789). Because a majority of the popular votes was required to win the election outright, the election was shifted to the Assembly, where Moses Robinson (who had received 746 votes in the popular election—25 percent) was elected by the Assembly. Chittenden was reelected in 1790 and served as governor for the rest of his life.

### **General Assembly Proceedings, Friday, 22 October 1790 (excerpt)<sup>1</sup>**

. . . *Resolved*, That this House pass an Act to call a Convention of the people of this State, to take into consideration the Constitution of the United States, and see whether they will accede to the same.—Members chosen to draft the act—Mr. [Stephen Row] *Bradley*, Mr. [Samuel] *Hitchcock*, and Mr. [Lemuel] *Chipman*. . . .

1. Printed: *A Journal of the Proceedings of the General Assembly of the State of Vermont* . . . (Windsor, Vt., 1791) (Evans 23937), 34. Stephen Row Bradley offered the resolution (E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont* [8 vols., Montpelier, Vt., 1873–1880], III, 464).

### **General Assembly Proceedings, Monday, 25 October 1790 (excerpt)<sup>1</sup>**

. . . The Committee appointed to draft a bill for the purpose of calling a Convention of this State, reported a bill, which was read, and,  
*Ordered*, To lie on the table. . . .

1. *Assembly Journal* (October 1790), 40.

**General Assembly Proceedings, Tuesday, 26 October 1790 (excerpt)<sup>1</sup>**

. . . A Bill, entitled, *An Act to authorize the people of this State to meet in Convention, to deliberate upon, and agree to the Constitution of the United States*, was read the first time. . . .

1. *Assembly Journal* (October 1790), 41.

**General Assembly Proceedings, Wednesday, 27 October 1790 (excerpt)<sup>1</sup>**

. . . A Bill, entitled, *An Act for authorizing the people of this State to meet in Convention, deliberate upon, and agree to the Constitution of the United States*, was returned from the Council concurred,<sup>2</sup> and,

Passed into a law of this State. . . .

1. *Assembly Journal* (October 1790), 45.
2. The *Assembly Journal* omits that the Assembly passed this bill and then “sent [it] to the Governor and Council for revision and concurrence, or proposals of amendment,” as was the case for other bills.

**Act Calling Vermont Convention  
27 October 1790<sup>1</sup>**

An Act to authorize the People of this State to meet in Convention, to deliberate upon and agree to the Constitution of the United States.

*Whereas in the opinion of this Legislature the future interest and welfare of this State, render it necessary that the Constitution of the United States of America, as agreed to by the Convention at Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, with the several amendments and alterations as the same has been since established by the United States should be laid before the people of this State for their approbation.*

*It is hereby enacted by the General Assembly of the State of Vermont, That the first Constable in each town shall warn the inhabitants, who by law are entitled to vote for Representatives in General Assembly, in the same manner as they warn freeman’s meeting, to meet in their respective towns on the first Tuesday of December next, at ten o’clock forenoon, at the several places fixed by law for holding the annual election; and when so met, they shall proceed, in the same manner as in the election of Representatives, to choose some suitable person from each town to serve as a Delegate in a State Convention, for the purpose of deliberating upon, and agreeing to the Constitution of the United States,*

as now established, and the said Constable shall certify to the State Convention the person so chosen in manner aforesaid. And

*It is hereby further enacted by the authority aforesaid,* That the persons so elected to serve in State Convention as aforesaid, do assemble and meet together on the first Thursday of January next, at *Bennington*, in the county of *Bennington*, then and there to deliberate upon the aforesaid Constitution of the United States, and if approved of by them, finally to assent to and ratify the same in behalf and on the part of the people of this State, and make report thereof to the Governor of this State for the time being, to be by him communicated to the President of the United States, and the Legislature of this State.

1. Printed: *Acts and Laws, Passed by the Legislature of the State of Vermont, At their session at Castleton, the second Thursday of October, 1790* (Windsor, 1790) (Evans 23013), 4. The act was printed twice in the *Vermont Gazette* on 1 and 22 November, and in the *Vermont Journal*, 2 November. It was also reprinted in the *Connecticut Journal*, 17 November, and the *Charleston, S.C., City Gazette*, 1 December.

See Alexander Hamilton's letter to Nathaniel Chipman written post-6 September 1788, encouraging Vermont to ratify the Constitution via "the *immediate* consent of the people" in a convention as opposed to "a *legislative* accession," which, according to Hamilton, might not be valid (RCS:Vt., 156–58).

### **General Assembly Proceedings, Thursday, 28 October 1790 (excerpt)<sup>1</sup>**

. . . *Resolved*, That the Secretary of State be directed to procure a copy of the Constitution of the United States, as it now is—and that the State's Printer publish the same,<sup>2</sup> and forward them as soon as possible, to the several Town-Clerks in this State. . . .

1. *Assembly Journal* (October 1790), 52.

2. See "The Publication of the Constitution in Vermont," 1 October 1787–1790 (RCS:Vt., 140).

### **Editors' Note The New York-Vermont Treaty 28 October 1790**

On 23 October 1789 the Vermont General Assembly adopted an act appointing commissioners to meet with seven commissioners from New York (appointed on 16 July 1789) to settle boundary lines and to resolve the disputes that might lead to Vermont statehood. Seven Vermont commissioners were appointed: Isaac Tichenor, Stephen Row Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob, and Israel Smith. They communicated with the New York commissioners in November 1789. On 21 December the New Yorkers responded suggesting that they meet in New York City on 9 February 1790. The New York commissioners, who first caucused in New York City on 15 January 1790, were Robert R. Livingston, Robert Yates, Rufus King, John

Lansing, Jr., Guilian Verplank, Richard Varick, and Simeon DeWitt. The commissioners met several times and exchanged messages between 9 and 13 February, at which point the Vermont commissioners informed the New Yorkers that the Vermont legislature had “fully authorized” them “to stipulate a compensation *to the State of New York* for any extinguishment . . . of private claims, if found to be just and reasonable.” Because the New York commissioners did not believe that they were authorized to negotiate the extinguishment of any land grants, the negotiations ended on 13 February so that the powers of the New York commissioners could be expanded.

On 6 March the New York legislature repealed its 16 July 1789 act but expanded the authority of its commissioners. Richard Varick, now mayor of New York City, and Rufus King, a U.S. Senator, were dropped from the commission and three additional commissioners were appointed: Egbert Benson, Richard Sill, and Melancton Smith. The commissioners were given “full power” to use discretion to achieve “the peace and interest of the United States in general, and of this State in particular.”

The New York commissioners sent a copy of the act to their Vermont counterparts and suggested a meeting where they could agree on a plan for the extinguishment of the New York land grants. The commissioners met in New York City in March but on 10 March adjourned to Stockbridge, Mass., in July 1790. Because Richard Sill had died and several other New York commissioners were attending the U.S. Congress, the Stockbridge meeting was abandoned and a new meeting was scheduled for New York City on 27 September. The New York commissioners outlined their proposal on 1 October:

- (1) Vermont should pursue statehood without delay,
- (2) that the established boundary line be maintained,
- (3) that a commission be established in Albany to process the land claims of New Yorkers at a rate of eighteen cents per acre.

The Vermonters responded with:

- (1) their own boundary lines stipulating that New York would never seek to regain any of that territory,
- (2) that the Vermont assembly should determine the legitimacy of any New York land grants,
- (3) that Vermont would seek statehood, and
- (4) that all Vermont and New Hampshire land grants be declared valid and all New York grants be declared void.

The next day the New York commissioners responded. They did not object to the Vermonters’ boundary and they agreed in principle to the extinguishment of the New York land grants. They suggested that Vermont either pay the state of New York a lump sum to cover all of the grants or agree to an impartial commission appointed by the U.S. president that would settle all New York claims. They would never agree to an extinguishment in which “the Legislature of Vermont, will furnish a recompense to the New York claimants.” Negotiations continued with New York suggesting a one-time payment of \$30,000 to extinguish the New York claims. The Vermonters countered with a \$20,000 payment to New York or individual payments of ten cents per acre to individual claimants.

On 7 October 1790 the commissioners agreed to final terms of the treaty. The treaty provided that:



(1) New York agreed to the independence of Vermont as a state in the Union,

(2) that the boundaries of Vermont were acceptable to New York,

(3) that Vermont would by 1 June 1794 pay New York \$30,000 that would extinguish the New York land claims, and

(4) a special commissioner would be appointed in Albany to settle land disputes between claimants from New York and New Hampshire.

Six New York commissioners signed the treaty validating it. Three fair copies of the treaty were engrossed on parchment—one for New York, one for Vermont, and one to be retained in Vermont until it applied for statehood at which time this third engrossed copy would be “carried forward to the seat of federal government . . . to be deposited in the archives of congress, as the foundation for admission of Vermont into the federal union” (Stephen Row Bradley speech in the Vermont Convention, 8 January 1791, RCS:Vt., 216).

The Vermont commissioners submitted the treaty to the legislature for its approval. On 21 October 1790, the Vermont commissioners reported to the legislature, which accepted the report and passed an act on 28 October accepting the Vermont boundary and providing for the payment of \$30,000. Most Vermonters were pleased with the settlement. (See *Vermont Gazette*, 15 November, RCS:Vt., 180.)

On 3 November 1791 the Assembly passed an act providing “a tax of one half penny on each acre of land” not devoted to “public, pious and charitable uses.” Failure to pay the tax could result in the seizure and public sale of land at public vendue to pay the tax. When Vermont failed to meet the deadline for payment, New York extended the time limit. It took more than ten years for Vermont to pay New York the entire \$30,000.

### **Albany Gazette, 4 November 1790<sup>1</sup>**

The following important information has been handed to us by a gentleman on whose veracity we can depend.—

The legislature of Vermont have resolved to pay to the state of New-York, *Thirty Thousand* dollars, agreeably to the 1st proposition contained in the declaration of the Commissioners of this state, appointed to declare the consent of the legislature thereof, that a certain territory within the jurisdiction of the state of New-York be erected into a new state, of the 7th of October last; in consequence whereof, all rights and titles to lands within the state of Vermont under grants of the late colony of New-York or from the state of New-York (except where such grants were intended as confirmations of those from New-Hampshire) cease and determine.—The legislature have also resolved, that a convention be called for taking into consideration the constitution of the United States—the members to be elected in December, and the convention to meet the first week in January:—The legislature have adjourned to meet again on the first Thursday in January; for the purpose (we suppose) of choosing senators, and affixing the time and manner of electing representatives to Congress.

1. Reprinted: *New Jersey Journal* and *Pennsylvania Journal*, 17 November; *Maryland Herald*, 23 November; *Annapolis Maryland Gazette*, 25 November; *State Gazette of North Carolina*, 26 November; and *North Carolina Chronicle*, 13 December (summary).

### Vermont Gazette, 8 November 1790<sup>1</sup>

*Extract of a letter from Newyork, dated October 30.*

“You cannot but be sensible that candour has graced the conduct of this state in its late negotiation with you: I am glad to find your legislature have ratified our conditions. The sum of £9000 is but a trifle, if it terminates contention, and establishes amity between neighboring states. Many among us (especially members of the law) argued, that *ten cents* per acre would not have amounted to half the sum: but when we reflect what a scene of contention it might have opened, and how expensive determinations at law would have been, the ruin of numbers seems to have been contained in the latter, while scarce the idea of difficulty is involved in the former. Those who are of an antifederal turn both among you and us, will start objections to your accession to the union: among other matters, the payment of a quota of the public debt may be held up as a bugbear: but when any man of common capacity, reflects on the exertions made and making to discharge these demands; when he takes into view the growing state of our commerce, and consequent encrease of the public revenue by impost and excise, the result of the reflection must be, that direct taxation can never arise from present debts, and through the mean[s] of indirect taxation you already pay your full proportion towards supporting the federal government.—I affirmed that you paid your full proportion—you indirectly pay much more while deprived of the benefit of representation. The prevalent wish here, is perpetual union between Newyork and Vermont, and a just proportion of northern influence in Congress.

“Perhaps it may not be amiss to remark, that the tranquility of the union is an evidence of the goodness of the federal constitution. How soon after its adoption does the animosities of the most antifederal states subside to peace. May providence conduct you to the union, and happiness be the result.”

1. Reprinted: *New York Packet*, 25 November; *Philadelphia Gazette of the United States*, 1 December; *Annapolis Maryland Gazette*, 9 December; *Connecticut Gazette*, 10 December.

### Vermont Gazette, 8 November 1790<sup>1</sup>

A correspondent observes, that to him there appears to be an impropriety in a suggestion he has often heard, since the measure of calling a convention has been ordered by the legislature, viz. that the

representatives of the several towns would be proper persons to form the convention. The reason he assigns, in support of his opinion, is, that the representatives have already, implicitly, declared their opinion in favor of the adoption of the constitution of the union, by Vermont; consequently the necessity of deliberating on the subject of the propriety of that measure will be foreclosed. He observes that he is in sentiment perfectly federal, yet in as much as deliberation on the subject is the order, we ought, says he, to appoint men free from the bias of former public determination. Another objection is, that there is at least a probability of the session of assembly commencing before the convention close their deliberations and get ready to bring forward their result.

1. Reprinted: *Vermont Journal*, 23 November.

### Senex

#### Vermont Journal, 9 November 1790<sup>1</sup>

To the Printer of the VERMONT JOURNAL

*Please to insert the following ADDRESS to the Freemen of this State.*

FELLOW CITIZENS,

When I reflect upon the conduct of mankind, chain'd by *custom* to the most egregious errors, and spurred by *ambition* to the most dangerous pursuits; my indignation rises on the idea of seeing a *respectable number* of the good citizens of this State led astray from the paths of *duty* and *interest*, to that of *ambition*, by a *designing few*.

It has ever appeared to me as a citizen of *Vermont* (clothed with more than *regal* power) that her *Citizens* were her *Legislators*, and I gloried in the privilege—But how great was my surprise to see in your last Journal,<sup>2</sup> a desire of our Representatives to give up this privilege to the Congress of the United States, merely that some individuals may have the honor and emoluments which attend that honorable Body.

The act I allude to, “*authorises the people of this State to meet in Convention, to deliberate upon, and AGREE TO the Constitution of the United States.*”

This is provoking language to *Freemen*, as it leaves us not the alternative of *rejecting* it without a breach of law.—But I beg leave to premise a few considerations, previous to our *agreeing* to the said Constitution; in which I shall endeavor to shew that it will not be good *policy*, nor for the *interest* of the United States and this State, to be mutually bound by the Federal Compact.

1st. Because the inland situation of Vermont, and its contiguity to Canada, should there be a future war between Great-Britain and the United States, would most certainly expose her to be the first to feel

its horrors, and consequently the ravages and depredations of *one*, if not of *both* armies: whereas, were we independent of both, we might in all their wars remain neuter [i.e., neutral], and thereby form a barrier which would effectually preserve the Eastern States from any invasion from the Northward.

2*d.* The trade of Vermont, which is greatly advantageous to the United States, is already engrossed by them; and provided this State should be in the Union, the Impost and Tonage would not affect us, but must finally fall on the maritime States, although we in effect, by our consumption of their imports, pay a considerable proportion of both;—therefore it would not be for the interest of those States to pay our Delegates near six thousand dollars per annum, without any additional profit arising on any of those articles which are at present the sole support of the Federal Government.

3*d.* It would certainly militate against the interest of Vermont, to have our little trade with Canada shackled with an impost, the whole produce of which would not pay the expence of an officer to be appointed to collect it, and who therefore must be paid from some other quarter.

My time and avocations will not permit me to enlarge here; but I hope my fellow citizens will be on their guard, and not too hasty in deciding on a matter on which, in my view, their future political weal or woe immediately depends—If some abler pen should not undertake to treat more largely on this subject, I shall endeavor to give you some further thoughts before your election of Delegates for the Convention.

*November 5, 1790.*

1. For a response to “Senex,” see “Mickros,” *Vermont Journal*, 23 November (RCS:Vt., 181–83).

2. The *Vermont Journal*, 2 November, contained the act calling the Vermont Convention (RCS:Vt., 174–75).

### **Vermont Gazette, 15 November 1790<sup>1</sup>**

By the reports from different quarters it appears, that the people of this state are generally pleased with the determination of the legislature, relative to the York claims. The only quere is, in what manner it will be paid, and the general surmise, that as land is the occasion of the cost, land should bear the burthen. If general report can be credited, antifederalism scarce can be found in Vermont.

1. Reprinted eight times by 22 January 1791: N.H. (1), Mass. (1), Conn. (3), N.Y. (1), Pa. (2).

**Boston Columbian Centinel, 17 November 1790<sup>1</sup>**

## VERMONT.

The Legislature of that State, has passed an Act for calling a State CONVENTION, to meet at *Bennington*, Jan. 6, 1791, for the purpose of assenting to, and ratifying the Constitution of the United States. That this Convention will ratify the Constitution, is certain: Which will thereby add another member to the great body of the Union.

1. Reprinted: *New Hampshire Gazette*, 20 November; *Boston Gazette* and Portland, Maine, *Cumberland Gazette*, 22 November; Newburyport, Mass., *Essex Journal* and Northampton, Mass., *Hampshire Gazette*, 24 November; and *Boston Herald of Freedom*, 26 November. A similar printing of the first sentence appeared in the *Connecticut Courant*, 15 November, and was reprinted in the *Connecticut Gazette*, 19 November, and Middletown, Conn., *Middlesex Gazette*, 20 November. The *Connecticut Litchfield Monitor*, 29 November, printed a third version of the first sentence.

**Mickros****Vermont Journal, 23 November 1790<sup>1</sup>***For the VERMONT JOURNAL.*

MR. PRINTER. *Now I am not an inhabitant in this world nor any other! It matters not with me, therefore, how matters go on among you—However, I love to keep it up—so if you please to insert the following remarks upon the observations of Senex, I'm willing*

I think the <sup>(a)</sup>“old woman” was too much in a fret when she addressed the “Freemen of Vermont,” she was fretful even to indignation—indignant with your state Representatives for authorizing the people to meet in convention to deliberate upon and agree to the constitution of the United States; and in the heat of her splenetic ire exclaims, “this is provoking language to freemen, as it leaves us not the alternative of rejecting it without a breach of law.”

But don't let your freemen be affrighted—it is expected they will elect their ablest politicians and firmest patriots to deliberate in convention; those who will possess the aggregate wisdom of the people—who will act their feelings, and for their interest—who are, in fact, of the same family, and who will feel themselves interested in the honor and happiness of the family to which they belong.—From such a convention all is to be hoped and nothing to be feared. They are under no obligation to adopt the federal constitution, if upon deliberation they find it incongruous with the interest of Vermont. The very act which sets the indignant old lady on tiptoe, implies a power of rejection. Every person must know, that investing a body with power of doing a thing, does not imply a necessity of their doing it. The federal

States have invested Congress with power "To declare war—provide and maintain a navy," &c. But does this imply that Congress is obliged to declare war, provide a navy, &c. while they shall think prudent to cultivate peace, and promote commerce?

Senex observes, "It would not be good policy, nor for the interest of the United States, nor of this state to be mutually bound by the federal compact;" and gives her reasons as follow—"Because the inland situation of Vermont, and its contiguity to Canada, should there be a war between Greatbritain and the United States, would most certainly expose her to be the first to feel its horrors, and consequently the ravages and depredations of one, if not both the parties; whereas were we independent of both, we might, in all their wars, remain neuter, and thereby form a barrier which would effectually preserve the eastern states from an invasion from the northward." How far the situation and circumstances of Vermont render her capable of enjoying all the blessings of a republican government, while the mighty powers which inclose her remain pacific, I am not qualified to say; but should those powers commence war with each other, the idea of her neutrality is heteropolitically puerile.

Vermont form a barrier to protect the eastern states from an invasion from the northward?—This looks like neutrality! Would not this provoke the vengeance of the British thunder to shock the little family from existence? Or should she honestly aim at neutrality, would that protect her? No.—Suspected by both powers, but protected by neither—courting the friendship of both, yet regarded by neither; would she not become sport and plunder for both? Would she dare to offer her produce to either? Could she do it, and not excite the suspicion and resentment of the other? Vermont, in fact, is not very happily situated for neutrality in case of such a war. Indeed, such is the jealousy of mankind, that it is next impossibility for any country, contiguous to contending powers, to be credited and treated as neutral.—Should she provoke either of those powers to level the engines of war against her, in her independent state, with no eye to pity, and no created arm to save, she might, for a moment, act the desperado, but, inevitable would be her dissolution; she must feel the wretchedness to be smothered in her own nest!—These are possibilities, nay probabilities, which, I think, will fright the "old woman" into hysterics; and are considerations which, no doubt, will induce Vermont to put herself under the protection of the federal constitution by becoming a sister of the federal family. There is sometimes an advantage in being connected with a good family; it frequently prevents the association of bad company. This Vermont may well fear; she is in danger of becoming an assylum for refugees, knaves,

and culprits, who may escape justice in the federal States; and thus render herself the object of their odium and contempt. Should she reject the constitution, she may from her impotence be obliged to submit to greater impositions, both from the Federal and British governments, than she can rationally fear will be the effect of a confederacy.

The “old woman’s” concern for the interest of the United States, is certainly benevolent: they will, however, undoubtedly use the presumption to think and act for themselves respecting the reception of Vermont into the union. They are a liberal set of fellows, and possess a high opinion of their political wisdom; yet they may, perhaps, feel a little alarmed, and pay some attention to the observation of Senex respecting the six thousand dollars, lest her “indignation” also arise against them.

It remains to Vermont only to deliberate and determine, whether the interest of the state does not dictate to join the confederacy.—To the wisdom of their delegated patriots be it submitted.

Another word, Mr. Printer, shall relieve your patience.—My advice to Senex, that she return to her obstetric operations, more suitable to her genius and profession, and leave politics to politicians.

I hope the old creature will not spout her indignation at MICKROS.

(a) *The English of Senex is, an old woman.*

1. “Mickros” is responding to “Senex,” *Vermont Journal*, 9 November (RCS:Vt., 179–80).

### **Vermont Gazette, 6 December 1790**

The prospect of a speedy accession of Vermont to an union with the confederated states, has, by advice of friends, occasioned the printer hereof to postpone his intended publication of an octavo edition of the laws of Vermont, until after the next session of the legislature.—The constitution of the united states, and the laws of the union, in case we are admitted into it, will become the law of the land, equally with the statutes of our legislature; this will originate the necessity of their being annexed, by way of appendix, to the proposed volume; which measure will therefore be adopted. What the additional cost of the volume will be, cannot at present be ascertained, as the bulk of the laws of the two sessions of congress is not at present known to the proposed publisher; but will be determined as soon as he receives a copy of them, (which he has sent for to Newyork) and communicated to the public.

Those gentlemen who wish to receive the statutes of Vermont, without the appendix, will please to return their names as soon after such

notice as conveniently may be to the printer, that he may determine what number it will be necessary to bind up without the proposed appendix.

**Editors' Note**  
**The Election of State Convention Delegates**  
**7 December 1790**

The act calling a state Convention set the first Tuesday in December (the 7th) for the towns to elect delegates to the state Convention. An "Observer" in his second essay (*Vermont Journal*, 4 January 1791) insisted that Vermonters remained "ignorant" of what the Convention might do "unless they get information from some old woman's whim." He blamed the dearth of news on the discontinuance of the post rider's route between Windsor and Bennington after the state "denied its assistance to support him." An "Observer" in his "concluding No." (*Vermont Journal*, 22 March) also complained about the low turnout at the elections:

. . . At the late election of delegates to form a convention for the purpose of adopting or rejecting the federal constitution, in a popular town, where the number of voters amounts to near three hundred, but only nineteen attended:—these constituted a quorum and chose their delegate.—He attended convention—voted in favor of ratifying the constitution on the major side, and in process of time Vermont has become a Confederate State. The present effect is—those very persons who slighted so important a privilege, are heard exclaiming, in the corner of every street, "Well, we are now in the union—now we shall feel taxes like judgments from heaven—now our ancient settlers, who have entered on lands, (with an unjust title) and made large improvements, will be turned off,"—(and the rightful owners take possession).

Similar is the conduct of many citizens in other towns. . . .

**Philadelphia Gazette of the United States, 11 December 1790<sup>1</sup>**

IMPROMPTU.

KENTUCKY to the union given—  
 VERMONT will make the ballance even;  
 Still PENNSYLVANIA holds the scales,  
 And neither South or North prevails.



1. Reprinted: Philadelphia *General Advertiser*, 13 December; *Pennsylvania Packet*, 15 December; New Hampshire *Concord Herald*, 28 December; *Newport Herald*, 30 December; and *Vermont Gazette*, 3 January 1791.

### Chatham

#### Vermont Gazette, 13 December 1790

Mr. HASWELL,

*Please to insert in your gazette, the following*

#### THOUGHTS OF A YOUTH ON THE CONSTITUTION OF AMERICA.

The words which introduce the constitution are these, *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.* Our first parent having fell from innocence, the passions soon destroyed the firmness of human reason, gave too great strength and violence to the heart, and gave birth to avarice, envy, hatred, and other emotions, utterly inconsistent with his own peace, and the design of heaven: the object of government is to prevent the evil effects of this degeneracy, by selecting those who retain most of the divine quality of wisdom, and by the union of virtuous citizens to enforce their laws and decrees; but since the first and most perfect of the human race was open to the seduction of vice, it is not prudent to leave even the ablest and best men without a fixed constitution and rule for their proceedings. Hence follows the propriety and good sense of this people in forming one.

With respect to a BILL OF RIGHTS, which some fancy ought to have begun it, I cannot help observing, that every man of sense, spirit, and understanding, carries in his own bosom a bill of rights—and that none but slaves and cowards need to be reminded that all are equal and free; and all the other affirmations in bills of rights, are not less congenial to the soul of a true whig. A bill of rights is like a steeple on a meeting house, calculated more for show than firmness—more to flatter the vanity than secure the freedom of the people. Let me ask, did MAGNA CHARTA prevent that haughty prince Harry the 8th, or the infamous house of Stuart, from trampling on english liberty? It is manliness and virtue, knowledge and spirit alone, that preserve national and private security and independence; when these are lost, you may pile bills of rights till they reach the very heavens, but foreign invasion and internal feuds will convince you of the inefficacy of them.

The objects mentioned in the clause above are union, justice, peace within and without, common welfare, and immortal liberty; and we are

well in naming union first: union is the bond of all things, and especially of society. The trojan war, in which so many powerful states and nations were opposed to a single city, continued ten years for want of union. The united states, with superior advantages for glory and happiness of any country on earth, were brought to the verge of ruin by being disunited. If one man, by consistent conduct, can make himself happy and immortal: what may not three millions of people effect by the power of the same principles of union? We may soon alarm the tyrants of the Indies with our naval thunder, and restore liberty and bliss to the afflicted nations of the east. Liberty may be diffused round the earth with the rapidity of electric fire.

I am in hopes, by our union and vigor, the happy time is nigh,

*“When peace shall spread her reign from shore to shore,  
“When wars shall cease, and slav’ry be no more.”*<sup>1</sup>

The next object is to establish justice. The indispensable need of justice, by fixed laws, made by persons subject to them, is plain: this guards our lives and limbs from revenge and malice—our goods and money from avarice—and our liberty from the oppressor, by threatening just and exact punishment to all that infringe them. By just laws the virtuous are encouraged, and the wicked terrified—the poor, the weak and defenceless sleep in safety, and without apprehension. Industry never fails to receive its reward by the strong power of society. Innumerable are the gifts and blessings we obtain by just laws, in public and private regards—and very many of the misfortunes we feel, in consequence of original sin, are remedied by means of these. Are we inclined to injure others or ourselves—the laws kindly forbid us, and assure us of chastisement. Are we by human infirmity unable rightly to build a church, repair a highway or remove an inconvenience—the laws, like a father, command us all to unite our strength,<sup>2</sup> and we accomplish it with ease. They prescribe the manner of arming ourselves, and protecting the community. They preserve public honor by levying taxes, to pay our just debts. In fine, when made with discretion, they insure peace at home and abroad, they promote the common good, and perpetuate liberty.—If circumstances allow me, I intend to demonstrate the fitness and adequate nature of the several parts of the constitution to produce these glorious effects.

1. The first line of this poetry comes from Nathaniel Evans, *Poems on Several Occasions, with Some Other Compositions* (Philadelphia, 1772) (Evans 12386), 70. There the second line is “And orphans for their fires no more complain.” See also Alexander Pope, *Windsor-Forest. To the Right Honourable George Lord Lansdown* (London, 1713), 17. There the two lines read “Oh stretch thy Reign, fair Peace! from Shore to Shore,/Till Conquest cease, and Slav’ry be no more.”

2. A reference to Aesop's fable "The Bundle of Sticks" in which a father put a bundle of sticks into the hands of each of his quarreling sons and asked each successively to break the bundle, which none could. The father then unbundled the sticks and gave each son one stick, which each easily broke. The moral of the story was that union gave strength or in union there is strength.

### **Candidus**

#### **Vermont Journal, 21 December 1790**

Mr. SPOONER, That the people of Vermont have experienced the peculiar patronage of a kind Providence, from their first assumption of civil government to the present period, must be acknowledged by every serious and observing mind who has been made acquainted with their singular trials and conflicts.

The many difficulties and embarrassments attending previous to, and at their first entering into the social compact, by reason of powerful and different claimants of jurisdiction, are facts well known and supported. Considering their local situation and imminent danger, the interposition of God's providence in their support under, and final deliverance from the late ravages of war, is also very apparent. The inland situation of the territory, its newness—being uncleared and uncultivated, must be considered as general causes of great discouragement, which the first adventurers into the state, who were for the most part unwealthy, have had to encounter. If we consider the smallness of the number of the inhabitants, and the small quantity of cultivated soil contained in the territory of Vermont at the time of their first forming a separate government, and compare with the present number of inhabitants and agriculturol improvements, the contrast will be very striking: so that the state of Vermont, in regard to soil, cultivation, produce, and present number of settlers, may be, at this time, truly considered as respectable. The late proceedings of the legislature of Newyork, in appointing commissioners to treat with commissioners from Vermont, for the purpose of removing obstructions to the union of this state to the federal government, may be justly considered as an important event. According to present appearance, it may reasonably be allowed, that Vermont, as a political government, bids fair to ensure political happiness to her subjects: except from some internal cause or misconduct of the people or their leaders, it should terminate otherwise.

It will be my wish and endeavor, in prosecuting the few following remarks, to avoid scurrility and ungrounded censures: being convinced that a candid representation and impartial attention to matters of fact and of sentiment, when treating of political affairs, will best answer the wishes and desires of those who truly regard the public weal. An empire

of laws and not of men, is a definition commonly applied to republican forms of government.<sup>1</sup> Writers, of the greatest note, on civil government and the rights of mankind, have sufficiently proved that there is no good government but what is republican: and, that the possible combinations of the powers of society, are capable of innumerable variations. A regard to the liberties of mankind, has been professedly the prevailing principle that has actuated the people of the United States of America, in their late revolution and opposition to British encroachments—The different States have adopted those republican forms of government, which they apprehended or conceived were best calculated to ensure their social and political happiness; and have also formed a general bond of union under the ties of a federal constitution—to which they have acceded.

The state of Vermont, at the present time, is peculiarly interested in the topic of confederation. The propriety of Vermont's acceding to the federal government in a precipitant manner, under present circumstances, is a matter which ought to be well attended to. It is true, the federal government, as it respects objects of a general or national concern—and has in its constitution guaranteed, to every state in the union, a republican form of government, I cannot see the danger for Vermont, in proper time, to be admitted to a union: but do verily believe that great and important benefits and privileges, on account of protection and otherwise, would accrue to this, as well as other states, in such a relation: provided the terms of union should not load us with a burden of debt, to be discharged only by direct taxation. With me, the principal question that remains is, Whether, under the present circumstances of the state, it will be best to hasten the junction? Here let it be observed—<sup>(a)</sup>“The judicial power of the United States shall extend to all cases in law and equity, arising under this constitution,” &c.—“to controversies between one 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 different states: In all those cases in which a state shall be a party, the Supreme Court shall have original jurisdiction—In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions,” &c.

In the next place, let us attend to the act of the commissioners of Newyork, in which is the following—“And the said commissioners do hereby declare the will of the legislature of the state of Newyork, that if the legislature of the state of Vermont shall, on or before the first day of January, 1792, declare, that the state of Vermont shall, on or before the first day of June, 1794, pay to the state of Newyork the sum

of thirty thousand dollars, that immediately from such declaration by the legislature of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of Newyork, except as herein after excepted, shall cease"—Whence, if the legislature of Vermont shall declare that the state of Vermont shall pay the state of Newyork, as such, within a certain period of time, the sum of thirty thousand dollars, we have the declaration of the commissioners of Newyork, that it shall be the will of its legislature, that all rights and titles to lands under grants as aforesaid, shall cease. But how will that debar individuals, who claim rights and titles under those grants, (which are established by the constitution of Newyork) from the principles of common law and common right, from pursuing their remedy in the judicial federal courts, (which are open for the trial of such causes) for obtaining those lands. We cannot fairly conclude that the aforesaid declaration will annihilate or make void the rights of individuals: consequently, May we not reasonably expect, when in the union, the ejection of large numbers of settlers on those granted lands, who entered by virtue of other grants, notwithstanding the beforementioned declaration, and the payment of thirty thousand dollars? But let us suppose a full and final settlement respecting the rights and titles under the aforesaid grants—in the next place we find an exception of those grants from Newyork, said to be intended as confirmations of grants from Newhampshire. By recurring back to the preface or preamble to the declaration of rights and plan of government for Vermont, we shall find, that the sentiments of the people of this state, expressed in very plain language, were purely and wholly in favor with the Newhampshire grants; and were as frankly repugnant to those of Newyork. Also, by the 36th article of the present constitution of Newyork, we find, that all the grants of that government, (Vermont being included) made prior to the 14th of October, 1775, are established. Now as there are great numbers of settlers on those confirmation grants (so called) who entered thereon by virtue of Newhampshire grants only—Is there not a door left open, by the before cited exception, for a multitude of lawsuits (to be determined in the federal courts, in case Vermont at this time accedes to the union) between the aforesaid settlers and Newyork, or her citizens, or those who have purchased under them to increase their riches?

Whether or not the honorable Commissioners on the part of Vermont were aiding or advising in making the aforesaid exception, I am not to determine. By their representation in the General Assembly at Castleton, in October last, it appeared they were in favor of the exception. Were they in favor of it as believing it would serve to promote the

peace, welfare, and interest of Vermont? As the most favorable construction ought ever to be put on the actions of gentlemen raised to public and exalted stations, I will not suggest an impropriety in their sentiments or conduct.—Would those gentlemen, at this time, step forth and candidly inform the public, and, if possible, convince them of the propriety of the exception aforesaid, they would doubtless thereby render an essential service.

I am clearly of opinion, that every disputable matter between the state of Vermont and that of Newyork, that threatens or portends danger or hurtful consequences after the union of this state with the general government, ought previously to be settled and foreclosed. The peace, prosperity, and true interest of the state ought not to be neglected or deserted by its citizens, nor sacrificed to rashness or the mercenary purposes of design. Methinks Vermont will have reason, in the end, to esteem it a hard bargain to barter away thirty thousand dollars to obtain a speedy admittance into the federal union, should a multiplicity of suits against honest settlers be immediately prosecuted in the federal courts, to ruin the interest and disturb the peace of the state, be the consequence.

Surely no hearty friend to the welfare of Vermont, will wish the union of this state with the federal government under the condition of an unequal burden of the federal or continental debt. Vermont is young as a state; is an inland territory; is under great disadvantages in respect to hard money, and the means of acquiring it; has large quantities of wild land to clear; has also been at large proportional expenses in raising, furnishing and paying men in the time of the late war; therefore if Vermont cannot be received into the federal union without being subjected to a burden of debt to be discharged by direct taxation; will not good policy dictate, on that very account, the preference of remaining, at present, unconnected with the general government, provided there be no pressing necessity to enforce the connection?

As a convention of delegates for the state, is to meet in a short time, to take under consideration the constitution of the United States, with certain amendments; 'tis hoped that their collected wisdom will be faithfully engaged to promote the best interest of the government. It is, to me, very probable that the convention will esteem the constitution of the United States with the amendments the most proper that could be adopted, considering the differences among the several States (for which it was designed) as to their situation, extent, habits and particular interests. The main question will doubtless be—Whether it will be their political duty, which they will invialably owe to the state, “finally to assent to and ratify the same in behalf, and on the part of this state,”

before the government of Newyork has relinquished their grants; and under the peculiar and present circumstances of the state, as before in these remarks has been observed? May they not assent and ratify on the condition, and under the proviso of certain obstacles being previously removed; and also of being exempted from an unequal burden of the continental debt, &c. Finally, should an unconditional assent and ratification take place in the convention; should a determined zeal of making the experiment of speedily joining the federal union prevail over every opposite consideration, it will be the duty of the minority and every friend to the state, though differing in sentiment, to wish success and prosperity to attend the event. All ranks and classes of citizens should strive to cultivate peace and harmony among themselves, and through the state. It will then be the incumbent duty on the legislature and the freemen, to turn their minds on the most suitable persons to represent this state in the federal legislature: In doing which, a peculiar regard should be had to the moral conduct of the candidates; their wisdom, integrity, and attachment to the natural and social rights of mankind, that Vermont, in the representation, and by the exertions of such characters in the federal legislature, (should she accede to the union) may receive many political blessings; and that agreeable prospects and consequences may soon remove every anxious fear, shall be the unfeigned prayer of CANDIDUS.

*State of Vermont, Dec. 7, 1790.*

(a) See the Constitution of the United States of America—  
Art. 3, Sect. 2 [RCS:Vt., 254].

1. The phrase comes from James Harrington, *The Commonwealth of Oceana* (London, 1656), 12. John Adams quoted another use of the phrase by Harrington in Volume I of *A Defence of the Constitutions of Government of the United States of America* (London, 1787) (p. 126). In Article XXX of the 1780 Massachusetts Constitution's Declaration of Rights the phrase became "a government of laws and not of men" (RCS:Mass., 445).

### **Massachusetts Spy, 23 December 1790<sup>1</sup>**

In Vermont, it is said, that a very large Majority of the people are for adopting the Constitution of the States, but there are some opposers, and a few towns have voted against the Union.

1. Reprinted eight times by 21 January 1791: N.H. (1), Mass. (1), Conn. (1), N.Y. (1), N.J. (1), Pa. (1), Md. (1), N.C. (1).

## The Vermont Convention 6–10 January 1791

On 27 October 1790 a bill calling a convention to consider ratifying the U.S. Constitution became law. The law provided that inhabitants of towns eligible to vote for representatives to the General Assembly should gather in town meetings on 7 December at 10:00 A.M. and choose a delegate to attend a convention in Bennington on 6 January 1791 to deliberate on the Constitution. (See “The Election of State Convention Delegates,” 7 December 1790, RCS:Vt., 184.) If the delegates approved the Constitution, the law instructed the Convention to notify the governor, who in turn would notify President George Washington and the Vermont legislature.

A quorum of the Convention assembled on Thursday morning, 6 January, and elected Governor Thomas Chittenden as president, former one-term governor Moses Robinson as vice president, and Roswell Hopkins, long-time clerk of the General Assembly and the Council, as secretary. The Convention then adjourned to 3:00 P.M. at which time the clerk read the New York-Vermont Treaty and the Constitution. After agreeing on a procedure to discuss the Constitution, the Convention adjourned until 9:00 the next morning.

Reconvening on Friday, 7 January, the Convention listened to another reading of the Constitution. Nathaniel Niles of Fairlee moved to consider the Constitution by paragraphs. Benjamin Green of Windsor, a strong proponent of union, asserted that the Convention should consider only the general question of Vermont’s joining the Union. In a long speech, Nathaniel Chipman, a well-respected attorney, state leader, and one of the commissioners who represented Vermont in the negotiations with New York on its statehood, argued that Vermont was too small to stand alone. Small states, according to Chipman, “greatly retard civil improvements,” while “civilization has proceeded more rapidly” in larger united countries. Chipman predicted that an independent Vermont “must ever remain little, and I might almost say, contemptible;—but united, we become great, from the reflected greatness of the empire with which we unite.”

Chipman then examined the general nature of confederations. The first of three variations which he presented, the Amphyctionic League of Greek city-states, had a weak central government with limited general authority exercised only on the individual state governments. When states failed to comply with the dictates of the central authority, civil war could occur. Chipman also dismissed a second variation, The Netherlands, in which, because all the states needed to agree in order to pass any law, few laws were passed. Without leadership from the central government, the larger, more powerful states were usually dominant. The new U.S. Constitution represented a third and superior model of confederation that gave dominant authority to the central government in federal matters and allowed government to wield authority over the people individually rather than through the states. Chipman concluded by defending the main provisions of the Constitution, stressing the revenue system of the new federal government and the provision for amendment. He said that Americans would “long retain” confidence in their new government.



Before the morning session adjourned, John White of Georgia and Daniel Farrand of Newbury returned to the procedural matter and renewed the motion of Nathaniel Niles that the Convention consider the Constitution by paragraphs. When the delegates returned for the afternoon session, Farrand repeated the motion. Benjamin Emmons, Sr., of Woodstock expressed the concern of many delegates that the new Constitution could jeopardize Vermont landholdings; federal courts might invalidate the New York-Vermont Treaty, ruling that New York had no authority to cede New Yorkers' private property to Vermont. Stephen Row Bradley, like Chipman a commissioner who represented Vermont in the negotiations with New York, and Israel Smith, a prominent attorney, refuted Emmons, suggesting that sovereign states could make such concessions.

Daniel Buck of Norwich opposed the motion to consider the Constitution by paragraphs, fearing that piecemeal debate would undermine general discussion about good government and whether Vermonters would benefit from the Constitution. If Vermont adopted the Constitution and joined the Union, Buck believed that Vermonters would have to give up too many rights and "bend to the interests of the union." Only a few prominent Vermonters would benefit from the Union. As in Europe, he declared, the rich and powerful, would "bear a tyrannical sway, while they view the bulk of mankind in the same light as we do those domestic animals that are subservient to our use." Vermonters would remain "much happier unconnected with any other power, than to be in the union." Buck could see only two reasons for Vermont to unite with the United States: if war broke out between Great Britain and the United States or if Congress pressured Vermont to join. Neither seemed imminent to him.

Bradley responded to Buck, arguing that there were five major benefits that Vermonters would derive from the Union: (1) full participation in U.S. sea-ports, (2) recognition within U.S. sovereignty, (3) protection from foreign invasion, (4) "security from intestine convulsions," and (5) enjoyment of the blessings from "a mild and energetic government." Should Vermont join the Union, she and "her sister states" might also "grow up together in friendship, under the same government—rather than wait the uncertainty of those events, which may oblige this government in a servile manner to seek protection from those, who will then have it in their power to grant it on such terms as they please."

When the Convention reconvened on Saturday morning, 8 January, Buck again rose to express his opposition—not to the Constitution per se, but to the haste with which it was being considered. The U.S. Congress had not asked Vermont to ratify the Constitution. Vermont should wait to make sure that private property would be "permanently secured."

Beriah Loomis of Thetford agreed. He favored the Constitution and wanted Vermont to ratify it, but not so precipitately. Congress should first ratify the New York-Vermont Treaty, he argued, and assume Vermont's wartime debt. They should also consider the legislature's act "for specifically fulfilling contracts" (a tender act adopted in October 1786), which the federal courts would probably reject as it stood. Benjamin Green argued that Congress would not

allow Vermont to remain independent. Vermont outside of the Union might expect trade sanctions.

After an adjournment until 2:00 P.M., the clerk again read the Constitution, pausing between paragraphs to give delegates the opportunity to make objections. Daniel Farrand and Green suggested that the Convention should also approve the twelve amendments to the Constitution proposed by Congress in September 1789. Stephen Row Bradley then moved for the appointment of a committee to draft a form of ratification and report to the Convention on Monday.

Benjamin Emmons recommended caution. Unlike town meetings and legislatures, the actions of conventions were more permanent, he warned. "We are now acting for future generations, and the determinations of this body will most probably affect posterity even to the end of time." Emmons called for an adjournment, perhaps to October. The people of Vermont were not prepared to act so quickly. He admitted that the prior bitter difficulties with New York seemed obviated, but Vermonters remained wary of New York's abandonment of its long-held anti-Vermont policy. Perhaps, Emmons suggested, a "trap should be found hidden by a fair disguise." He also claimed that Congress' amendments proved that some states had ratified prematurely before ameliorating the dangers inherent in the Constitution.

Nathaniel Chipman opposed an adjournment. Vermonters favored "an immediate adoption." The New York-Vermont Treaty, which he had helped to negotiate, had removed all obstacles to Vermont ratification. He reminded the delegates that they had only a two-year window to meet the requirements of the treaty. This required action, not delay.

Beriah Loomis supported Emmons. He thought the Convention had no reason to hurry. A few months would allow more time to become better acquainted with the Constitution and to make certain of "the real security of their landed property." Bradley offered a quick rebuttal and opposed any adjournment. Having negotiated with New York, he trusted that it harbored no ulterior motives. Relinquishing some claims to land in Vermont was "trifling" for New York compared to its sacrifice in ceding the state impost to the federal government.

Nathaniel Niles supported Bradley and warned the delegates against delay and opposition to ratification. "Warm spirits exist among us," he claimed, and the "heat" of those disagreements may be diffused throughout the state and "may kindle a flame in society the effect of which may be destructive to its peace." The delegates then voted "by a great majority" to approve the motion to appoint a committee to draft a form of ratification and adjourned until Monday morning. When they reassembled, the committee reported and the Convention voted either by "a unanimous vote" or by "a *great majority*" to ratify the Constitution. One hundred five delegates signed the form of ratification. Four delegates that had been elected to the Convention did not sign. Thomas Chittenden, the president of the Convention, indicated that the four "dissented to" the form of ratification. All four of these delegates represented Windsor County; none had spoken against ratification during the Convention debates. (See "Vermont Form of Ratification and Resolutions," 10 January,

RCS:Vt., 218–20.) Even those delegates who opposed joining the Union and had attempted to delay or derail negotiations with New York, such as Ira Allen and Thomas Chittenden, understood the sense of the Convention. As seasoned politicians, they signed the form of ratification.

No official Convention journal survives and no delegates' notes have been located. A list of Convention officers and delegates appeared in the *Vermont Gazette*, 10 January 1791. Five issues of the *Vermont Gazette* between 10 January and 14 February reported the debates, from which the following transcriptions have been taken.

## Delegates to the Vermont Convention

This roster of the 109 delegates to the Vermont Convention was initially compiled from the “list of members of the convention” printed in the *Vermont Gazette* on 10 January 1791. When the spelling of delegates’ names in the *Gazette* does not accord with the way delegates subscribed their names on the Vermont form of ratification, editors have used the U.S. Census of 1790 to settle discrepancies. Of these 109 delegates, 105 signed the form of ratification after the Convention ratified the Constitution on 10 January. Only four delegates—from the towns of Andover, Bridgewater, Chester, and Rochester, all in Windsor County—did not sign the form. These four delegates are indicated by an “NS” following their names. Thomas Chittenden, president of the Convention, indicated that the four “dissented to” ratification.

### OFFICERS

PRESIDENT	VICE PRESIDENT	SECRETARY
Thomas Chittenden	Moses Robinson	Roswell Hopkins

### DELEGATES

#### ADDISON COUNTY

ADDISON	MIDDLEBURY	SALISBURY
John Strong	Samuel Miller	Eleazer Claghorn
BRIDPORT	MONKTON	SHOREHAM
John N. Bennet	John Ferguson	Josiah Pond
CORNWALL	NEW HAVEN	VERGENNES
William Slade	Oliver Pier	Alexander Brush
FERRISBURGH	PANTON	WHITING
Abel Thompson	Benjamin Holcomb	Samuel Beach
LEICESTER		
John Smith		

#### BENNINGTON COUNTY

ARLINGTON	POWNAL	SHAFTSBURY
Timothy Todd	Thomas Jewett	Gideon Olin
BENNINGTON	RUPERT	STAMFORD
Moses Robinson	Israel Smith	Andrew Selden
DORSET	SANDGATE	SUNDERLAND
John Shumway	Reuben Thomas	Timothy Brownson
MANCHESTER		
Martin Powel		

CHITTENDEN COUNTY

BURLINGTON  
 Samuel Hitchcock  
 CAMBRIDGE  
 John Fassett  
 CHARLOTTE  
 John McNeile  
 COLCHESTER  
 Ira Allen  
 ESSEX  
 Timothy Bliss  
 FAIRFAX  
 Joseph Beeman

GEORGIA  
 John White  
 HINESBURG  
 Elisha Barber  
 JERICHO  
 Martin Chittenden  
 JOHNSON  
 Jonathan McConnel  
 MILTON  
 Abel Waters  
 NEW HUNTINGTON  
 Amos Brownson

NORTH HERO  
 Enos Wood  
 ST. ALBANS  
 Silas Hathaway  
 SHELBURNE  
 William C. Harrington  
 SOUTH HERO  
 Ebenezer Allen  
 WILLISTON  
 Thomas Chittenden

ORANGE COUNTY

BARNET  
 Alexander Harvey  
 BRADFORD  
 John Barfon  
 BROOKFIELD  
 Daniel Kingsbury  
 CORINTH  
 Peter Sleeman  
 DANVILLE  
 Abraham Morrill  
 FAIRLEE  
 Nathaniel Niles

GUILDHALL  
 David Hopkinson  
 LUNENBURG  
 Samuel Gates  
 MAIDSTONE  
 John Rich  
 NEWBURY  
 Daniel Farrand  
 PEACHAM  
 William Chamberlin  
 RANDOLPH  
 Josiah Edson

ST. JOHNSBURY  
 Jonathan Arnold  
 STRAFFORD  
 Peter Pennock  
 THETFORD  
 Beriah Loomis  
 TUNBRIDGE  
 Elias Curtis  
 VERSHIRE  
 Thomas Porter  
 WILLIAMSTOWN  
 Cornelius Lynde

RUTLAND COUNTY

BENSON  
 Asahel Smith  
 BRANDON  
 Nathan Daniels  
 CASTLETON  
 Noah Lee  
 CHITTENDEN  
 Samuel Harrison  
 DANBY  
 Daniel Sherman  
 FAIR HAVEN  
 Simeon Smith

HUBBARDTON  
 James Churchill  
 MIDDLETOWN  
 (MIDDLETOWN SPRINGS)  
 Jonathan Brewster  
 ORWELL  
 Ebenezer Wilson  
 PAWLET  
 Lemuel Chipman  
 PITTSFORD  
 Thomas Hammond  
 POULTNEY  
 William Ward

RUTLAND  
 Nathaniel Chipman  
 SHREWSBURY  
 Emanuel Case  
 SUDBURY  
 Joseph Warner  
 TINMOUTH  
 John Spafford  
 WALLINGFORD  
 Asahel Jackson  
 WELLS  
 Samuel Lathrop

## WINDHAM COUNTY

ATHENS	LONDONDERRY	THOMLINSON (GRAFTON)
James Shafter	Edward Aiken	David Palmer
BRATTLEBOROUGH	MARLBOROUGH	TOWNSHEND
Gardiner Chandler	Jonas Whitney	Joshua Wood
DUMMERSTON	NEWFANE	WESTMINSTER
Jason Duncan	Calvin Knoulton	Stephen Row Bradley
GUILFORD	PUTNEY	WHITINGHAM
Peter Briggs	Daniel Jewet	Isaac Lyman
HALIFAX	ROCKINGHAM	WILMINGTON
Benjamin Henry	Elijah Lovell	Timothy Castle
HINSDALE (VERNON)		
Jonathan Hunt		

## WINDSOR COUNTY

ANDOVER	HARTFORD	SHARON
Moses Warner (NS)	John Marsh	Daniel Gilbert
BARNARD	HARTLAND	SPRINGFIELD
Silas Tupper	Oliver Gallup	Simon Stevens
BETHEL	NORWICH	WEATHERSFIELD
Michael Flynn	Daniel Buck	Nathaniel Stoughton
BRIDGEWATER	POMFRET	WINDSOR
Benjamin Perkins (NS)	William Perry	Benjamin Green
CAVENDISH	ROCHESTER	WOODSTOCK
Asaph Fletcher	Enoch Emmerson (NS)	Benjamin Emmons
CHESTER	ROYALTON	
Daniel Heald (NS)	Heman Durkee	

**The Vermont Convention**  
**Thursday**  
**6 January 1791**

**Convention Proceedings and Debates, 6 January 1791<sup>1</sup>**

*In CONVENTION,*

THURSDAY, *January 6, 11 o'clock A. M.*

*A Quorum* being present the house proceeded to business.

*THOMAS CHITTENDEN, was elected president.*

*MOSES ROBINSON, vicepresident.*

*ROSWELL HOPKINS, secretary.*

*Adjourned to three o'clock, p. m.*

*3 O'clock p. m. The house met pursuant to adjournment. The secretary, by order, read the several acts of this state and Newyork, which particularly respected*

*their business;*<sup>2</sup> *together with the constitution of the united states: agreed on modes of proceEDURE, and then adjourned to Friday morning, nine o'clock.*

1. Printed: *Vermont Gazette*, 10 January 1791. The day's proceedings were summarized in the Boston *Columbian Centinel*, 26 January. The summary was reprinted in the Boston *Independent Chronicle*, 27 January; *New Hampshire Gazette*, 29 January; Portland, Maine, *Cumberland Gazette*, 31 January; and Massachusetts *Salem Gazette*, 2 February.

2. For the New York-Vermont Treaty and Vermont's act approving it, see RCS:Vt., 175–77. For the 27 October 1790 act calling the Convention, see RCS:Vt., 174–75.

## The Vermont Convention Friday 7 January 1791

### Convention Proceedings and Debates, 7 January 1791<sup>1</sup>

*Friday morning. On motion of mr. [Nathaniel] Niles<sup>2</sup> the constitution was again read. Mr. Niles then moved, that the house now take up the constitution paragraph by paragraph.*

*Mr. [Benjamin] Green<sup>3</sup> arose. He wished to know in what manner convention meant to proceed in their discussions. He observed that Vermont stood in a situation in some respects dissimilar to any state that had yet joined the union. The several confederated states, he observed, had discussed the constitution by paragraphs as the gentleman who spoke last had recommended to this house: but whether it would be best for us to proceed in that manner, may perhaps be doubted by some: probably it might be deemed best to bring up the general question, whether it would be expedient or inexpedient for Vermont to enter the federal union.*

*Mr. N[athaniel] Chipman then rose, and addressed the house, as follows;*<sup>4</sup>

MR. PRESIDENT,

The subject, on which we are now called to deliberate, is a subject of great importance, and involves in it many and weighty consequences. I shall wave at present any consideration of the particular circumstance, in which we may be supposed to stand with the united states, on account of the former claim of Newyork, and the late compromise between Vermont and that state—and shall first make a few observations on our local and relative situation as a state and the consequences that will attend the event, either of our continuing independent, or of our accession to the union. I will then briefly observe on the principles and tendency of the federal constitution.

In viewing our situation, the first thing that strikes the mind, is the narrow limits of our territory: wholly inadequate to support the dignity,

or to defend the rights of sovereignty—nor can we but reflect on the fortune that usually pursues such limited independencies. The division of an extensive territory into small independent sovereignties greatly retards civil improvements—this was formerly the case in Europe; and the consequence was a long continuance in savage, and almost brutal manners. But it has been observed, that where, through an extensive country, the smaller states have united under one general government, civilization has proceeded more rapidly, and the kindly affections have much sooner gained an ascendent than where they still remained under numerous neighboring governments. The reason why one state is more favorable to civil improvement than the other is founded in the constitution of human nature: among small independent states, as among independent individuals, without a common judge, the weak are jealous of the strong—and endeavour by art and cunning to supply their want of power. The strong are ever ready to decide every question by force, according to their own present interest—hence follows a total want of public faith—recriminations—animosities—and open violence—under the idea of reprisals—and the name of foreigner becomes but another name for an enemy. In this situation, the minds of men are kept in a constant state of irritation—their turbulent spirits ill brook the restraints of law—the passion of revenge, which, in proportion to the weakness of government, becomes necessary for the protection of the individual, is soon inflamed to a degree of enthusiasm. Common danger alone, and that imminently impending, can suspend its baneful influence even among members of the same society: a situation fit only for savages—and in this situation savages have ever existed: but in an extensive government, national prejudices are suppressed—hostilities are removed to a distance—private injuries are redressed by a common judge—the passion of revenge, now no longer necessary for the protection of the individual, is suspended—the people no longer behold an enemy in the inhabitants of each neighboring district—they view all as members of one great family, connected by all the ties of interest, of country, of affinity and blood: thus are the social feelings gratified—and the kindly affections expanded and invigorated.

Vermont, continuing independent, would not be liable to all the inconveniencies I have mentioned—but she will be liable to many and great inconveniencies. In the vicinity of, and almost encircled by, the united states, now become great and powerful through the means of an energetic system of government, our intercourse with them must be on very unequal, and frequently on very mortifying terms. Whenever our interests clash (and clash they will at some times) with those of the



union, it requires very little political sagacity to foretel that every sacrifice must be made on our part. When was it ever known that a powerful nation sacrificed, or even compromised their interest in justice to a weak neighbor, who was unable to make effectual demands? and who shall be a common judge? Nay, such is the constitution of human nature, that men in such cases, were they disposed, are in a great measure incapable of judging with candor and impartiality.

We have experienced the disposition of states whose interests were averse to our own; and well know the consequences: extravagant, and as we deemed them, unjustifiable claims, on their part; animosities, factions, and even blood-shed, among ourselves.

Our vicinity to an extensive province of the british empire, is worthy of consideration. There is not any prospect of an immediate war between the united states and Greatbritain: but from their mutual recriminations relative to the observance of the late treaty; and from the retention of the frontier posts in the hands of the british, contrary to express stipulations; such an event is one day to be apprehended. Should that take place, Vermont would be in a situation much to be regreted.

Our local situation with the united states, and our connexion with many of their inhabitants—cemented by all the ties of blood and kindred affection, would forbid an alliance with Greatbritain. As allies of the united states, we should experience all the resentment of an enemy, whom, by our voluntary alliance, we had made such; and to whose depredations, from our frontier situation, we should be continually exposed. And should we experience in the united states that quick sense of the injuries we should suffer? would they fly to our defence with the same alacrity, with the same national spirit, as they would defend themselves, if attacked in one of their own members? would they attend equally to our interest as to their own, in the settlement of peace, or in finally adjusting the expenditures of the war? The supposition is highly chimerical: nor less chimerical the idea, that by observing a neutral conduct, we may enjoy the blessings of peace, while the flames of war rage on every side. Our country, from its situation, would become a rendezvous, and a thorough fare to the spies of both nations. Our citizens would frequently be tempted by both to engage in a nefarious correspondence of that kind: every act of friendship, or even of common courtesy, to one party, would excite the jealousy of the other. Their armies, to whom we should not be in a condition to refuse a passage, would think themselves justified, on the very least pretext of necessity, in seizing our property for the use of their service. Thus we should be equally misused, equally despised, and equally insulted and plundered by both.

Again, we may view this subject as it relates to the improvement of knowledge, and liberal science. Confined to the narrow limits of Vermont, genius, for want of great occasions, and great objects, will languish in obscurity: the spirit of learning; from which nations have derived more solid glory than all heroic achievements, and individuals, beyond the common lot of humanity, have been able to contribute to the happiness of millions, in different parts of the globe—will be contracted; and busy itself in small scenes, commensurate to the exigencies of the state, and the narrow limits of our government. In proportion as the views are more confined—more local; the more firmly rivited on the mind are the shackles of local and systematic prejudices.—But received into the bosom of the union, we at once become brethren and fellow-citizens with more than three millions of people: instead of being confined to the narrow limits of Vermont, we become members of an extensive empire: here is a scene opened that will expand the social feelings;—the necessity and facility of mutual intercourse, will eradicate local prejudices;—the channels of information will be opened wide, and far extended;—the spirit of learning will be called forth by every motive of interest and laudable ambition;—genius, exalted by the magnitude of the objects presented, will soar the heights of science;—our general interests will be the same with those of the union—and represented in the national councils, our local interests will have their due weight. As an inland country, from the encouragement given to arts and manufactures, we shall receive more than a proportional advantage. And in the event of a war, an attack upon us will be felt through every member of the union: national safety—national pride, and national resentment—a resentment, not the petulance of a tribe, but great as the nation offended, will all conspire in our defence—in a word, independent, we must ever remain little, and I might almost say, contemptible;—but united, we become great, from the reflected greatness of the empire with which we unite.

These observations relate to the expediency of our joining the union in our present situation, and to the removal of such objections as may arise to the measure, antecedent to a discussion of the constitution under consideration. I shall not now enter into a minute investigation of this constitution; but shall briefly observe upon some of its leading features—the principal end in view in its formation—and how far it is calculated to attain that end. The principal end in view, and which has heretofore been the grand desideratum in federal politics, is to bring all the members of the union to act in concert in those measures which concern the general interest of the confederacy: this in federal governments has been attempted principally in three modes.

The first mode is by a council empowered to legislate on the states composing the union. Such was the council of the amphictryons at the head of the confederated states of ancient Greece. In this case, as the council can legislate only upon states, a delinquent cannot be less than a whole state, already possessed of arms and councils for a formidable opposition. To enforce the decrees of the council, which we may call the laws of the union, it frequently becomes necessary to call out the troops of the complying states, and to compel obedience by dint of arms: this is to plunge the nation into all the horrors of a civil war. The history of ancient Greece, for many years, is infamous for a succession of such wars. Such was the famous peloponesian war, which raged with almost unabated fury near thirty years. This ever has been and ever will be the effect of this kind of government, unless with the late congress of the united states they should suffer their laws and ordinances to be violated with impunity—and the consequence will be the same: the government will soon arrive at the lowest point of degradation, and tremble on the brink of evanescence.

The second mode is by a council empowered only to propose measures to the confederate states—but subject to the ratification of the states severally, before they have the force of laws.—The united Netherlands give an instance of this second form: the states general are the grand council of the confederacy; this council, though pompously stiled THEIR HIGH MIGHTINESSES, have, in matters of national concern, a power only to propose. The several states have reserved to themselves the right of ratification—and no law can be constitutionally binding until it has received the ratification of each individual state—the veto of a single state in some instances little superior in point of territory to the town of Bennington, may disconcert, and in fact has disconcerted, the wisest measures. Frequently, on great emergencies, such is the delay before all the states can be brought to act in concert, that the opportunity of acting is forever lost. This has induced the states general, aided by the stadtholder, (hereditary prince of Orange) who administers the republic, and whose power and influence are very considerable, sometimes to act without, and even contrary to, the authority of the smaller states. Such a disregard of the constitutional principles of their union, however justifiable from impending necessity, has even among that plodding phlegmatic people, produced violent convulsions—and some within our memory.

The third form is by a council, or federal legislature, with power in all instances that concern the confederacy at large, upon the citizens of the several states—and to carry their laws into execution by officers of their own appointment. Of this third form we have an instance in

the present constitution of the united states of America. In this case the national legislature, in all matters that concern the general interest, empowered and limited by the constitution, legislate, not upon the states collectively, but upon the citizens of the union: no ratification is necessary, but their own act. The constitution, and all authoritative acts, under that constitution, are the supreme law of the land.

To prevent different constructions that might arise from different opinions, in independent tribunals, under the bias of local interest, influence or prejudice, the judiciary, for all causes arising under the constitution and laws of the union, hold their office by the appointment of the supreme power of the confederacy; and are amenable only to that power:—and their decisions are carried into effect by ministerial officers, appointed by the same authority. But while the national legislature are vested with supreme power, in all matters that relate to the welfare of the union, the states legislatures, within their several jurisdictions, retain as sovereign, all those powers:—the due administration of which, most endears government to mankind. To them it belongs among their own citizens to regulate the mode of acquiring, and to secure the acquisitions of property—to redress injuries—to animadvert upon morals—and to restrain and punish those crimes that attack private property—violate personal security, and disturb the peace of society.

The senators of the united states, appointed by the several state legislatures, and to whom they are, from time to time, amenable, may justly be considered as the guardians of the rights of those respective states against all encroachments of the national government. The representatives in congress, elected by the people, and dependent on them by the means of biennial elections, are bound by all the ties of interest and affection, to watch over the rights of the people, their electors, and the rights of the states with which their electors are more immediately connected.

The power of appointing electors for the choice of president and vicepresident, gives the state legislatures a sufficient security on the executive of the federal government. It is true, this form of federal government is almost a new phenomenon in the political world—hardly a shadow of such federal powers, as they relate to the subjects of legislation, and the mode of execution, is to be found in the history of ancient or modern politics. But in this age of improvement, no less in the science of government than in other sciences, its novelty would not be made a serious objection: yet it is acknowledged, that however beautiful as delineated on paper, or in political theory, its efficiency in point

of practice, might still be considered as problematical—had we not seen it evinced by actual experiment. The idea only of the efficiency of that government, at the instant of its organization, added strength to the states governments, and put an end to those turbulent commotions, which made some of them tremble for our political existence. Nor has this state reaped an inconsiderable advantage from the suppression of that contagious spirit in the neighboring governments: two years have not yet elapsed since the commencement of that administration. They have made provision for funding the debts of the union—they have, in a great measure, restored public credit; which from the weakness of the former government, they found almost in a state of desperation—they have availed the nation of a very productive revenue—they have made many laws and regulations, the wisdom, justice, and equality of which, are fully evinced by a prompted and almost universal observance: in very few instances have their courts been called to animadvert on a breach of their laws. But this, it may be said, arises from a confidence of the people in the members of that government: this undoubtedly has its influence, but a people free, jealous and discerning, as the americans are, do not suffer measures to pass unexamined: they will not give to any men or set of men an unmerited confidence.—It is probable the national council will long retain and that deservedly, the confidence of the people. The people when called to chuse rulers and legislators for an extensive empire, experience a dilation of mind; they rise above vulgar and local prejudices, and confer their suffrages only on men, whose integrity and abilities are equal to the task of empire.

One important consideration ought not to be omitted—the federal constitution is still subject to amendments—whatever shall in practice be found dangerous or impracticable, redundant or deficient, may be retrenched and corrected: that wisdom which formed it, aided and matured by experience, may carry it to a far greater degree of perfection than any thing which has been known in government.

Thus sir, I have briefly hinted the disadvantages that will accrue to us, continuing independent; upon a supposition of its practicability. I have observed some of the happy effects of an accession to the union. I have pointed out the leading principles of the constitution, and its probable and actual efficiency, in strengthening the government of the several states, and in securing the tranquility, happiness and prosperity of the union. The more minute investigations I leave at present; fully persuaded at the same time, that when accurately examined, with that candor and impartiality which will doubtless mark the deliberations of

this convention, every material objection, either to the constitution, or to the accession of Vermont to the union, will be easily obviated or totally disappear.

Mr. [John] White<sup>5</sup> rose to renew the motion of mr. Niles, to take up the constitution paragraph by paragraph. He was seconded by mr. [Daniel] Farrand.<sup>6</sup>

The house adjourned until afternoon without coming to any decision.

FRIDAY, *january* 7. Three o'clock p. m.

Mr. Farrand again advanced the motion of discussing the constitution by paragraphs.

Mr. [Benjamin] Emmons [Sr.]<sup>7</sup> rose, and observed, that the matters under consideration were so weighty he wished them not to be hurried—he expressed a fear that the people would suffer in their landed property—he said he was for himself doubtful, and believed others were so too, whether, in case land trials should be brought before the federal court, the least attention would be paid to the late treaty with Newyork—doubts, he observed, prevail, whether that state had in reality a right to cede to Vermont the property of individuals.

Mr. [Stephen Row] Bradley, mr. I[srael] Smith,<sup>8</sup> and others, answered mr. Emmons—they went into a lengthy and wel arranged train of arguments on the right of Newyork to proceed in the manner they had done. Mr. Bradley eloquently defined the right of sovereignty in the several states—adverting, in his speech, to the conduct of various sovereignties, both ancient and modern.

Mr. [Daniel] Buck<sup>9</sup> rose, and objected to the motion. He said it appeared to him, that if the constitution was taken up paragraph by paragraph, it would in effect foreclose any general observations upon the question which was first to be attended to—that if those who had any objections to make kept to the question before the convention, they would be confined to those which arose from the constitution itself, could not, without departing from the point, offer any general observations upon the expediency or in expediency of taking it up at all, supposing it to be ever so good—which appeared to him a question that ought first to be attended to.

Here several members observed, that the motion was calculated to bring on those debates—and that the door was now open for them. They expressed their wishes, that the subject might be treated with the utmost candour, and clearly investigated—that if there were any who had any general objections they would come forward.

Mr. Buck rose again, and in a lengthy speech observed, that it appeared to him there were reasons to be offered against the adoption

of the constitution at the present time. Supposing the constitution to be ever so good an one, yet, in order to a fair investigation of the question, as to the expediency of adopting it, perhaps it would be necessary to consider the original cause of all government: he urged that it originated from necessity; that, were it possible for a man to enjoy the blessings of society, security of his person, liberty, and property, without the protection of government, he must be happier in that state than to be under the controul of it; that, in entering into compact and forming government, each individual of the community must necessarily sacrifice such a part of his natural liberty, his interest, and privileges, as to coincide with the common interest of the whole; yet this sacrifice must be in some measure proportionate to the diversity of interest to be found in the several parts of the community—that the sacrifice of the individuals of a small community must be less than those of a large one, where the interest must be supposed more diverse. He observed, that Vermont, by her local situation, had an uniformity of interest; that there was no mercantile and landed interests found clashing here, and that of the lord and the tenant was not known; the laws, therefore, were simple and suited to the whole; the affairs of government were managed, as it were, under the eye of the people, and the machine was so small that every one could look and see how the wheels moved, and for this reason it was observable, that the people were all politicians. But if Vermont came into the union, the sacrifice she made must be great—her interest must then bend to the interest of the union—where those clashing interests before mentioned were to be found. He said, the blessings resulting to Vermont from her union with an extensive empire, enumerated by the honorable member from Rutland [Nathaniel Chipman], though very plausible, would not apply to the bulk of the people: some few favorites of fortune, who, from circumstances of birth, and advantage of education, might consider themselves fair candidates for some post in government, might be animated by the magnitude of the object, and soar the height of science; but this number must be but small, while on the other hand, the affairs of government being at such a remove from the eye of the people they could have no knowledge of their transactions, and would naturally degenerate into a state of ignorance. He observed, that all extensive governments had a natural tendency to destroy that equality among the people, which was necessary to keep one part of mankind from oppressing the other; that there was such a thirst for dominion and power implanted in the human breast, that men were ever ready to make use of the advantages they had to tyrannize over others; that as the stimulus

to improvement in knowledge, resulting from our union, would operate on a few only, it would serve but to place them as tyrants over an ignorant multitude—for the truth of these observations, he referred to the present state of the kingdoms of the world, and observed, that the rich, wise, powerful, and great, bear a tyrannical sway, while they view the bulk of mankind in the same light as we do those domestic animals that are subservient to our use; and as to the salutary effects that our union would have on the morals of the people; we should in all probability experience quite the reverse of what was suggested by the worthy member from Rutland—for it was observable, that luxury, debauchery, and licentiousness, were the attendants on power. The court, he said, was the foundation from whence immorality was diffused among a nation: this was so true, that it had become a common saying, that sincerity and honesty were strangers at court; while real virtue and simple honesty were to be found in the cottage. It must therefore be a given point, that Vermont (taking into view the bulk of the people) must be much happier unconnected with any other power, than to be in the union—and nothing but necessity could warrant her accession to the federal constitution; therefore, if it was possible for her to support her independence, it was her wisdom to remain independent. He said there were but two things that could ever render it impossible, or prevent it. He agreed, that in case of war between Greatbritain and America, it would be impossible. But he urged, that there was no prospect or probability of a war again taking place between those powers; he likewise acknowledged that the local situation of Vermont, was such, that it was in the power of congress so to embarrass and hedge her up, as to render it impossible for her to exist; but it was easy to determine whether congress would ever exert this power by considering the state Vermont stood in, with respect to the united states; and what probably would be the motives by which congress would be influenced in her conduct—he said it would be that of her interest. He said it was a just observation, that individuals were generally influenced by their interest; but when applied to political bodies the rule was without an exception: we might therefore fix upon it for certain, that the view which congress had of their interest, would be the helm by which they would invariably steer the federal ship; it remained therefore only to shew, that it could not be for the interest of congress ever to lay any embarrassments on us—and this, when we considered our situation in respect to the union, was very apparent, for, upon the present plan of taxation, which in all probability would not be altered as long as peace remains, we paid, and ever should pay, every whit as much towards the support of



the federal government, as though we were in the union, it could therefore never, unless upon the prospect of an immediate war, be for the interest of congress to take measures to compel us in.—But, on the contrary, the moment we were received into the union, our senators, representatives, district judge, &c. must make an additional expense to the federal government—besides, if congress set us upon the same footing with other states, she must assume our expenses of the war; congress must therefore, instead of gaining by our union, be the losers—he observed, that congress had never noticed us, or taken one step that indicated a wish for our union—that all that had been done was in consequence of the movements of Newyork, who had, until congress sat in that state, stood our avowed enemy; and that it was easy to see the motive which caused Newyork so suddenly to change her policy. He said, Newyork viewed the seat of the federal government as an object of greater importance than their claim to Vermont; they had therefore sacrificed that, and were now exerting themselves, to the utmost, to bring Vermont, into union; that thereby they might add another weight to the northern scale. But by the doings of congress, we found that there were a majority in that body, who were pursuing an object which clashed with the views of Newyork, and that the same voices which decided that the seat of government should be carried to the Potomac, would, in all probability, decide, that Vermont should not be received until the permanent seat of federal government should be unalterably fixed. Therefore, as the advantage Vermont would receive from the union, would by no means be adequate to the sacrifice she must make—as she had long existed as an independent state, and might long continue so—and as in all probability she would be rejected by congress, if she made application, there could be no necessity or expediency in acceding to the union, or adopting the constitution.

Mr. Bradley answered mr. Buck—and went into a full consideration of the reasons offered by the worthy member against the adoption of the constitution at the present time—he observed that most of the arguments would equally apply against our ever adopting the constitution, and many of them against government in general—he clearly pointed out the state and situation in which Vermont stood, totally incapable of supporting the rights of sovereignty, or protecting her own citizens from invasions—that the evil would be equally ruinous in its consequences if the united states should withdraw their claim of sovereignty, and consider Vermont a sovereign state, as it would should they attempt to annihilate the jurisdiction, and enforce obedience to the laws of the union—he said, every principle of national policy obliged

congress to consider Vermont as a sovereign state, or as belonging to the union—if as a sovereign state, they will treat her as such, and withdraw from her all protection—if as belonging to the united states, and for whose conduct they must be responsible to the nations of the world, they will undoubtedly exercise their jurisdiction over her; and in case Vermont refuses to adopt the constitution, and become a member of the union, they will either compel her to come in by force, or dismember her among the united states—that in fine the important decision of this convention will determine congress the part they have to act—he said the worthy member from Norwich [Daniel Buck] had stated two instances, in which it would be impossible for Vermont to maintain her independence; one was, in case of war between Greatbritain and America; the other, when congress should treat her as a sovereign state—or in other words, embarrass and hedge her up—he appealed to the judgment of every member, whether the true interest of the state did not require, in their present situation, an immediate union with her sister states, that they might grow up together in friendship, under the same government—rather than wait the uncertainty of those events, which may oblige this government in a servile manner to seek protection from those, who will then have it in their power to grant it on such terms as they please—he reprobated, in the most severe terms, every idea that had been thrown out against congress or the state of Newyork; and said the sacrifice that had been made by the state of Newyork, and several of the united states, might teach that gentleman a lesson, that governments were capable of acting from noble, extensive and disinterested views—he considered the objections raised against being received into the union by congress as having no weight—and said the acquisition of one hundred thousand free persons to their government, and extending empire over the whole, was an object not to be compared with the trifling expense that might accrue by that addition—he considered the many advantages that would be derived from the union—that Vermont would enjoy a full participation of the benefits of every seaport in the united states, a recognition of her sovereignty, protection from foreign invasion, security against intestine convulsions, and the many blessings ensured by a mild and energetic government—he declared he could not think the worthy member serious when he talked of the sacrifice that Vermont must make—and entered minutely into the power given congress by the constitution—and clearly showed that the rights surrendered were of such a nature, though claimed by this state as an independent sovereignty, that they had in but very few instances ever been exercised—he went through

the several paragraphs in the constitution, defining the power of congress—and pointed out in every particular the nature and extent of that power, and the necessity of its being lodged in some general head for the protection of the whole—and concluded with some just remarks upon the excellency of the constitution: that while it gave congress the power necessary to secure and protect the sovereignty of the whole, it ensured to each state the sovereignty necessary to secure and protect the rights of persons and property.

Mr. Bradley was ably supported by mr. [Samuel] Hitchcock,<sup>10</sup> mr. I. Smith, and several others.

Adjourned untill tomorrow.

1. Printed: *Vermont Gazette*, 10, 17, 24 January. The Boston *Columbian Centinel*, 26 January, summarized the debates:

A motion was made that the *Constitution of the United States*, be read a second time—which being done—it was moved to be taken up by paragraphs. (*This motion occasioned considerable debate—in which the relative situation of Vermont was considered as dissimilar from any one of the confederated States; and that the question was whether she would accede to the union, or would not.—This last question precluding the necessity of a discussion on the particulars of the Constitution—the Question for reading by paragraphs, was, therefore lost.*)

The summary was reprinted in the Boston *Independent Chronicle*, 27 January; *New Hampshire Gazette*, 29 January; Portland, Maine, *Cumberland Gazette*, 31 January; and Massachusetts *Salem Gazette*, 2 February.

2. Niles (1741–1828), a native of South Kingstown, R.I., was a 1766 graduate of the College of New Jersey (Princeton). He then studied medicine, law, and theology. As a lay minister, he preached in Norwich, Conn. After the Revolutionary War, he moved to Fairlee, Vt., and represented Fairlee in the state General Assembly, 1784–85 (speaker). Niles was a justice of the state Supreme Court, 1784–88, and a member of the Governor's Council, 1785–90. Niles served in the U.S. House of Representatives, 1791–95. He was defeated for a third term by Daniel Buck. Between 1800 and 1814, Niles served several terms in both the state House of Representatives and the Governor's Council.

3. Green, a doctor and wealthy resident of Windsor, Vt., represented that town in the state General Assembly, 1790–93. He moved to Montreal in 1807.

4. Chipman's speech was reprinted in the *Massachusetts Spy*, 3 February, and Philadelphia *General Advertiser*, 16 February. A reader, signing himself "C.," in the *General Advertiser*, 19 February, praised Chipman's speech:

With the greatest satisfaction I perused in your paper of Wednesday last, *the address of Mr. Chipman to the Convention of Vermont*. It is one of the best publications on Federal affairs, and expressing with a manly dignity, wise, just, and liberal sentiments; sentiments founded on a philosophical knowledge of human nature, and a comprehensive view of our national situation,—I may add, the sentiments of a good heart; because in the great science of human nature, sound judgment is generally attended with an upright mind.

This item, with changes in punctuation, was reprinted in the *Vermont Gazette*, 21 March. The *Gazette's* reprinting also changed the phrase "a philosophical knowledge of human nature" to "a philosophical knowledge of government."

5. White (c. 1747–1816), a native of Esopus, Ulster County, N.Y., and resident of Georgia, Vt., served as a judge in Burlington County, 1783–87, Chittenden County, 1787–96 (except for 1793), and Franklin County, 1797–98. He was a member of the state General Assembly, 1790–91, 1794–95, 1800–1801, and a member of the Governor’s Council, 1793–97, 1801–5, 1807–11.

6. Farrand (1760–1825), a native of Canaan, Conn., a 1781 graduate of Yale College, and a Newbury, Vt., lawyer, was register of probate, 1788–90, and a member of the state General Assembly, 1792–98 (speaker, 1798). Farrand moved to Bellows Falls in 1800 and then to Burlington in 1804.

7. Emmons (1737–1811), a native of Brookfield, Mass., a lieutenant during the Revolutionary War, a founder of Woodstock, Vt., and a Congregational church deacon, was a Woodstock selectman, 1773, 1775–76, 1778, 1794; a member of the Governor’s Council, 1779–86; and a member of the state General Assembly, 1786–87, 1791–94, 1796–97, 1801–3.

“Candidus,” *Vermont Journal*, 21 December 1790 (RCS:Vt., 187–91), made the same argument about federal court jurisdiction.

8. Smith (1759–1810), a native of Suffield, Conn., a 1781 graduate of Yale College, and a Rupert, Vt., lawyer, was a member of the state General Assembly, 1785–86, 1788–91. Smith was a member of the U.S. House of Representatives, 1791–97, 1801–3, and U.S. Senate, 1803–7. He was chief justice of the state Supreme Court, 1797–98, and governor, 1807–8.

9. Buck (1753–1816), a native of Hebron, Conn., was a sergeant in a Massachusetts regiment, losing an arm at the Battle of Bennington (1777). He moved to Thetford, Vt., became a lawyer, and from 1783 to 1785 was the prosecuting attorney for Orange County and the clerk of the county court. In 1785 Buck moved to Norwich in Windsor County. Between 1792 and 1803 Buck held such positions as member of the state council of censors, Norwich delegate to the state General Assembly, state attorney general, member of the U.S. House of Representatives, and state attorney for Windsor County.

In a letter to the editor opposing Buck’s election as a U.S. representative, “All Our Folks” referred to Buck as a notorious “professed enemy to the constitution” (*Vermont Journal*, 28 June 1791).

10. Hitchcock (1755–1813), a native of Massachusetts and 1777 Harvard College graduate, moved to Burlington, Vt., and practiced law. He was state’s attorney for Chittenden County, 1787–90; member of the state General Assembly, 1789–93; state attorney general, 1790–93; and U.S. judge for the District of Vermont, 1794–1801.

## The Vermont Convention Saturday 8 January 1791

### Convention Proceedings and Debates, 8 January 1791<sup>1</sup>

Nine o’clock a. m.

*The question with respect to the expediency of an immediate adoption of the constitution still under consideration:*

Mr. [Daniel] Buck rose and said, that having the evening before more closely attended to the constitution in question, than his leisure

had before permitted, he had obtained conviction that the danger of losing the sovereignty of the separate states, By entering the union, was not so great as he had imagined; the cession of power to congress was not so great as he had conceived it to be, and the rights of the state sovereignties more guarded. He however still retained the sentiment that it was not advisable for Vermont precipitately to seek for union. Congress has yet never solicited Vermont to adopt the constitution, or even made the most distant overtures to her on the subject: to rush forward therefore, uninvited, and before real property was permanently secured, appeared to him not only unnecessary but improper.

Mr. I[srael] Smith in a concise and masterly manner obviated the seeming difficulties mentioned by Mr. Buck and others, and declared himself much in favor of the motion.

Mr. [Beriah] Loomis<sup>2</sup> rose and observed, that he approved of the federal constitution: he thought it well calculated to serve the interest of those states by whom it had been adopted, and had no doubt in his mind but what it would be best for Vermont to adopt it at a proper time; but there were certain matters necessary to be attended to, at least in his view, previous to that step being taken, viz. Congress ought previously to ratify the late treaty with Newyork, and the debt of this state incurred by exertions in the common cause, during the late war, ought to be assumed by the union. The act of Vermont for specifically fulfilling contracts, required, in his opinion, careful attention: for should the constitution now be adopted, it would operate as a repeal of this act,<sup>3</sup> and of course work an injury to the subject:—he believed it to be an indisputable fact, that contracts now existing for grain, cattle, &c. were made twentyfive or perhaps thirty per cent higher, on account of said act; the consequence of an immediate adoption therefore, would be an augmentation of the demand of the creditor of near thirty per cent, and a great injury to the debtor.

Mr. [Benjamin] Green observed, That the gentlemen who had spoken before him, had so clearly elucidated the subject, particularly in his view, on that side of the question he meant to espouse, that he could scarcely indulge the hope of giving additional light on the topic. It appeared to him that the question was now reduced to this, whether Vermont would become a member of the union, or remain an independent sovereignty. If an independent sovereignty, congress would doubtless treat us as other aliens; and the immediate consequence would be destruction to the energy of our government; it would become the interest of the union to foment discord among us; it must totally destroy social intercourse between us and them, and irradiate the idea of credit. For what man, says he, would venture his property

with his neighbour, to any considerable amount, when the debtor, by only crossing a river or lake, may place himself in a foreign state, free from the power of his creditor. But were these difficulties removed, the very idea is inadmissible, that congress will consent to have an independent sovereignty within their lines of jurisdiction. Were the united states still under the old confederation, possessed only of a power to advise and recommend, we might perhaps with advantage remain free and independent. But the government is now efficient; and surrounded as we are on three sides by its members, were they to prohibit our traffic with them, what would become of Vermont? where should we carry our produce? perhaps some may say to Canada, but Canada it is well known is a poor market, and soon overstocked. And indeed from the part of the state he represented, it would never answer, even were the markets tolerably good, to export many articles to Canada; he instanced pot and pearl ashes, &c. the consequence of which, said he, need not be pointed out to the enlightened understanding of this house. Congress can compel us to join the union, on their own terms, without having recourse to arms: let them only prohibit exportation to or importation from Vermont, and we must sink or comply. This must be the case, continued he, or their revenues will be defrauded by reason of illicit traffic, which could easily be carried on with Canada, through Vermont. From every view of the subject therefore, as no gentleman had objected to the constitution itself, but only to the expediency of present adoption, he was clearly of opinion that by entering the union at present, our state government would acquire energy at home and respectability abroad.

Adjourned till two o'clock p. m.

*Two o'clock p. m.*

The convention met according to adjournment, and the clerk pursuant to order, read the constitution, making a short pause between the paragraphs, to give suitable opportunity for objections. The constitution having been read, together with the articles of amendment annexed,

Mr. [Daniel] Farrand rose and wished for information, whether the articles of amendment annexed to the constitution, and just read by the clerk, had received the sanction of congress, so far as to become a part of it? if not, he queried, whether there would not be an impropriety in Vermont's adopting the whole.

Dr. Green replied, that the adoption of the constitution, with the amendments, could not be deemed improper, as a precedent of that kind already existed, viz. the mode adopted by Rhodeisland.<sup>4</sup>

Mr. [Stephen Row] Bradley introduced a motion, seconded by Mr. Hitchcock, that convention proceed to choose a committee of five to make a suitable draft of a form of assent to the constitution, and lay it before convention on Monday morning.

Mr. [Benjamin] Emmons said, he viewed the matter under consideration, and the determinations of convention, to be of the most serious consequence: he wished therefore to proceed with the utmost deliberation. Our present transaction, says he, may not perhaps be unaptly applied to the act of Adam in eating the forbidden fruit. Were we only acting in townmeeting, or even as legislators, the importance and solemnity of the matter would be vastly less, said he, in my view, since the mistakes of one session may be rectified at another. We are now acting for future generations, and the determinations of this body will most probably affect posterity even to the end of time. He wished therefore, for an adjournment of the convention untill some future day, perhaps the beginning of October next. The people are not yet clear in the idea of the propriety of entering the union at present. It is but a short period since they looked on the constitution as a thing in which they were deeply interested. The difficulties which have lain in the way are now removed by the treaty with Newyork, but people still entertain jealousies respecting the conduct of that state; they do not clearly perceive the reason of so great a change in their state policy, and feel fearful lest some trap should be found hidden by a fair disguise. I conclude said he, they would wish for more time, that they might obtain light in this point and gain a more competent knowledge of the constitution. He was the more firmly persuaded of the propriety of this measure from observing what the consequence had been of several states being cautious of entering the union: to this alone he imputed the several existing amendments.

Mr. N[athaniel] Chipman said, he could not see the propriety of adjourning the convention by any means; he believed the gentleman who spoke last had declared his real sentiment, with respect to people's not wishing to enter the union at present, but he must impute it to his want of general information. In the town Mr. Emmons represents [i.e., Woodstock], remote from every channel of intelligence, people may entertain groundless jealousies; but the freemen of Vermont at large, continued he, as far as my acquaintance has extended, are in favor of an immediate adoption. The matter, he observed, was not new, it has been, says he, the topic of conversation for years, and a favorable opportunity carefully and dilligently sought for the admission of Vermont into the federal union. By the late negotiation with Newyork, obstacles are removed, but with this proviso, that Vermont adopt the federal

constitution within two years. The people have a general knowledge of the principles of the federal government; this is all they will ever attain to; it is not to be presumed that they will study it as they do their alphabet: communities attain such knowledge by delegation: the delegates are virtually the people themselves. The freemen have doubtless chosen men to form the present convention, in whom they implicitly confide, or with whose sentiments, and the reasons on which they are founded; they have made themselves acquainted. It is a matter of great consequence, said he, to secure to Vermont the advantages of the late treaty with Newyork, which depends on a speedy adoption of the constitution in question. No reason therefore existing in his mind, for postponing the business, but weighty considerations operating in favor of the measure, he wished mr. Bradley's motion to be attended to.

Mr. Loomis coincided in sentiment with mr. Emmons. He could see no reason for doing business in a hurry—America being now perfectly at peace with all nations, Vermont could not be endangered by taken [i.e., taking] a few months for consideration—He wished the people to have opportunity to become better acquainted with the constitution, and obtain satisfaction with respect to the real security of their landed property.

Mr. Bradley rose to enforce the necessity of immediate adoption. He spoke in the most respectful terms of Newyork, and contrasted the trifling relinquishment of claims they had made to Vermont, with the noble sacrifices they made to the union, at the period when they adopted the constitution. At that time, said he, they enjoyed advantages peculiar to themselves,—advantages which enabled them to discharge their public debts with facility, and even to accumulate wealth in their public coffers, by means of their state imposts, &c. But they generously relinquished all to join the general government, and advance the interest of the union. He requested the particular attention of the convention, to a short matter of fact, which his having had the honor to act as a commissioner in the late negociation with Newyork, enabled him to state, and which would perhaps have a tendency to remove jealousies respecting the security of landed property, in any wise affected by the treaty with Newyork. At the period of the final ratification of that treaty, said he, there were three fair copies thereof engrossed on parchment, one of which was designed for and is now lodged in the secretary's office in Newyork, one in the secretary's office of this state, and the third to be carried forward to the seat of federal government, whenever we applied for admission into the union, to be deposited in the archives of congress, as the foundation for admission of Vermont into the federal union. This, says the honorable gentleman, was the idea entertained by the commissioners of both states, and several members of congress pres-



ent at the time joined fully in the sentiment, that the stipulations of that treaty would form the basis of our admission into the union.

Mr. [Nathaniel] Niles made many pertinent observations on the impropriety of deferring the adoption till a future day. He wished matters to be treated with the greatest candor. Let every member, says he, state his objections freely, and let every argument be duly attended to—but suffer not division of sentiment to prevail in community if possible to avoid it. It is a certain truth that warm spirits exist among us—these warm spirits may be heated, and being heated may diffuse of their warmth to others, and by so doing may kindle a flame in society the effect of which may be destructive to its peace.

The motion for appointing a committee to draw up a suitable form of ratification, &c. was put and carried in the affirmative by a great majority.

The convention adjourned until Monday morning nine o'clock.

1. Printed: *Vermont Gazette*, 31 January, 14 February.

2. Loomis (1753–1819), a native of Bolton, Conn., moved to Thetford, Vt., in 1780. He represented Thetford in the state General Assembly, 1782–84, 1785–86, 1787–90, and 1817. From 1797 through 1818, Loomis served long terms as an assistant judge of the Orange County Court and as a member of the Governor's Council.

3. The Vermont act adopted in October 1786 specified the payment of contracts through the same articles in the contract, rather than silver or gold (*Acts and Laws, of the State of Vermont. Passed at the Session of the General Assembly Holden in Rutland, in October 1786* [Bennington, Vt., 1786] [Evans 45006]).

4. The second session of the Rhode Island Convention adopted the Constitution and twenty-one recommendatory amendments on 29 May 1790. The Convention then resolved unanimously that the state legislature ratify the amendments to the Constitution proposed by Congress on 25 September 1789. The legislature adopted eleven of Congress' twelve proposed amendments on 11 June 1790 (RCS:R.I., 989–90, 996–1004n, 1041–42).

## **The Vermont Convention Monday 10 January 1791<sup>1</sup>**

### **Convention Proceedings, 10 January 1791**

Nine o'clock a. m.

Convention met pursuant to adjournment.

The committee reported a form of adoption of the federal constitution, to be entered into by Vermont, which being read produced some debate, in the course of which mr. I[ra] Allen proposed an amendment to the form, which being agreed to by the house, the grand question was put and carried by a unanimous vote.

1. Printed: *Vermont Gazette*, 14 February. The Boston *Columbian Centinel*, 26 January, reported that "The main question for ratifying the Constitution of the United States, was put at three o'clock, P.M.—which passed in the affirmative by a great majority." The *Centinel's* report was reprinted in the Boston *Independent Chronicle*, 27 January; *New Hampshire Gazette*, 29 January; Portland, Maine, *Cumberland Gazette*, 31 January; and Massachusetts *Salem Gazette*, 2 February.

### Vermont Form of Ratification and Resolutions, 10 January 1791<sup>1</sup>

State of Vermont—

In Convention of the Delegates of the People of the State of Vermont

*Whereas*, by an act of the Commissioners of the state of New York, done at New York, the seventh day of October, in the fifteenth year of the Independence of the United states of America, one thousand seven hundred and ninty, every impediment, as well on the part of the state of New York, as on the part of the state of Vermont, to the admission of the state of Vermont into the Union of the United states of America is removed;—In full faith and assurance that the same will stand approved and ratified by Congress;—

This Convention, having impartially deliberated upon the Constitution of the United states of America, as now established, submitted to us by an act of the General Assembly of the state of Vermont passed October the twenty seventh one thousand seven hundred and ninety, Do, in virtue of the power and authority to us given, for that purpose, fully and entirely approve of, assent to, and ratify the said Constitution; and declare that, immediately from, and after, this state shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the states in the Union, the same shall be binding on us and the people of the state of Vermont forever—

Done at Bennington, in the County of Bennington, the tenth day of January, in the 15th. year of the Independence of the United states of America, one thousand seven hundred and ninety one.—In testimony whereof we have hereunto subscribed our Names—

Thos. Chittenden President  
Moses Robinson Vice President

Timo. Brownson	John White	Nathl Chipman
John Fasset	Daniel Shearman	Thos. Hammond
John Strong	Abel Waters	Benja. Holcomb
Jonathan Hunt	James Shafter	Peter Briggs
Gideon Olin	Edward Aiken	John McNeile
Stephen R Bradley	Simon Stevens	Oliver Gallup
James Churchill	Abel Thompson	Lem. Chipman
Ebenr Wilson	Joshua Wood	Samuel Miller

Israel Smith	Jonathan Brewster	Elisha Barber
Benj Greene	Jona McConnel	Wm. Ward
Andrew Selden	Benj Henry	Joseph Beeman
John Marsh	Samuel Lathrop	Heman Durkee
Gardiner Chandler	Oliver Pier	E. Case
Timoy. Todd	Nathl Stoughton	Peter Pennock
Calvin Knoulton	Martin Powel	Martin Chittenden
Timothy Bliss	Nathan Daniels	Josiah Pond
W.C. Harrington	Jason Duncan	Wm. Slade
Josiah Edson	Elias Curtis	John Spafford
N Lee	Saml. Beach	Peter Sleeman
Isaac Lyman	Benja. Emmons	Jonas Whitney
Daniel Jewet	Alex Brush	Nathl Niles
John Forgason	Daniel Gilbert	Alexr Harvey
Reuben Thomas	Ira Allen	Wm Chamberlin
Thomas Jewett	Timothy Castle	Daniel Buck
Asaph Fletcher	Eleazer Claghorn	Daniel Farrand
Elijah Lovell	Silas Tupper	Abraham Morrill
John Rich	David Palmer	Beriah Loomis
John Barron	Wm. Perrey	Asahel Jackson
Amos Brownson	Joseph Warner	Jona Arnold
David Hopkinson	Asahel Smith	Samel Gats
Danl Kingsbury	Simeon Smith	Ebenr Allen
Saml. Harrison	John Shumway	Enos Wood
Michl. Flynn	Silas Hathaway	Saml Hitchcock
Cornelius Lynde	Thos. Porter	
John N Bennet	John Smith	

*State of Vermont Bennington Jany. 10th. 1791*

The foregoing ratification was agreed to, and signed by one hundred and five, and dissented to, by four;<sup>2</sup> which is a majority of one hundred and one—

Thos. Chittenden, President

Attest *Rosl. Hopkins Secy. of Convention*

State of Vermont—

In Convention Bennington Jany. 10th. 1791—

Resolved (the Governor of this state being President) that the Vice President be and hereby is directed to transmit to his Excellency the Governor Duplicates of the act of this Convention ratifying the Constitution of the United states of America to be by him transmitted to the President of the United states and the Legislature of this state—

Attest *Rosl. Hopkins Secy.*

⟨State of Vermont

In Convention Bennington Jany. 10th. 1791—

Resolved that the following recommendations be signed by the Vice President and Countersigned by the Secretary of this Convention and be by the Vice President transmitted to the Governor of this state to be by him communicated to the Legislature viz.

Resolved that it be recommended by this Convention to the Legislature at their adjourned session in January instant to take effectual measures in the proposed negotiation with the Congress of the United states of America for the admission of this state into the Confederated government that the act of the Commissioners of the state of New York for removing obstacles &c. done at New York on the 7th. day of Octr. in the 15th. year of the Independence of the United states of America A.D. 1790—and the act of this state in consequence thereof—Also an act of this state intitled an act for quieting disputes concerning landed property be in no wise impeached but that the same be & remain in full force to all intents & purposes for which they were enacted & made—

Be it further recommended that the legislature so modify the several laws commonly called *tender acts* as shall be least obnoxious to the constitution of the United states & least prejudicial to the citizens of this & the United states whose contracts are subject to the operation of these Laws—

Be it further recommended that as soon as this state shall be received into the Union the Legislature do take the most effectual measures to procure an equitable adjustment of the expenditures of this state during the late war between Great Britain & the United states—

By order of Convention

Moses Robinson, V. President.

attest *Rosw. Hopkins* Secy.)

1. The Vermont form of ratification is not in RG 11, Certificates of the Ratification of the Constitution and Bill of Rights . . . , at the National Archives. The transcription is taken from the retained copy at the Vermont Historical Society. The resolutions in angle brackets are in the Manuscript Vermont State Papers, Vol. 30, Resolutions of Assembly, 1778–1799, at the Vermont State Archives. E. P. Walton (*Records of the Governor and Council of the State of Vermont* [Montpelier, 1875], III, 480–82) also prints this copy. Benjamin Bankson copied the act minus the signatures into his manuscript journal (RG 11, Rati-fications of the Constitution with Copies of Credentials of Delegates to the Constitutional Convention, National Archives). President George Washington forwarded the act to Congress (along with other related documents) on 9 February 1791. The act again minus the signatures is printed in the U.S. Senate journal (DHFFC, I, 552, 559–60).

2. The four delegates who “dissented to” ratification were Daniel Heald of Chester, Moses Warner of Andover, Benjamin Perkins of Bridgewater, and Enoch Emerson of Rochester. All four were from Windsor County. These delegates did not sign the act of the Convention but were listed as “members of the convention” in the *Vermont Gazette*, 10 January.

## Celebrations

### Bennington, Vermont, 10 January 1791<sup>1</sup>

*After the adoption of the constitution, on Monday last, the gentlemen of the town, honored with the company of the members of the convention, and others, met at the court house. Capt. Robinson's artillery attended, and graced the occasion with the discharge of fourteen cannon: after which the following toasts were drank, viz.*

1. Congress: may wisdom inspire their minds and virtue inflame their hearts.

2. The president of the united states: may his honors exceed his wishes, as far as his acts exceed encomium.

3. The united states: may the chain of their union remain forever bright—untarnished by the rust of dissention.

4. The fourth of July, 1776: may a remembrance of the day ever revive the spirit it inspired, when freedom calls to arms.

5. Vermont: may the lustre of her star join with indistinguishable blaze the refulgence of her sister constellations.

6. The militia of Vermont: may military genius aid the virtue of citizens—and the virtues of citizens dignify military genius.

7. The 26th of January 1776: may the memory of those patriots never be forgotten whom that day took the lead to secure our independence.

8. The convention of Vermont: may the result of their deliberations give pleasure to their constituents—and posterity have reason to honor the result.

9. France: may the blessings of liberty crown her noble exertions.

10. The friends of freedom throughout the globe: may restraints be banished from among them—and consigned to the slaves who have patience to bear them.

11. Agriculture and manufactures: may each enterprising genius meet deserved success—and a benefited community reward each enterprising genius.

12. The arts and sciences: may their advancement engage our most careful attention—and a careful attention ensure their advancement.

13. The memory of those who fell in the defence of freedom: may their virtues inspire their descendants—and posterity never cease to emulate their virtues.

14. The fair sex: may virtue and patriotism ever engage their affections—and the freemen of Vermont be remarkable for virtue and patriotism, till nature sinks with age.

At evening the houses of the street were beautifully illuminated—and effusions of joy appeared in every countenance.

1. Printed: *Vermont Gazette*, 17 January.

**Rutland, Vermont, 8 March 1791<sup>1</sup>**

*Copy of a letter from Rutland, dated March 9.*

Yesterday a numerous collection of the federal citizens of Vermont, met at the town square in this town to celebrate the accession of this state to the federal union.

The federal standard was hoisted at six o'clock in the morning, ornamented with fifteen stripes, and the field emblazoned with two stars, representing the state of Vermont and the new state of Kentucky. About five in the afternoon, a large body of citizens assembled at Williams's inn, consisting of the judges of the supreme federal court, the attorney general and other officers of the court, the rev. clergy of the vicinity, with a large number of respectable citizens from this and the neighboring states.

After an economical collation the following federal toasts were drank, under the discharge of cannon, fired by the volunteer corps of artillery, under the direction of capt. Samuel Prentiss.

1. The president. A discharge of fifteen cannon.
2. The vice president and congress.
3. The allies of the united states.
4. The state of Newyork.
5. His excellency governor Chittenden.
6. The union of Vermont with the united states,—may it flourish like our pines and continue unshaken as our mountains.
7. May the new states soon rival the old in federal virtues.
8. May the federal officers of the district of Vermont act with integrity and merit the confidence of the people.
9. May the patriotism of America secure it from venality.
10. The union of states, interests and hearts.
11. Arts, science, manufactures and agriculture.
12. The clergy, may they unite to dispel the clouds of ignorance and superstition.
13. The memorable 16th of August,<sup>2</sup> on which was fought the glorious battle of Bennington.
14. The conjugal union and rising generation.
15. May we never experience a less happy moment than the present under the federal government.

The following song composed for the occasion was sung by a select choir of singers, accompanied by the whole. (*Tune Washington's birthday.*)

Come every federal son,  
Let each Vermonter come,  
    And take his glass,  
Long live great Washington,  
Glory's immortal son,  
Bright as the rolling sun,  
    O'er us doth pass.  
Hail hail this happy day,  
When we allegiance pay,  
    T' our federal head,  
Bright in these western skies,  
Shall our new star arise,  
Striking our enemies  
    With fear and dread.  
Come each Greenmountainboy,  
Swell every breast with joy,  
    Hail our good land,  
As our pines climb the air,  
Firm as our mountains are,  
Federal beyond compare,  
    Proudly we stand.  
Fill fill your bumpers high,  
Let the notes rend the sky,  
    Free we'll remain,  
By that immortal crown  
Of glory and renown,  
Which our brave heroes won  
    On blood stain'd plain.  
Then come join hand in hand  
Like a firm federal band,  
    Bound by our law,  
From our firm union springs  
Blessings unknown to kings,  
Then each shout as he sings  
    Federal huzza.

Volunteer toast. May the Vermontees become as eminent in the arts of peace as they have been glorious in those of war.

The festival was concluded with continued demonstrations of joy. In the evening the ladies of the vicinity honored the youthful part of the company with their presence at a ball.

1. Printed: *Vermont Gazette*, 21 March.
2. See *Massachusetts Centinel*, 6 September 1788, note 2 (RCS:Vt., 156).

### **Albany, N.Y., 12 January 1791<sup>1</sup>**

#### XIVth PILLAR

of our free and happy federal government!

Yesterday morning, the pleasing intelligence of our sister state of VERMONT having adopted the American constitution, by a state convention, was received by a gentleman of character from that quarter—and at one o'clock, the independent company of artillery paraded, in uniform, and fired a federal salute of XIV guns, from Fort-Hill, which was followed by three cheerful huzzas, from a number of our most respectable citizens. This agreeable event, which closes the circle of our federal union, cannot fail of being received with the utmost satisfaction by all Americans, of every description—who are friends to order, unanimity and good government, and to the true welfare of our happy country!

1. Printed: *Albany Gazette*, 13 January. Reprinted in the *Vermont Gazette*, 24 January; *Vermont Journal*, 8 February; December 1790–January 1791 issue of *The Christian's Scholar's, and Farmer's Magazine*. . . .; and in nine other newspapers by 21 February: Conn. (1), N.Y. (2), N.J. (1), Pa. (2), N.C. (2), S.C. (1). The *State Gazette of North Carolina's* reprint (11 February) was followed by another paragraph: "By the accession of Vermont, another link is added to the federal chain; and as a bill, for the admission of the District of Kentucky into the union, is now pending before the Senate of the United States, we may promise ourselves that we shall soon have it in our power to announce the admission of that state also, when the union will be complete and firm:—Combined as one great family, enjoying such variety of healthy climate, possessing such fertile plains in which Nature has been prodigal of her bounty, may we not anticipate the day when America will rival the most powerful kingdoms in the universe; nor cringe to—even Britain herself."

### **A Well Wisher to the Prosperity of Vermont Vermont Gazette, 17 January 1791 (excerpt)<sup>1</sup>**

#### *TO THE HONORABLE LEGISLATURE OF THE STATE OF VERMONT*

Permit me to address you on a subject which may be of the utmost importance to the welfare and happiness of the citizens of this state. By the adoption of the constitution of the union, by our convention, in pursuance of the act of this state, passed at Castleton, in october last, for calling a convention for that purpose, founded upon the treaty



with Newyork, the way is opened for the reception of our state into the union.—That we may immediately be received on the same terms with the other states, there is no kind of doubt: to suppose that we could have different or better terms, would be a reflection on congress, as unjust as it is unmerited. The first object with you, then, is to appoint commissioners to present the communication of the chief magistrate of this state to the president of the union:<sup>2</sup> though it be extremely probable that these communications would be duly attended to, be the commissioners who they may, yet, as the public mind seems anxious to have the act of congress conceived in such terms as will effectually secure real property, and remove doubts and apprehensions that might create uneasiness in the minds of the good citizens of this state, I would beg leave to recommend the sending of respectable characters, persons possessed of legal knowledge, capable of judging that proper recitals are introduced in the act of congress for the admission of Vermont into the union, to answer the preceding purposes. . . .

1. The remainder of this item admonishes the legislature to elect “the most virtuous, upright, and distinguished characters” as U.S. Senators.

2. On 18 January 1791 the Council and General Assembly meeting together in grand committee elected Chief Judge Nathaniel Chipman and Lewis R. Morris as commissioners. Both of them met with Congress where they “experienced every possible attention and friendly assistance.” Chipman returned from Congress around 1 March 1791. He wrote to Governor Chittenden on 23 March reporting that the act admitting Vermont to statehood “clearly secures our property vested by former laws, for if we had a right to make laws previous to the union, which could vest property, the admission cannot have a retrament (retroactive effect) to divest” (E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont* [8 vols., Montpelier, Vt., 1873–1880], III, 486–87).

### **Vermont Gazette, 24 January 1791**

*Extract of a letter from a member of congress to his friend  
now in this town, dated January 9th.*

“I understand that your convention meet about this time, to take into consideration the constitution of the united states. When the result of their deliberation is made public, I have no doubt but it will have a tendency to render additional happiness to your state, and the union in general. Herewith you will receive a copy of the act of the senate for the recognition of the independence of Kentucky. I heartily wish the independence of Vermont to be declared soon, that she may be embraced as an elder sister of the union.”

### **Boston Columbian Centinel, 26 January 1791<sup>1</sup>**

While we congratulate the publick on the addition of the FOURTEENTH STAR and STRIPE, by our sister State of *Vermont*—we anticipate the speedy accession of the 15th by the *State of Kentucky*.

Great demonstrations of joy have been exhibited at *Bennington*,<sup>2</sup> and other considerable towns in *Vermont*, on the accession of that state to the union.

1. Reprinted: *New Hampshire Gazette*, 29 January.
2. See RCS:Vt., 221–22.

### **New Hampshire Concord Herald, 2 February 1791**

*The fourteenth Star.*

On Monday the 10th of January, 1791, the convention of the state of Vermont, then sitting at Bennington, acceded to and ratified the constitution of the United States, after three days session, with only four dissenting voices. They are now in the union—we congratulate our fellow-citizens of Vermont on the occasion.—Kentucky will soon appear as a western luminary, to dispel those mists which have for some time darkened that hemisphere. Thus while the Stars increase, may our beloved George<sup>1</sup> sit in the centre of their glory, dispensing justice round.

1. George Washington.

### **Vermont Gazette, 14 February 1791**

A correspondent observes, that the contrast of an inefficient and efficient government, was never more strikingly exhibited to view in the annals of history, than in the present instance of united America. The old confederation, formed during the influenze of public virtue and patriotism, excited by general danger, and depending on that alone for support, began to grow weak and contemptible in proportion to the advancement of public tranquility, and relief from foreign invasion. Like most things else in nature, when the cause which produced its existence, viz. public danger, failed; the effect, public union, ceased; and domestic feuds began to prevail, that seemed not only to contemn public authority, but to strike at the very existence of union among the states. For proof of these assertions we need only to recur to the situation of our country at the commencement of the present government. Georgia had engaged in an indian war; Sevier was rousing a district to arms, and bidding defiances to Virginia,<sup>1</sup> &c. Shays was setting the commonwealth of Massachusetts in a flame and exhibiting every appearance of a bloody civil war; while Vermont and Newyork, (like contentious brethren in common life) seemed only to wish (their parents and brethren) the surrounding states to remain neuter, and they were ripe for a decision by arms. But how happily is the scene reversed! how swift

the transition from impending anarchy to order and tranquility!—Reflecting on the happy reverse, what praise under heaven, is due to the illustrious characters, who, softening the asperity of local habits, and wisely conciliating state prejudices, took the lead, with Washington at their head, to explore the path to unity and empire. May their names be held in grateful remembrance, while freedom and happiness claim the regard of men.

In the course of debate in our late general assembly, the truth of the assertion was controverted, that the free inhabitants of the state amounted to upwards of a hundred thousand, several statements were adduced in support of the assertion, among which the number of enrolled militia was mentioned, said to amount to 13,000, the alarm list, exempted and deranged officers nearest 4000, total 17,000, allowing six souls proper for enumeration to each militia man, &c. the inhabitants amount to 102,000.<sup>2</sup> and further to elucidate the point a worthy member mentioned, that on the first of January, 1791, the school children from four to eighteen years of age, in the town of Pownal, (not equal perhaps to several other towns in the state, besides Bennington) amounted to 812, by account accurately taken.

1. John Sevier and the “State of Franklin” sought independence from North Carolina, not Virginia.

2. For Vermont’s population in 1791, see Appendix III, RCS:Vt., 259–62.

### **Vermont Gazette, 14 February 1791**

By the last post we received southern papers of as late a date as the third of February, which contain no account of the arrival of our commissioners at the seat of government, the earliest communication will be made on this subject, when we hope the public will be gratified in hearing that they met a cordial reception.

From the complexion of publications in the different states, on the subject of Vermont’s entering the federal union, satisfaction seems to be apparent. Vermont has no reason, therefore, to fear, that being last to join, she will consequently be least in esteem in the union.

### **U.S. Act Admitting Vermont to Statehood, 18 February 1791<sup>1</sup>**

Congress of the United States:

AT THE THIRD SESSION,

Begun and held at the City of Philadelphia, on Monday the sixth of December, one thousand seven hundred and ninety.

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*An ACT for the ADMISSION of the STATE of VERMONT into this UNION.*

The State of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the SENATE and HOUSE of REPRESENTATIVES of the United States of America in Congress assembled, and it is hereby enacted and declared,* That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and stile of “the State of Vermont,” shall be received and admitted into this Union, as a new and entire member of the United States of America.

FREDERICK AUGUSTUS MUHLENBERG,  
*Speaker of the House of Representatives.*  
JOHN ADAMS, *Vice-President of the United States,*  
*and President of the Senate.*

APPROVED, February the eighteenth, 1791.

GEORGE WASHINGTON, *President of the United States.*

DEPOSITED among the ROLLS in the OFFICE of the SECRETARY of STATE.

Th: Jefferson Secretary of State.

1. Printed: Broadside (Evans 23856). Jefferson’s signature and the handwritten “Secretary of State” were added to this copy of the printed broadside.

### **Levi Allen to Henry Dundas**

**Ranelagh, London, 9 August 1791 (excerpts)<sup>1</sup>**

Since I left Vermont in Janry 1789 the Principal men of Governor Chittenden and Allens Party,<sup>2</sup> Instructed me in addition to the business of the Commercial Treaty I was Honor’d with from Vermont, to assure the British Court that Vermont was from local situation as well as from inclination firmly attached to them, and that whenever Vermont should find it necessary to join Britain or join Congress, they would positively join the former. Indeed Vermont at that time viz. the principal men of Chittenden’s and Allen’s party was clear for joining Great Britain immediately; in order to which my surviving Brother, Ira Allen, and myself waited on Lord Dorchester at Quebec, about two months before my departure for England, and gave a written proposal for that purpose.<sup>3</sup> . . .

I shall always be doubly happy to serve this country, for in doing so I shall serve Vermont, whose interests on a proper establishment will be forever mutual, and of course Perminant, the rulers and inhabitants of Canada and Vermont ought to keep up a friendly connection, and I am sorry to have occasion to observe it is not the case at Present, through some little foolish Prejudices that exist between them. Soon after my leaving Vermont my brother Ethan Allen died, and before the

end of the year, through some private outrages of Congress and New York, and by means of two hundred and thirty votes of Chittenden's Party not arriving in time, the opposition very unexpectedly to Chittenden's *Friends* got Mr. Robinson in Governor,<sup>4</sup> which the other and far the strongest Party, had not the least suspicion of. Chittenden had been Governor, and chosen annually from the commencement of the State to that day. During Robinson's reign overtures were made to federal Congress, to admit Vermont into the federal Union. In October Chittenden was again elected Governor by a large majority of votes. Congress finding their friend Robinson, was out of office, and that Vermont was negotiating as a Sovereign State a commercial treaty, with Great Britain in January 1791 Passed a decree allowing Vermont to join the Union and send three members to Congress, and at the same time giving the same liberty to Kentucky, and probably for similar reasons and immediately after Passed a decree to establish a Customs House on Lake Champlain at 45° N. Lat. for the Purpose of making the Vermonters pay the same duty granted to the Society for the Propagation of the Gospel in Foreign Parts.

This much on the supposition that Vermont has not joined the federal Union, and as to the other supposition, that they have joined, I do not chose to intrude upon your time by writing so disagreeable and improbable a subject.

You shall hear from me the truth the first Opportunity after my arrival in Vermont.

I have the honor to subscribe myself in behalf of Vermont,

1. Printed: Duffy, *Allen*, I, 373–76n. Dundas (1742–1811) had been appointed Home Secretary in June 1791. Located in Chelsea, just outside of London, the Ranelagh public gardens and resort attracted wealthy patrons.

2. For Levi Allen's listing of these principal men, see Levi Allen to Nancy Allen and Ira Allen, 20 August 1791 (immediately below).

3. See Ethan Allen to Guy Carleton, 16 July 1788 (RCS:Vt., 150–53).

4. For the scandal that led to the defeat of Chittenden as governor in 1789, see "Governor Thomas Chittenden: Speech to the Vermont Council and General Assembly," 20 October 1790 (RCS:Vt., 172n–73n).

### **Levi Allen to Nancy Allen and Ira Allen London, 20 August 1791 (excerpts)<sup>1</sup>**

I am in a very disagreeable Situation here, having no Advices for more than twelve months from either, or any Other from Vermont. Reports are that Vermont have Joined foederal Congress, which neither myself nor any the Friends of Vermont here Credit, as we cannot think You have So much alter'd from Your former fixed Opinions, and so

contrary to Your real Interest; I have been lately enquir'd of by the Secy. of State, and Others in high office, respecting the Town of Alburg, & you may depend on holding every foot of land South of 45° N Lat. and assurances that every favour in Commerce will be granted Vermont; hope in the name of Common Sense, You have not, and in the name of almighty *God*, You will not Join Congress. Govr C——n, my deceased Brother, Yourself, Col. Lyon, Clark, Enos, Hitchcock, Spafford's, Coit, Ebenr.<sup>2</sup> &c. &c. &c. all being fully determined to the Contrary when I left you; Shall be with you before the Seting of the Assembly in October next and bring Satisfactory writings from the British Court. Should Say much more but have good reason to think many of my letters & your Answers have been opened and never came to hand, therefore Shall inclose this to [Jabez] Fitch, much will be done, in fine every thing You can ask, if You only keep clear of Congress; You may depend on it, and You have good Security for The Same, for it is the Interest of this Country so to do; I beg you will Seriously consider this matter as it is of Infinite consequence to Vermont & our Family in Particular. . . .

If any thing was done respecting Joining Congress, while Robinson was in the Chair, get the Same Counteracted at October Session, and take great Pains with the Members of the house and all the leading Characters before hand. Col. [John Graves] Simcoe is appointed Governor of upper Canada, who I have mentioned in Sundry letters, Continues unparralldedly friendly to Vermont, Probably you may have the Pleasure of Seeing him by Christmas. . . .

1. Printed: Duffy, *Allen*, I, 376–78n.

2. A reference to Governor Thomas Chittenden, Ethan Allen, Ira Allen, Matthew Lyon, Elijah Clarke, Roger Enos, Sr., Samuel Hitchcock, Jonathan Spafford, William Coit, and Ebenezer Allen.

## **Vermont Ratifies the Amendments to the U.S. Constitution**

### **3 November 1791**

Vermont ratified the Constitution on 10 January 1791. About a month later, on 18 February, Congress passed an act admitting Vermont to statehood. On 28 February, U.S. Secretary of State Thomas Jefferson sent Vermont Governor Thomas Chittenden copies of acts of Congress admitting Vermont into the Union and specifying the number of representatives that Vermont and Kentucky were authorized to elect. Jefferson also enclosed a certified copy, dated 25 February, of the twelve amendments to the Constitution proposed by Congress in September 1789. With fourteen states now in the Union, the approval of eleven states was necessary to ratify amendments to the Constitution. Nine states had already ratified at least ten of Congress' twelve amendments.

The Vermont legislature adjourned on 27 January 1791 not to reconvene until 13 October. On Friday morning, 14 October, Governor Chittenden and the Council appeared in the General Assembly. The governor delivered several public “communications,” among which was the twelve amendments to the Constitution proposed by Congress in September 1789. On Tuesday afternoon, 1 November, the General Assembly resolved that a grand committee consider the proposed amendments. The next day, the grand committee voted that the legislature should adopt the amendments. After the governor and Council left the chamber, the General Assembly accepted the grand committee’s recommendation and appointed a three-man committee—Samuel Hitchcock, Jesse Leavenworth, and Lemuel Chipman—to draft a bill adopting the amendments. Later in the morning, the committee reported a bill, which was then read the first time. The next morning, 3 November, the General Assembly read the bill a second time and sent it to the Council for its concurrence or amendment. The General Assembly received the Council’s concurrence in the afternoon. Governor Chittenden ordered the secretary of the Council to send President George Washington a copy of Vermont’s adoption of the amendments, which was done on 7 January 1792. On 18 January, Tobias Lear, Washington’s secretary, notified Secretary of State Jefferson of Vermont’s ratification of the amendments. On 1 March, Jefferson sent letters to the states announcing that ten of the twelve proposed amendments to the Constitution had been adopted.

*Vermont Act Ratifying Amendments to U.S. Constitution, 3 November 1791*<sup>1</sup>

An Act ratifying certain articles proposed by Congress as amendments to the Constitution of the United states—

Whereas the Congress of the United states begun and held at the City of New York, on Wednesday the fourth of March one thousand seven hundred and eighty nine—Resolved, that certain articles to the number of twelve be proposed to the Legislatures of the several states as amendments to the Constitution of the United States which articles when ratified by three fourths of the said Legislatures should be valid to all intents and purposes as part of the said Constitution—Therefore,

It is hereby Enacted by the General Assembly of the state of Vermont, that all and every of said articles so proposed as aforesaid be and the same are hereby ratified and confirmed by the Legislature of this state—

State of Vermont }  
 Secretary of State’s Office }

I hereby Certify that the within is a true copy of an act passed by the Legislature of this state the third day of November One thousand seven hundred and ninety one and deposited in this office according to law—

attest Ros[we]ll Hopkins Secy

1. MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787–92, National Archives. Printed: *Vermont Gazette*, 23 January 1792.

**Levi Allen to Henry Dundas****Onion River, Vt., 27 November 1791 (excerpt)<sup>1</sup>**

As the Courier from Canada for New York is Put in here in a gale of wind, I take the liberty (tho' out of the channel proposed through Governor Simcoe) to write you as the same will come sooner to hand.

I sailed on the Grantham, Capt. Bull the 11th of September arrived at Halifax in 27 days, the next morn[ing]. [i.e., morning] took a Passage in a little fishing sloop for Boston, where I arrived the sixth day, bo[ugh]t a horse and saddle, etc., and in three days rode to Windsor in Vermont where the Legislature of Vermont had a few days previously met, and much to my great mortification found that there had been an adjourned session between Oct. session 1790 and Oct. 1791, also a convention of deputies from each town, Previous to said adjourned session, in which Vermont had fully joined the United States. I remained at the General Assembly to the close thereof, twenty-one days. I think I may affirm without arrogance that if I had got up the River St. Lawrence last year with the well-chosen assortment of goods, Vermont would not have joined Congress, in fact a majority of both Houses now confess they are sorry, and feel themselves much hurt on hearing many advantages that would have accrued to Vermont if they had remained Independent, and at the same time on the other hand I made an estimate of the Probable Duties Vermont would be obliged to pay annually, which had not been before properly stated. I made no mention of anything, only my own opinion and what I had found would have been done in the course of negotiating the commerce of Vermont.

The facts are a number wanted to go to Congress, and tho' but four can go, yet 44, at least, expected to be appointed.<sup>2</sup> Ethan Allen being dead, and Ira Allen was silent on account of the land he owned, and Caldwell first claimed,<sup>3</sup> that Governor Chittenden thought it unpopular to oppose the current, so that poor Vermont had not a man of any considerable consequence to say a word for her real interest. . . .

1. Printed: Duffy, *Allen*, I, 383–84.

2. When it became a state, Vermont was entitled to elect two U.S. Senators and two U.S. Representatives.

3. Henry Caldwell of Belmont, near Quebec, had a conflicting claim to land with Ira Allen in Alburgh, Vt.



## Biographical Gazetteer

The following sketches outline the political careers of the principal Vermont leaders who participated in the process of ratifying the U.S. Constitution. Their political positions are indicated on the Constitution in 1791 and in national politics after that time (Federalist or Democratic-Republican). Inclusive years, especially for state offices, reflect periods of repeated, not successive, office-holding. The (?) following Ira Allen and Thomas Chittenden's political positions on the U.S. Constitution reflects each man's ambivalence about supporting ratification. Both men signed the form of ratification.

ALLEN, IRA (1751–1814)  
Federalist (?)/ (?)

Born, Cornwall, Conn. Entrepreneur and surveyor. Moved to the New Hampshire Grants in 1770. Surveyed townships in the Lake Champlain and Winooski River valleys for New Englanders, whose claims he supported against Yorkers' land claims. With brothers Ethan, Heman, and Zimri, Allen formed the Onion River Land Company in January 1773. By the beginning of the American Revolution, the company had acquired lands amounting to 65,000 acres in the New Hampshire Grants. Allen served as a lieutenant in the Continental Army during the American invasion of Canada in 1775; he returned to the New Hampshire Grants in 1776. Allen played a key role in the struggle for independence from New York, including the convention movement that resulted in the creation of New Connecticut (later Vermont) in 1777; he helped to draw up the Vermont constitution (1777) and wrote the preamble. Allen was a member of the Vermont council of safety, 1777 (secretary); Council member, 1778–85; and state treasurer and surveyor general, 1778–86. In 1780–81, Allen formed part of a group seeking to return Vermont to the British Empire, but the British defeat at Yorktown (1781) put an end to that scheme. In the 1780s he worked to attract settlers to Vermont. Allen also represented Colchester in the Vermont General Assembly, 1787–92, 1794. In 1789, he donated £4,000 of land to assist in founding the University of Vermont. In January 1791, Allen represented Colchester in Vermont's ratifying Convention, where he voted in favor of ratification. While he feared the U.S. Constitution would hamper his ability to trade with Canada, Allen put up no opposition in the Convention. Allen's later years were marked by intrigue and plagued with debt, litigation, and economic privation. He died a pauper in Philadelphia.

BRADLEY, STEPHEN ROW (1754–1830)  
Federalist/Democratic-Republican

Born in Wallingford (now Cheshire), Conn. Graduate, Yale College, 1775; M.A., 1778. Captain and major, Connecticut militia, 1776–79; served as commissary, quartermaster, and aide-de-camp to Gen. David Wooster. He read law with celebrated Judge Tapping Reeve in Litchfield. He moved to Vermont in 1779 where he was admitted to the bar and practiced in Westminster. He served as an agent to the Continental Congress and wrote a pamphlet, *Vermont's Appeal to the Candid and Impartial World . . .* (Hartford, Conn., 1780) (Evans 16722), seeking Vermont independence. He was Windham County register of probate, 1781–91; Windham County judge, 1788. He was clerk of the Vermont General Assembly, 1779, and then represented Westminster in that body, 1781–82, 1784–85, 1788, 1790–91, 1800 (speaker, 1785). He was Westminster town clerk, 1787–88. He was judge of the Vermont Supreme Court, 1788–89. He was a commissioner negotiating the New York-Vermont Treaty, 1789–90. He spoke in favor of and voted for ratification of the U.S. Constitution in the Vermont Convention in January 1791. Member, U.S. Senate, 1791–95, 1801–13 (president pro tempore, 1802–3, 1808). In 1794, he introduced the bill with a new design for the American flag with fifteen stars and fifteen stripes, which became

the “Star Spangled Banner” flying over Fort McHenry in 1814. He served in the Vermont Council, 1798. He drafted the Twelfth Amendment to the Constitution in 1803. He was the chairman of the Democratic-Republican congressional caucus that nominated Thomas Jefferson (1804) and James Madison (1808) as presidential candidates and George Clinton as vice president. He moved to Walpole, Vt., in 1818.

CHIPMAN, NATHANIEL (1752–1843)  
Federalist/Federalist

Born in Salisbury, Conn. Graduate, Yale College, 1777. Served in the Continental Army from 1777 to 1778, resigning as a lieutenant. He read law with celebrated Judge Tapping Reeve in Litchfield and was admitted to the Connecticut bar in March 1779. He moved to Tinmouth, Vt., where he was admitted to the bar in June 1779 and set up his practice. He served as state’s attorney for Rutland County, 1781–85, and in the Vermont General Assembly, 1784–85, 1806–9, 1811. He was appointed to revise the state’s laws in 1784, 1797, and 1836. In 1786 he was appointed to the Vermont Supreme Court, but resigned the next year. He was a commissioner negotiating the New York-Vermont Treaty, 1789–90. He was chief judge of the Vermont Supreme Court, 1789–91, 1796–97, 1813–15. He voted to ratify the U.S. Constitution in the Vermont Convention in January 1791, and was sent as an agent to negotiate statehood with Congress in 1791. He served as U.S. district judge, 1791–93; as U.S. Senator, 1797–1803; and as a member of the Vermont Council of Censors, 1813. Professor of law, Middlebury College, 1816–17.

CHITTENDEN, THOMAS (1730–1797)  
Federalist (?)/Federalist

Born in East Guilford, Conn. In 1749, he moved to Salisbury, Conn., where he was a farmer and served as justice of the peace, militia colonel, and member of the colonial assembly, 1765–72. He moved to Williston, Vt., in 1774, where he was involved in land speculation. In 1777, he served in both the provincial convention that drafted the declaration of independence for the New Hampshire Grants and the convention that drafted Vermont’s first constitution, as well as serving as president of the council of safety. In 1778 he was elected governor, a position he was reelected to by popular vote (except for 1789–90) until 1797 when he resigned shortly before his death. He was president of the Vermont Convention in which he voted to ratify the Constitution in January 1791.

HOPKINS, ROSWELL (1757–1829)  
Federalist/Federalist

Born Amenia, N.Y. Surgeon in militia and aboard privateer during the Revolutionary War. Moved to Vergennes, Vt., in 1786. Clerk of courts in Addison County, 1786–1801; clerk of the Vermont General Assembly, 1779–88; and secretary of state, 1788–1802. Moved to St. Lawrence County, N.Y., in 1803.

ROBINSON, MOSES (1742–1813)  
Federalist/Democratic-Republican

Born in Hardwick, Mass., Robinson was the son of Samuel Robinson, the founder of Bennington, Vt. He came to Bennington with his father in 1761 and in 1762 became the first town clerk, holding the position until 1781. He was a colonel in the militia during the Revolutionary War; a member of the council of safety, 1777–78; a judge on the revolutionary courts of sequestration and confiscation; a member of the Vermont Council, 1778–84; chief judge of the Supreme Court, 1778–84, 1785–89; and governor, 1789–90. On several occasions he was an agent sent to the Confederation Congress to plead Vermont’s case for independence. As governor he encouraged settlement of Vermont’s dispute with New York that led to statehood. He was vice president of the Vermont Convention and voted to ratify the Constitution in January 1791. Member, U.S. Senate, 1791–96. He served on the Council of Censors in 1799 and in the state General Assembly in 1802.

## Appendix I

### The Vermont Constitution of 1786 (excerpts)<sup>1</sup>

Whereas all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of Existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas the inhabitants of this State have (in consideration of protection only) heretofore acknowledged allegiance to the King of Great-Britain, and the said King has not only withdrawn that protection, but commenced and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein not only the troops of Great-Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British Parliament, with many more acts of tyranny, (more fully set forth in the declaration of Congress)<sup>2</sup> whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him ceased in the American Colonies.

And whereas the territory which now comprehends the State of Vermont, did antecedently of right belong to the government of New-Hampshire; and the former Governor thereof, viz. his Excellency Benning Wentworth, Esq. granted many charters of lands and corporations within this State to the present inhabitants and others. And whereas the late Lieutenant-Governor Colden, of New-York, with others, did, in violation of the tenth command[ment], covet those very lands; and by a false representation made to the court of Great-Britain (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government) obtained jurisdiction of those very identical lands ex-parte, which ever was and is disagreeable to the inhabitants. And whereas the Legislature of New-York, ever have and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present Constitution, in which is established the grants of land made by that government.

They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees

for each township; and did enhance the quit-rent three fold, and demanded an immediate delivery of the title derived from New-Hampshire.

The Judges of their Supreme Court have made a solemn declaration, that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded. In consequence of which declaration, writs of possession have been by them issued, and the Sheriff of the county of Albany sent at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment on any person who should refuse assisting the Sheriff, after being requested, for the purpose of executing writs of possession.

The Governors Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the premises, to certain favorite land-jobbers in the government of New-York, in direct violation of his Britannic Majesty's express prohibition, in the year 1767.

They have issued proclamations, wherein they have offered large sums of money for the purpose of apprehending those very persons who have dared boldly and publicly to appear in defence of their just rights.

They did pass twelve acts of outlawry on the 9th day of March, A. D. 1774, empowering the respective Judges of their Supreme Court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have and still continue an unjust claim to those lands, which greatly retards emigration into, and the settlement of this State.

They have hired foreign troops, emigrants from Scotland, at two different times, and armed them to drive us out of possession.

They have sent the savages on our frontiers to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish Courts of Justice there, after they were discountenanced by the authority of Great-Britain.

The free Convention of the State of New-York, at Harlem, in the year 1776, unanimously voted, "That all quit-rents, formerly due to the King of Great-Britain, are now due and owing to this Convention, or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic Majesty in the most humble manner for redress, and have at very great expence, received several reports in our favor; and in other instances wherein we have petitioned the late legislative authority of New-York, those petitions have been treated with neglect.

And whereas, the local situation of this State from New-York, at the extreme part, is upward of four hundred and fifty miles from the seat

of that government, renders it extreme difficult to continue under the jurisdiction of said State.

Therefore it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be henceforth a free and independent State, and that a just, permanent, and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the Honorable American Congress.

We the Representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government; confessing the goodness of the great Governor of the Universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever—do, by virtue of authority vested in us by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the Constitution of this Commonwealth, and to remain in force therein forever unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

#### CHAPTER I.

##### *A Declaration of the Rights of the Inhabitants of the State of Vermont.*

1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; amongst which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person, as a servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female in like manner, after she arrives to the age of eighteen years; unless they are bound by their own consent after they arrive to such age; or bound by law for the payment of debts, damages, fines, costs, or the like.

2. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

3. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought, or of right can be compelled, to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; & that no authority can, or ought to, be vested in, or assumed by, any power whatsoever, that shall in any case interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship; nevertheless, every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship which to them shall seem most agreeable to the revealed will of God.

4. Every person within this Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay, conformably to the laws.

5. That the people of this State, by their legal Representatives, have the sole, exclusive, and inherent right, of governing and regulating the internal police of the same.

6. That all power being originally inherent in, and consequently derived from, the people: therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

7. That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

8. That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, by their legal Representatives, to enact laws for reducing their

public officers to a private station, and for supplying their vacancies, in a constitutional manner, by regular elections, at such periods as they may think proper.

9. That all elections ought to be free and without corruption; and that all freemen having a sufficient evident common interest with, and attachment to, the community, have a right to elect officers, and be elected into office.

10. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the Representative Body of the Freemen: nor can any man, who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent: nor are the people bound by any law, but such as they have in like manner assented to for their common good. And previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to the community, than the money would be if not collected.

11. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel,—to demand the cause and nature of his accusation,—to be confronted with the witnesses,—to call for evidence in his favor, and a speedy public trial by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty:—nor can he be compelled to give evidence against himself:—nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his Peers.

12. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

13. That no warrant or writ to attach the person or estate of any freeholder within this State, shall be issued in civil action, without the person or persons who may request such warrant or attachment, first make oath, or affirm before the authority who may be requested to issue the same, that he or they are in danger of losing his, her, or their debts.

14. That when an issue in fact, proper for the cognizance of a jury, is joined in a Court of law, the parties have a right to a trial by jury; which ought to be held sacred.

15. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government—and therefore the freedom of the press ought not to be restrained.

16. The freedom of deliberation, speech, and debate, in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other Court or place whatsoever.

17. The power of suspending laws, or the execution of laws, ought never to be exercised, but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.

18. That the people have a right to bear arms, for the defence of themselves and the State:—and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

19. That no person in this Commonwealth can, in any case, be subjected to law-martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

20. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free: the people ought therefore to pay particular attention to these points, in the choice of officers and Representatives; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

21. That all people have a natural and inherent right to emigrate from one State to another that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness.

22. That the people have a right to assemble together, to consult for their common good—to instruct their Representatives—and to apply to the Legislature for redress of grievances, by address, petition, or remonstrance.

23. That no person shall be liable to be transported out of this State, for trial for any offence committed within the same.

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CHAPTER II.  
PLAN OR FRAME OF GOVERNMENT. . . .

SECTION VI.

The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other. . . .

SECTION VII.

. . . And each member [of the General Assembly], before he takes his seat, shall make and subscribe the following declaration, viz.

*You do believe in one God, the Creator and Governor of the universe, the rewarder of the good, and punisher of the wicked. And you do acknowledge the scriptures of the Old and New Testament to be given by divine Inspiration; and own and profess the Protestant religion.*

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State. . . .

SECTION XVII.

No person ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

SECTION XVIII.

Every man, of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behaviour, and will take the following oath, (or affirmation) shall be entitled to all the privileges of a freeman of this State,

*You solemnly swear, (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man. . . .*

SECTION XXVIII.

Trials of issues, proper for the cognizance of a jury, in the Supreme and County Courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.

SECTION XXIX.

All prosecutions shall commence by the authority of the State of Vermont—all indictments shall conclude with these words, *against the peace and dignity of the State*. And all fines shall be proportionate to the offences.

SECTION XXX.

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, re-

version, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences. . . .

#### SECTION XXXIII.

The Legislature shall regulate entails in such manner as to prevent perpetuities.

#### SECTION XXXIV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishment less necessary, means ought to be provided for punishing by hard labour those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labour.

#### SECTION XXXV.

The estates of such persons as may destroy their own lives shall not, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand,<sup>3</sup> or in any wise forfeited, on account of such misfortune.

#### SECTION XXXVI.

Every person, of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councillor, or Representative in Assembly, until after two years residence.

#### SECTION XXXVII.

The inhabitants of this State shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

#### SECTION XXXVIII.

Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: and a competent number of schools ought to be maintained in each

town, for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

#### SECTION XXXIX.

The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any pretence whatsoever.

#### SECTION XL.

In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March in every seven years thereafter thirteen persons, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly, to be called the Council of Censors; who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two-thirds of the whole number elected shall agree:—and whose duty it shall be to inquire, whether the Constitution has been preserved inviolate in every part, during the last septenary (including the year of their service); and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the Constitution:—they are also to inquire, whether the public taxes have been justly laid and collected in all parts of this Commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes, they shall have power to send for persons, papers, and records: they shall have authority to pass public censures—to order impeachments—and to recommend to the Legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the Constitution: these powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute ne-

cessity of amending any article of this Constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their Delegates on the subject.

*By order of Convention, July 4th, 1786,*

MOSES ROBINSON, President.

*Attest, ELIJAH PAINE, Sec'y.*

1. Printed: *The Constitution of Vermont, As Established by Convention in the Year 1778 [i.e., 1777], and Revised by Convention in June 1786* (Windsor, Vt., 1786) (Evans 20096), 3–13, 14, 19–20, 21–22, 25–26, 27–30.

2. A reference to the Declaration of Independence (CDR, 73–75).

3. A deodand, in English common law, was an object forfeited to the Crown for having been the cause of a death. From the Latin, deo dandum, meaning “to be given to God.”

## Appendix II

### The Report of the Constitutional Convention 17 September 1787

#### The President of the Convention to the President of Congress<sup>1</sup>

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 adviseable.

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 increased 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 States<sup>1</sup>**

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 encreased during such time; and no Person holding



any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing 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 increased nor diminished during the

Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

## Article III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And

the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand

eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

#### Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers; both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

#### Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, 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	Connecticut	{ Wm: Saml. Johnson Roger Sherman
Virginia	{ John Blair— James Madison Jr.	New York . . .	Alexander Hamilton
North Carolina	{ Wm. Blount Richd. Dobbs Spaight. Hu Williamson	New Jersey	{ Wil: Livingston David Brearley Wm. Paterson Jona: Dayton
South Carolina	{ J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler	Pennsylvania	{ B Franklin Thomas Mifflin Robt Morris Geo. Clymer Thos. FitzSimons Jared Ingersoll James Wilson Gouv. Morris
Georgia	{ William Few Abr Baldwin		

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 Congress<sup>1</sup>**

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 III Vermont Population, 1791<sup>1</sup>

By Town			
Addison	402	Chelsea	239
Alburgh	446	Chester	981
Andover	275	Chittenden	159
Arlington	992	Clarendon	1,480
Athens	450	Colchester	137
Bakersfield	13	Concord	49
Barnard	673	Corinth	578
Barnet	477	Cornwall	825
Barton	NI	Danby	1,206
Bennington	2,350	Danville	574
Benson	658	Dewey's Gore	48
Berlin	134	Dorset	957
Bethel	473	Dummerston	1,490
Billymead	NI	Duxbury	39
Bolton	88	Elmore	12
Bradford	654	Essex	354
Braintree	221	Fair Haven	545
Brandon	637	Fairfax	254
Brattleborough	1,589	Fairfield	126
Bridgewater	293	Fairlee	463
Bridport	450	Ferdinand	NI
Bristol	211	Ferrisburgh	481
Bromley	71	Fletcher	47
Brookfield	419	Georgia	340
Brownington	NI	Glastenbury	34
Brunswick	66	Glover	NI
Burke	NI	Granby	NI
Burlington	330	Greensborough	19
Cabot	122	Groton	45
Calais	45	Guildhall	158
Caldersburgh	NI	Guilford	2,422
Cambridge	359	Halifax	1,209
Cambridge Gore	15	Hancock	56
Canaan	19	Hardwick	3
Castleton	809	Harris Gore	NI
Cavendish	491	Hartford	988
Charlotte	635	Hartland	1,652

Harwich (Mount Tabor) <sup>2</sup>	165	Morristown	10
Highgate	103	Navy	NI
Hinesburg	454	New Haven	717
Hinsdale (Vernon) <sup>2</sup>	482	New Huntington	136
Hopkins Grant	NI	New Huntington Gore	31
Hubbardton	410	Newark	NI
Hungerford	40	Newbury	872
Huntsburgh	46	Newfane	660
Hyde Park	43	North Hero	125
Ira	312	Northfield	40
Isle La Motte	47	Norwich	1,158
Jamaica	263	Orange	NI
Jericho	381	Orwell	778
Johnson	93	Panton	220
Johnson's Gore	49	Pawlet	1,458
Killington	32	Peacham	365
Kingston	101	Philadelphia	39
Landgrove	31	Pittsfield	49
Leicester	344	Pittsford	850
Lemington	31	Pomfret	710
Lewis	NI	Poultney	1,120
Littleton	63	Pownal	1,732
Londonderry	362	Putney	1,848
Ludlow	179	Randolph	893
Lunenburg	119	Random	NI
Lyndon	59	Reading	747
Maidstone	125	Readsbrough	63
Manchester	1,278	Rochester	215
Marlborough	629	Rockingham	1,235
Marshfield	NI	Roxbury	14
Medway <sup>3</sup>	34	Royalton	748
Middlebury	395	Rupert	1,034
Middlesex	60	Rutland	1,417
Middletown		Ryegate	187
(Middletown Springs) <sup>2</sup>	699	St. Albans	256
Milton	283	St. Andrews	NI
Minden	18	St. George	57
Minehead	NI	St. Johnsbury	143
Monkton	449	Salisbury	444
Montpelier	118	Saltash	106
Moretown	24	Sandgate	773

Shaftsbury	1,990	Walden's Gore	32
Sharon	569	Wallingford	538
Sheffield	NI	Wardsborough,	
Shelburne	387	North District	
Shoreham	701	(Wardsborough) <sup>2</sup>	483
Shrewsbury	382	Wardsborough,	
Smithfield	70	South District	
Somerset	111	(Dover) <sup>2</sup>	270
South Hero	537	Washington	72
Springfield	1,097	Waterbury	93
Stamford	272	Weathersfield	1,146
Starksborough	40	Wells	620
Stockbridge	100	Westford	63
Strafford	844	Westminster	1,599
Stratton	95	Westmore	NI
Sudbury	258	Weybridge	174
Sunderland	414	Wheelock	33
Swanton	74	Whiting	249
Thetford	862	Whitingham	442
Thomlinson (Grafton) <sup>2</sup>	561	Wildersburgh	76
Tinmouth	935	Williamstown	146
Topsham	162	Williston	469
Townshend	678	Wilmington	645
Tunbridge	487	Windsor	1,542
Underhill	59	Winhall	155
Vergennes	201	Winlock	NI
Vershire	439	Wolcott	32
Victory	NI	Woodbury	NI
Waitsfield	61	Woodford	60
Walden	11	Woodstock	1,597

## By County

Addison	6,420
Bennington	12,206
Chittenden	7,287
Orange	10,526
Rutland	15,590
Windham	17,572
Windsor	15,740
<hr/>	
Total <sup>4</sup>	85,341

1. The population figures are taken from *Heads of Families at the First Census of the United States Taken in the Year 1790: Vermont* (Washington, D.C., 1907), 8–10. The Vermont census was taken beginning in April 1791. Towns marked “NI” are listed as “not inhabited.” A number of Vermont town names changed over time. These changes are detailed in Esther Munroe Swift, *Vermont Place-Names: Footprints of History* (Brattleboro, Vt., 1977).

2. Towns in the Vermont General Assembly and/or the Vermont ratifying Convention whose names have changed since 1791 are followed, in parentheses, by their present-day names. Editors have adopted this practice *only* for those towns in the General Assembly (RCS:Vt., 137–39) or the ratifying Convention (RCS:Vt., 196–98).

3. Listed in the U.S. Census of 1790 as “Midway.” Swift, *Vermont Place-Names*, indicates that the town, presently Mendon, was “originally chartered as Medway” (p. 399), which is why editors have listed the town as such.

4. This figure was arrived at by adding the county totals for the seven Vermont counties represented in the U.S. Census of 1790. However, the census includes a statewide total—85,539—that varies from the all-county total.

# Confederation Congress/Vermont Index

## Explanatory Note

People appearing in this index have been identified in parentheses in one of two ways: (1) people from beyond Vermont are identified by their state or country of residence, when known; and (2) Vermont inhabitants are identified by their town of residence, when known.

Delegates to the Vermont Convention are further identified, also in parentheses, by their support for or opposition to ratification on 10 January 1791—those signing the form of ratification with a “Y,” those not signing with an “N.” Of the one hundred nine delegates attending Vermont’s ratifying Convention, only four, all from Windsor County, dissented to ratification (105 to 4).

To aid the reader, compilations of similar items have been grouped under a common main entry in this index. Such compilations are listed below. In addition to their being grouped under “Pseudonyms,” pseudonymous items printed in this volume are indexed individually. Some entries in this index are so unusual that they deserve to be highlighted. The reader should be particularly aware of these entries listed below.

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