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## **Vol. 13. Commentaries on the Constitution, public and private. Volume 1: 21 February to 7 November 1787.**

Madison, Wisconsin: The State Historical Society of Wisconsin,  
1981

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THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

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Volume XIII

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Commentaries on the  
Constitution  
Public and Private

Volume 1  
21 February to 7 November 1787

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Editors

JOHN P. KAMINSKI

GASPARE J. SALADINO

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

A R T I C L E I.

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

*Sec. 2.* The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the 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 en-

IN 1976 and 1978 the State Historical Society of Wisconsin, with the support of the National Historical Publications and Records Commission, published volumes I-III of *The Documentary History of the Ratification of the Constitution*. Volume I, *Constitutional Documents and Records, 1776-1787*, made available documents essential to an understanding of the constitutional history of the United States from 1776 to 1787. The two subsequent volumes, *Ratification of the Constitution by the States . . .*, documented ratification by Pennsylvania, Delaware, New Jersey, Georgia, and Connecticut.

These volumes are encyclopedic in scope, consisting of manuscript and printed documents compiled from hundreds of sources, impeccably annotated, accompanied by microfiche supplements, and thoroughly indexed. *The Documentary History* is an unrivalled research and reference work for historical and legal scholars, librarians, and students of the Constitution.

*Commentaries on the Constitution: Public and Private*, the four-volume series which this volume inaugurates, is an integral but autonomous part of *The Documentary History of the Ratification of the Constitution*. The editors have prefaced *Commentaries* with an extensive introductory essay detailing the decade-long debate over the nature of American government. They have also included lists of federal and state officeholders, a chronology of ratification events, a list and analysis of American newspapers, biographical data, and a comprehensive index.

The documents in *Commentaries* present the day-by-day regional and national debate over the Constitution that took place in newspapers, magazines, broadsides, and pamphlets. Over 100 eighteenth-century newspapers have been searched. Many newspaper items in *Commentaries* were reprinted repeatedly throughout America by means of an informal news service operated by printers who exchanged newspapers. (The reprints of these items are indicated in editorial notes and in an informative tabular compilation published as an appendix.)

*Commentaries* also contains private letters commenting on the Constitution in general and speculating on the prospects for

(continued on back endflap)





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MADISON  
STATE HISTORICAL SOCIETY OF WISCONSIN  
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LIBRARY OF CONGRESS CATALOGING IN PUBLICATION DATA [REVISED]

Main entry under title:

The Documentary history of the ratification  
of the Constitution.

Editors for v. 13: John P. Kaminski, Gaspare J. Saladino.  
Includes indexes.

CONTENTS: v. 1. Constitutional documents and records,  
1776-1789. —v. 2. Ratification of the Constitution  
by the States: Pennsylvania. —v. 3. Ratification of  
the Constitution by the States: Delaware, New Jersey,  
Georgia, Connecticut. —v. 13. Commentaries on the  
Constitution, public and private (1).

I. United States—Constitutional history—Sources.

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

KF5402.D63 342'.73'029 75-14149

ISBN 0-87020-153-0 (v. 1) 347.30229 AACR2

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**MERRILL JENSEN**

1905-1980

*Historian, Editor, Teacher*

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## Contents

Preface	xvii
Acknowledgments	xxi
Organization	xxiii
Editorial Procedures	xxv
Symbols	xxvi
Calendar for the Years 1787 and 1788	xxix
American Newspapers, 1787–1788	xxx
Ratification Chronology, 1786–1790	xl
Officers of the United States, 1787	xliii
Introduction	3
<b>THE DOCUMENTS</b>	
1. Resolution of Congress, 21 February 1787	45
2. Benjamin Rush and William Barton: Essays on the Means to Improve the Confederation	45
A. Benjamin Rush: Address to the People of the United States	45
B. William Barton: On the Propriety of Investing Congress with Power to Regulate the Trade of the United States	49
3. The Idea of Separate Confederacies	54
A. Boston Independent Chronicle, 15 February	57
B. Reason, New York Daily Advertiser, 24 March	57
C. Lycurgus, New York Daily Advertiser, 2 April	58
4. George Washington: To The Executives of the States (1783) Providence United States Chronicle, 15 March	60
5. American Fear of British Domination, New York Journal, 15 March	71
A. Americanus	71
B. Extract of a letter from Halifax, via St. Johns, dated Feb. 3, 1787	73
6. Charlestown American Recorder, 16 March	74
7. Providence United States Chronicle, 29 March	76
8. New Hampshire Spy, 3 April	76
9. Philadelphia American Museum, 4 April	76
10. George Washington's Election to the Convention Philadelphia Independent Gazetteer, 9 April	77
11. Virginia Independent Chronicle, 11 April	78
12. Massachusetts Centinel, 11 April	79
13. Newport Herald, 12 April	79
14. Benjamin Franklin's Election to the Convention Massachusetts Centinel, 14 April	80
15. Thomas Jefferson: On Violence in America New Haven Gazette, 19 April (excerpt)	81
16. John Adams: A Defence of the Constitutions	81
A. Preface, Massachusetts Gazette, 20 April	86
B. Letter LIII, New York Daily Advertiser, 9 May	86
C. Sidney, Philadelphia Independent Gazetteer, 6 June	88
D. Baltimore Maryland Gazette, 3 July	89
E. Senex, Virginia Independent Chronicle, 15 August	89
F. Philadelphia Freeman's Journal, 12 September	89

17. Baltimore Maryland Gazette, 24 April	91
18. Agrarian Unrest and the Constitution	91
A. Albany Gazette, 3 May	94
B. Massachusetts Centinel, 16 May	94
C. Massachusetts Centinel, 19 May	94
D. Litchfield Weekly Monitor, 21 May	95
E. Worcester Magazine, Fourth Week in May	95
F. Virginia Gazette and Weekly Advertiser, 19 July	96
G. Petersburg Virginia Gazette, 6 September	96
19. Pennsylvania Herald, 9 May	96
20. Speculation about a New Constitution	97
A. Worcester Magazine, Third Week in May	97
B. Massachusetts Gazette, 12 June	98
C. Pennsylvania Herald, 25 July	98
21. "Z," Philadelphia Freeman's Journal, 16 May	98
22. Richard Price: On the American Government Philadelphia Independent Gazetteer, 16 May	100
23. An Enquiry into the Principles of a Commercial System Philadelphia, 19 May (excerpt)	102
24. Pennsylvania Herald, 19 May	104
25. Connecticut Legislature Debates the Appointment of Delegates to the Constitutional Convention, 12 May, Connecticut Courant, 21 May	105
26. Baltimore Maryland Gazette, 22 May	112
27. New York Journal, 24 May	113
28. To the Political Freethinkers of America New York Daily Advertiser, 24 May	113
29. Harrington: To the Freemen of the United States Pennsylvania Gazette, 30 May	116
30. Reports of Constitutional Convention Proceedings 30 May–13 September	120
A. Pennsylvania Herald, 30 May	122
B. Pennsylvania Herald, 2 June	122
C. Pennsylvania Herald, 13 June	123
D. Extract of a Letter from Philadelphia, 15 June Baltimore Maryland Gazette, 19 June	123
E. Philadelphia Independent Gazetteer, 16 June	124
F. Pennsylvania Gazette, 18 July	124
G. Extract of a Letter from Philadelphia, 21 July Charleston Columbian Herald, 9 August	124
H. Philadelphia Independent Gazetteer, 28 July	125
I. Pennsylvania Herald, 28 July	125
J. Pennsylvania Herald, 8 August	125
K. Pennsylvania Herald, 15 August	125
L. Pennsylvania Gazette, 5 September	125
M. Pennsylvania Herald, 13 September	126
31. Philadelphia Independent Gazetteer, 5 June	126
32. Massachusetts Gazette, 5 June	127
33. West-Chester Farmer: To the Citizens of America New York Daily Advertiser, 8 June	128
34. Pennsylvania Herald, 9 June	130
35. Rhode Island and the Constitutional Convention	131
A. Pennsylvania Herald, 9 June	132
B. Philadelphia Independent Gazetteer, 22 June	132

36. Nestor, Massachusetts Centinel, 13 June	132
37. New York Daily Advertiser, 18 June	133
38. Richard Price to William Bingham Philadelphia Independent Gazetteer, 20 June	133
39. Pennsylvania Herald, 20 June	135
40. The Opposition to a New Constitution, 20 June–12 September	135
A. Pennsylvania Gazette, 20 June	135
B. Alexander Hamilton Attacks Governor George Clinton New York Daily Advertiser, 21 July	136
C. Pennsylvania Herald, 1 August	138
D. Pennsylvania Gazette, 8 August	138
E. A Republican, New York Journal, 6 September (excerpt)	139
41. Albany Gazette, 21 June	141
42. Civis, Pennsylvania Packet, 25 June	144
43. Philadelphia Independent Gazetteer, 26 June	145
44. Philadelphia Independent Gazetteer, 27 June	147
45. Massachusetts Centinel, 30 June	148
46. The United States, Spain, and the Navigation of the Mississippi River	149
A. Maryland Journal, 3 July	152
B. Maryland Journal, 3 July	154
C. Pennsylvania Packet, 7 July (excerpt)	155
D. New York Journal, 12 July (excerpt)	157
47. Celebration of the Fourth of July	158
A. John Brooks, Boston, Oration Delivered to the Massachusetts Society of the Cincinnati (excerpts)	159
B. David Daggett, Oration Delivered in New Haven (excerpts)	160
C. James Campbell, Oration Delivered in Philadelphia (excerpts)	163
D. New York Journal, 12 July	164
E. Pennsylvania Herald, 14 July	165
F. New York Journal, 19 July	165
48. Norwich Packet, 5 July	167
49. Charleston Columbian Herald, 5 July	167
50. Philadelphia Independent Gazetteer, 6 July	168
51. Monarchical Tendencies in America	168
A. Fairfield Gazette, 25 July	172
B. New Haven Gazette, 2 August	174
C. Pennsylvania Herald, 18 August	174
D. Alexander Hamilton to Jeremiah Wadsworth, New York, 20 August	174
E. Jeremiah Wadsworth to Alexander Hamilton, Hartford, 26 August	175
F. David Humphreys to Alexander Hamilton, New Haven, 1 September	175
52. Petersburg Virginia Gazette, 26 July	178
53. Charleston Columbian Herald, 26 July	179
54. Philadelphia Independent Gazetteer, 27 July	180
55. Observations on the Articles of Confederation, New York, 27 July (excerpt)	180
56. Pennsylvania Herald, 28 July	182
57. Pennsylvania Gazette, 1 August	182
58. Americanus, New York Daily Advertiser, 1 August	183
59. An American, Massachusetts Centinel, 4 August	184
60. Boston American Herald, 6 August	185
61. Salem Mercury, 7 August	186
62. New Hampshire Spy, 7 August	187
63. Pennsylvania Gazette, 15 August	187
64. New York Journal, 16 August	188

65. Pennsylvania Packet, 20 August	188
66. Philadelphia Independent Gazetteer, 22 August	189
67. Philadelphia Independent Gazetteer, 22 August	189
68. Pennsylvania Gazette, 22 August	189
69. Philadelphia Freeman's Journal, 29 August	190
70. Pennsylvania Gazette, 29 August	191
71. Pennsylvania Gazette, 29 August	191
72. Pennsylvania Gazette, 5 September	192
73. Pennsylvania Gazette, 12 September	193
74. Pennsylvania Gazette, 12 September	193
75. The Constitutional Convention, A Second General Convention, and A Bill of Rights, 12–15 September	195
76. The Report of the Constitutional Convention, 17 September	199
77. Benjamin Franklin: Speech in Convention, 17 September	212
A. Franklin's Speech	213
B. Franklin's Final Remarks	215
78. North Carolina Delegates to Governor Richard Caswell Philadelphia, 18 September	215
79. Pennsylvania Gazette, 19 September	217
80. Phineas Bond to the Marquis of Carmarthen Philadelphia, 20 September (excerpt)	217
81. Benjamin Franklin to Jane Mecom, Philadelphia, 20 September (excerpt)	218
82. Elbridge Gerry to John Adams, New York, 20 September	218
83. James Madison to Edmund Pendleton, Philadelphia, 20 September (excerpt)	218
84. Robert Milligan to William Tilghman, Philadelphia, 20 September (excerpt)	219
85. Matthew M'Connell to William Irvine, Philadelphia, 20 September (excerpt)	220
86. Roger Alden: Memorandum, New York, 21 September	220
87. Philadelphia Independent Gazetteer, 21 September	221
88. Pennsylvania Packet, 22 September	222
89. Don Diego de Gardoqui to Conde de Floridablanca New York, 23 September (excerpts)	223
90. George Washington to Former Virginia Governors Mount Vernon, 24 September	223
91. New York Daily Advertiser, 24 September	224
92. St. Jean de Crevecoeur to Le Maréchal de Castries New York, 25 September (excerpts)	226
93. William Samuel Johnson to Samuel William Johnson New York, 25 September (excerpts)	227
94. Daniel Shays to the Antifederal Junto in Philadelphia Philadelphia Independent Gazetteer, 25 September	228
95. The Confederation Congress and the Constitution, 26–28 September	229
96. Destiny and George Washington	
A. Delaware Gazette, 26 September	243
B. Pennsylvania Gazette, 10 October	243
97. Strictures on the Proposed Constitution Philadelphia Freeman's Journal, 26 September	243
98. Philadelphia Independent Gazetteer, 26 September	246
99. Philadelphia Independent Gazetteer, 26 September	246
100. An American Citizen: On the Federal Government	247
A. An American Citizen I: On the Federal Government Philadelphia Independent Gazetteer, 26 September	247
B. Tench Coxe to James Madison, Philadelphia, 27 September (excerpt)	251
C. James Madison to Tench Coxe, New York, 1 October	251
101. Pennsylvania Gazette, 26 September	252

102. Virginia Independent Chronicle, 26 September	254
103. Cato I, New York Journal, 27 September	255
104. Newport Herald and Providence United States Chronicle, 27 September	257
A. Newport Herald, 27 September	257
B. Providence United States Chronicle, 27 September	258
105. Antoine de la Forest to Comte de Montmorin, New York, 28 September	259
106. David Humphreys to George Washington, New Haven 28 September (excerpts)	261
107. Benjamin Rush to John Coakley Lettsom, Philadelphia 28 September (excerpts)	262
108. Maryland Journal, 28 September	263
109. An American Citizen II: On the Federal Government Philadelphia Independent Gazetteer, 28 September	264
110. Massachusetts Centinel, 29 September	266
A. [unsigned]	266
B. A True American	267
111. Curtius I, New York Daily Advertiser, 29 September	268
112. An American Citizen III: On the Federal Government Philadelphia Independent Gazetteer, 29 September	272
113. Charles Cotesworth Pinckney to Sir Matthew White Ridley New York, 29 September (excerpt)	274
114. James Madison to George Washington, New York, 30 September	275
115. Alexander Hamilton: Conjectures About the Constitution, September	277
116. From Henry Knox, New York, September	279
117. Richard Henry Lee to George Mason, New York, 1 October	281
118. Reverend James Madison on the Constitution	
A. To Thomas Madison, Williamsburg, 1 October (excerpt)	283
B. To James Madison, n.p., ca. 1 October	283
119. Pieter Johann Van Berckel to the States General New York, 1 October (excerpt)	285
120. Boston American Herald, 1 October	285
121. Cæsar I, New York Daily Advertiser, 1 October	287
122. Richard Henry Lee to William Shippen, Jr., New York, 2 October (excerpt)	289
123. New Hampshire Spy, 2 October	289
124. Foreign Spectator, Philadelphia Independent Gazetteer, 2 October	290
125. The Pennsylvania General Assembly and the Constitution	293
A. The Address of the Seceding Assemblymen Philadelphia, 2 October (excerpt)	295
B. A Citizen of Philadelphia, Remarks on the Address of Sixteen Members, 18 October (excerpt)	297
126. Henry Knox to George Washington, New York, 3 October	306
127. Arthur Lee to John Adams, New York, 3 October	307
128. Philadelphia Freeman's Journal, 3 October	308
129. Poughkeepsie Country Journal, 3 October	309
130. Social Compact, New Haven Gazette, 4 October	310
131. The Press and the Constitution	312
A. New York Journal, 4 October	315
B. Boston Independent Chronicle, 4 October	315
C. Massachusetts Centinel, 10 October	315
D. Boston American Herald, 15 October	316
E. A Citizen, Massachusetts Gazette, 16 October	316
F. Massachusetts Gazette, 16 October	317
G. Philadelphia Freeman's Journal, 24 October	317



H. Detector, <i>New York Journal</i> , 25 October	318
I. A <i>Pennsylvania Mechanic</i> , <i>Philadelphia Independent Gazetteer</i> , 29 October	318
J. Galba, <i>Philadelphia Independent Gazetteer</i> , 31 October	319
K. <i>Philadelphia Freeman's Journal</i> , 31 October	319
L. The Jewel, <i>Philadelphia Independent Gazetteer</i> , 2 November	320
M. Argus, <i>Providence United States Chronicle</i> , 8 November	320
N. <i>Providence United States Chronicle</i> , 15 November	321
132. Richard Henry Lee to Samuel Adams, <i>New York</i> , 5 October	323
133. Centinel I, <i>Philadelphia Independent Gazetteer</i> , 5 October	326
134. James Wilson: Speech at a Public Meeting in Philadelphia, 6 October	337
135. The Grand Constitution, <i>Massachusetts Centinel</i> , 6 October	344
136. Blessings of the New Government <i>Philadelphia Independent Gazetteer</i> , 6 October	345
137. James Madison to Edmund Randolph, <i>New York</i> , 7 October (excerpt)	346
138. George Mason: Objections to the Constitution, 7 October	346
A. George Mason to George Washington, Gunston Hall 7 October (excerpt)	348
B. Mason's Objections to the Constitution of Government formed by the Convention	348
139. Pierce Butler to Weeden Butler, <i>New York</i> , 8 October (excerpt)	351
140. Lambert Cadwalader to George Mitchell, <i>New York</i> , 8 October (excerpt)	352
141. Oliver Wolcott, Sr. to Oliver Wolcott, Jr., <i>Litchfield</i> , 8 October (excerpt)	354
142. Edmund Pendleton to James Madison, <i>Edmundsbury</i> , 8 October (excerpt)	354
143. A Federal Centinel, <i>South Carolina Weekly Chronicle</i> , 9 October	355
144. Nathan Dane to Caleb Strong, <i>New York</i> , 10 October	356
∞ Editors' Note: Governor Edmund Randolph to the Speaker of the Virginia House of Delegates, <i>Richmond</i> , 10 October	357
145. Edmund Pendleton to Nathaniel Pendleton, Jr. <i>Edmundsbury</i> , 10 October (excerpt)	357
146. George Washington to James Madison, <i>Mount Vernon</i> , 10 October	358
147. Tench Coxe to Andrew Allen, <i>Philadelphia</i> , 10 October (excerpt)	360
148. "A," <i>Newburyport Essex Journal</i> , 10 October	360
149. <i>Philadelphia Freeman's Journal</i> , 10 October	361
150. Foederal Constitution, <i>Pennsylvania Gazette</i> , 10 October	362
151. Henry Laurens and the Constitution, 11 October–29 November	
A. Henry Laurens to William Bell, <i>Mepkin Plantation</i> 11 October (excerpt)	366
B. <i>Pennsylvania Gazette</i> , 31 October	366
C. Henry Laurens to William Bell, <i>Mepkin Plantation</i> 29 November (excerpt)	367
152. Richard Henry Lee to George Washington, <i>New York</i> , 11 October	367
153. Cato II, <i>New York Journal</i> , 11 October	369
154. <i>Virginia Herald</i> , 11 October	372
155. Charles Tillinghast to Hugh Hughes, <i>New York</i> , 12 October (excerpt)	373
156. Baptists and the Constitution	374
A. Meeting of Philadelphia Association of Baptist Churches, <i>New York Packet</i> , 12 October	374
B. James Manning to Isaac Backus, <i>Providence</i> , 31 October (excerpts)	375
157. An Old Whig I, <i>Philadelphia Independent Gazetteer</i> , 12 October	376
158. <i>Philadelphia Independent Gazetteer</i> , 13 October	379
159. James Madison to George Washington, <i>New York</i> , 14 October (excerpt)	380
160. George Washington to Henry Knox, <i>Mount Vernon</i> , 15 October	381

161. Boston Gazette, 15 October	382
162. Marcus, New York Daily Advertiser, 15 October	383
163. William Ellery to Ebenezer Hazard, Newport, 16 October (excerpt)	384
164. John Jay to John Adams, Office for Foreign Affairs, 16 October (excerpt)	385
∞ Editors' Note: Richard Henry Lee to Governor Edmund Randolph New York, 16 October	385
165. George Washington to David Stuart, Mount Vernon, 17 October	385
166. Philadelphia Freeman's Journal, 17 October	386
167. A Democratic Federalist, Pennsylvania Herald, 17 October	386
168. One of the People, Massachusetts Centinel, 17 October	392
169. Cæsar II, New York Daily Advertiser, 17 October	395
170. An Old Whig II, Philadelphia Independent Gazetteer, 17 October	399
171. The Attack on the Non-signers of the Constitution, Philadelphia, 17 October	403
A. Pennsylvania Journal, 17 October	404
B. Pennsylvania Gazette, 17 October	404
C. Pennsylvania Herald, 17 October	404
172. A View of the Proposed Constitution, Philadelphia, 17 October	405
173. A Citizen of America: An Examination into the Constitution, Philadelphia, 17 October	405
174. Don Diego de Gardoqui to Conde de Floridablanca New York, 18 October (excerpt)	407
175. Elbridge Gerry to James Warren, New York, 18 October	407
176. James Madison to George Washington, New York, 18 October	408
177. Governor John Hancock: Speech to the Massachusetts General Court, Boston, 18 October (excerpt)	410
178. Brutus I, New York Journal, 18 October	411
179. George Mason to Elbridge Gerry, Virginia Fairfax County Gunston Hall, 20 October (excerpt)	421
180. Louis Guillaume Otto to Comte de Montmorin, New York, 20 October	422
181. An Old Whig III, Philadelphia Independent Gazetteer, 20 October	425
182. James Madison to Edmund Randolph, New York, 21 October (excerpt)	429
∞ Editors' Note: Addresses to the Citizens of Pennsylvania Philadelphia, 21 October	430
183. An American Citizen IV: On the Federal Government	431
A. An American Citizen IV: On the Federal Government Philadelphia, 21 October	431
B. Tench Coxe to James Madison, Philadelphia, 21 October (excerpt)	437
C. James Madison to Tench Coxe, New York, 26 October (excerpt)	437
184. Lambert Cadwalader to Edward Lloyd, New York, 23 October (excerpt)	438
185. Edward Carrington to Thomas Jefferson, New York, 23 October (excerpt)	438
186. Henry Knox to the Marquis de Lafayette, New York, 24 October (excerpt)	441
187. James Madison to Thomas Jefferson, New York 24 October, 1 November (excerpts)	442
188. James Madison to William Short, New York, 24 October (excerpt)	454
189. A Political Dialogue, Massachusetts Centinel, 24 October	455
190. Centinel II, Philadelphia Freeman's Journal, 24 October	457
191. Edward Carrington to William Short, New York, 25 October (excerpts)	469
192. The Report of Connecticut's Delegates to the Constitutional Convention, New Haven Gazette, 25 October	470
193. James White to William Blount, Philadelphia, 25 October (excerpt)	472
194. Ezekiel, Boston Independent Chronicle, 25 October	472
195. Cato III, New York Journal, 25 October	473
196. A Republican I: To James Wilson, Esquire, New York Journal, 25 October	477

197. A Slave and A Son of Liberty, New York Journal, 25 October, 8 November	480
A. A Slave, New York Journal, 25 October	480
B. A Son of Liberty, New York Journal, 8 November	481
198. Newport Herald, 25 October	483
199. Richard Henry Lee to Samuel Adams, New York, 27 October (excerpt)	484
200. John Stevens, Jr. to John Stevens, Sr., New York, 27 October (excerpt)	486
201. Publius: The Federalist 1, New York Independent Journal, 27 October	486
202. An Old Whig IV, Philadelphia Independent Gazetteer, 27 October	497
203. M.C., Pennsylvania Herald, 27 October	502
204. Philadelphia Independent Gazetteer, 27 October	503
205. James Madison to Edmund Pendleton, New York, 28 October	503
206. Walter Minto to the Earl of Buchan, New York, 28 October (excerpt)	505
207. George Lee Turberville to Arthur Lee, Richmond, 28 October	505
208. Christopher Gadsden to Thomas Jefferson, Charleston, 29 October (excerpts)	507
209. Joseph Jones to James Madison, Richmond, 29 October	508
210. From Arthur Lee, New York, 29 October	510
211. Boston Gazette, 29 October	511
212. James Madison to Archibald Stuart, New York, 30 October (excerpts)	512
213. Gouverneur Morris to George Washington, Philadelphia, 30 October	513
214. Salem Mercury, 30 October	515
215. Nicholas Gilman to President John Sullivan of New Hampshire, New York, 31 October (excerpt)	515
216. Northampton Hampshire Gazette, 31 October	516
217. Publius: The Federalist 2, New York Independent Journal, 31 October	517
218. Pennsylvania Gazette, 31 October	520
219. Ship News, Boston Independent Chronicle, 1 November	522
220. Albany Gazette, 1 November	523
221. Brutus II, New York Journal, 1 November	524
222. Cincinnatus I: To James Wilson, Esquire, New York Journal, 1 November	529
223. Timoleon, New York Journal, Extraordinary, 1 November	534
224. An Old Whig V, Philadelphia Independent Gazetteer, 1 November	538
225. Foreigner I, Philadelphia Independent Gazetteer, 2 November	543
226. Pieter Johann Van Berckel to the States General New York, 3 November (excerpt)	545
227. Elbridge Gerry and the Constitution	546
A. Elbridge Gerry to the Massachusetts General Court Massachusetts Centinel, 3 November	548
B. Rufus King and Nathaniel Gorham: Response to Elbridge Gerry's Objections	550
228. Publius: The Federalist 3, New York Independent Journal, 3 November	555
229. A Farmer, of New Jersey: Observations on Government New York, 3 November (excerpt)	558
230. A Landholder I, Connecticut Courant, 5 November	561
231. An Officer of the Late Continental Army Philadelphia Independent Gazetteer, 6 November	564
232. George Turner to Winthrop Sargent Philadelphia, 6 November (excerpt)	565
233. George Washington in the Constitutional Convention	566
A. New Jersey Journal, 7 November	566
B. Anecdote, Pennsylvania Herald, 7 November	566
C. Massachusetts Gazette, 20 November	567
234. Publius: The Federalist 4, New York Independent Journal, 7 November	568

CONTENTS

xv

235. Mathew Carey: The Prayer of an American Citizen Philadelphia American Museum, 7 November	571
236. Philadelphia Freeman's Journal, 7 November	572
237. The Philadelphia Press and the Constitution	573
A. Philadelphiensis I, Independent Gazetteer, 7 November	574
B. Benjamin Russell to Eleazer Oswald Independent Gazetteer, 4 December	579
C. Philadelphiensis to Eleazer Oswald Independent Gazetteer, 5 December	580
APPENDIX I: Newspaper Squibs or Fillers	582
Pennsylvania Gazette, 19 September	582
Pennsylvania Herald, 22 September	582
Pennsylvania Herald, 25 September	582
Pennsylvania Packet, 25 September	583
New York Journal, 27 September	583
New Haven Gazette, 4 October	583
Philadelphia Independent Gazetteer, 6 October	583
Philadelphia Freeman's Journal, 10 October	584
Pennsylvania Gazette, 10 October	584
Philadelphia Independent Gazetteer, 12 October	585
Pennsylvania Gazette, 17 October	585
Lansingburgh Northern Centinel, 29 October	585
Newport Herald, 1 November (excerpt)	586
New York Journal, 1 November	586
Philadelphia Independent Gazetteer, 1 November	586
Pennsylvania Herald, 3 November	587
Pennsylvania Packet, 3 November	587
Massachusetts Centinel, 7 November	587
Pennsylvania Gazette, 7 November	587
APPENDIX II	
Statistical Table of the Circulation of Newspaper Items, Broadsides, and Pamphlets Published in Volume I of <i>Commentaries</i>	588
APPENDIX III	
Statistical Table of the Circulation of Newspaper Reports of Public Meetings on the Constitution	597
INDEX	599



## Preface

The public and private debate over the form of government for the United States began in 1774. The debate intensified after February 1787, when Congress sanctioned the meeting of the Constitutional Convention, and it became heated and partisan after the Constitution was promulgated.

This debate took place on the local, state, regional, and national levels. The local and state debates were conducted in town, city, and county meetings; political and social clubs; state legislatures and ratifying conventions; and newspapers. The regional and national debates were conducted almost entirely within newspapers, magazines, broadsides, and pamphlets.

*Commentaries on the Constitution* presents an almost day-by-day account of the regional and national debates on the Constitution. With a few exceptions, the documents have been arranged in chronological order and have been numbered consecutively. In certain cases, the chronology has been broken so that related documents could be grouped. Taken together, the material in *Commentaries* probably forms the greatest body of political writing in American history.

Newspapers are the most significant source for the study of the public debate over the Constitution. They became a potent force in the struggle for independence from Great Britain, as the advocates of independence used them extensively to further their cause. Because of their low cost and frequent appearance, newspapers were readily available to thousands of people for whom they were the primary source of information. Considered by many to be bulwarks of liberty, newspapers emerged from the War for Independence more important than ever.

This importance was effectively utilized before and during the debate over the ratification of the Constitution. Information about the Constitutional Convention was widely reported and the public mind was prepared to accept whatever the Convention proposed. After the Convention adjourned, at least seventy-five newspapers published the Constitution in less than two months. Newspapers also printed an avalanche of items defending or attacking the Constitution—items that ranged from squibs or fillers to lengthy and sophisticated political treatises.

Both the advocates and opponents of the Constitution realized that newspapers would play a crucial role in the debate over the Constitution. Contemporaries, however, were occasionally distressed by the "paper war" that developed and the virulence, ferocity, and scurrility with which it was fought. Despite the depths to which the debate sometimes sank, some people were not disturbed, because they viewed the "paper war" as a reflection of the freedom that Americans enjoyed.

The freedom of the press was a right cherished by most Americans. Nine of eleven state constitutions adopted during the Revolution guaranteed this right. Federalists maintained that nothing in the Constitution threatened the freedom of the press, while Antifederalists criticized the Constitution because it did not specifically protect that freedom. In September 1787 Richard Henry Lee of Virginia proposed in Congress that the Constitution be amended to include a guarantee of this right. Similar amendments were proposed in or adopted by seven state ratifying conventions.

Approximately ninety-five newspapers were published in 1787 and 1788. Most were weeklies, but there were a few semiweeklies, triweeklies, and even dailies. In general, newspapers consisted of a single folio or crown sheet folded once, making two leaves or four pages. At least one page was usually devoted to business and social advertisements, a half page to foreign news, and the remainder to American "intelligence" and essays on a wide variety of subjects.

Eighteenth-century newspaper printers operated a primitive regional and national news service. They exchanged their newspapers and often reprinted essays, news items, and fillers. Occasionally the original newspaper source was cited, but more commonly only the dateline was given. In some instances, there is no evidence to reveal the original source. The exchange of newspapers was so prevalent that certain items were reprinted in thirty, forty, and even fifty newspapers. Such is the case with numerous items in *Commentaries*. The number of reprints for each newspaper item has been indicated in editorial notes and in Appendix II.

Most newspaper printers pursued policies favorable to the new Constitution. Some refused to publish Antifederalist material unless authors submitted their names with their writings. Others would not print any Antifederalist material except that which they considered answerable. A few printers were pressured not to publish Antifederalist writings. And lastly, some printers apparently published deliberate distortions and outright lies.

The most influential Federalist newspapers were: the Boston *Massachusetts Centinel*, Hartford *Connecticut Courant*, New Haven *Gazette*, New York *Independent Journal*, New York *Daily Advertiser*, New York *Packet*, Philadelphia *Pennsylvania Gazette*, and Philadelphia *Pennsylvania Packet*.

Only six newspapers clearly opposed the Constitution: the *Boston American Herald*, *Providence United States Chronicle*, *New York Journal*, *Philadelphia Freeman's Journal*, *Philadelphia Independent Gazetteer*, and the *New Bern North Carolina Gazette*.

Several newspapers, though not Antifederalist, reprinted a significant amount of Antifederalist material. These were: the *Portland Cumberland Gazette*, *Boston Independent Chronicle*, *Boston Massachusetts Gazette*, *New York Morning Post*, *Philadelphia Pennsylvania Herald*, *Richmond Virginia Independent Chronicle*, and *Winchester Virginia Gazette*.

During the first few months of the debate on the Constitution, the majority of the nationally reprinted newspaper articles originated in Philadelphia, where at one time or another in 1787 and 1788 twelve newspapers were published. The most widely reprinted newspaper in America was the weekly *Pennsylvania Gazette*. Other widely reprinted Philadelphia newspapers were the *Independent Gazetteer*, *Freeman's Journal*, *Pennsylvania Herald*, and *Pennsylvania Packet*. The *Philadelphia American Museum*, a lengthy, monthly magazine, contained little original material, but its importance lay in its extensive nationwide circulation. As the public debate continued, the newspapers in New York City and to a lesser extent in Boston, became prominent in the national debate. (For brief biographies of a few influential printers and analyses of their publications, see *American Newspapers, 1787-1788*.)

Broadsides and pamphlets are another major source for the study of the public debate on the Constitution. Federalists and Antifederalists printed broadsides and pamphlets because of the ease with which large numbers of them could be distributed, especially in the more remote sections of the United States or in areas where newspapers printed just one side of the debate. Pamphlets were usually original treatises, while broadsides were more commonly reprints of newspaper essays or compilations of items previously published in newspapers. Some broadsides and pamphlets were printed by publishers who hoped to sell them for a profit; others were commissioned by Federalists or Antifederalists who disseminated them gratis or at a nominal price. Most pamphlets and broadsides were undated, but, based upon information found in newspapers, they have been assigned specific dates in *Commentaries*. For example, a newspaper would run an advertisement announcing that a pamphlet or broadside had "Just Been Published" or that it was "To Be Published Tomorrow." Some broadsides, however, have been dated because of statements made in private letters. In general, broadsides and pamphlets were distributed within a state or region, but occasionally they were circulated nationwide.

Most private letters concerning the Constitution have been placed in *Ratification of the Constitution by the States*. Some, however, have been in-



cluded in *Commentaries*. Most of the latter express the writer's opinion of the Constitution in general; speculate on the prospects for ratification in several states; or illuminate the authorship, publication, and/or circulation of newspaper items, pamphlets, and broadsides that are published in *Commentaries*. Another type of letter is the official letter written by Constitutional Convention delegates to their state executives or legislatures in which they explained their actions in the Convention and commented upon the nature of the Constitution. Some of these official letters were published and widely circulated. Other official letters from resident French, Dutch, Spanish, and British diplomats to their superiors in Europe also appear in *Commentaries*. For the most part, these letters give the writer's opinion of the Constitution, assess the chances of ratification, and consider the probable effect that the new Constitution would have, particularly on foreign affairs.

Several speeches appear in this volume of *Commentaries*. Those given before or during the Constitutional Convention are the debates in the Connecticut House of Representatives over the appointment of Convention delegates, three 4th of July orations, the Convention debates over a bill of rights and a second general convention, and Benjamin Franklin's conciliatory speech on the last day of the Convention. Speeches delivered after the publication of the Constitution include: the debate in Congress transmitting the Constitution to the states, James Wilson's speech before a Philadelphia public meeting, and Governor John Hancock's address upon delivering the Constitution to the Massachusetts General Court.

## Acknowledgments

Volume I (CDR, 26–29) contains our recognition of the many individuals who, over the years, have assisted and encouraged this project. Special thanks, however, are appropriate for those who have contributed to the first volume of *Commentaries on the Constitution*.

The staff of the National Historical Publications and Records Commission has aided the project in every possible manner. Oliver Wendell Holmes, the Commission's former executive director, and Fred Shelley, his deputy, enthusiastically supported the reorganization of the project after the late Merrill Jensen assumed editorship. An integral part of that reorganization called for the creation of *Commentaries on the Constitution*. Frank G. Burke, the Commission's present executive director, and his associates have continued the generous support of their predecessors. A particular debt is due to Roger A. Bruns, George L. Vogt, Richard N. Sheldon, Mary A. Giunta, and Sara Dunlap Jackson.

Dozens of libraries have been searched and without exception their staffs have been cooperative and cordial. Especially helpful have been the staffs of the Library of Congress Manuscript Division, the Massachusetts Historical Society, the New-York Historical Society, the New York Public Library, the Library Company of Philadelphia, the American Philosophical Society Library, and the Historical Society of Pennsylvania. The State Historical Society of Wisconsin, our primary research library, has been unstinting in aiding the project. Richard A. Erney, the Society's director, has helped whenever possible. The staff of the Society's library cannot be thanked enough, especially librarian Peter Draz, Ellen Burke, Sharon Mulak, and other members of the circulation department. Their good humor and patience are appreciated.

The same cooperation has been received from the History Department of the University of Wisconsin-Madison. Stanley G. Payne, the department's chairman, and the department's administrative staff have assisted the editors on numerous occasions.

Several documentary history projects have either searched their files or permitted us to search them in order to locate documents. Most helpful have been W. W. Abbot of the George Washington Papers, Lyman H. Butterfield, former editor-in-chief of the Adams Family Papers, the late Leonard W. Labaree, editor of the Benjamin Franklin Papers, Richard B. Morris of the John Jay Papers, Carl E. Prince of the

William Livingston Papers, and Robert A. Rutland of the James Madison Papers. Kenneth R. Bowling of the First Federal Congress project has aided the project in many ways.

A great debt is owed to former members of the Ratification project who were directly concerned with the production of this volume. We would like to thank Joan Leffler, Esther Anken, and Laura Sutkus for transcribing, typing, and retyping thousands of pages of documents and editorial notes. Their painstaking efforts are much appreciated. Steven R. Boyd served as a research and editorial assistant. Douglas E. Clanin and Michael E. Stevens—who have become editors elsewhere—made significant contributions as assistant editors.

The editors are grateful to Gary Aamodt and William E. Kasdorf of A-R Editions, Inc., Madison, Wisconsin, for their instructions in the preparation of printer's copy to be typeset by computers.

\* \* \* \* \*

This volume is dedicated to the memory of Professor Merrill Jensen, the project's late editor, who died in January 1980 after a long illness. Professor Jensen became editor of the project in 1970 and later reorganized it to include *Commentaries on the Constitution*. He believed that this series would place the ratification of the Constitution in the context of the regional and national debate over the Constitution—a crucial supplement to the series on ratification by the states.

Under Professor Jensen three volumes of *The Documentary History of the Ratification of the Constitution* were published. The editors—his former students and colleagues—hope that this volume meets the standard of excellence that he established in these three volumes. If we have succeeded, it is in large part a consequence of our long and rewarding apprenticeship under Professor Jensen.

Lastly, the editors would like to express their deep regret at the recent death of Leonardo Saladino, the father of one of the editors, who would have been enormously pleased to have witnessed the publication of this volume.

## 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* (11 volumes),
- (3) *Commentaries on the Constitution: Public and Private* (4 volumes),
- (4) *The Bill of Rights* (1 or 2 volumes).

*Constitutional Documents and Records, 1776–1787.*

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

*Ratification of the Constitution by the States.*

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

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

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

The types of documents in the supplements are:

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

*Commentaries on the Constitution: Public and Private.*

This series contains newspaper items, pamphlets, and broadsides that circulated regionally or nationally. It also includes some private letters that give the writers' opinions of the Constitution in general or that report on the prospects for ratification in several states. Except for some grouped items, documents are arranged chronologically and are numbered consecutively throughout the four 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 26 September and were sent to the states on 2 October. This volume(s) will contain the documents related to the public and private debate over amendments, to the proposal of amendments by Congress, and to the ratification of the Bill of Rights by the states.

## Editorial Procedures

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

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

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

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

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

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

## Symbols

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

#### Manuscripts

Dft	Draft
DS	Document Signed
FC	File Copy
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

#### Manuscript Depositories

CtY	Yale University
DLC	Library of Congress
DNA	National Archives
DNDAR	Americana Room, Daughters of the American Revolution, National Headquarters
MHi	Massachusetts Historical Society
NHi	New-York Historical Society
NN	New York Public Library
Nc-Ar	North Carolina Department of Archives and History
PHi	Historical Society of Pennsylvania
PPAmP	American Philosophical Society
PPL	Library Company of Philadelphia
ScHi	South Carolina Historical Society

#### Short Titles

Adams, <i>Works</i>	Charles Francis Adams, ed., <i>The Works of John Adams</i> . . . (10 vols., Boston, Mass., 1850-56).
Bancroft, <i>Constitution</i>	George Bancroft, <i>History of the Formation of the Constitution of the United States of America</i> (2 vols., New York, N.Y., 1882).

- Boyd Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950-).
- Butterfield, *Rush* Lyman H. Butterfield, ed., *Letters of Benjamin Rush . . .* (2 vols., Princeton, N.J., 1951).
- Elliot, *Debates* Jonathan Elliot, ed., *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution . . .* (reprint edition, 5 vols., Philadelphia, Pa., and Washington, D.C., 1866).
- Evans Charles Evans, *American Bibliography* (12 vols., Chicago, Ill., 1903-1934).
- Farrand Max Farrand, ed., *The Records of the Federal Convention* (3rd edition, 3 vols., New Haven, Conn., 1927).
- Fitzpatrick John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799* (39 vols., Washington, D.C., 1931-1944).
- Ford, *Bibliography* Paul Leicester Ford, ed., *Bibliography and Reference List of the History and Literature Relating to the Adoption of the Constitution of the United States, 1787-8* (Brooklyn, N.Y., 1896).
- Ford, *Essays* Paul Leicester Ford, ed., *Essays on the Constitution of the United States, Published during Its Discussion by the People 1787-1788* (Brooklyn, N.Y., 1892).
- Ford, *Pamphlets* Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States, Published during Its Discussion by the People 1787-1788* (Brooklyn, N.Y., 1888).
- Hutchinson, *Madison* William T. Hutchinson, et al., eds., *The Papers of James Madison*, Volumes I-VII (Chicago, Ill., 1962-1971).
- Johnston, *Jay* Henry P. Johnston, ed., *The Correspondence and Public Papers of John Jay . . .* (4 vols., New York, N.Y., and London, 1890-1893).
- JCC Worthington C. Ford, et al., eds., *Journals of the Continental Congress, 1774-1789 . . .* (34 vols., Washington, D.C., 1904-1937).
- King, *King* Charles R. King, ed., *Life and Correspondence of Rufus King . . .* (6 vols., New York, N.Y., 1894-1900).
- LMCC Edmund C. Burnett, ed., *Letters of Members of the Continental Congress* (8 vols., Washington, D.C., 1921-1936).



- McMaster and Stone John B. McMaster and Frederick D. Stone, eds., *Pennsylvania and the Federal Constitution, 1787–1788* ([Philadelphia, Pa.], 1888.)
- McRee, Iredell Griffith J. McRee, ed., *Life and Correspondence of James Iredell . . .* (2 vols., New York, N.Y., 1857–1858).
- PCC Papers of the Continental Congress, 1774–1789 (Record Group 360, National Archives).
- Rutland, Madison Robert A. Rutland, et al., eds., *The Papers of James Madison, Volumes VIII–* (Chicago, Ill., and Charlottesville, Va., 1973–).
- Rutland, Mason Robert A. Rutland, ed., *The Papers of George Mason, 1725–1792* (3 vols., Chapel Hill, N.C., 1970).
- Syrett Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (New York, N.Y., 1961–).
- Thorpe Francis N. Thorpe, ed., *The Federal and State Constitutions . . .* (7 vols., Washington, D.C., 1909).
- Warren, Constitution Charles Warren, *The Making of the Constitution* (3rd edition, Cambridge, Mass., 1948).
- WMQ *The William and Mary Quarterly.*

### Cross-references to Volumes of

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

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

# Calendar for the Years 1787-1788

1787

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

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

## American Newspapers, 1787-1788

### SHORT TITLE LIST

The following short titles of selected newspapers and magazines are arranged alphabetically within each state. The full titles, the frequency of publication, the names of printers and publishers, and other information about all the newspapers of the period are contained in Clarence S. Brigham, *History and Bibliography of American Newspapers, 1690-1820* (2 vols., Worcester, Mass., 1947), and in his "Additions and Corrections to History and Bibliography of American Newspapers, 1690-1820," *Proceedings of the American Antiquarian Society*, LXXI, Part I (1961), 15-62. Similar data on magazines is in Frank Luther Mott, *A History of American Magazines, 1741-1850* (New York and London, 1930).

#### CONNECTICUT

*American Mercury*, Hartford  
*Connecticut Courant*, Hartford  
*Connecticut Gazette*, New London  
*Connecticut Journal*, New Haven  
*Fairfield Gazette*  
*Middlesex Gazette*, Middletown  
*New Haven Chronicle*  
*New Haven Gazette*  
*Norwich Packet*  
*Weekly Monitor*, Litchfield

#### DELAWARE

*Delaware Courant*, Wilmington  
*Delaware Gazette*, Wilmington

#### GEORGIA

*Gazette of the State of Georgia*, Savannah  
*Georgia State Gazette*, Augusta

#### MARYLAND

*Maryland Chronicle*, Fredericktown  
*Maryland Gazette*, Annapolis  
*Maryland Gazette*, Baltimore  
*Maryland Journal*, Baltimore  
*Palladium of Freedom*, Baltimore

#### MASSACHUSETTS

*American Herald*, Boston  
*American Recorder*, Charlestown  
*Berkshire Chronicle*, Pittsfield  
*Boston Gazette*  
*Continental Journal*, Boston  
*Cumberland Gazette*, Portland, Maine  
*Essex Journal*, Newburyport  
*Hampshire Chronicle*, Springfield  
*Hampshire Gazette*, Northampton  
*Herald of Freedom*, Boston  
*Independent Chronicle*, Boston  
*Massachusetts Centinel*, Boston  
*Massachusetts Gazette*, Boston  
*Salem Mercury*  
*Worcester Magazine/Massachusetts Spy*

#### NEW HAMPSHIRE

*Freeman's Oracle*, Exeter  
*New Hampshire Gazette*, Portsmouth  
*New Hampshire Mercury*, Portsmouth  
*New Hampshire Recorder*, Keene  
*New Hampshire Spy*, Portsmouth

#### NEW JERSEY

*Brunswick Gazette*, New Brunswick  
*New Jersey Journal*, Elizabeth Town  
*Trenton Mercury*

## NEW YORK

*Albany Gazette*  
*Albany Journal*  
*American Magazine*, New York  
*Country Journal*, Poughkeepsie  
*Daily Advertiser*, New York  
*Hudson Weekly Gazette*  
*Impartial Gazetteer*, New York  
*Independent Journal*, New York  
*New York Gazetteer*  
*New York Journal*  
*New York Morning Post*  
*New York Museum*  
*New York Packet*  
*Northern Centinel*, Lansingburgh

## NORTH CAROLINA

*North Carolina Gazette*, Edenton  
*North Carolina Gazette*, New Bern  
*State Gazette of North Carolina*, New Bern  
*Wilmington Centinel*

## SOUTH CAROLINA

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

## VIRGINIA

*Kentucke Gazette*, Lexington  
*Norfolk and Portsmouth Journal*, Norfolk  
*Virginia Centinel*, Winchester  
*Virginia Gazette*, Petersburg  
*Virginia Gazette*, Winchester  
*Virginia Gazette and Independent Chronicle*, Richmond  
*Virginia Gazette and Weekly Advertiser*, Richmond  
*Virginia Herald*, Fredericksburg  
*Virginia Independent Chronicle*, Richmond  
*Virginia Journal*, Alexandria

## VERMONT

*Vermont Gazette*, Bennington  
*Vermont Journal*, Windsor

## PENNSYLVANIA

*American Museum*, Philadelphia  
*Carlisle Gazette*  
*Columbian Magazine*, Philadelphia  
*Evening Chronicle*, Philadelphia  
*Federal Gazette*, Philadelphia  
*Freeman's Journal*, Philadelphia  
*Germantauer Zeitung*  
*Independent Gazetteer*, Philadelphia  
*Lancaster Zeitung*  
*Pennsylvania Chronicle*, York  
*Pennsylvania Gazette*, Philadelphia  
*Pennsylvania Herald*, Philadelphia  
*Pennsylvania Journal*, Philadelphia  
*Pennsylvania Mercury*, Philadelphia  
*Pennsylvania Packet*, Philadelphia  
*Philadelphische Correspondenz*  
*Pittsburgh Gazette*

## RHODE ISLAND

*Newport Herald*  
*Newport Mercury*  
*Providence Gazette*  
*United States Chronicle*, Providence

## MAJOR NEWSPAPERS PRINTERS AND POLICIES

### **American Herald**

The *American Herald* was published in Boston on Mondays by Edward E. Powars. While the Constitutional Convention was meeting, Powars advocated "the acceptance and approbation of the new Federal Constitution," which he believed the Convention would recommend (CC:60). After the Constitution appeared, he published almost no original material favoring the Constitution, although he printed Federalist, as well as Antifederalist, material from out-of-state newspapers, particularly from the Philadelphia *Independent Gazetteer*, *Pennsylvania Gazette*, and *New York Journal*.

Such a policy, plus his criticism of the Federalist *Massachusetts Centinel's* restrictive publication policy (CC:131), brought Powars under severe Federalist criticism. "John De Witt" complained in the *Herald* of 3 December that Federalists sought "to fetter and suppress" the free discussion of the Constitution "by THREATNING the Printer and DROPPING" subscriptions to his newspaper. Powars was "determined to keep his paper open to all parties, and influenced by none. . . . though he should even lose SOME MORE of his customers" (*American Herald*, 17 December). A correspondent in the *New York Journal* (27 December) applauded Powars' impartiality, mentioned his loss of subscribers, and encouraged those who took Boston newspapers to subscribe to the *Herald*.

Beginning in late December 1787, Powars was again attacked by Federalists for his proposed republication, in pamphlet form, of the *Letters from a Federal Farmer*—a major Antifederalist tract which New York Antifederalists had distributed widely (CC:242, 390). "Junius" wrote that, after reading an issue of the *Herald*, he "committed it to the flames. It was fraught (with some exceptions) with defamation and slander, and I was astonished to think that the editor of that publication should make it the vehicle of so much stupidity, finished impudence and complete puppyism, to the publick" (*Massachusetts Gazette*, 29 January 1788). Another critic of Powars hoped that "the wise and honest part of the community" would not "encourage the spreading of sedition so far as to become purchasers of his anti-federal farrago" (*ibid.*, 1 January).

Ignoring such threats and criticism, Powars expanded the *Herald* to a semiweekly on Thursday, 28 February 1788. By the summer, however, cancelled subscriptions had taken their toll, and Powars was forced to cease publication on 30 June. Two months later he resumed publication

of the *Herald* as a weekly in Worcester. In his first issue on 21 August, Powars stated that he was not a "dependent retainer of a party," that "TRUTH" was "his only object," and that he hoped "not to be the victim of this his unaltered determination."

### American Museum

The *American Museum* was published monthly in Philadelphia from January 1787 to December 1792 by Mathew Carey (1760–1839), a native of Ireland who had emigrated to Philadelphia in November 1784. Five years earlier Carey had published a pamphlet defending Irish Catholics against their British rulers and went to France to avoid prosecution. There he worked, as a printer, for Benjamin Franklin and he met Lafayette. Carey soon returned to Ireland, where he again attacked the British and was jailed. Upon release, he left for America to avoid any further prosecution. When he arrived in America, Lafayette, who was visiting, gave him some money; and in January 1785 Carey began publishing the *Pennsylvania Evening Herald*. He established a reputation for his excellent reports of the debates in the Pennsylvania General Assembly. In October 1786 Carey and several partners commenced publication of the monthly *Columbian Magazine*, but he withdrew almost at once and started the *American Museum*.

The *American Museum* was antedated and was usually published during the first week of the subsequent month—e.g., the January 1787 issue was published on 1 February and the March 1787 issue on 4 April. In 1787 and 1788 each monthly *Museum* averaged about 90 to 100 pages. The magazine sold for eighteen shillings per annum or for twenty-five cents a copy. When its first issue appeared, "there were not twenty subscribers" and by June 1787 about 500 people had subscribed. In October 1788 Carey stated that he had about 1,000 subscribers and that he printed 2,500 copies monthly as he was able to "dispose of a considerable number singly." Subscribers included George Washington, Benjamin Franklin, John Dickinson, Don Diego de Gardoqui, Alexander Hamilton, John Jay, Thomas Jefferson, William Samuel Johnson, Rufus King, Henry Knox, William Livingston, James Madison, George Mason, Gouverneur Morris, Robert Morris, the Comte de Moustier, Charles Pinckney, David Ramsay, Edmund Randolph, Benjamin Rush, and Sir John Temple. Carey's agents, usually newspaper printers and booksellers, accepted subscriptions in such towns as: New Haven, New York, Elizabeth Town, New Brunswick, Trenton, Philadelphia, Lancaster, Baltimore, Annapolis, Talbotton (Easton), Chestertown, Richmond, Norfolk, Petersburg, Alexandria, Charleston, and Savannah. The *Museum* circulated throughout the United States and parts of Europe and the West Indies.

The *Museum* was filled with pieces dealing with politics, economics, medicine, agriculture, patriotism, satire and humor, religion, morality, and poetry. The bulk of the items was either reprinted from newspapers or excerpted from pamphlets. Carey himself stated: "This work lays little or no claim to originality. Humbler—perhaps not less useful—is its design. To *preserve* for posterity—as well as to *disseminate* among the present generation—valuable fugitive publications, hastening to oblivion—are its primary objects. Original writings, however, are by no means excluded." Carey contributed an original piece of his own now and then (CC:235).

During the first year and a half, the *Museum* concentrated heavily on political matters, consistently supporting a strengthened central government. For example, two of the five lead articles in the first issue of the *Museum* advocated a strong central government (CC:2 A–B). Carey quickly sold 1,000 copies of this issue and regretted that he had not printed more. Carey maintained his Federalist bias by reprinting individual and serialized Federalist essays, proceedings of town and county meetings supporting the Constitution, speeches by leading Federalists, and the forms of ratification by state conventions.

No Antifederalist material was published in the *Museum* before November 1787—a fact lamented by a correspondent in the *Philadelphia Independent Gazetteer*, 20 October, who accused Carey of reprinting items that were "all evidently on *one side of the question*" (Mfm:Pa. 148). Beginning with the October 1787 issue—published on 3 November—the *Museum* began reprinting Antifederalist statements, such as those by Elbridge Gerry, Richard Henry Lee, George Mason, Robert Yates and John Lansing, Jr., the minorities of the Pennsylvania General Assembly and the Pennsylvania Convention, all of which are printed in *Commentaries*, and "An Officer of the Late Continental Army" (RCS:Pa., 210–16).

Carey defended his selection policy in the preface to his January 1788 issue, where he declared himself to be a Federalist. A New Yorker agreed, stating that "Carey is a Federalist to Enthusiasm" (Nathaniel Hazard to Theodore Sedgwick, 5 June 1788, Sedgwick Papers, MHi). Carey said that he had published "valuable pieces on each side" even though "zealots of both parties" found that policy objectionable. He admitted that he had "lost a few subscribers" after publishing certain Federalist and Antifederalist items. Six months later, in the preface to the July issue, Carey reiterated his position and expressed the hope that his *Museum* did not merit "the title of *federal*—or *antifederal*—but *impartial*."

### Freeman's Journal

The *Freeman's Journal* was published in Philadelphia on Wednesdays by Francis Bailey (c. 1735–1815). Despite its motto of "OPEN TO ALL PARTIES, but INFLUENCED by NONE," the *Journal* was the highly partisan or-

gan of Pennsylvania's Constitutionalist Party. In the spring and summer of 1787, Bailey published several original articles recommending a limited increase in the powers of Congress. He also printed items attacking those states that opposed federal measures. But, in late August 1787, Bailey apparently became skeptical about the Convention. On 22 August he reprinted an item warning the people to safeguard their rights in any change of government (CC:65). A week later Bailey published a short article questioning the Convention's ability to solve America's problems (CC:69).

After the Convention adjourned, Bailey printed the first major attack on the Constitution (CC:97) and continued to fill the *Journal* with Antifederalist essays such as those by "Centinel" and "Philadelphien-sis." The *Journal* also defended the state's Antifederalists and castigated its Federalists. It was probably the most partisan Antifederalist newspaper in America.

### Independent Gazetteer

The *Independent Gazetteer* was published daily in Philadelphia by Eleazer Oswald (1755–1795), an Englishman who had come to America in 1770. Oswald became apprenticed to John Holt, the publisher of the *New-York Journal*, and in 1772 he married Holt's daughter. From 1775 to 1779 he served in the Continental Army and rose to the rank of lieutenant colonel under the command of Colonel John Lamb, who later became one of New York's leading Antifederalists. After leaving the army, Oswald published the *Baltimore Maryland Journal* with William Goddard from 1779 to 1781. Oswald then moved to Philadelphia and established the *Independent Gazetteer* in 1782. In February 1783 he reopened the London Coffee House, which became the meeting place of merchants and the leaders of the state Republican Party. From 1782 to 1784 he also helped John Holt operate *The Independent Gazette; or the New-York Journal Revived*. After Holt's death in 1785, Oswald assisted Holt's widow with the publication until January 1787, when the newspaper was sold to Thomas Greenleaf. Possessed of a violent temper and a keen sense of honor, Oswald was repeatedly involved in fracasas, a few of which ended in duels.

From its inception, the *Independent Gazetteer* consistently favored the state Republican Party, so much so that Mathew Carey, in his autobiography, described Oswald as the "mouth-piece" of that party. Bitter enemies, the two men fought a duel in 1786 in which Carey was severely wounded. Francis Bailey of the *Freeman's Journal*, the organ of the Constitutionalist Party, was also challenged by Oswald, but he never accepted.

During the summer of 1787 Oswald printed numerous articles praising the Constitutional Convention, advocating a powerful central government, and attacking opponents of such a government. After the



Convention adjourned, Oswald printed both Federalist and, despite Federalist pressure, Antifederalist essays. It appears that for the first two months of the debate on the Constitution Oswald was trying to steer a neutral course. By early November, however, Oswald deserted his fellow-Republicans and became an ardent Antifederalist. His conversion was, in part, a reaction to Federalist attempts to intimidate him and his wife, who ran the *Gazetteer* whenever he was out of town. In 1788 Oswald, acting for John Lamb, was a courier between New York and Virginia.

The *Gazetteer* contained more original Antifederalist pieces than any other newspaper. Many of the essays were scurrilous and vituperative. Others were calm and well reasoned. Oswald also printed three major Antifederalist series of essays—"Centinel," "An Old Whig," and "Philadelphiensis." Some of these newspaper essays were also published by Oswald as broadsides.

Oswald's partisanship aroused the ire of Federalists throughout the United States. They described him as "a mad political demoniack," "The Ishmaelitish Printer," and "a seditious turbulent man." In late June 1788 Andrew Brown, formerly the printer of the *Philadelphia Federal Gazette*, sued Oswald for libel. While the suit was pending, Oswald published an article about it, and, as a result, he was fined and imprisoned a month for contempt of court. While he was in prison, his wife solicited the intervention of Pennsylvania President Benjamin Franklin. In response, Franklin advised her to try to convince her husband "to change that Conduct of his Paper by which he has made and provok'd so many Enemies" (post 3 August 1788, Franklin Papers, PPAmp).

### Massachusetts Centinel

The *Massachusetts Centinel* was published in Boston on Wednesdays and Saturdays by Benjamin Russell (1761–1845). Russell, a native of Boston, had been apprenticed to Isaiah Thomas—the dean of late eighteenth-century American printers—from 1780 to 1781. After two years as a journeyman printer, Russell and William Warden published the first issue of the *Centinel* on 24 March 1784. After Warden's death, Russell became sole editor on 22 March 1786.

Russell was an early advocate of increasing the powers of the central government. While the Constitutional Convention sat, the *Centinel* was filled with articles that advocated strengthening Congress. After the Convention adjourned, Russell supported the new Constitution by writing articles and short editorial statements that filled the *Centinel* and by participating in local politics, particularly as a leader of the Boston mechanics. His publication of the Constitution included a preface: "The following HIGHLY INTERESTING and IMPORTANT communication we re-

ceived late last evening by the post—an ardent desire to gratify the patrons of the *Centinel*, and the publick in general, induced the Editor to strain a nerve that it might appear this day; and although *lengthy* he is happy in publishing the whole entire, for their entertainment.” An example of his partisanship is his comment upon publishing “New England” (CC:372)—an answer to the Antifederalist *Letters from the Federal Farmer* (CC:242): “If the foregoing doth not operate a DAMPER indeed, to the (*anti-*) Federal Farmer’s letters, chicanery and falshood are invincible to justice and truth.”

The *Centinel* specialized in the brief article that, in vigorous and colorful language, extolled the Constitution or scored its critics. In early October 1787, Russell announced that no Antifederalist essay would be published in the *Centinel* unless the author left his name to be made public if requested. Within a month, however, Russell, succumbing to criticism, discarded this policy (CC:131). He attended the Massachusetts Convention and took notes of the debates, which were published in the *Centinel*. No other printer celebrated the ratification of the Constitution more originally than Russell. On 16 January 1788, a week after Connecticut had ratified, Russell printed an illustration of five pillars, each representing a state that had ratified the Constitution. Each time a state ratified, he added another pillar. Russell’s originality and partisanship made the *Centinel* one of the most often reprinted newspapers in America.

### **New York Journal**

The *New York Journal* was published on Thursdays by Thomas Greenleaf (1755–1798) in New York City. Greenleaf, a native of Abington, Mass., had been trained by Isaiah Thomas. In September 1785 Greenleaf became the manager of the *New York Journal* under the direction of Eleazer Oswald of the Philadelphia *Independent Gazetteer*. Greenleaf purchased the *Journal* in January 1787.

During the meeting of the Constitutional Convention, Greenleaf published material advocating a strengthened central government, but in early September 1787 he began printing Antifederalist items. The *Journal* became so biased, in the eyes of Federalists, that Greenleaf felt obliged to defend his publication policy on 4 October (CC:131–A).

By 18 October the *Journal* was so inundated with Antifederalist material that Greenleaf was forced to publish an extra issue. In the next four issues, Greenleaf apologized that the “want of room” prevented him from printing certain essays. Another two-page extra appeared on 1 November. Finally, he announced on 15 November that the *Journal* would become a daily because of “the solicitations of a respectable number of his present subscribers—and by means of the generous patronage of a few valued friends and the public. . . .” He declared that in this

time of "CRISIS" people needed to be well informed about the new Constitution. By publishing only once a week, Greenleaf claimed that he had "unavoidably neglected" half of the original essays he had received. Although four other New York City newspapers published a total of sixteen separate issues a week, Greenleaf intimated that a "FREE and IMPARTIAL discussion" of the Constitution depended upon the daily publication of the *Journal*.

The first issue of the daily *Journal* appeared on 19 November as *The New-York Journal, and Daily Patriotic Register*, but it did not entirely supplant the regular weekly issue. Greenleaf announced that his Thursday issue would continue with the title *The New-York Journal, and Weekly Register*, and that it would contain "the choicest pieces, and the fewest advertisements." The Thursday issue, then, "had a more general Circulation in the Country, than that of any other day in the Week" (Charles Tillinghast to Hugh Hughes, 27–28 January 1788, Hughes Papers, DLC). To insure the widest possible circulation, Greenleaf offered subscribers either Thursday's newspaper alone at two dollars annually or the expanded daily, including Thursday's issue, at six dollars annually.

As an Antifederalist newspaper, the *New York Journal* was second only to the Philadelphia *Independent Gazetteer*. The *Journal* was the first to print several important serialized essays, such as "Cato" (7 nos.), "Brutus" (16 nos.), "Cincinnatus" (6 nos.), "A Countryman" (Hugh Hughes, 6 nos.), and "A Countryman" (DeWitt Clinton, 5 nos.). The *Journal* also reprinted large amounts of Antifederalist material, especially from the *Independent Gazetteer*, e.g., seventeen of the eighteen essays of "Centinel," seven of the eight numbers of "An Old Whig," and all twelve installments of Luther Martin's "Genuine Information."

Such a policy brought Greenleaf under severe Federalist attack. One Federalist questioned his independence, declaring that he was an "Echo" of Eleazer Oswald. He also described Greenleaf as "brainless," "a poor thick-skulled Creature," while another Federalist referred to his talent for "misrepresentation." Others simply cancelled their subscriptions. Finally, on the night of 26 July 1788, a mob broke into Greenleaf's shop and destroyed much of his type. Because of these losses, the last daily issue of the *Journal* appeared on 26 July. Publication resumed five days later as a weekly.

### **Pennsylvania Gazette**

The *Pennsylvania Gazette* was published in Philadelphia on Wednesdays by David and William Hall and William Sellers. Owned, in part or in whole, by Benjamin Franklin from 1729 to 1766, the *Gazette* was one of the oldest newspapers in America and among the best known. Before and during the early meetings of the Constitutional Convention, the *Gazette* printed original articles supporting a strengthened central

government, but it was not until early August that it began publishing such articles in large numbers. On 8 August—two days after the Convention received the first draft of a new constitution—the *Gazette* began the systematic publication of brief, original articles that advocated a powerful central government and praised the work of the Convention. After the Convention adjourned, the *Gazette* continued to print Federalist essays to the virtual exclusion of Antifederalist material. It also printed a multitude of squibs praising the Constitution and its supporters. The popularity and prominence of the *Gazette*, in combination with the large quantity of Federalist essays and squibs that it printed, made it the most widely reprinted newspaper in the United States.

### **Pennsylvania Herald**

The *Pennsylvania Herald*, founded by Mathew Carey in 1785, was printed in Philadelphia on Wednesdays and Saturdays. In February 1787 the *Herald* was purchased by William Spotswood (c. 1753–1805), who had been a partner since 1785. Spotswood, a Philadelphia bookseller, had emigrated to America after the Revolution. After assuming sole proprietorship, Spotswood appointed Alexander J. Dallas (1759–1817), a lawyer who had come to Philadelphia from the West Indies in 1783, to be editor of the *Herald*. Under Dallas, the *Herald* published both literary and political material. It also printed Dallas' lengthy accounts of the debates in the Pennsylvania General Assembly, and, in fact, a third issue was printed weekly from 11 September through 6 October 1787 in order to carry these accounts. During the meeting of the Constitutional Convention, Dallas printed brief news items that indicate he had received information about its proceedings (CC:30). The *Herald* also published many short pieces stressing the need for a stronger central government, some of which were widely reprinted.

After the Convention adjourned, the *Herald* published both Federalist and Antifederalist pieces in what Spotswood later described as a policy of "studied impartiality." Dallas, however, angered Pennsylvania Federalists when he occasionally reported that Antifederalists had bested Federalists in the debates in the Pennsylvania Convention, which met from 20 November to 15 December 1787. Dallas further antagonized Federalists by printing lengthy reports of the Convention debates. After several charges that Dallas' debates were "misrepresentations," nearly one hundred people cancelled their subscriptions to the *Herald*. In early January 1788, Dallas was dismissed as editor. About a month later, finding that an "impartial line" was "impracticable," Spotswood sold the *Herald*. The last known issue was published on 14 February 1788. (For more on Dallas' reporting of the state Convention debates and the reaction to these reports, see RCS:Pa., *passim*.)

## Chronology, 1786–1790

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

1788

- 3–9 January  
 9 January  
 9 January–  
 7 February  
 19 January  
 1 February  
 6 February
- 13–22 February  
 1 March  
 3–31 March  
 24 March
- 28–29 March  
 7 April  
 11–12 April  
 21–29 April  
 26 April  
 29 April–3 May
- Connecticut Convention.  
 Connecticut Convention ratifies Constitution, 128 to 40.  
 Massachusetts Convention.
- South Carolina calls state convention.  
 New York calls state convention.  
 Massachusetts Convention ratifies Constitution, 187 to 168, and proposes amendments.  
 New Hampshire Convention: first session.  
 Rhode Island calls statewide referendum on Constitution.  
 Virginia elects delegates to state convention.  
 Rhode Island referendum: voters reject Constitution, 2,711 to 239.  
 North Carolina elects delegates to state convention.  
 Maryland elects delegates to state convention.  
 South Carolina elects delegates to state convention.  
 Maryland Convention.  
 Maryland Convention ratifies Constitution, 63 to 11.  
 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, and proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to report an act for putting the Constitution into operation.
21 July–4 August	First North Carolina Convention.
26 July	New York Convention Circular Letter calls for second constitutional convention.
26 July	New York Convention ratifies Constitution, 30 to 27, and proposes amendments.
2 August	North Carolina Convention proposes amendments and refuses to ratify until amendments are submitted to Congress and to a second constitutional convention.
13 September	Congress sets dates for election of President and meeting of new government under the Constitution.
20 November	Virginia requests Congress under the Constitution to call a second constitutional convention.
30 November	North Carolina calls second state convention.

### 1789

21–22 August	North Carolina elects delegates to second state convention.
26 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.

# Officers of the United States, 1787

## Delegates to Congress

In Attendance: 13–21 February and 20–28 September<sup>1</sup>

### CONNECTICUT

*Joseph Platt Cooke*

**William Samuel Johnson**

Stephen Mix Mitchell

### DELAWARE

*Dyre Kearney*

**Nathaniel Mitchell**

### GEORGIA

**William Few**

**William Pierce**

### MARYLAND

Uriah Forrest

*David Ross*

### MASSACHUSETTS

**Nathan Dane**

*Nathaniel Gorham*

**Rufus King**

### NEW HAMPSHIRE

*Nicholas Gilman*

*John Langdon*

### NEW JERSEY

**Lambert Cadwalader**

**Abraham Clark**

**James Schureman**

### NEW YORK

Egbert Benson

*John Haring*

**Melancton Smith**

*Abraham Yates*

### NORTH CAROLINA

*John Baptiste Ashe*

**William Blount**

*Robert Burton*

Benjamin Hawkins

### PENNSYLVANIA

*John Armstrong, Jr.*

**William Bingham**

**William Irvine**

Samuel Meredith

*Arthur St. Clair*

### RHODE ISLAND

James M. Varnum

### SOUTH CAROLINA

John Bull

*Pierce Butler*

**Daniel Huger**

**John Kean**

John Parker

### VIRGINIA

*Edward Carrington*

**William Grayson**

*Henry Lee*

*Richard Henry Lee*

**James Madison**

### PRESIDENT

Arthur St. Clair

### SECRETARY

Charles Thomson

### DEPUTY SECRETARY

Roger Alden

### CLERKS

Benjamin Bankson

John Fisher

### DOORKEEPER

Robert Patton

1. Delegates who attended from 13 to 21 February are set in roman type; those who attended from 20 to 28 September are set in italic type; and those who attended both sessions are set in bold type.



**Executive Officers of Congress**

BOARD OF TREASURY  
 Arthur Lee  
 Walter Livingston  
 Samuel Osgood

SECRETARY AT WAR  
 Henry Knox  
 POSTMASTER GENERAL  
 Ebenezer Hazard

SECRETARY FOR FOREIGN AFFAIRS  
 John Jay

**Diplomatic Corps**

MINISTER TO GREAT BRITAIN  
 John Adams

MINISTER TO FRANCE  
 Thomas Jefferson

CHARGÉ DES AFFAIRES, SPAIN  
 William Carmichael

AGENT AT THE HAGUE  
 Charles W. F. Dumas

**State Executives**

CONNECTICUT  
 Samuel Huntington

NEW YORK  
 George Clinton

DELAWARE  
 Thomas Collins

NORTH CAROLINA  
 Richard Caswell

GEORGIA  
 George Mathews

PENNSYLVANIA  
 Benjamin Franklin

MARYLAND  
 William Smallwood

RHODE ISLAND  
 John Collins

MASSACHUSETTS  
 James Bowdoin/John Hancock

SOUTH CAROLINA  
 Thomas Pinckney

NEW HAMPSHIRE  
 John Sullivan

VIRGINIA  
 Edmund Randolph

NEW JERSEY  
 William Livingston

DISTRICT OF VERMONT  
 Thomas Chittendon

**Commissioners to the Annapolis Convention<sup>1</sup>**

**DELAWARE**

Richard Bassett\*  
Gunning Bedford, Jr.  
Jacob Broom  
John Dickinson\*  
George Read\*

**NORTH CAROLINA**

John Gray Blount  
Philemon Hawkins  
Alfred Moore  
Abner Nash  
Hugh Williamson

**MASSACHUSETTS**

George Cabot  
Francis Dana  
Elbridge Gerry  
Stephen Higginson

**PENNSYLVANIA**

John Armstrong, Jr.  
George Clymer  
Tench Coxe\*  
Thomas FitzSimons  
Robert Morris

**NEW HAMPSHIRE**

John Langdon  
Thomas Martin  
James Sheafe  
John Sparhawk  
Joshua Wentworth

**RHODE ISLAND**

Jabez Bowen  
Christopher Champlin

**NEW JERSEY**

Abraham Clark\*  
William C. Houston\*  
James Schureman\*

**VIRGINIA**

Walter Jones  
James Madison\*  
George Mason  
Edmund Randolph\*  
William Ronald  
David Ross  
Meriwether Smith  
St. George Tucker\*

**NEW YORK**

Egbert Benson\*  
James Duane  
Leonard Gansevoort  
Alexander Hamilton\*  
Robert C. Livingston  
Robert R. Livingston

1. The names of those commissioners who attended the Annapolis Convention are followed by an asterisk (\*).

**Constitutional Convention**Delegates Who Attended<sup>1</sup>**CONNECTICUT**

William Samuel Johnson  
 Roger Sherman  
*Oliver Ellsworth*

**DELAWARE**

Richard Bassett  
 Gunning Bedford, Jr.  
 Jacob Broom  
 John Dickinson  
 George Read

**GEORGIA**

Abraham Baldwin  
 William Few  
*William Houstoun*  
*William Pierce*

**MARYLAND**

Daniel Carroll  
 Daniel of St. Thomas Jenifer  
 James McHenry  
*Luther Martin*  
*John Francis Mercer*

**MASSACHUSETTS**

Elbridge Gerry  
 Nathaniel Gorham  
 Rufus King  
*Caleb Strong*

**NEW HAMPSHIRE**

Nicholas Gilman  
 John Langdon

**NEW JERSEY**

David Brearley  
 Jonathan Dayton  
 William Livingston  
 William Paterson  
*William C. Houston*

**NEW YORK**

Alexander Hamilton  
*John Lansing, Jr.*  
*Robert Yates*

**NORTH CAROLINA**

William Blount  
 Richard Dobbs Spaight  
 Hugh Williamson  
*William R. Davie*  
*Alexander Martin*

**PENNSYLVANIA**

George Clymer  
 Thomas FitzSimons  
 Benjamin Franklin  
 Jared Ingersoll  
 Thomas Mifflin  
 Gouverneur Morris  
 Robert Morris  
 James Wilson

**SOUTH CAROLINA**

Pierce Butler  
 Charles Pinckney  
 Charles Cotesworth Pinckney  
 John Rutledge

**VIRGINIA**

John Blair  
 James Madison  
 George Mason  
 Edmund Randolph  
 George Washington  
*James McClurg*  
*George Wythe*

1. Delegates who left the Convention before its conclusion are set in italic type.

### Constitutional Convention

#### COMMITTEE OF DETAIL

Oliver Ellsworth  
 Nathaniel Gorham  
 Edmund Randolph  
 John Rutledge, Chairman  
 James Wilson

#### COMMITTEE OF STYLE

Alexander Hamilton  
 William Samuel Johnson, Chairman  
 Rufus King  
 James Madison  
 Gouverneur Morris

#### Delegates Who Did Not Attend<sup>1</sup>

##### CONNECTICUT

Erastus Wolcott

##### GEORGIA

*Nathaniel Pendleton*  
*George Walton*

##### MARYLAND

Charles Carroll of Carrollton  
 Gabriel Duvall  
 Robert Hanson Harrison  
 Thomas Sim Lee  
 Thomas Stone

##### MASSACHUSETTS

*Francis Dana*

##### NEW HAMPSHIRE<sup>2</sup>

*John Pickering*  
*Benjamin West*

##### NEW JERSEY

Abraham Clark  
 John Neilson

##### NORTH CAROLINA

Richard Caswell  
 Willie Jones

##### SOUTH CAROLINA

Henry Laurens

##### VIRGINIA

Patrick Henry  
 Richard Henry Lee  
 Thomas Nelson

1. Delegates who did not resign are set in italic type. Delegates who declined to serve and resigned, are set in roman type.

2. On 17 January 1787 the New Hampshire legislature authorized its congressional delegates to serve as delegates to the Constitutional Convention. This appointment was superseded on 27 June 1787 when the legislature appointed a new delegation to the Convention. Pierse Long and John Sparhawk, two of the state's delegates to Congress, were not included in this final Convention delegation (CDR, 223-25).



*Commentaries on the Constitution*  
*Public and Private*



## Introduction

Much of the constitutional history of the period from 1774 to 1788 can be explained in terms of the struggles to extend the powers of Congress. Consideration of these powers commenced in the First Continental Congress in 1774, intensified during periods of stress and turmoil, and culminated with the ratification of the Constitution in 1788.

Two groups dominated the debate over the powers of Congress. The first insisted that the central government should have the power to regulate commerce, direct military affairs, control finances, suppress internal rebellions, and prevent conflicts among the states. The states would have little more power than that over their "internal police." This group, in essence, sought to replace the British imperial government with a similar central authority in America.

The second group believed that the state legislatures should be supreme and that the central government should have only limited powers. This distrust of centralized power was an outgrowth of the struggle between the colonies and Great Britain. In general, the supporters of the supremacy of the state legislatures were satisfied with the form and operation of government under the Articles of Confederation; but, in time, they too became convinced that the central government had to be strengthened. Because of the difficulty involved in amending the Articles of Confederation, however, all such attempts failed. Consequently, in February 1787, Congress itself called a convention to revise and amend the Articles.

The question of a central government first arose in the First Continental Congress in September 1774, when Joseph Galloway of Pennsylvania outlined a plan of union with a central government within the British Empire. His plan was a reaction to the advocates of independence and to Congress' acceptance of the principle that American rights were partly based on the "law of nature." Galloway wanted to define American rights in "constitutional principles." He believed strongly that "In every government, patriarchal, monarchical, aristocratical, or democratical, there must be a supreme legislature." His plan of union called for a colonial parliament—a grand council—elected by colonial legislatures. A president-general, appointed by the king, would administer the colonies and give his assent to the acts of the council.



The president-general and the council were to be "an inferior and distinct branch of the British legislature, united and incorporated with it." All matters affecting the general affairs of the colonies or colonial relations with Great Britain could originate in either the council or the British Parliament, although both had to give their assent.<sup>1</sup>

Congress rejected Galloway's plan and expunged all record of it from its published journals. Congress refused to replace British authority with one of its own making. This attitude was summed up by Samuel Adams of Massachusetts, who declared that each legislature "is and ought to be the sovereign and uncontrollable Power within its own limits or Territory."<sup>2</sup>

In the summer of 1775, however, some men in Congress began to support the idea of a plan of union as a means of attaining independence. In July Benjamin Franklin of Pennsylvania offered his plan of confederation, which gave each colony complete control over its internal affairs. Congress, however, would have the power to determine war and peace, to enter into foreign alliances, to send and receive ambassadors, to settle disputes between colonies, to regulate commerce, the post office, and the army and navy, to regulate currency, and to appoint the general civil and military officers of the Confederation. The expenses of the central government were to be apportioned among the colonies according to their population. Congress could propose amendments to the Confederation; these amendments had to be agreed upon by a majority of the colonies. Franklin's articles of confederation would have effect only until reconciliation occurred with Great Britain. The plan was debated, but Congress eventually decided against further consideration.<sup>3</sup>

In mid-1776 the issue of a central government became linked with that of independence. On 7 June Richard Henry Lee of Virginia moved a three-point resolution: that "these United Colonies are, and of right ought to be, free and independent States, . . ." that they should form foreign alliances, and that "a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation." On 11 June Congress appointed a committee to draft a declaration of independence, and the next day another to draft a "form of a confederation." Congress adopted the revised declaration of independence on 4 July. Eight days later, the committee presented a draft of "Articles of confederation and perpetual union," which was largely the work of John Dickinson of Pennsylvania.<sup>4</sup>

From 22 July 1776 to 15 November 1777, Congress intermittently debated Dickinson's draft. The plan proposed the establishment of a powerful central government in which Congress was given wide powers. Congress was denied only the power to levy taxes or duties except to maintain a post office. The states were guaranteed control over

their "internal police," but this power extended only to those matters which would not interfere with congressional powers (CDR, 79–86). Among the topics that caused the greatest difficulty were suffrage in Congress, the apportionment of the expenses of the central government, and the control over western lands. The debates on these questions saw the development of three major divisions in Congress: the large versus the small states, the North versus the South, and the landed versus the landless states.

In the case of voting in Congress, the Dickinson draft provided for the equality of the states. The small states wanted an equal vote so that the large states would not be dominant. They declared that congressional delegates represented states; each state was a distinct person. The large states wanted voting according to population, stating that delegates represented the people of the United States, not just the states. The small states were victorious, as the final draft provided that each state should have one vote in Congress.

The Dickinson draft provided that the expenses of the central government be apportioned among the states according to population. This provision led to a bitter fight between Northern and Southern states over whether or not slaves should be counted. The final draft of the Articles declared that expenses should be shared according to the value of land granted or surveyed.

The Dickinson draft gave Congress the power to limit the boundaries of states whose colonial charters gave them lands extending to the "South Seas." Delegates from landed states objected and heatedly debated delegates from landless states. The landed states won out as the final draft of the Articles guaranteed that "no state shall be deprived of territory for the benefit of the united states."

Early in 1777, during a hiatus in the debate on the confederation, efforts were made to establish the supremacy of Congress. A resolution was proposed that Congress approve a report of a convention of New England states, held in late December 1776 and early January 1777. This resolution sought to establish the principle that such meetings needed congressional approval and sanction. In support of the resolution, Benjamin Rush of Pennsylvania charged that the convention had usurped the powers of Congress by considering continental matters. Samuel Adams argued that freemen had the right to assemble and discuss measures for promoting liberty. Richard Henry Lee added that, since no confederation existed, no law of the Union had been violated. Congress decided to approve the recommendations of the convention, but it did not sanction the convention itself.

Next, Congress adopted an amendment to a report on desertion from the army. This amendment authorized local officials to apprehend deserters without the intervention of the state governments.

During the debate to reconsider the amendment, James Wilson of Pennsylvania stated that this measure was of continental concern; Congress had the power to authorize persons in the states to execute congressional measures. Thomas Burke of North Carolina vehemently denounced the proposal, declaring that, if Congress' enactments were to be enforced by its authority, Congress could prostrate state laws and courts, since it might create an independent authority within each state. This power, he continued, would negate the effectiveness of the barriers provided by the states for the security of their citizens. The citizens of the states would be denied the protection of state laws. The amendment, however, was not rescinded.

Such attempts to establish the supremacy of Congress so disturbed Thomas Burke that he wanted to make certain that the powers of the central government were restricted. He was convinced "that *unlimited Power can not be safely Trusted* to any man or set of men on Earth." Consequently, when Congress reconsidered the plan of confederation in April 1777, Burke attacked the third article of the Dickinson draft, which gave the states only a power over their "internal police." He believed that future congresses could use this article "to explain away every right belonging to the States and to make their own power as unlimited as they please." As a substitute, Burke proposed an amendment providing that "all sovereign power was in the States separately, and that particular acts of it, which should be expressly enumerated, would be exercised in conjunction, and not otherwise; but that in all things else each State would exercise all the rights and power of sovereignty, uncontrolled." Wilson and Lee vainly led the fight against the amendment.<sup>5</sup> In its final form, the amendment reads: "Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled" (CDR, 86).

Thus, the fundamental nature of the Articles of Confederation had been radically altered. The final draft created a federal government with the states retaining their equal and sovereign positions. Congress' powers were strictly delegated. To protect this division of power, the Articles provided that approval of all thirteen states was needed for amendments. Men like James Wilson understood what had happened. Speaking in the Constitutional Convention on 8 June 1787, Wilson declared that "The original draft of confederation" was based on the idea of Congress as a single state, and "the draft concluded on how different!"

Wilson's chagrin, notwithstanding, the Articles placed significant restraints upon the states and granted numerous duties and powers to Congress. Among other things, states could not enter into foreign alliances and, unless actually invaded, could not engage in war without congressional permission. The states were required to meet the mone-

tary and military requests of Congress. The Articles also contained a number of provisions governing interstate relations.

Article IX—the longest article—granted Congress many powers in foreign, domestic, and military affairs. Congress had the power to determine on war and peace, to enter into treaties and alliances, and to receive and send ambassadors. Congress could settle disputes among the states. It could borrow money and emit bills of credit. Congress had the power to make rules governing the land and naval forces and to build and equip a navy. For some of its powers, however, the vote of nine states was required (CDR, 86–94).

Congress' delegated powers—if effectively employed by Congress and respected by the states—would have helped to establish an efficient central government, especially for the prosecution of the War of Independence. Wartime and then peacetime problems, however, convinced many Americans that Congress needed more power (1) to regulate foreign and domestic trade, (2) to raise revenue independently of the states, (3) to exercise coercive power over those states that did not meet congressional requisitions, and (4) to control western lands.

Congress formally adopted the Articles of Confederation on 15 November 1777 and ordered 300 copies printed. Two days later it approved the text of an accompanying circular letter. The letter listed the reasons for the long delay in drafting the Articles, reasons that would lie at the heart of the debate over the fundamental nature of the central government until the Constitution was ratified in 1788. Congress declared that “To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish. Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular State.” Congress also made a strong plea for union and for the ratification of the Articles.<sup>6</sup>

By 10 March 1778, nine states had ratified the Articles of Confederation, but several of them had instructed their delegates to propose amendments in Congress. Few states were present in March so Congress delayed action until 20 June, when it resolved that on 22 June the delegates could present their instructions and powers. Delegates from seven states offered amendments between 22 and 25 June.

Most of the proposed amendments would have limited the powers of Congress even further. For example, Pennsylvania insisted that Congress submit the accounts of the Continental post office to the states. Massachusetts and South Carolina wanted the number of states needed to consent to important questions raised from nine to ten or eleven, respectively. South Carolina demanded that the states appoint and com-

mission all military officers, not just regimental officers, and that Congress not be allowed to appoint courts to try piracies and felonies committed on the high seas.

Only a few amendments would have increased the powers of Congress. Maryland—a landless state—thought that Congress should have control over the western lands. New Jersey—economically subservient to New York and Pennsylvania—believed that Congress should have sole and exclusive power to regulate foreign trade. Congress rejected all of the proposed amendments (CDR, 96–137).

By 24 July 1778 ten states had ratified and signed the Articles of Confederation. The New Jersey delegates signed on 26 November 1778 and those from Delaware on 22 February 1779. Only Maryland remained. On 6 January 1779 Maryland's delegates presented a "Declaration" of the Maryland legislature, explaining its position. Adopted on 15 December 1778, the "Declaration" insisted that all states were entitled to the land west "of the frontiers of the United States." Maryland, the "Declaration" continued, would ratify the Articles only if an amendment were added giving Congress the power to establish the western boundaries of those states claiming lands to the Mississippi River or the South Sea and reserving to the United States "a Right in Common in and to all Lands lying to the Westward of the Frontiers as aforesaid, not granted to, surveyed for or purchased by Individuals at the Commencement of the present War. . . ."<sup>7</sup>

Virginia, one of the landed states, led the opposition to Maryland. However, after gaining some concessions from Congress, Virginia ceded its territory northwest of the Ohio River to Congress on 2 January 1781. Congress had agreed that the cession would be "disposed of for the common benefit of the United States" and that the land would be "settled and formed into distinct republican states" which would become part of the United States and have the rights of the older states. Virginia's cession, plus the threat of British invasion and economic and financial distress, prompted the Maryland legislature to ratify the Articles on 2 February 1781. The state's delegates in Congress signed the Articles on 1 March 1781. The Confederation was complete.<sup>8</sup>

Even before Maryland adopted the Articles, a movement for a stronger central government had gained momentum. In 1780—perhaps the bleakest year of the war—the Continental Army had suffered several major defeats, especially in the South; Continental paper money had depreciated badly; people chafed under high taxes, tight economic regulations, and the increasing seizure of their property to support the war effort; prices were high and goods were scarce; army officers believed that Congress had abandoned them; public creditors were distressed by Congress' failure to pay the interest on the public debt; and the Articles of Confederation had not been ratified.

To alleviate these difficulties, several prominent individuals believed that a continental convention should be called to increase the powers of Congress. The idea of a convention was not new. In January 1776 Thomas Paine—in *Common Sense*—recommended “a continental conference” “to frame a Continental Charter.” Later that year, South Carolina delegate Edward Rutledge, discouraged by Congress’ lack of progress on the Articles of Confederation, recommended that “a special Congress” be appointed to draft a plan of confederation. In 1779 Henry Laurens, another South Carolina delegate, suggested the convening of “a grand council” to consider “the state of the nation.” Dismayed by ever increasing financial and military distresses, Laurens hoped that the council would act as a fact-finding body to recommend to the states that they adopt “wholesome coincident Laws.”<sup>9</sup>

In 1780 the calls for a convention increased and became more insistent. Nathanael Greene, Quartermaster General of the Continental Army, reported that some congressmen planned to call “a Convention of the States” in order to give Congress “powers of general jurisdiction and controul over the individual states, to bind them in all cases, where the general interest is concerned.” Greene’s report was confirmed by John Sullivan, a New Hampshire delegate, who declared that the only way to obtain relief was to call a convention to define the powers of Congress and to grant it “Coercive” power over the states refusing to pay their congressional requisitions.<sup>10</sup>

The most elaborate recommendation came from Colonel Alexander Hamilton, George Washington’s aide-de-camp. He stated flatly that “the fundamental defect is a want of power in Congress.” The Confederation also gave too much power to the states. In particular, it granted “the power of the purse too intirely to the state legislatures.” One of the ways to increase Congress’ powers, declared Hamilton, was for a convention of the states to meet on 1 November 1780. The convention had to be given “full authority to conclude finally upon a general confederation.” A convention, he believed, was a useful “*novelty*”; it “would revive the hopes of the people and give a new direction to their passions, which may be improved in carrying points of substantial utility.”

Hamilton also recommended that Congress be given complete control of the army; this was “an essential cement of union.” He suggested that Congress reform the army and give the officers half pay for life. “Congress,” he concluded, “would then have a solid basis of authority and consequence, for to me it is an axiom that in our constitution an army is essential to the American union.”<sup>11</sup>

The idea of calling a convention also found its way into the public prints in 1780. Thomas Paine published a pamphlet in Philadelphia, in which he reminded his readers of his earlier “hint” about a convention. He hoped that the states would see the necessity of “electing a Con-

tinental convention, for the purpose of forming a Continental constitution, defining and describing the powers and authority of Congress." He approved of certain powers exercised by Congress in behalf of the states, but he declared that "the internal control and dictatorial powers of Congress are not sufficiently defined, and appear to be too much in some cases and too little in others."<sup>12</sup>

On 3 August 1780 delegates from New Hampshire, Massachusetts, and Connecticut met at Boston to consider matters related to the war and to find means of achieving a good understanding with the French forces in America. After recommending certain measures, the Convention resolved "that the Powers of Congress be more clearly ascertained and defined, and that the important national Concerns of the United States be under the Superintendency and Direction of one supreme Head. . . ." The Convention also resolved that the three states empower their congressional delegates "to confederate with such of the States as will accede to the Confederation proposed by Congress, and that they invest their Delegates in Congress with Powers competent for the Government and Direction of all those common and national Affairs which do not, nor can come within the Jurisdiction of the particular States. . . ." Copies of the Convention proceedings were sent to the New England States and to New York along with an invitation to attend a convention in Hartford in November 1780.<sup>13</sup>

Governor George Clinton of New York transmitted the convention's proceedings to the state legislature, declaring that the powers of Congress had to be increased and asking that the legislature take some action. In late September the legislature appointed three commissioners to the proposed convention at Hartford.<sup>14</sup>

The next month the New York legislature instructed its congressional delegates that it was its wish that Congress "exercise every Power which they may deem necessary for an effectual Prosecution of the War" until the Articles of Confederation were ratified or the war was ended. If a state failed to meet a congressional requisition, Congress should direct the commander in chief to march troops into that state and by "a Military Force, compel it to furnish its deficiency." The legislature also instructed its commissioners to the Hartford Convention to make a similar proposal.<sup>15</sup>

In November 1780 the New England States and New York met at Hartford. The Convention resolved that the commander in chief "be authorized and Impowered to take such measures as he may deem proper" to get the states to comply with Congress' requisitions for supplies. It also recommended that the states grant Congress the power to levy duties on imports so that Congress could obtain revenue to pay the interest on the public debt.

In a circular letter to the states attending, the Convention regretted that the central government did not have the "power of Coertion." As a remedy, the Convention expostulated the concept of implied powers. It agreed that Congress' powers had never been explicitly defined, "but by the necessarily implied compact between the States at the commencement of the War, it may be certainly inferred that Congress was vested with every power essential to the common defense and which had the prosecution of the war, and the establishment of our General Liberties for its immediate object." The Convention was willing to waive this point, but it insisted that Congress' requisitions for supplies be met.

In a letter to the President of Congress, the Convention stated that the commander in chief "ought to have the sole Direction of the military operations, and an individual should have the charge of each Department, who should be responsible. . . ." In particular, the Convention wanted a man of ability and integrity "at the head of the Financies [*sic*]." <sup>16</sup>

James Warren of Massachusetts was appalled by the Convention's recommendations. Warren wrote Samuel Adams that "If one of them does not astonish you I have forgot my political catechism." He could not believe that a convention of New England States, meeting "in the height of our contest for public liberty and security," could "recommend to their several states to vest the military with civil powers of an extraordinary kind and where their own interest is concerned, no less than a compulsive power over deficient states to oblige them by the point of a bayonet to furnish money and supplies for their own pay and support."<sup>17</sup>

In early 1781 conditions improved for the advocates of a strong central government. Maryland ratified the Articles on 2 February and signed them on 1 March. Congress started considering several reforms. Most important, several powerful groups supported reform. Economic and military difficulties had joined merchants, army officers, and public creditors. These groups came to power in some states and elected or reelected like-minded men to Congress, so that the composition of Congress was changed. John Sullivan described the new situation: "Congress and assemblies begin to Rouse from their Slumber and Individuals are now alarmed for the Public Safety who have for years past been Employed in amassing wealth."<sup>18</sup>

The proponents of a strong central government did not have complete control over Congress, but between 1781 and 1783 they exerted considerable influence in that body. Many of their actions were guided by Robert Morris of Pennsylvania who assumed the duties of Superintendent of Finance in September 1781. Morris' congressional supporters included James Madison of Virginia, James M. Varnum of



Rhode Island, James Wilson of Pennsylvania, and Alexander Hamilton and James Duane of New York. In part, the successes of this group must be attributed to the fact that some of their opponents also believed that the central government had to be strengthened in certain areas. The congressional opponents of a powerful central government included Thomas Burke of North Carolina, David Howell of Rhode Island, Arthur Lee of Virginia, and Samuel Osgood and Stephen Higginson of Massachusetts.

An independent revenue for Congress was one matter on which the two groups reached some accord. Although Congress lacked the power to tax, it had attained financial independence from 1775 to 1780 through the emission of paper money. In March 1780, however, depreciation forced Congress to abandon the use of its paper currency. This action made Congress more dependent on requisitions from the states, a method deemed by most to be inadequate. To circumvent this dependence, Thomas Burke and Allen Jones of North Carolina in March 1780 recommended a congressional impost of one percent on all imports and exports as a fund to redeem outstanding paper money. In August Robert R. Livingston of New York suggested that the states levy a two and a half percent tax on exports in order to pay the foreign debt and to obtain further credit. Neither measure was adopted. In November Congress appointed a committee to prepare "a plan for arranging the finances, paying the debts and economising the revenue of the United States." The committee reported on 18 December that Congress should be vested with "the exclusive right to duties arising on certain imported articles," and that the states be requested to pass laws granting to Congress, for its use, the duties levied on goods imported after 1 May 1781.<sup>19</sup>

Outside Congress, support for an impost also grew. In November 1780 the Hartford Convention recommended an impost to pay the interest on the public debt. A month later the Pennsylvania General Assembly instructed its congressional delegates to impress on Congress the absolute necessity of imposts on trade and the need for a uniform system of imposts to prevent one state from taking advantage of another.<sup>20</sup>

In such a climate of opinion, Congress debated the committee report of December 1780 and other reports on finance. On 1 February 1781 Thomas Burke moved that Congress, itself, be vested with the power to levy duties. The states were equally divided so the motion lost. John Witherspoon of New Jersey made a motion, seconded by Burke, that Congress "should be vested with a right of superintending the commercial regulations of every State, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the exclusive right of laying duties upon all imported articles, no restriction to be valid, and no such duty to be laid, but with the

consent of nine states." The duties were to be uniform and to be applied to specific purposes. After these purposes were met, the duties were to cease. The motion was defeated. Immediately following the vote, Burke renewed his motion of 1 February and this time it was adopted.<sup>21</sup>

As finally passed, the Impost of 1781 stated that it was "indispensably necessary" that the states grant Congress the power to levy a five percent *ad valorem* duty on goods imported after 1 May 1781. The revenue from the impost would "be appropriated to the discharge of the principal & interest of the debts already contracted or which may be contracted on the faith of the United States for supporting the present war." The Impost of 1781 was to remain in force until the debts were "fully & finally discharged" (CDR, 140–41).

The proposal was sent to the states on 8 February together with a resolution adopted on 7 February. The resolution provided that if hostilities prevented any legislature from meeting, the grant would go into effect as soon as the other states ratified, and that the money collected would be applied to the credit of the ratifying states. The Impost of 1781 was not designed to make Congress completely independent, but it was significant nonetheless. Thomas McKean, a Delaware delegate to Congress, declared that "The credit which Congress may derive from this Grant, having the exclusive collection and appropriation of it, and also from the Confederation being completed, added to the lands ceded to them, it is to be hoped will in a great degree retrieve the character of and give new confidence and importance [to] the United States." In forwarding the Impost to the states, the President of Congress indicated that Congress needed "some permanent Fund to support the national Credit and cement more effectually the common Interest of the United States."<sup>22</sup>

In early 1781 Congress also considered the question of executive departments. The supporters of a strong central government wanted such departments, headed by persons outside Congress, to replace the standing committees of Congress. The opponents of a powerful central authority preferred committees because executive departments had monarchical overtones. In some instances, the advocates of a strong central government had managed to have committees replaced by boards whose members included congressmen and non-congressmen. Like the committees before them, however, these boards were inefficient and cumbersome. Consequently, in January and February 1781 Congress established three executive departments—Foreign Affairs, War, and Finance—each to be under the direction of a secretary who was appointed by and answerable to Congress. By the end of the year, Congress had appointed Robert R. Livingston to be Secretary for Foreign Affairs, Benjamin Lincoln of Massachusetts to be Secretary at War, and Robert Morris to be Superintendent of Finance.<sup>23</sup>

The final ratification of the Articles on 1 March 1781 encouraged the supporters of a strong central government to try to obtain a coercive power for Congress. On 6 March 1781 Congress appointed a committee of three "to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several states all acts or resolutions passed agreeably to the Articles of Confederation." The committee consisted of James M. Varnum, James Duane, and James Madison.<sup>24</sup>

The committee's report, largely in Madison's handwriting, was presented to Congress on 16 March. The report indicated that, under Article XIII, Congress was vested with "a general and implied power . . . to enforce and carry into effect all the Articles of the said Confederation against any of the States which shall refuse or neglect to abide by such their determinations, or shall otherwise violate any of the said Articles. . . ." Since no such specific provision was contained in the Articles, the committee recommended an amendment. The amendment declared that if any state refused to abide by a determination of Congress or to adhere to the Articles, Congress was "authorised to employ the force of the United States as well by sea as by land to compel such State or States to fulfill their federal engagements. . . ." In particular, Congress could seize the property of the delinquent states and their citizens and prohibit the states from trading with one another and with foreign nations (CDR, 141–43).

Varnum believed that if the amendment were approved the states that paid their requisitions would "be greatly relieved." Madison stated that the coercive power was necessary because of "the shameful deficiency of some of the States which are most capable of yielding their apportioned supplies, and the military exactions to which others already exhausted by the enemy and our own troops are in consequence exposed." Joseph Jones, another Virginia delegate to Congress, declared that without "a coercive power" "we shall be a rope of sand and the Union be dissolved."<sup>25</sup>

The coercive power amendment enunciated two important constitutional principles: (1) Congress had "a general and implied power" to enforce the Articles of Confederation; (2) it was "most consonant to the spirit of a free constitution that on the one hand all exercise of power should be explicitly and precisely warranted, and on the other that the penal consequences of a violation of duty should be clearly promulgated and understood."

Congress was not eager to consider this sweeping measure and it delayed consideration. John Mathews of South Carolina believed that Congress lacked "a disposition" to increase its power. "Whenever the subject," he declared, "is brought forward, men seem to shrink from it as if the case was desperate." James M. Varnum asserted that some congressmen of "a long Standing" feared the "Abuse of Power"; they were

simply too cautious. Consequently, he recommended that a convention, “not composed of Members of Congress,” be called “to revise and refrain the Articles of Confederation; To define the aggregate Powers of the United States in Congress assembled; fix the Executive Departments, and ascertain their Authorities.”<sup>26</sup>

Congress finally considered the report on 2 May 1781, and after debate referred it to a grand committee, which on 20 July rejected the constitutional revolution. Instead, the committee asked that the states empower Congress to lay wartime embargoes for a period not exceeding sixty days. It also recommended that money collected at Congress’ request be “vested specifically” for the use of the United States. Congress discharged the grand committee and referred the report to a committee of three—Edmund Randolph of Virginia, Oliver Ellsworth of Connecticut, and James M. Varnum.<sup>27</sup>

This committee, which partly described itself as a committee “to prepare an exposition of the Confederation,” reported on 22 August that it ought to be “discharged from the exposition of the Confederation because such a comment would be voluminous if co-extensive with the subject. . . .” Then it listed twenty-one ways in which “the Confederation requires execution” and itemized seven additional powers that it hoped the states would grant Congress.

The twenty-one ways to execute the Confederation covered a wide range of topics. For example, the report recommended that Congress describe “the privileges & immunities to which the Citizens of one State are intitled in another” and that Congress adopt “one universal plan of equipping training & governing the Militia.” It also suggested that Congress erect a mint, fix weights and measures, and register seamen. In the twenty-first particular, Congress was asked to provide the “means of animadverting on delinquent States.”

The seven new powers were (1) to lay embargoes in wartime; (2) to prescribe rules for impressing property; (3) to appoint collectors and to direct the mode for accounting for taxes; (4) to admit new states carved out of old ones; (5) to enter into consular treaties; (6) to distrain the property of delinquent states; and (7) to vary the rules of suffrage in Congress (CDR, 143–45). This report was made the order of the day for 23 August, but there is no evidence that it was ever considered.<sup>28</sup>

In September 1781 Robert Morris began his duties as Superintendent of Finance basing his program upon the efficient organization of the nation’s finances. The public credit had to be reestablished; the central government had to be rendered solvent. To accomplish this, Congress needed the power to tax—an independent and permanent source of revenue. With this power, Morris wanted to fund the public debt so that its market value would rise, thereby gaining the support of men of wealth and property who owned much of the debt. The payment of the debt would also improve America’s credibility as a nation.<sup>29</sup>

To help implement his policies, Morris had received congressional authorization in May 1781 to establish a national bank. In November of that year more than twenty Philadelphians and others organized the Bank of North America. Despite the questionable constitutionality, Congress chartered the Bank of North America on 31 December 1781. Congressmen, such as Edmund Randolph and James Madison, voted for incorporation only after Congress had agreed to recommend to the states that they "pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation. . . ." The Bank began operations on 7 January 1782. In that year Massachusetts, New York, Pennsylvania, and New Jersey granted the Bank charters of incorporation, while North Carolina ruled that Congress' act of incorporation would operate as if it were state law. The Bank itself sought a corporate charter from Pennsylvania.<sup>30</sup>

Morris then turned to the public debt. Late in the Revolution, some states began assuming the claims against Congress. In 1780 Congress asked the states to assume the certificates issued by the quartermaster corps, the commissariat, and other administrative departments, and the arrears of pay due the army to 1 August 1780. The states agreed and eventually accepted even more of the claims than Congress had requested. Morris rejected this "ruinous" practice. Without a debt, Congress did not need the power to tax, and, without the power to tax, Congress was little better than a cipher. Consequently, Morris linked the payment of the debt to Congress' power to tax. At his behest, Congress in February 1782 ordered commissioners to all parts of the United States to register the debt owed to civilians. Accounts had to be settled and adjusted; Congress had to know the extent of its responsibility.<sup>31</sup>

Since the congressional power to tax was the key to his program, Morris tried to get the state legislatures to adopt the Impost of 1781. If the states adopted the Impost, it would be easier to obtain other federal taxes. On 3 January 1782 Morris informed the state executives that those who opposed the Impost labored "to continue the war, and, of consequence to shed more blood, to produce more devastation, and to extend and prolong the miseries of mankind." In May 1782 he convinced Congress to send delegations of its members to the states that had not ratified the Impost.<sup>32</sup>

In July 1782 the New York legislature, which had not adopted the Impost, met in special session and adopted resolutions recommending an increase in Congress' power to tax and the calling of a general convention to revise the Articles of Confederation. The resolutions, in the handwriting of Alexander Hamilton, considered the situation in America as "critical"; public credit was subverted and the independence of the states was endangered. The legislature believed that "the radical

Source of most of our Embarrassments, is the Want of sufficient Power in Congress” to get the states to cooperate. Most important, the Articles of Confederation had not vested “the fœderal Government either with a Power of providing Revenue for itself, or with ascertained and productive Funds. . . .” These defects could only be corrected if Congress proposed that each state “adopt the Measure of assembling a general Convention of the States, specially authorised to revise and amend the Confederation, reserving a Right to the respective Legislatures, to ratify their Determinations.” The resolutions were forwarded to Congress and passed from one committee to another until September 1783, when a committee recommended that action be postponed.<sup>33</sup>

Robert Morris also sought the support of the public creditors, particularly the holders of loan office certificates. Issued since 1776, these interest-bearing certificates were the cornerstone of the domestic public debt. They were issued in large denominations to the amount of about \$11,500,000 specie value. To pressure the creditors into supporting his policies, Morris in June 1782 discontinued interest payments on loan office certificates. When the creditors protested, Morris recommended that they petition Congress, that they organize themselves, and that they support additional federal taxes besides the Impost of 1781. On 8 July Philadelphia creditors petitioned Congress, and Congress referred their remonstrance to Morris. On 5 August Congress received and read Morris’ report of 29 July, outlining the economic and political importance of paying the public debt. He declared that the Impost of 1781 was insufficient, and he recommended land, poll, and excise taxes. These three taxes and the impost would raise at least \$2,000,000 annually. The report was referred to a grand committee. The Philadelphia creditors then got the Pennsylvania Assembly to protest to Congress. The legislature even threatened to pay the interest on the federal debt owned by Pennsylvanians. In September the New York creditors, led by Philip Schuyler and Alexander Hamilton, proposed that a committee be appointed to correspond with creditors in other states to look into the desirability of a national convention of creditors.<sup>34</sup>

By late summer of 1782, Rhode Island was the only state that still had to ratify the Impost of 1781. That summer, a new group of men came into power in Rhode Island, and they elected three delegates to Congress who opposed Morris and his program. In August Morris wrote the Governor of Rhode Island that the Impost was necessary in order to pay the large public debt, “a very considerable part” of which was held in Rhode Island.<sup>35</sup>

Rhode Island’s delegates in Congress, especially David Howell, steadfastly defended the state’s opposition to the Impost. In a letter to the governor on 15 October 1782, the delegates asserted that America had fought a war to preserve its liberties, not to replace the tyrannical

British government with one of its own making. They particularly objected to the idea of "*a perpetual grant*." There would be no end to the debts that the government could contract. If Congress had a perpetual revenue, it could coerce the states economically and militarily. If the Impost were adopted, the delegates envisioned "a numerous train" of customs officials and other financial officers. Congress would also increase "the Tribes of half-pay Officers, Pensioners, and public creditors" in order to increase its own powers. To pay them, Congress would levy an increasing number of taxes and "the bond of Union, to use the phrase of the Advocates of these Measures, would be complete. And we will add the Yoke of Tyranny fixed on all the states, and the Chains Rivotted." They hoped that the legislature would defeat the Impost by "a large Majority."<sup>36</sup>

In November 1782 the Rhode Island legislature rejected the Impost, declaring that it was unfair since the greatest burden would fall on the commercial states. The Impost was also contrary to the state's constitution because Congress would appoint officers in Rhode Island who would not be accountable to the state. By granting a permanent revenue, the Impost would make Congress "independent of their constituents; and so the proposed impost is repugnant to the liberty of the United States."<sup>37</sup>

Upon hearing of this action, Congress referred the matter to a committee whose report was accepted on 16 December 1782. The report—written by Alexander Hamilton, James Madison, and Thomas FitzSimons—denied that the commercial states would be hardest hit by the Impost. It stated that Congress could appoint officers within a state "where the general welfare may require it" and that it could appoint those "civil officers as may be necessary for managing the general affairs of the United States under their direction." The Impost, "if not within the letter," was within "the spirit of the Confederation." Congress had the power to borrow money. Therefore, it had to have the means to repay loans. Once again, the concept of implied powers was enunciated. Besides, the report continued, the Articles could be amended; the Impost was such an amendment. In particular, Congress had to be able to pay the national debt. If it did not, many people would suffer and "the national character" would be stamped with "indelible disgrace." The report concluded that the Impost was "the cornerstone of the public safety" and had to be adopted in order to put an end to the dissatisfaction in the army, the clamor of the public creditors, and the hopes of those enemies who wanted to protract the war. On 17 December Congress ordered a deputation to Rhode Island. Five days later, the deputation started for Rhode Island, but returned upon hearing that Virginia had repealed its ratification of the Impost.<sup>38</sup>

The Virginia legislature had repealed its ratification of the Impost on 6 December. The preamble to the act of repeal declared that the levying of duties and taxes by Congress on the citizens of Virginia was "injurious" to the "Sovereignty" of the state. In time, such an action "may prove destructive of the rights and liberty of the people." Moreover, the Impost contravened "the spirit of the Confederation in the eighth article thereof."<sup>39</sup>

The defeat of the Impost of 1781 placed Morris and his followers in a desperate situation, which was aggravated by mounting attacks on their program and on Morris himself as a "dictator." They also believed that the peace negotiations, well underway, would culminate in a treaty that might endanger their political goals.

Consequently, they sought other allies—the officers of the Continental Army. The army had long been a source of discontent that Congress had tried to alleviate. In 1778 Congress voted the officers half-pay for seven years after the war. Two years later it gave them half-pay for life—the standard practice in European armies. In late 1782 and early 1783 army officers feared that Congress would not keep its promise of half-pay because of the mounting opposition to the measure, especially in New England. Moreover, they had not received their back pay and many were in debt.

In December 1782 the officers at Washington's headquarters at Newburgh on the Hudson River petitioned Congress, stating that the officers and men were distressed for want of money, clothing, and supplies. The petitioners asked that money be sent to the army as soon as possible. "The uneasiness of the soldiers, for want of pay, is great and dangerous; any further experiments on their patience may have fatal effects." The petitioners urged "an immediate adjustment of all dues." Aware of opposition to half-pay, they were willing to commute it, "for full pay for a certain number of years, or for a sum in gross."<sup>40</sup>

In late December 1782 and early January 1783 three officers met with Robert Morris and Congress in Philadelphia and with such men as Gouverneur Morris and Alexander Hamilton. Later in the month, Arthur Lee, a Virginia delegate to Congress, observed that "Every Engine is at work here to obtain permanent taxes and the appointment of Collectors by Congress, in the States. The terror of a mutinying Army is playd off with considerable efficacy."<sup>41</sup> Rumors were also spread that the public creditors would support the army.

Washington, although apparently unaware of these events, was the key figure. Hamilton wrote Washington on 13 February 1783 to ascertain his feelings, although he gave Washington little inkling of what was happening. He simply stated that, if the army were not helped, it would be difficult to control. Washington, by preserving the confidence of the



army, could "guide the torrent, and bring order perhaps even good, out of confusion." In conclusion, Hamilton declared "The great *desideratum* at present is the establishment of general funds, which alone can do justice to the Creditors of the United States (of whom the army forms the most meritorious class), restore public credit and supply the future wants of government. This is the object of all men of sense; in this the influence of the army, properly directed, may cooperate." On 4 March Washington replied that he did not believe that the army would exceed "the bounds of reason & moderation" and that the army's just demands would be met.<sup>42</sup>

On 10 and 12 March anonymous addresses were circulated among the officers at Newburgh proposing that officers refuse to fight if the war continued, or refuse to lay down their arms if peace were declared. Washington called a meeting on 15 March and foiled whatever plot there was. The meeting then drew up resolutions pledging the army's support for Congress.

Washington wrote Congress and urged it to meet the army's demands. Dated 18 March, Washington's letter was read in Congress on 22 March. That same day, Congress voted to commute half-pay for life to full pay for five years.

Washington blamed the Newburgh incident on Gouverneur Morris—the Assistant Superintendent of Finance—and some members of Congress. The latter had used the army officers as "mere Puppits" to achieve their goals. "The idea of redress by force," Washington declared, "is too chimerical to have a place in the imagination of any serious mind in this Army. . . ." He warned "that the Army (considering the irritable state it is in, its sufferings & composition) is a dangerous instrument to play with." He suggested that the army be disbanded "as soon as possible."<sup>43</sup>

In the early months of 1783, the question of obtaining an independent revenue continued to occupy the attention of Congress and the public. In late January 1783 Robert Morris announced his resignation to take effect at the end of May if Congress did not adopt a plan to pay the public debt. On 12 February Congress adopted a resolution, stating "that the establishment of permanent and adequate funds on taxes or duties . . . are indispensably necessary towards doing complete justice to the public creditors, for restoring public credit, and for providing for the future exigencies of the war." On 21 February a special committee of five, including Hamilton and Madison, was appointed to consider the means of restoring public credit and of obtaining funds for the payment of the debt. The committee made two reports on 6 and 18 March that were vigorously debated until 18 April 1783. The earlier report was submitted to Robert Morris for his opinion, and he reiterated the doctrine of implied powers. The states, he declared, were obliged to

agree to any federal plan for paying the debt. "*The right of Congress is perfect and the duty to pay absolute.*"<sup>44</sup>

On 18 April 1783 Congress submitted to the states, for their consideration, a complete economic program, often referred to as the Impost of 1783. The program had several features: (1) the states were asked to grant Congress, for twenty-five years, the power to levy specified duties on certain imported goods and a duty of five percent *ad valorem* on all other imports, the proceeds of which were to be used only to discharge the principal and interest on the national debt; the states were to appoint the collectors of the impost, but Congress could remove them; (2) the states were requested to supply Congress with supplemental revenues amounting to \$1,500,000 annually for twenty-five years, which were to be used only to pay the principal and interest of the debt; the collectors of these revenues were to be appointed by the states, but were subject to removal by Congress; these revenues were to be apportioned "according to the rule which is or may be prescribed by the articles of confederation"; (3) Congress agreed to make an annual accounting to the states of the money collected from the Impost and the supplemental revenues; (4) none of the preceding clauses would take effect until all were agreed to by every state; once adopted, no resolution could be revoked except by unanimous consent of the states or by "a majority of the United States in Congress assembled"; and (5) the states were asked to make "liberal cessions" of their territorial claims, as recommended in the congressional resolutions of 6 September and 10 October 1780.<sup>45</sup> The revenue from the sale of these territorial cessions was to be used to pay the debt (CDR, 146-48).

Stephen Higginson, a Massachusetts delegate to Congress, explained the meaning of the above action while it was still under consideration. "We are still hammering on a strange, though artful, plan of finance, in which are combined a heterogeneous mixture of imperceptible and visible, constitutional and unconstitutional taxes. It contains the impost, quotas, and cessions of Western lands, and no part of it is to be binding unless the whole is adopted by all the States. This connection and dependence of one part on another is designed to produce the adoption of the whole. The cessions are to serve as sweeteners to those who oppose the impost; the impost is intended to make the quotas more palatable to some States; and the receiving it in whole is made necessary to secure the adoption of the whole, by working on the fears of those States who wish to reject a part of it only."<sup>46</sup>

On 18 April Congress also proposed an amendment which altered the eighth article of the Articles of Confederation. Under that article, a state's share of the expenses of Congress was to be based upon the value of land granted or surveyed. The amendment provided that expenses "shall be supplied by the several states in proportion to the whole num-

ber of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each state." To ascertain this number, a census was to be taken every three years (CDR, 148–50). The three-fifths clause of the amendment was adopted only after a heated debate between Northern and Southern delegates.

The same day Congress appointed a committee of three (James Madison, Oliver Ellsworth, and Alexander Hamilton) to prepare an address to accompany the Impost of 1783 and the amendment. On 26 April the committee reported an "Address to the States" that emphasized that the economic power and the amendment were needed to pay the debt. On 9 May the President of Congress sent the grant of power, the amendment, and the address to the states and asked that they take action as soon as possible.<sup>47</sup>

In June 1783 the soldiers were discharged and the army disbanded. The officers had wanted to keep the army in camp until their accounts had been settled by Congress, but Washington opposed this type of pressure. The commander in chief, however, made one last attempt to help his officers and men, by sending a circular letter to the state executives. He stated that America's well being and survival depended on four things. Congress had to become the "supreme power, to regulate and govern the general concerns of the confederated republic. . . ." The public debt, particularly that owed the army, had to be paid. The militia had to be placed upon "a regular and respectable footing" and its "formation and discipline" had to be made uniform. Lastly, the people of the United States had to abandon their "local prejudices and politics" and make "mutual concessions." He asked that his letter be submitted to the state legislatures (CC:4).

The Morris forces, who had controlled Congress from 1781 to 1783, had not achieved all of their goals. Their constitutional theories, especially the implied powers of Congress, had been rejected. They had failed to obtain a comprehensive system of federal taxes. Their hope of using the military to pressure Congress had failed. In January 1784 a jubilant Stephen Higginson declared "Their schemes are now entirely defeated; their web is broken, which they have with so much art and industry been for several years spinning."<sup>48</sup>

Soon after, Morris announced that he intended to resign. Opponents of a strong central government then advocated a board of commissioners to replace him. In May 1784 Congress voted to place the Department of Finance under the direction of a three-man board. Finally constituted in August 1785, the Board of Treasury consisted of Walter Livingston of New York, Samuel Osgood of Massachusetts, and Arthur Lee of Virginia; the last two were among Morris' most bitter enemies.

Just before the peace was signed in April 1783, the idea of a constitutional convention was revived. In February 1783 General Henry Knox emphatically warned that if something was not done before the peace, "we shall be in a worse situation than we were at the commencement of the war."<sup>49</sup> On 1 April 1783—during the debate in Congress on the Impost—congressman Alexander Hamilton hoped "to see a general Convention take place & that he sd. soon in pursuance of instructions from his Constituents, propose to Congs. a plan for that purpose." Even Stephen Higginson wanted "to see a General Convention for the purpose of revising and amending the fœderal Government." James Madison, however, opposed a convention, preferring to increase Congress' powers by such measures as the Impost.<sup>50</sup>

In early July George Washington wished to see a convention called to give "energy" to the Articles. At about the same time, Hamilton drafted a resolution calling a convention to amend the Articles. He prefaced the resolution with a lengthy recitation of twelve defects of the Confederation. Because of these defects, the United States had occasionally been "exposed to the most critical and alarming situations." Moreover, Congress had too often been forced "to make the administration of their affairs a succession of temporary expedients, inconsistent with order œconomy energy or a scrupulous adherence to the public engagements." Now that peace had arrived, Hamilton continued, Congress had to do justice to the army and the public creditors, and the Union "should be established on the most solid foundations." Congress had to admit its failures and recommend that a convention be called "with full powers to revise the confederation and to adopt and propose such alterations as to them shall appear necessary to be finally approved or rejected by the states respectively." Hamilton, however, never presented the resolution to Congress.<sup>51</sup>

Despite these proposals, Congress demonstrated its lack of interest in calling a convention. New York's resolutions of July 1782 for calling a convention were tied up in committee for a year. Finally, on 2 September 1783, a report recommended that further consideration of a convention be dropped until the states had responded to the Impost of 1783.<sup>52</sup>

In the fall of 1783 Congress—in another effort to secure revenue—turned to the matter of the western lands. In 1784 and 1785 it created the national domain and adopted ordinances for its government and the sale of lands within it (CDR, 150–53, 156–63). By these actions, Congress exercised power not granted by the Articles of Confederation. As James Madison explained: ". . . Congress had never scrupled to recommend measures foreign to their constitutional functions, whenever the public good seemed to require it; and had in several instances, particularly in the establishment of the new Western

Governments, exercised assumed powers of a very high & delicate nature. . . ."<sup>53</sup>

Opponents of a powerful central government were elated by Congress' policy toward the West. If Congress obtained revenue through the sale of western lands, there would be less need to give it the power to tax. Richard Henry Lee declared that "The great Object with the United States now, is to dispose speedily of the western lands for the discharge of public debt. . . ." William Grayson stated that the payment of the public debt through the sale of western lands "seems to be an object which every one has very much at heart."<sup>54</sup>

In the fall of 1783 Congress also was concerned with the question of commerce. In May and June 1783 two English orders-in-council placed some restrictions on direct American trade with Great Britain. On 2 July 1783 another order-in-council closed the British West Indies to American vessels, although certain enumerated goods and produce could be shipped in British vessels. To the chagrin of Americans, particularly New Englanders, the list did not include fish, dairy products, and cured meats.

As John Adams—the American minister to Britain—saw it, the order-in-council of 2 July was a challenge to Americans. "This proclamation," Adams wrote, "is issued in full confidence that the United States have no confidence in one another; that they cannot agree to act in a body as one nation; that they cannot agree upon any navigation act which may be common to the thirteen States." He warned that "if there is not an authority sufficiently decisive to draw together the minds, affections, and forces of the States, in their common, foreign concerns, it appears to me, we shall be the sport of transatlantic politicians of all denominations, who hate liberty in every shape, and every man who loves it, and every country that enjoys it."<sup>55</sup>

Congress accepted the challenge, and in September a committee made several reports relating to foreign relations. The committee reported that the orders-in-council were "highly injurious to the welfare and Commerce of these United States, and peculiarly so to the Eastern States." It recommended that an address be sent to the states on the subject of foreign trade and that America protect itself in this matter. Referring to Adams's letters, the committee stated that it was obvious that "the union requires additional support from its members, and that if the United States become respectable, it must be by means of more energy in government." The United States had "seriously to consider their own Interests and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require." In October a committee to prepare an address to the states reported, but, for the moment, Congress dropped the issue.<sup>56</sup>

In December 1783 Virginia and Pennsylvania requested that Congress retaliate against Great Britain. The Virginia legislature agreed that Congress be empowered to adopt measures to counteract the orders-in-council, which violated the rights of free commerce. Pennsylvania instructed its delegates that Congress should be given the separate and independent power of regulating commerce. It believed that "discordant" state systems would be "productive of internal jealousies and competitions," and would be "ilily calculated to oppose or counteract foreign measures."<sup>57</sup>

On 26 January 1784 Congress appointed a committee to consider the committee report of October 1783, the Virginia act empowering Congress to retaliate against Great Britain, and, later, the Pennsylvania request that Congress be given commercial power. The committee reported on 22 April 1784, and on 30 April Congress resolved that the states grant Congress power to regulate commerce for fifteen years.<sup>58</sup>

The preface to the grant of power stated that few objects were of "greater importance" than "the situation of commerce." Economic prosperity was dependent upon commerce. If Congress lacked the power to retaliate against British restrictions, it could "never command reciprocal advantages in trade" and America's "foreign commerce must decline and eventually be annihilated." Therefore, Congress asked the states to vest in it the power to prohibit imports and exports in the vessels of nations not having commercial treaties with the United States and to prohibit the subjects of those nations from importing goods into America. Acts passed in pursuance of the above powers required the approval of nine states (CDR, 153-54).

By mid-1784 it became increasingly apparent even to the advocates of the supremacy of the state legislatures that Congress had to be strengthened. In May 1784 Patrick Henry, a member of the Virginia House of Delegates, declared that the "only Inducement" he had for attending the House was to support measures increasing the powers of Congress. Henry "saw Ruin inevitable unless something was done to give Congress a compulsory Process on delinquent States &c." In November John Francis Mercer, a Virginia delegate to Congress, asserted that the Confederation would fail, "unless great & effectual repairs are made." He had no confidence in any measure but "a convocation of the States." He also heard that the next Congress would consider a resolution to call a convention. Richard Henry Lee, another Virginia delegate, was concerned enough to ask Madison's opinion on calling "a Convention for the Sole purpose of revising the Confederation" so that Congress could "execute with more energy, effect, & vigor, the powers assigned it." Madison, still skeptical about calling a convention, was evasive.<sup>59</sup>

In late 1784 and early 1785 the situation with respect to trade and commerce deteriorated. Congress had had only limited success in obtaining commercial treaties. Some states feuded over conflicting commercial regulations; others experienced a decline in trade. Northern merchants demanded that Congress be given permanent power to regulate foreign and domestic commerce.

Consequently, on 6 December 1784 Congress appointed a committee on "the general regulation of trade." According to James Monroe of Virginia—a member of the committee—the states would be asked to give Congress the power to regulate foreign trade so that it could encourage the carrying trade and retaliate against nations with whom the United States had no commercial treaties. On 24 January 1785 Congress renewed the committee. Some delegates wanted Congress to have the power to regulate interstate trade in order "to prevent Dissentions" among the states. Many congressmen, however, believed that interstate trade should not be regulated. The committee reported on 16 February 1785, but consideration was postponed. The committee was instructed on 11 March "to report a circular letter to accompany the recommendation proposed in the report."<sup>60</sup>

On 28 March Monroe, now the committee's chairman, submitted a circular letter with the committee's report, which included an amendment to the Articles of Confederation. The amendment altered the first paragraph of Article IX of the Articles, to include "The sole and exclusive right and power" of Congress to regulate "the trade of the States as well with foreign Nations, as with each other, and of laying such imposts and duties, upon imports and exports, as may be necessary for the purpose. . . ." However, duties levied on American citizens could not be higher than those on foreigners, and Congress could not prohibit the states from importing or exporting anything. All duties had to be collected under the authority of and accrue to the use of the states in which they were payable. And all acts passed in consequence of this new power required the vote of nine states (CDR, 154–56).

The circular letter expressed fear that the states acting independently might endanger the benefits already obtained from existing commercial treaties. Congress needed the power to carry such treaties into effect and the ability to retaliate against those nations with whom the United States had no reciprocal agreements. The letter asked the states to act immediately on the amendment so that the commercial situation would not deteriorate further.<sup>61</sup>

Congress read the amendment and the circular letter on 28 March and assigned 5 April for their consideration. Monroe thought the subject should be postponed; he was surprised it had come so far. "If carried farther here," he continued, "prejudices will take place, at least I fear so, and those who oppose it here will in their states." Rufus King, a Massachusetts delegate, agreed. He pointed to pressure from outside

Congress and stated that "If this well founded uneasiness is attended to by wise and moderate men, in the several States, it may be improved to purposes the most beneficial, to our national government, as well as to our national commerce—you understand me, without my adding—too much precipitancy may injure us, moderation and delay have ever served our true interest."<sup>62</sup>

Both men had judged the temper of Congress correctly. On 13 and 14 July Congress resumed consideration of the commerce amendment. The debate was between the carrying states of the North and the planting states of the South, and between those who wanted a strong central government and those who did not. Monroe summarized the arguments of the opponents: (1) "That it was dangerous to concentrate power"; (2) that the interests of the North and the South were different; the eight Northern States would "combine to shackle & fetter" the five Southern States; and (3) "that all attacks upon the confederation were dangerous & calculated even if they did not succeed to weaken it." Richard Henry Lee believed that, if the amendment were adopted, the South would be subjected "to a most pernicious and destructive Monopoly"; the Southern States "might be at the Mercy of . . . East & North." Such a situation would probably occur because "The Spirit of Commerce thro'out the world is a Spirit of Avarice." With such powerful opposition, the commerce amendment was dropped. After describing the "division of Sentiments" and the "clashing of interests," David Howell concluded that little could be expected from "the present Congress"—"The voice of the people must come forward and give birth to some System."<sup>63</sup>

Early in 1785 the artificers, tradesmen, and mechanics of New York City and the New York Chamber of Commerce implored Congress to extend its "power to every exigency of the union." Soon after, the merchants and traders of Philadelphia asked that Congress' power over trade be increased. In June a Philadelphia town meeting stated that only a grant of "full constitutional powers" over commerce to Congress could bring relief to America's languishing trade and manufactures.<sup>64</sup>

The greatest clamor for a new commercial system occurred in Massachusetts. In April 1785 the merchants and tradesmen of Boston agreed to boycott British goods sold by resident British factors. Some merchants petitioned Congress, "requesting the immediate interposition of those powers for its relief, with which Congress may be now invested." Congress tabled the petition until it reconsidered the report of the committee on the regulation of trade. In early May a Boston town meeting declared that Congress' powers had to be increased; it wanted the legislature to ask the governor to correspond with the other state executives. Soon after, in his inaugural address to the legislature, Governor James Bowdoin stated that Congress required more powers "to preserve the union" and to manage its concerns. Bowdoin told the legislature that



the matter of commerce merited its "particular attention." If it was thought that Congress needed more power, the legislature should "take measures" to call a convention "to settle and define" these powers.<sup>65</sup>

In late June 1785 the Massachusetts legislature passed a navigation act forbidding exports from Massachusetts ports in British vessels and establishing discriminatory duties on foreign vessels and imports. The act, however, was only a temporary measure until Congress was given "competent power" to regulate the trade of the United States. Then on 1 July the legislature adopted three resolutions. First, the powers of Congress were declared to be inadequate "to the great purposes they were originally designed to effect." Second, it was "highly expedient, if not indispensibly necessary" that a convention of the states be called as soon as possible "for the sole purpose of revising the confederation and reporting, to Congress how far it may be necessary to alter or enlarge the same." Third, Congress was asked to call such a convention and to receive its recommendations. Bowdoin sent copies of the resolutions to the Massachusetts delegates in Congress and to the state executives.<sup>66</sup>

According to Nathan Dane, a member of the state House of Representatives, the legislature passed these measures because the "federal compact is defective." The chief defects and difficulties were "the want of a general and uniform power lodged somewhere to levy and collect monies sufficient to discharge the demands against the United States, and to regulate trade and commerce." "Upon the whole," Dane continued, "the measure proposed to Congress and the laws we have lately passed respecting it were, I fear, rather the effects of the impulse of the times of partial interests than the general purpose of the people; because but a few appear to have any system or idea to be adopted by the proposed Convention, or to be pursued by this Government."<sup>67</sup>

On 18 August the Massachusetts delegates to Congress informed Governor Bowdoin that they refused to present the resolutions to Congress because they had "no cause to expect an adoption of the plan proposed by the Legislature. . . ." On 3 September the delegates declared that even admitting that Congress required additional commercial powers, these powers should be temporary only. If the powers proved "beneficial," they could then be made permanent. The delegates were opposed to constant revisions of the Articles of Confederation and the state constitutions because they were "the great Bulwarks of Liberty." If they "are subject, on trivial or even important Occasions, to be revised, and re-revised, altered and re-altered, they must cease to be considered as effectual and sacred Barriers. . . ."

The delegates followed with a classic statement of the position of the opponents of a strong central government: "the great object of the Revolution, was the Establishment of good Government, and each of the States, in forming their own, as well as the federal Constitution, have adopted republican principles. notwithstanding this, plans have been

artfully laid, and vigorously pursued, which had they been successful, We think would inevitably have changed our republican Governments, into baleful Aristocracies. Those plans are frustrated, but the same Spirit remains in their abettors. . . ." The delegates believed that the calling of a convention "would produce thro'out the Union, an Exertion of the Friends of an Aristocracy, to send Members who would promote a Change of Government. . . ." The new government formed would not promote the happiness of the people, but would "afford lucrative Employments, civil and military." The delegates preferred to continue with the present inconveniences than risk the "general Dissentions and Animosities, which may approach to Anarchy and prepare the Way to a ruinous System of Government."<sup>68</sup> The Massachusetts legislature, convinced that Congress would not call a convention, dropped the idea.

Governor Bowdoin replied on 24 October that if such "discordant principles" existed which made it dangerous to give Congress more power, "the union cannot long subsist." On 2 November the delegates rejoined that the best way to help Congress was to grant it a temporary power and that if a convention was necessary, it must be "confined to the revision of such parts of the Confederation as are supposed defective, and not entrusted with a General Revision of the Articles, and a Right to report a plan of foederal Government, essentially different from the republican Form now administered."<sup>69</sup> Samuel Adams agreed, fearing that, if there were a general revision of the Articles, "the artifices of a few designing men" would destroy the liberty of the people. But Adams also believed that Congress needed the power over commerce—a power that would benefit Massachusetts.<sup>70</sup>

In November 1785 the Virginia House of Delegates took up the matter of commerce. On 14 November resolutions were offered which would have instructed the state's delegates to Congress to grant Congress a permanent grant of power to regulate foreign and domestic commerce. Such a permanent power was in accordance with the amendment to the Articles that James Monroe had presented to Congress in March 1785. The House resolutions stated that any act of Congress authorized under this permanent power would have to be approved by two-thirds of the states in Congress and would be limited in duration to twenty-five years, renewable by a vote of two-thirds of the states in Congress. The resolutions also gave Congress the power to levy a five percent *ad valorem* impost for a specified number of years, presumably no more than the twenty-five years recommended by the congressional Impost of 1783.

On 30 November the House of Delegates adopted a revised version of the resolutions that limited the regulatory powers of Congress to thirteen years and omitted the impost power. The following day the resolutions were reconsidered and finally tabled.<sup>71</sup>

In place of the resolutions, a substitute resolution was proposed on 1 December that called for a commercial convention of the states. This resolution was also tabled until the last day of the session, 21 January 1786, when it was adopted by the House and the Senate. The resolution appointed eight commissioners to meet with commissioners from other states "to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable the United States in Congress effectually to provide for the same." On 19 February Edmund Randolph, chairman of the state's commissioners, sent the resolution to the executives of the other states and informed them that the proposed convention would meet at Annapolis, Maryland, on the first Monday in September 1786. Four days later Governor Patrick Henry also informed the state executives of Virginia's action (CDR, 180–81).

Some Virginians were ambivalent or pessimistic about a commercial convention. James Madison thought that it would "probably miscarry," but that it was "better than nothing." He believed that a reexamination of the powers of Congress might be beneficial; moreover, it was better to do something before America's commercial situation became even more desperate. However, Madison feared that if the convention failed, Great Britain and the rest of the world would not respect the United States as "a nation in matters of Commerce."<sup>72</sup> James Monroe had "some hopes" for the convention, but William Grayson did not think the convention would "probe" the country's problems "to the bottom."<sup>73</sup> George Washington doubted that the commercial convention would succeed in amending and revising the Articles of Confederation, but he believed "something must be done, or the fabrick must fall, for it certainly is tottering."<sup>74</sup>

Similar feelings were expressed in the North. John Jay of New York, the Secretary for Foreign Affairs, believed the commercial convention "may do some good, and would perhaps do more if it comprehended more objects." Jay, however, was not certain that "the people are yet ripe for such a measure." He also mentioned that a plan for "a general convention" was "in contemplation" and he hoped it would "take effect."<sup>75</sup>

Rufus King and Theodore Sedgwick, two Massachusetts delegates to Congress, were convinced that the commercial convention would not succeed. King declared that the idea came from those who were in opposition to a general commercial system, while Sedgwick asserted that "the measure was originally brought forward with an intention of defeating the enlargement of the powers of Congress."<sup>76</sup>

In the first three months of 1786 Congress took inventory and determined that some states had not adopted several of its recommenda-

tions. Nine states had granted the Impost of 1783, but only three states had agreed to the supplemental funds. The grant of commercial power of 1784 had been ratified by ten states. Lastly, nine states had adopted the 1783 amendment on population.<sup>77</sup>

In late February 1786, the New Jersey legislature added to the woes of Congress, when it resolved not to pay its quota of the congressional requisition of 1785 until New York ratified the Impost. This measure was a reaction to New Jersey's frustrating economic dependence on New York and to Congress' stoppage of interest payments on the federal debt. In mid-March three members of Congress addressed the New Jersey legislature and asked it to reconsider. Charles Pinckney of South Carolina stated that New Jersey's action was not the best means of seeking relief. He recommended that New Jersey ask Congress to call "a general convention of the states, for the purpose of revising and amending the federal system." This, he believed, "was the only true and radical remedy for our public defects." Whereupon, the legislature repealed its resolution, but it never attempted to collect money to meet the state's quota of the requisition.<sup>78</sup>

By this time the failure of the states, in general, to pay the congressional requisitions had become an acute problem. Later in the year Congress received a report which stated that the states were deficient in their payments on the requisitions to the amount of almost \$4,500,000. In part, this deficiency rendered Congress unable to pay the interest on the public debt—a severe blow to the advocates of a strong central government. If Congress could not pay its debts, the states would surely step in to meet the demands of public creditors. In 1782, for instance, Maryland invited holders of the federal debt to exchange their securities for state notes. The next year, Pennsylvania, New Jersey, and New Hampshire began paying the interest on federal securities. Then in 1786, Pennsylvania and New York—two states whose citizens owned much of the federal debt—agreed to call in federal notes in exchange for state securities. The fiscal situation was so bleak that on 16 August 1786 a committee of Congress recommended that Congress apportion the public debt among the states and allow them to pay it in any way they deemed fit. This proposal was a humiliating admission that Congress lacked the authority to meet its financial obligations.<sup>79</sup>

In mid-March 1786 there was a motion in Congress to call "a general Convention to consider of an alteration of the Confederation." It was contended that if the Confederation continued in its "present State of imbecillity we shall be one of the most contemptible Nations on the face of the Earth."<sup>80</sup> Nothing came of this motion and, in fact, it does not appear in the journals of Congress.

In April and May of 1786 the sense of crisis was heightened in Congress. The Connecticut delegates declared that "Our affairs seem to indicate the approach of some great crisis. Our Trade in a very distracted

situation, Britain watching for some opportune season to revenge her smarts, the fickle Indian nations ready to join those who best can supply their wants, and jealous of the approach of the Americans so near their Territories, the states unwilling or neglecting to adopt almost any one Measure which can be proposed to them by Congress so as to act jointly and efficaciously for mutual Benefit." Rufus King claimed that the federal treasury was without money, government workers were clamoring for want of pay, the troops in the West were "mutinous," and commerce was "almost ruined." Charles Pettit of Pennsylvania reported that "Our political Situation . . . is indeed wretched—Our Funds exhausted, our Credit lost, our Confidence, in each other and in the federal Government destroyed." The states were following their own selfish interests.<sup>81</sup>

Consequently, on 3 May Congress assigned a day "to take into consideration the state of public affairs." Charles Pinckney, who made this motion, stated that Congress should "appoint a Convention" to obtain "greater powers," or request them from the states. James Monroe saw no reason for a convention. William Grayson was "apprehensive" that the committee of the whole on "the State of the Nation" would "produce nothing" and that Congress would "never be able to agree on the proper amendments even among themselves." Rufus King believed that matters were further complicated because the men who were interested in strengthening the central government were accused of being "unfriendly to the liberties of the People."<sup>82</sup>

On 3 July Congress appointed a grand committee "To report such amendments to the Confederation and a draft of such resolutions as it may be necessary to recommend to the several states for the purpose of obtaining from them such powers as will render the federal government adequate to the ends for which it was instituted."<sup>83</sup> On 7 August the grand committee reported seven amendments. The amendments—numbered Articles 14 to 20—touched on a wide variety of subjects, commercial, financial, judicial, and legislative. The 14th Article—the commercial amendment—gave Congress "sole and exclusive power" to regulate foreign and domestic commerce, to levy import and export duties under certain restrictions, and to make laws for the collection of duties. The regulations concerning the collection of duties were to be consistent with the state constitutions; the revenue derived was earmarked for the use of the state in which it was collected. The votes of nine states in Congress were required on these commercial powers. The 15th Article expressed chagrin at the failure of the states to meet their requisitions on time. It provided that Congress establish the time in which the states were to pass laws complying with congressional requisitions for money or land forces. If a state neglected to pass such a law, it would be assessed additional charges. The 16th Article gave Congress

the power to intervene in a state that failed to meet its requisition in ten months and when a majority of the states had passed laws complying with the requisition. In such cases, Congress itself was permitted to levy, assess, and collect all sums and duties and to apportion them among the counties and towns of a state. If a state should interfere in the collection of a congressional requisition or countenance interference by its citizens, its action would be "considered as an open Violation of the federal compact." The 17th Article provided that states would be permitted interest on advances they made and would be assessed charges for arrearages in their payments.

The 18th Article permitted the votes of eleven state legislatures "to establish any new Systems of Revenue and to make any New Regulations in the finances of the U S for a limited term not exceeding fifteen years. . . ." The 19th Article gave Congress "Sole and exclusive" power to define and punish treason and piracy or felony on the high seas. Congress could also institute a federal court for trying officers that it had appointed. The court could also hear appeals from state courts in cases involving treaties, congressional regulations on trade and commerce, collection of federal revenues, and other important questions to which the United States was a party. "Trial of the fact by jury" was to be ever held sacred, as were the benefits of the writ of habeas corpus. The court's seven judges were "to be appointed from the different parts of the Union. . . ." The 20th Article was designed to obtain better attendance in Congress. The states were given greater responsibilities to make certain that they were represented. Delegates who failed to appear when called upon to make a representation of their state, or who left Congress without permission, unless recalled by their state, could be disqualified from sitting in Congress and from holding any federal or state office (CDR, 163-68).

Although these amendments increased the powers of Congress, they also protected the rights of the states. A state was given every opportunity to pay its requisitions. Moreover, Congress was not expressly given the power to use force in achieving compliance. Congress was not given a permanent revenue and the vote of eleven states was needed to establish even a temporary financial system.

Congress assigned 14 August 1786 for the consideration of these amendments, but there is no record that it ever considered them. The amendments were probably tabled because of the bitter North-South dispute over the treaty negotiations between Secretary for Foreign Affairs John Jay and Spanish Minister Don Diego de Gardoqui (CC:46). This dispute also threatened to divide the Union because some Northerners—seeking to circumvent Southern influence in Congress—were willing to form a separate confederacy (CC:3). On 3 September—a few days after the bitter North-South debate on the Spanish negotia-

tions had ended—Rufus King stated that “if wise and prudent men discerning the imperfections of the present Governments, do not in season and without fear, propose suitable remedies,” a monarchy might be reestablished in America. “Since a convention must assemble at Annapolis” King was “glad that Delegates will attend from Massachusetts.” He hoped, “extraordinary as the measure is, that it may issue more favorably than I have ever expected.”<sup>84</sup>

The Annapolis Convention, which began its deliberations on 11 September, was attended by only twelve commissioners from five states—New York, New Jersey, Pennsylvania, Delaware, and Virginia. Commissioners were also elected from New Hampshire, Massachusetts, Rhode Island, and North Carolina, but they did not attend. The Convention adjourned on 14 September after adopting a report which was sent to Congress and the states.

The report, in the handwriting of Alexander Hamilton, indicated that, although the Convention had been called only to consider commercial matters, New Jersey had empowered its commissioners “to consider how far an uniform system in their commercial regulations and *other important matters*, might be necessary to the common interest and permanent harmony of the several States.’” New Jersey also provided that the commissioners were to report an act, which when ratified by the states, “would enable the United States in Congress—Assembled, effectually to provide for the exigencies of the Union.’” The report concluded that New Jersey’s action “was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention.” The commissioners called for “speedy measures” to be taken to call a general convention of the states for such purposes “as the situation of public affairs, may be found to require.” This convention should not be restricted to matters of trade, but should consider all the defects of the Confederation. Therefore, the commissioners recommended unanimously that a convention meet in Philadelphia on the second Monday in May next “to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress Assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State will effectually provide for the same” (CDR, 177, 181–85).

By 20 September Congress received the report of the Annapolis Convention. On 2 October Rufus King did not believe that Congress would “patronize the project.” On 11 October, however, Congress appointed a grand committee to consider the report.<sup>85</sup>

The New England States had opposed congressional support of the report because they did not want the proposed convention to have “an unlimited commission.” Rufus King and Nathan Dane, two Massachu-

setts delegates to Congress, gave their reasons for disapproval to the Massachusetts House of Representatives. On 11 October King declared that "The Confederation was the act of the people. No part could be altered but by consent of Congress and confirmation of the several Legislatures. Congress therefore ought to make the examination first, because if it were done by a convention, no Legislature could have a right to confirm it." On 9 November Dane reported that he suspected that the Annapolis Convention wanted to discard the federal system and replace it with another.<sup>86</sup> As a result of such opposition, and of the poor attendance common at the end of the federal year, Congress took no further action on the Annapolis Convention report in the fall of 1786.

At this time widespread agrarian unrest, largely the result of the postwar economic depression of 1785–1787, was beginning to change the political climate throughout America. Seven states had emitted paper money to ease the heavy burden of debtors. In April 1786 a radical paper money party won control of the Rhode Island government, and by February 1787 it was widely reported that the legislature was considering a bill for the equal distribution of property every thirteen years. In September 1786 New Hampshire farmers surrounded the legislature at Exeter, demanding the abolition of debts and taxes and the equal distribution of property. Violence erupted in almost every state as sheriffs attempted to collect taxes or tried to foreclose on mortgages.

These events were dwarfed by a farmers' rebellion in Massachusetts that shocked Americans. A much-concerned Congress sent Secretary at War Henry Knox to Massachusetts to determine the means for protecting the federal arsenal at Springfield. His alarmist reports prompted Congress on 20 October to raise over 1,300 troops under the guise that they were needed for protection against "the hostile intentions of the Indians in the Western country."<sup>87</sup> People from one end of the country to the other expressed dismay at the disturbances and demanded a strong central government to suppress further such uprisings (CC:18). A few found a monarchical government appealing, while others thought that separate confederacies was the answer to the Confederation's problems (CC:3, 51). It was even alleged that the insurgents had requested the assistance of Great Britain as the spectre of British domination was revived (CC:5).

Beginning in November 1786, the states responded to the report of the Annapolis Convention. On 23 November the Virginia legislature passed an act authorizing the election of delegates to meet in convention in Philadelphia in May 1787. The legislature believed that a convention was "preferable to a discussion of the subject in Congress." It declared "that the crisis is arrived at which the good people of America are to decide the solemn question," whether to "reap the just fruits of . . . Independence," or give "way to unmanly jealousies and prejudices, or to partial and transitory interests." Paraphrasing the report of



the Annapolis Convention, the legislature moved that seven commissioners be appointed to join with those from other states to devise and discuss "all such alterations and further provisions, as may be necessary to render the Federal Constitution adequate to the exigencies of the Union." These alterations were to be reported to Congress, and when agreed to by Congress, they were to be confirmed by the states. On 4 December the legislature appointed seven delegates, among them George Washington, James Madison, Edmund Randolph, and George Mason (CDR, 196–98).

On 24 November New Jersey appointed four commissioners. However, it did not mention the role of Congress and the states in approving the work of the proposed convention. The Pennsylvania Assembly on 30 December, citing the Virginia act and using the language of the Annapolis Convention report, elected and empowered seven commissioners. Its delegation included Robert and Gouverneur Morris, and James Wilson. North Carolina elected and empowered delegates on 6 January 1787, New Hampshire on 17 January, Delaware on 3 February, and Georgia on 10 February. Each of these four states quoted or paraphrased the report of the Annapolis Convention. Delaware, however, instructed its delegates not to change the provision in the Articles of Confederation, providing for the equality of the states in Congress (CDR, 195–96, 199–204, 223–24).

Four of the seven above states—Virginia, Pennsylvania, Georgia, and Delaware—required congressional approval of any changes recommended by the convention. New Hampshire went even further by providing that its delegates attend the convention only if Congress signified that it approved "the said convention as advantageous to the Union, and not an infringement of the powers granted to Congress by the Confederation."<sup>88</sup>

Others also questioned the constitutionality of a convention that was not called by Congress. On 7 January 1787 John Jay explained that "To me the policy of *such* a convention appears questionable; their authority is to be derived from acts of State legislatures. Are the State legislatures authorized, either by themselves or others, to alter constitutions? I think not." Jay believed that it would be better for Congress to declare the present government "inadequate" and recommend that the people in each state elect conventions for "the sole and express" purpose of appointing delegates to a general convention for the purpose of altering, amending, and adding to the Articles of Confederation. He declared that no alterations should be made in the government "unless deducible from the only source of just authority—the People."<sup>89</sup>

On 12 February 1787 Congress convened for the new federal year. On that day it renewed the grand committee originally appointed to consider the report of the Annapolis Convention. On 13 February Congress added two members to the grand committee, and six days later,

the committee, by a one-vote margin, approved the Convention's report and recommended that the states send delegates to the proposed convention to devise provisions to render the federal government "adequate to the exigencies of the Union."<sup>90</sup>

Before Congress considered the committee report, the New York legislature reconsidered the Impost of 1783. In early May 1786 the legislature had passed an act granting the Impost, but on conditions that were unacceptable. Consequently, Congress asked New York to reconsider its grant, and on 9 February 1787 the advocates of a strong central government in the New York Assembly brought in a bill meeting Congress' principal objections. Six days later Alexander Hamilton delivered a long and impassioned speech in support of the bill and the Impost. Hamilton inveighed against the jealous fears that the states had of federal power and reiterated many of the arguments he had made since 1780 for increasing the powers of Congress. Despite Hamilton's efforts, the bill was defeated on 15 February.<sup>91</sup>

News of the Assembly's actions spread quickly. On the day of New York's vote, congressman James Madison reported that the rejection "has an unpropitious aspect." On 21 February he described the action as "a definitive veto." The Impost was dead. However, even if New York had agreed to Congress' terms, the Impost would not have gone into effect until all of the states had granted the supplemental funds. As of August 1786, only five states had granted these funds.<sup>92</sup>

On 21 February—six days after New York's action on the Impost—Congress read the report of the grand committee; but, before it could proceed, the New York delegates moved to postpone the report so that Congress might consider a motion based upon instructions from the New York legislature. The instructions—adopted on 20 February—directed the delegates to propose that Congress call a convention "for the purpose of revising the Articles of Confederation . . . to render them adequate to the preservation and support of the Union." The convention was required to report any alterations and amendments to Congress and the states (CDR, 186). The New York instructions and motion ignored the Annapolis Convention's report and instead proposed that Congress call the convention at an unspecified time and place. They also disregarded the actions of the states that had already elected delegates. Some congressmen questioned the sincerity of New York's proposal, coming, as it did, on the heels of the legislature's defeat of the Impost of 1783. In essentially disallowing the appointments of delegates already made, New York's recommendation might have frustrated all efforts to get a convention called. Consequently, New York's motion was defeated.<sup>93</sup>

Congress again postponed the consideration of the report of the grand committee and agreed to consider a motion by the Massachusetts delegates. The motion recommended that Congress call a convention

“for the sole and express purpose of revising the Articles of Confederation,” any “alterations and provisions” to go into effect when approved by Congress and the states (CDR, 187). The motion, moreover, acknowledged the Annapolis Convention’s report by tacitly recognizing that some delegates had already been appointed and by specifying that these delegates should meet, with delegates to be appointed, at Philadelphia on the second Monday in May.

Unlike the Annapolis Convention’s report, the Massachusetts motion sharply and specifically limited the purpose of the proposed convention. The motion’s preamble based the call for a convention on the fact that the Articles of Confederation contained a provision for altering them, that experience had revealed “defects” in the Confederation, that several states, particularly New York, had recommended a convention, and that a convention was “the most probable mean of establishing in these states a firm national government.”

The Massachusetts motion passed by a vote of eight states to one. The dissenting vote came from Connecticut, whose delegates had consistently opposed a convention. James Madison supplied perhaps the best analysis of the passage of the resolution of 21 February. He declared that Congress was “much divided and embarrassed” on the question. Some “backward States” had “scruples *agst.* acceding” to the resolution “without some constitutional sanction.” Other states considered “any interference of Congs. as proceeding from the same views which have hitherto excited their jealousies.” Some delegates thought that the resolution was “a deadly blow to the existing Confederation. . . . Others viewed it in the same light, but were pleased with it as the harbinger of a better Confederation.” All the delegates, however, believed that the central government had to be rendered more efficient or it “could not last long.” On the same day it passed, Charles Thomson, the Secretary of Congress, transmitted the resolution to the state executives without comment.<sup>94</sup>

Between 3 March and 27 June 1787, six states appointed delegates to the convention. Massachusetts, New York, South Carolina, Connecticut, and New Hampshire (second appointment) based their appointments on the resolution of 21 February, while Maryland paraphrased the call of the Annapolis Convention and provided that the work of the proposed convention had to be approved by Congress and the states (CDR, 205–25).

Rhode Island alone refused to elect delegates to the convention, defeating such attempts in March, May, and June. The legislature insisted that constitutional changes had to be made in accordance with Article XIII of the Articles of Confederation. It also stated that the legislature could not elect convention delegates “to do that which only the People at large are intitled to do” (CDR, 225–27).

After it called the Constitutional Convention, Congress tried to resolve two questions of long standing—the treaty negotiations with Spain and the establishment of a system of government for the West. In March and April 1787 Congress reconsidered the Spanish question, but it could not reach any agreement and by 26 April the matter “was at an end” (CC:46). That day, Congress also considered a plan of temporary government for the Western Territory which had been first reported on 19 September 1786. Congress finally adopted the Ordinance for the Government of the Territory of the United States Northwest of the River Ohio on 13 July 1787 (CDR, 168–74). Richard Henry Lee, a member of the committee that drafted the Ordinance, declared that the Ordinance would help to pay the domestic debt. The “extinguishment” of this debt, Lee continued, would relieve the United States from “a very heavy burden” and “by demolishing the Ocean of public Securities, we should stop that mischievous deluge of speculation that now hurts our morals, and extremely injures the public affairs.”<sup>95</sup>

The Constitutional Convention met from 25 May to 17 September 1787 and proposed a new Constitution, not a revision of the Articles of Confederation as directed by Congress on 21 February. The proposed Constitution, the product of numerous compromises, created a single executive and a federal supreme court, both possessing extensive powers. Most important, a powerful bicameral legislature was created. It was given the power to levy and collect taxes, borrow money, regulate foreign and domestic commerce, create federal inferior courts, raise and maintain an army and navy, and call forth the militia to suppress insurrections and repel invasions. Congress was also permitted to make all laws that were necessary and proper to carry into execution these and other powers. Some restrictions were placed on the powers of Congress, but the Convention refused to consider one major restraint on that body—a federal bill of rights.

The states were guaranteed republican forms of government and equal suffrage in the Senate, but their powers were much restricted, especially in economic matters. No longer were the states allowed to coin money, emit bills of credit, make anything but gold and silver coin legal tender in payment of debts, or, without the consent of Congress, levy import or export duties.

Although the proposed Constitution created a federal government, it was evident that ultimate constitutional power had shifted from the states to the central government. This fact was made clear by the supremacy clause of Article VI of the Constitution and by the omission of Article II of the Articles of Confederation, which had provided that the states retain every power, jurisdiction, and right not expressly delegated to Congress. The Convention, however, had stopped short of granting a congressional veto over state legislation.<sup>96</sup>

On 17 September the Convention forwarded its report to Congress, recommending that the Constitution be sent to the states to be ratified by specially elected conventions. It was now up to the states to accept or reject the Constitution. The long dispute over the nature of American government was apparently reaching a climax, as the Constitution touched off a vigorous and widespread public and private debate.

1. John Adams, Notes of Debates [28? September], and Joseph Galloway's Statement [28 September], LMCC, I, 54, 56; JCC, I, 49–51.
2. To Elbridge Gerry, 29 October 1775, LMCC, I, 244.
3. JCC, II, 195–99.
4. JCC, V, 425, 431, 433, 510–16, 546–56.
5. For the writing of the Articles and the attempts to establish the supremacy of Congress, see Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution 1774–1781* (1940; reprint ed., Madison, Wis., 1948). See especially pages 126–60, 170–75, 249–53.
6. JCC, IX, 932–35.
7. JCC, XIII, 29–30; PCC, Item 70, Maryland and Delaware State Papers, 1775–89, pp. 293–300, DNA.
8. CDR, 58, 135–37.
9. William M. Van der Weyde, ed., *The Life and Works of Thomas Paine* (10 vols., New Rochelle, N.Y., 1925), II, 145–46; Rutledge to Robert R. Livingston, [19?] August 1776, LMCC, II, 56; Laurens to William Livingston, 5 July 1779, LMCC, IV, 298–99.
10. Greene to Jeremiah Wadsworth, 8 May, Knollenberg Collection, Archives and Manuscripts, CtY; Sullivan to the President of New Hampshire, 2 October, LMCC, V, 397–98.
11. To James Duane, 3 September 1780, Syrett, II, 400–18.
12. *Public Good* . . . in Van der Weyde, *Life and Works of Paine*, IV, 108–9. See also William Barton's *Observations on the Nature and Use of Paper-Credit* . . . (Philadelphia, 1781), 37 (Evans 17091).
13. Franklin B. Hough, ed., *Proceedings of a Convention of Delegates from Several of the New-England States, Held at Boston, August 3–9, 1780* . . . (Albany, 1867), 50–51, 52.
14. *Ibid.*, 63–66.
15. *The Votes and Proceedings of the Assembly of the State of New York* . . . [7 September–10 October 1780] (Albany, N.Y., 1859), 58–59.
16. For the proceedings of the convention, see George Bancroft, ed., "Original Documents: A Hartford Convention in 1780," *Magazine of American History*, VIII (1882), 688–98.
17. 4 December 1780, quoted in Merrill Jensen, *The New Nation: A History of the United States During the Confederation 1781–1789* (New York, 1950), 49–50. See also John Witherspoon to the Governor of New Jersey, 16 December 1780, LMCC, V, 487–88.
18. To Washington, 29 January 1781, LMCC, V, 548.
19. JCC, XVI, 261; XVII, 758–59; XVIII, 1028, 1114, 1157–64.
20. *Minutes of the First Meeting of the Fifth General Assembly of the Commonwealth of Pennsylvania* . . . [23 October–23 December 1780] ([Philadelphia, 1780]), 355.
21. JCC, XVIII, 1183; XIX, 71, 72, 77, 85–86, 87, 92, 97–98, 102–3, 105–6, 109, 110–13.

22. JCC, XIX, 124–25; McKean to the Speaker of the Delaware Council, 3 February, and President of Congress to the State Executives, 8 February, LMCC, V, 557, 563–64.
23. On the formation and growth of the executive departments, see Jennings B. Sanders, *Evolution of Executive Departments of the Continental Congress 1774–1789* (Chapel Hill, N.C., 1935).
24. JCC, XIX, 236.
25. Varnum to the Governor of Rhode Island, 16 March; Madison to Thomas Jefferson, 16 April; and Jones to Jefferson, 16 April, LMCC, VI, 28, 58, 59.
26. Mathews to Washington, 16 April; Varnum to the Governor of Rhode Island, 2 April, LMCC, VI, 41–42, 56.
27. JCC, XX, 469–71, 773.
28. JCC, XX, 893.
29. For Morris' ideas, see Morris to Congress, 29 July 1782, JCC, XXII, 429–46.
30. Lawrence Lewis, Jr., *A History of the Bank of North America . . .* (Philadelphia, 1882), 26–30, 33–36, 43–46; E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776–1790* (Chapel Hill, N.C., 1961), 135–38; E. James Ferguson, ed., *The Papers of Robert Morris 1781–1784* (Pittsburgh, Pa., 1973–), II, 181n–82n; Robert Morris Diary, 27, 29 December 1781, *ibid.*, III, 447, 462; James Madison to Edmund Pendleton, 8 January 1782, LMCC, VI, 289–90; JCC, XX, 546–47; XXI, 1187–90.
31. E. James Ferguson, “State Assumption of the Federal Debt During the Confederation,” *Mississippi Valley Historical Review*, XXXVIII (1951), 404–9; E. James Ferguson, “The Nationalists of 1781–1783 and the Economic Interpretation of the Constitution,” *Journal of American History*, LVI (1969), 246; JCC, XXII, 82–86.
32. Ferguson, *Power of the Purse*, 146–48.
33. Syrett, III, 110–13.
34. Ferguson, *Power of the Purse*, 149–52; Ferguson, “State Assumption,” 411–12; JCC, XXII, 376n, 429–46.
35. Robert Morris to the Governor of Rhode Island, 2 August, Francis Wharton, ed., *The Revolutionary Diplomatic Correspondence of the United States* (6 vols., Washington, D.C., 1889), V, 642.
36. LMCC, VI, 503–7.
37. JCC, XXIII, 788–89.
38. *Ibid.*, 798–809, 811, 873–74.
39. *Acts Passed at a General Assembly of the Commonwealth of Virginia . . .* [21 October–28 December 1782] (Richmond, [1783]), chap. CXXXVII, 27.
40. JCC, XXIV, 291–93.
41. To Samuel Adams, 29 January, LMCC, VII, 28.
42. Syrett, III, 253–55, 277–79.
43. To Alexander Hamilton, 4, 16 April, *ibid.*, 315–16, 329–31. See also JCC, XXIV, 294–311.
44. Ferguson, *Power of the Purse*, 160, 161; JCC, XXIV, 95–105, 126–28, 139, 141, 144, 170–74, 181–82, 188–92, 195–202, 204–6, 214–16, 222–24, 230–31, 232–34, 254–62; Wharton, *Diplomatic Correspondence*, VI, 277–81.
45. JCC, XVII, 806–7; XVIII, 915–16.
46. To Theophilus Parsons, [7?] April, LMCC, VII, 123.
47. JCC, XXIV, 261–62, 277–83; LMCC, VII, 160–61.
48. To Theodorick Bland, quoted in Ferguson, *Power of the Purse*, 175.
49. To Gouverneur Morris, 21 February, Jared Sparks, *The Life of Gouverneur Morris . . .* (3 vols., Boston, 1832), I, 256.
50. Notes on Debates, Hutchinson, *Madison*, VI, 425, 426, note 9. The instructions (mentioned by Hamilton) had been adopted by the New York legislature in July 1782. See note 33 above.

51. Washington to William Gordon, 8 July, Fitzpatrick, XXVII, 49–50; Syrett, III, 420–26.
52. JCC, XXV, 532; Syrett, III, 113n.
53. To Washington, 30 September 1787, CC:114. See also CC:95, note 10.
54. Lee to Thomas Jefferson, 16 May 1785; Grayson to William Short, 15 June 1785, LMCC, VIII, 120, 141.
55. To Robert R. Livingston, 14 and 18 July, Adams, *Works*, VIII, 98, 108.
56. JCC, XXV, 587, 617–20, 621–22, 628–30, 661–64.
57. William Waller Hening, ed., *The Statutes at Large; being a Collection of all the Laws of Virginia* . . . (13 vols., Richmond, 1809–23), XI, 313–14; JCC, XXVI, 70–71.
58. JCC, XXVI, 50, 269–71, 317–22.
59. William Short to Thomas Jefferson, 14 May, Boyd, VII, 257; and Mercer to Madison, 26 November; Lee to Madison, 26 November; and Madison to Lee, 25 December, Rutland, *Madison*, VIII, 151, 152, 201.
60. JCC, XXVIII, 17n, 70n, 148n, 201–2; Monroe to James Madison, 18 December 1784, Rutland, *Madison*, VIII, 189–90; William Samuel Johnson to Jonathan Sturges, 26 January 1785, LMCC, VIII, 13.
61. JCC, XXVIII, 202–5.
62. *Ibid.*, 205n; Monroe to Thomas Jefferson, 12 April, and King to Elbridge Gerry, 1 May, LMCC, VIII, 88, 108.
63. JCC, XXIX, 533; Monroe to James Madison, 26 July, and Lee to Madison, 11 August, Rutland, *Madison*, VIII, 330, 340; Howell to the Governor of Rhode Island, 23 August, LMCC, VIII, 200.
64. Bancroft, *Constitution*, I, 186, 187; JCC, XXIX, 539n.
65. Bancroft, *Constitution*, I, 188–90; JCC, XXIX, 345.
66. *An Act for the Regulation of Navigation and Commerce, 23 June 1785* (Evans 19083); *Resolves of the General Court of the Commonwealth of Massachusetts* . . . [25 May–4 July 1785] (Boston, 1785), LXXVI, 38–39.
67. To Rufus King, 8 October, King, *King*, I, 67–70.
68. LMCC, VII, 189, 206–10. The delegates were Elbridge Gerry, Rufus King, and Samuel Holten.
69. Bancroft, *Constitution*, I, 199; LMCC, VIII, 245–46.
70. To Elbridge Gerry, 19 September, Bancroft, *Constitution*, I, 457.
71. James Madison to Thomas Jefferson, 22 January 1786, Boyd, IX, 197–99, 203n–8n; Rutland, *Madison*, VIII, 406–10, 413–15.
72. To James Monroe, 22 January 1786, and to Thomas Jefferson, 18 March, Rutland, *Madison*, VIII, 483, 502.
73. Monroe to Thomas Jefferson, 11 May 1786, and Grayson to James Madison, 28 May, LMCC, VIII, 360, 374.
74. To John Jay, 18 May 1786, Fitzpatrick, XXVIII, 431.
75. To Washington, 16 March 1786, Johnston, *Jay*, III, 186–87.
76. King to Elbridge Gerry, 11 June, and Sedgwick to Caleb Strong, 6 August, LMCC, VIII, 389–90, 415–16.
77. JCC, XXX, 70–76, 93–94, 102–8.
78. Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period 1781–1789* (New Brunswick, N.J., 1950), 239–43; Pinckney, Speech before the New Jersey Assembly, [13 March 1786], LMCC, VIII, 321–30.
79. JCC, XXXI, 521–23, 755; Ferguson, “State Assumption,” 411–20; CC:85, notes 2 and 3.
80. William Grayson to James Madison, 22 March, Rutland, *Madison*, VIII, 509–10.
81. Connecticut Delegates to the Governor of Connecticut, 12 April; King to Elbridge Gerry, 30 April; King to John Adams, 5 May; and Pettit to Jeremiah Wadsworth, 27 May, LMCC, VIII, 339–40, 345–47, 355, 369–70.

82. JCC, XXX, 230; Thomas Rodney Diary, 3 May; Grayson to James Madison, 28 May; and King to Elbridge Gerry, 18 June, LMCC, VIII, 350, 351, 373–74, 393.

83. JCC, XXX, 387n.

84. JCC, XXX, 498n; to Jonathan Jackson, LMCC, VIII, 459.

85. JCC, XXXI, 677–80, 770n; King to John Adams, 2 October, LMCC, VIII, 475.

86. LMCC, VIII, 475, 479, 504. See also Henry Lee to St. George Tucker, 20 October, and Edward Carrington to James Madison, 18 December, *ibid.*, 490, 523.

87. JCC, XXXI, 739–40, 751–53, 875, 886–88, 891–92; Henry Lee to Washington, [c. 1 October], LMCC, VIII, 474.

88. CDR, 223–24. Charles Thomson, Secretary of Congress, wrote to President John Sullivan that the congressional resolution of 21 February calling the Constitutional Convention (CC:1) “so fully expresses their opinion touching the expediency of a convention of deputies . . . that your delegates will, I presume find no difficulty in proceeding to join the Convention conformably to the vote of the general Court . . .” (31 March, LMCC, VIII, 566).

89. To Washington, Johnston, *Jay*, III, 228–29; Warren, *Making of the Constitution*, 36–39.

90. JCC, XXXII, 42n–43n, 66n, 71–72; Rutland, *Madison*, IX, 290.

91. *Laws of the State of New-York, Passed by the Legislature of said State, at their Ninth Session* [31 January–5 May 1786] (New York, 1786), 117–19; JCC, XXX, 439–42; XXXI, 512–14, 532–35; *Journal of the Assembly of the State of New-York . . .* [12 January–21 April 1787] (New York, 1787), 51–52; Syrett, IV, 71–92.

92. Madison to Thomas Jefferson, 15 February, and to Washington, 21 February, Rutland, *Madison*, IX, 269, 285; JCC, XXXI, 517–18, 521–23.

93. JCC, XXXII, 71–73; Notes on Debates, 21 February, Rutland, *Madison*, IX, 290–91.

94. JCC, XXXII, 73–74; Madison to Washington, 21 February, and Notes on Debates, 21 February, Rutland, *Madison*, IX, 286, 291–92. See also Madison to Edmund Pendleton, 24 February, and to Edmund Randolph, 25 February, *ibid.*, 294–95, 299. For the transmittal of the resolution to the states, see CC:1, note 1.

95. To Washington, 15 July, LMCC, VIII, 620.

96. For the evolution of the Constitution in Convention, see CDR, 232–318.





**1. Resolution of Congress, 21 February 1787<sup>1</sup>**

By The United States in Congress Assembled

February 21st 1787.

Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the assent of a Congress of the United States and of the Legislatures of the several States; And Whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their Delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these States a firm National Government—

Resolved That in the opinion of Congress it is expedient that on the second Monday in May next a Convention of Delegates who shall have been appointed by the several States be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government and the preservation of the Union—

1. DS, Continental Congress Papers, Archives Division, Virginia State Library. Signed "Chas Thomson secrey." The resolution was sent with a circular letter from Secretary Thomson to the Governor of Virginia dated 21 February 1787. This circular letter was docketed: "recd. 7th. March 1787./Done."

By 21 March the resolution was printed in thirty-nine newspapers: Vt. (1), N.H. (1), Mass. (9), R.I. (3), Conn. (6), N.Y. (7), N.J. (1), Pa. (5), Md. (3), Va. (2), S.C. (1).

**2 A–B. Benjamin Rush and William Barton**  
**Essays on the Means to Improve the Confederation**

On 1 February 1787 Mathew Carey, a Philadelphia printer and bookseller, published the first issue of a new monthly magazine—the *American Museum*. Dated January 1787, this issue included three major articles by Benjamin Franklin, Benjamin Rush, and William Barton. Franklin argued that conditions in America were much better than people realized, and he encouraged the further development of agriculture and the fisheries (Mfm:Pa. 3). For the articles by Rush and Barton, see CC:2 A–B, respectively; for a fuller discussion of the *American Museum*, see *American Newspapers 1787–1788*.

**2–A. Benjamin Rush: Address to the People of the United States**

Benjamin Rush (1745–1813), a Philadelphia physician, was a prolific writer on medical subjects, social reforms, and state and national politics. Beginning in 1776, Rush advocated the establishment of a strong central government. The essay below was among the clearest and frankest arguments for constitutional change printed just prior to the Constitutional Convention. About the time the Convention convened, he also published an article signed "Har-

rington," which listed the benefits of a strong central government (CC:29). In the ratification debate, Rush supported the Constitution in newspaper articles and at Philadelphia town meetings (Mfm:Pa. 704). He voted for ratification in the Pennsylvania Convention in December 1787, and he continued to write in support of the Constitution. He was so active and vitriolic that he was singled out for severe Antifederalist criticism (see CC:222, note 3). In the 1790s Rush became a Democratic-Republican and served as Treasurer of the U.S. Mint from 1797 to 1813.

There is nothing more common than to confound the terms of *the American revolution* with those of *the late American war*. The American war is over: but this is far from being the case with the American revolution. On the contrary, nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government; and to prepare the principles, morals, and manners of our citizens, for these forms of government, after they are established and brought to perfection.

The confederation, together with most of our state constitutions, were formed under very unfavourable circumstances. We had just emerged from a corrupted monarchy. Although we understood perfectly the principles of liberty, yet most of us were ignorant of the forms and combinations of power in republics. Add to this, the British army was in the heart of our country, spreading desolation wherever it went: our resentments, of course, were awakened. We detested the British name; and unfortunately refused to copy some things in the administration of justice and power, in the British government, which have made it the admiration and envy of the world. In our opposition to monarchy, we forgot that the temple of tyranny has two doors. We bolted one of them by proper restraints; but we left the other open, by neglecting to guard against the effects of our own ignorance and licentiousness.

Most of the present difficulties of this country arise from the weakness and other defects of our governments.

My business at present shall be only to suggest the defects of the confederation. These consist—1st. In the deficiency of coercive power. 2d. In a defect of exclusive power to issue paper-money, and regulate commerce. 3d. In vesting the sovereign power of the united states in a single legislature: and, 4th. In the too frequent rotation of its members.

A convention is to sit soon for the purpose of devising means of obviating part of the two first defects that have been mentioned. But I wish they may add to their recommendations to each state, to surrender up to congress their power of emitting money. In this way, a uniform currency will be produced, that will facilitate trade, and help to bind the states together. Nor will the states be deprived of large sums of money by this mean when sudden emergencies require it: for they may always borrow them as they did during the war, out of the treasury of congress. Even a loan-office may be better instituted in this way in each state, than in any other.

The two last defects that have been mentioned, are not of less magnitude than the first. Indeed, the single legislature of congress will become more dangerous from an increase of power than ever. To remedy this, let the supreme federal power be divided, like the legislatures of most of our states, into two distinct, independent branches. Let one of them be styled the council of the states, and the other the assembly of the states. Let the first consist of a single delegate—and the second, of two, three, or four delegates, chosen annually by each state. Let the president be chosen annually by the joint ballot of both houses; and let him possess certain powers in conjunction with a privy council, especially the power of appointing most of the officers of the united states. The officers will not only be better when appointed this way, but one of the principal causes of faction will be thereby removed from congress. I apprehend this division of the power of congress will become more necessary, as soon as they are invested with more ample powers of levying and expending public money.

The custom of turning men out of power or office, as soon as they are qualified for it, has been found to be as absurd in practice, as it is virtuous in speculation. It contradicts our habits and opinions in every other transaction of life. Do we dismiss a general—a physician—or even a domestic, as soon as they have acquired knowledge sufficient to be useful to us, for the sake of increasing the number of able generals—skilful physicians—and faithful servants? We do not. Government is a science; and can never be perfect in America, until we encourage men to devote not only three years, but their whole lives to it. I believe the principal reason why so many men of abilities object to serving in congress, is owing to their not thinking it worth while to spend three years in acquiring a profession which their country immediately afterwards forbids them to follow.

There are two errors or prejudices on the subject of government in America, which lead to the most dangerous consequences.

It is often said, that “the sovereign and all other power is seated *in* the people.” This idea is unhappily expressed. It should be—“all power is derived *from* the people.” They possess it only on the days of their elections. After this, it is the property of their rulers, nor can they exercise or resume it, unless it is abused. It is of importance to circulate this idea, as it leads to order and good government.

The people of America have mistaken the meaning of the word sovereignty: hence each state pretends to be *sovereign*. In Europe, it is applied only to those states which possess the power of making war and peace—of forming treaties, and the like. As this power belongs only to congress, they are the only *sovereign* power in the united states.

We commit a similar mistake in our ideas of the word independent. No individual state, as such, has any claim to independence. She is independent only in a union with her sister states in congress.

To conform the principles, morals, and manners of our citizens to our republican forms of government, it is absolutely necessary that knowledge of every kind, should be disseminated through every part of the united states.

For this purpose, let congress, instead of laying out half a million of dollars, in building a federal town, appropriate only a fourth of that sum, in founding a federal university. In this university, let every thing connected with government, such as history—the law of nature and nations—the civil law—the municipal laws of our country—and the principles of commerce—be taught by competent professors. Let masters be employed, likewise, to teach gunnery—fortification—and every thing connected with defensive and offensive war. Above all, let a professor, of, what is called in the European universities, œconomy, be established in this federal seminary. His business should be to unfold the principles and practice of agriculture and manufactures of all kinds: and to enable him to make his lectures more extensively useful, congress should support a travelling correspondent for him, who should visit all the nations of Europe, and transmit to him, from time to time, all the discoveries and improvements that are made in agriculture and manufactures. To this seminary, young men should be encouraged to repair, after completing their academical studies in the colleges of their respective states. The honours and offices of the united states should, after a while, be confined to persons who had imbibed federal and republican ideas in this university.

For the purpose of diffusing knowledge, as well as extending the living principle of government to every part of the united states—every state—city—county—village—and township in the union, should be tied together by means of the post-office. This is the true non-electric wire of government. It is the only means of conveying heat and light to every individual in the federal commonwealth. Sweden lost her liberties, says the abbe Raynal, because her citizens were so scattered, that they had no means of acting in concert with each other.<sup>1</sup> It should be a constant injunction to the post-masters, to convey newspapers free of all charge for postage. They are not only the vehicles of knowledge and intelligence, but the centinels of the liberties of our country.

The conduct of some of those strangers who have visited our country, since the peace, and who fill the British papers with accounts of our distresses, shews as great a want of good sense, as it does of good nature. They see nothing but the foundations and walls of the temple of liberty, and yet they undertake to judge of the whole fabric.

Our own citizens act a still more absurd part, when they cry out, after the experience of three or four years, that we are not proper materials for republican government. Remember, we assumed these forms

of government in a hurry, before we were prepared for them. Let every man exert himself in promoting virtue and knowledge in our country, and we shall soon become good republicans. Look at the steps by which governments have been changed, or rendered stable in Europe. Read the history of Great Britain. Her boasted government has risen out of wars, and rebellions that lasted above sixty years. The united states are travelling peaceably into order and good government. They know no strife—but what arises from the collision of opinions: and in three years they have advanced further in the road to stability and happiness, than most of the nations in Europe have done, in as many centuries.

There is but one path that can lead the united states to destruction, and that is their extent of territory. It was probably to effect this, that Great Britain ceded to us so much waste land. But even this path may be avoided. Let but one new state be exposed to sale at a time; and let the land office be shut up till every part of this new state is settled.

I am extremely sorry to find a passion for retirement so universal among the patriots and heroes of the war. They resemble skilful mariners, who, after exerting themselves to preserve a ship from sinking in a storm, in the middle of the ocean, drop asleep as soon as the waves subside, and leave the care of their lives and property, during the remainder of the voyage, to sailors, without knowledge or experience. Every man in a republic is public property. His time and talents—his youth—his manhood—his old age—nay more, life, all, belong to his country.

PATRIOTS of 1774, 1775, 1776—HEROES of 1778, 1779, 1780! come forward! your country demands your services!—Philosophers and friends to mankind, come forward! your country demands your studies and speculations! Lovers of peace and order, who declined taking part in the late war, come forward! your country forgives your timidity, and demands your influence and advice! Hear her proclaiming, in sighs and groans, in her governments, in her finances, in her trade, in her manufactures, in her morals, and in her manners, “THE REVOLUTION IS NOT OVER!”

2—B. *William Barton: On the Propriety of Investing Congress with Power to Regulate the Trade of the United States*

William Barton (c. 1755–1817), a Lancaster, Pa., lawyer, published two pamphlets on political economy in 1781 and 1786 (Evans 17091, 19498). In both pamphlets, Barton advocated a strong central government which would exercise significant control over the economy. Among the recommendations in the 1786 pamphlet was a suggestion that Congress be given the power to establish a uniform commercial system. Barton amplified this recommendation in the essay below.

The issue of Congress' control over commerce had occupied the public attention since the end of the Revolution and it continued to do so after Congress called the Constitutional Convention on 21 February 1787. After that date, newspapers, pamphlets, and letters were filled with statements recommending that the Convention propose that Congress be given the power to regulate commerce. "The Republican" VI insisted that "We never can be any thing as a nation, until our federal head be invested with full powers to order and conduct all national affairs, all concerns that belong in common to the whole confederation. Trade being an affair that concerns the whole confederation, ought to be under the direction of Congress." In particular, Congress needed the power to retaliate against nations with whom the United States had no reciprocity agreements (*Connecticut Courant*, 19 March). Edward Carrington, a Virginia delegate to Congress, declared that it was impossible to manage the trade of America "by State arrangements"; "the foederal Head" had to be vested with "full Authority" over the regulation of commerce (to the Governor of Virginia, 2 April, LMCC, VIII, 569).

In May Congress itself expressed opposition to the idea of managing American commerce "by State arrangements." It refused to allow Maryland, Pennsylvania, and Virginia to meet annually in convention to communicate on commercial regulations and duties (JCC, XXXII, 76-77, 83n, 114, 271-72). According to one delegate, Congress rejected this method because "all partial regulations of commerce were impolitic as they tended to procrastinate and impede the adoption of a general system, and might lead to separate interests which might beget separate leagues and ultimately produce divisions of the Union" (Henry Lee to the Governor of Virginia, 15 May, LMCC, VIII, 598).

In mid-May Tench Coxe of Philadelphia suggested that Congress be given a veto power over all state laws on trade and commerce (CC:23). On 1 June the writer of a Philadelphia pamphlet entitled *Fragments on the Confederation of the American States* demanded that Congress be granted commercial powers so that there would be "harmony" among the states (Mfm:Pa. 9-C). Later that month, "A Customer" maintained that "Nothing can hand us relief and vindicate the liberty of commerce, but some coercive power presiding over these states, that can call out and direct their united efforts" (*Poughkeepsie Country Journal*, 20 June). For more on the desire to grant Congress additional commercial power, see CC:2-A, 8, 9, 16-B, 21, 22, 25, 26, 29, 40-B, 43, 52, 70.

Newspaper writers also pointed to the decline in American trade and ship-building. An extract of a letter from New York claimed that few vessels were being built, American seamen were "mostly out of business," and "several of our old marine captains" were "absolutely starving" (*Philadelphia Freeman's Journal*, 21 February). Alexander Hamilton referred to "the general stagnation of commerce" (CC:40-B), while a Philadelphia newspaper reported "the decay of ship-building is manifest throughout the continent, but particularly at New-York" (*Pennsylvania Herald*, 22 August).

Newspapers also printed examples of the many humiliations suffered by American merchants and ship captains trading in foreign ports. A writer from St. Eustatius reported that the British—"out of pure kindness" to Americans—were seizing and burning American vessels which sought to trade with Turks Islands (*New Hampshire Spy*, 6 March). An Englishman stated that American vessels dared not leave port because Great Britain could shut up American ports and burn American coastal towns "into the bargain" (*New York Journal*, 16 August). A Philadelphian satirically predicted that, if Americans did not accept the recommendations of the Convention, America could expect to see itself partitioned by Great Britain and the Emperor of Morocco by 1789 (CC:74).

The propriety of investing congress with powers to regulate the trade of the united states, has been controverted by some, and as it is a point of great importance, it merits a candid discussion. If, on the one hand, this measure should be found to encroach too far on the sovereignty and rights of the several states individually, there can be no doubt that it ought to be rejected. But if, on the other hand, nothing of that kind is to be apprehended, and it can be made evident, that the adoption of the measure would be attended with the happiest consequences to every state in the union,—we may conclude that none but persons inimical to us, or contracted speculative politicians, will give it any opposition.

The 3d article of the confederation, is in these words: “The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare: binding themselves to assist each other, against all force offered to, or attacks made upon, them, or any of them, on account of religion, sovereignty, TRADE, or any other pretence whatever.” Nothing can be stronger than this solemn compact entered into by the several states, one grand object of which is, “their mutual and general welfare.” By the sixth article, it is declared, that “no state, without the consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state.” And that “no two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.” Here, then, are rights of sovereignty transferred by the several states to congress for “their mutual welfare.” A member of civil society makes a voluntary surrender of part of his natural rights, in a free government, to secure the remainder: in the same manner, does each state relinquish some of its sovereign prerogatives, in order that they may be exercised by the supreme council of the union, for the greater security and happiness of the whole. If the articles of the confederation be examined, it will appear to be the spirit and intention of them, that congress should be invested with all such powers and authority as are necessary to give consistency and efficiency to federal measures, both with respect to the different states in the union, and to foreign countries; and, at the same time, that each state should reserve such rights of sovereignty as might be fully competent to its own legislation and government. Thus, every state is, with respect to its own police, distinctly considered, free, sovereign, and independent: and, as a component part of the united states, is also free, sovereign, and independent. As the united states of America form one grand, entire re-



public, composed of a number of small ones, confederated for their common safety and advantage, and distinct only for their greater conveniency, with respect to legislation and internal police—the supreme sovereign authority of the whole ought, most undoubtedly, to be lodged in congress; and that body should possess such powers and privileges, not incompatible with the happiness of a free people, as usually appertain to sovereignty, in order to enable them to direct the common concerns of the united states, upon UNIFORM principles, so as to afford EQUAL advantages to each, and give energy to the whole.

It is obvious to the most superficial observer, that the commerce of the united states with foreign countries, ought to be regulated and protected by proper treaties. But how are these treaties to be negotiated? No separate state can treat. Therefore, either congress must have this power, or the whole trade of this country must lie at the mercy of foreign nations, the consequences of which are already too fatally experienced. It may be objected, that, if congress were invested with powers to regulate the trade of the united states, they might adopt measures which would be injurious to some states, though beneficial to others. Happily, the regulations and restrictions which our foreign trade requires, could not prove injurious to ANY of the states; but only might operate less beneficially for some than for others. It is the business of congress to promote the “mutual and general welfare” of ALL the states, and their duty to consult the interests of EACH, so far as is compatible with those of the whole. The several counties of a state may, in some instances, be unequally affected by the tendency of a general law: but all the legislature can do, in such a case, is, to make the law as beneficial as possible for the whole.

If, however, an opposite principle should be admitted, and that every state should be at liberty to pursue its own views, without any regard to its relation to the other states in the union, the necessity for such a body as congress is superseded, and the confederation become a dead letter. But this no American will be weak enough to believe. We can only be respectable and prosperous, by adhering inviolably to the wise and liberal principles of the union. AS THE UNITED STATES, only, are we politically known to other powers: as such, we send and receive ambassadors, enter into treaties and alliances, declare war, and proclaim peace, &c. &c. These, and others of equal importance, are powers with which we have invested the united states in congress assembled: and yet it is said, that to allow that delegated body a right to regulate the TRADE of the united states, is too great a power to be entrusted to them! Can this be seriously meant by any man, who enjoys the use of his reason; or do we not suffer ourselves to be duped by designing men, who do all in their power to excite groundless suspicions and jealousies, in order to weaken our federal government? It is much to be feared that the latter is the case.

The united states being considered, in their intercourse and transactions with other countries, as but one nation, and being so, in fact, as to "their mutual and general welfare," it follows, that their common concerns ought to be conducted on equal and uniform principles. Local policy, and particular interests, should give way to the general good. Judge Blackstone observes, that "every member (of parliament) though chosen by one particular district, when elected and returned, serves for the whole realm. For," says he, "the end of his coming thither, is not barely to advantage his constituents, but the *common wealth*."<sup>2</sup> A member of congress, for Pennsylvania, stands in the same relation to the united states, that a member of the British parliament, for Yorkshire, does to the whole realm. A majority of votes, in both instances, binds all their constituents, on every question, of which these two bodies have cognizance. The federal constitution of the American empire, is intended to preserve a union of its parts: and such union is essential to the peace, liberty, and independence of the states, separately and collectively. "The credit of the united states," says doctor Price, "their strength, their respectableness abroad, their liberty at home, and even their existence, depend on the preservation of a firm political union: and such a union cannot be preserved, without giving all possible weight and energy to the authority of that delegation which constitutes the union."

It is admitted, that the interests of the several states may not coincide, in every particular instance; neither do those of the different counties in the same state: but this cannot be urged as an argument against the practicability of making general regulations, for the benefit of the commerce, or other common concerns of the united states. As well might an inhabitant of Yorkshire contend, that an act of parliament for improving the navigation of the Thames, should not be passed, because that river does not run through his county. Those who contemplate our national policy, at a distance, free from the bias of local prejudice, party, and private interest, plainly discern the defects of our federal constitution; and of these there is none more glaring, than the want of a sufficient power in congress, to form a beneficial system of foreign trade for their constituents. The late M. Turgot, comptroller general of the finances of France, observes, among other errors in our national police, that "no fixed principle is established in regard to imposts. Each state is supposed to be at liberty to tax itself at pleasure, and to lay its taxes upon persons, consumptions or importations, that is to say, to *erect an interest contrary to that of other states*."

At the present juncture, our foreign trade is harrassed, restricted, and injured, in every possible manner, by other powers, whilst we wantonly deprive ourselves of the means of redress. In fact, the only commerce of the united states with other nations, which is not injurious to the former, is in a fair way of being annihilated, unless congress be speedily empowered to pursue the only proper mode of frustrating the

designs of our adversaries. What is to prevent this great end being accomplished? Shall we suffer our enemies to triumph over the inefficient system of our federal government, created by our own groundless jealousies and divisions? and shall we, by grasping at the shadow, lose the substance? Forbid it, heaven—and grant that we may transmit to our children's children the invaluable blessings we have earned! "Such is the good fortune of America," says M. Turgot, "that she cannot have an external enemy to fear, if she does not become self divided; therefore she may and ought to estimate, at their true value, those pretended interests, those grounds of discord, which are ALL that endanger her liberty." And Dr. Price concludes his "Observations on the importance of the American revolution," with these words, which should be strongly impressed on the mind of every American: "Should the return of peace, and the pride of independence, lead the united states to security and dissipation—should they lose those virtuous and simple manners, by which, alone, republics can long subsist—should false refinement, luxury, and EXCESSIVE JEALOUSY distract their governments; and clashing interests, subject to no controul, BREAK THE FEDERAL UNION,—the consequence will be, that the fairest experiment ever tried in human affairs, will miscarry; and that a revolution, which had revived the hopes of good men, and promised an opening to better times, will become a discouragement to future efforts in favour of liberty, and prove only an opening to a new scene of human degeneracy and misery."

1. Guillaume Thomas François Raynal (1713–1796), French historian and philosopher, was the principal contributor to *Histoire Philosophique et Politique des Établissements et du Commerce des Européens dans les Deux Indes*—a four-volume work first published in Amsterdam in 1770 and later revised and enlarged. By 1787 it had appeared in several French and English-language editions.

2. Sir William Blackstone (1723–1780), English legal writer and judge, was the author of *Commentaries on the Laws of England* (4 vols., 1765–69)—a standard text for students of law in Great Britain and America. The first American edition of this work was printed in Philadelphia in 1771 and 1772.

### 3 A–C. The Idea of Separate Confederacies

On 21 February 1787—the day that Congress called the Constitutional Convention—congressman James Madison noted that "For the first time the idea of separate Confederacies had got into the Newspapers" (Notes on Debates, Rutland, *Madison*, IX, 292). The idea was the fruition of long-developing differences among the states. Before 1776, it was agreed that the colonies were divided into three distinct sections—the four New England or "Eastern," the four Middle, and the five Southern colonies—and that each section had differing social and political attitudes and economic interests. In fact, the Reverend Andrew Burnaby, a British traveler, observed in 1760 that "fire and water are not more heterogeneous than the different colonies in North America. Nothing can exceed the jealousy and emulation which they possess in regard to each other" (Rufus Rockwell Wilson, ed., *Burnaby's Travels through North America Reprinted from the Third Edition of 1798* [New York, 1904], 152–53).

The differences in 1776 were so great that it seemed impossible Americans could ever unite to declare independence; and, that if they did, they would never be able to agree on a common government for the United States. John Adams thought that the accomplishment of independence "in so short a time and by such simple means, was perhaps a singular example in the history of mankind. Thirteen clocks were made to strike together—a perfection of mechanism, which no artist had ever before effected" (to H. Niles, 13 February 1818, Adams, *Works*, X, 283). In November 1777 the delegates to Congress were impressed that they had agreed to the Articles of Confederation, combining "in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities" (President of Congress to the State Executives, 17 November, JCC, IX, 933).

By 1783, however, various Americans, especially New Englanders, began voicing threats of separate confederacies to pressure for a stronger central government. Nathaniel Gorham of Massachusetts, for instance, warmly asserted in Congress that if Congress were not given the ability to do justice to public creditors, "the fœderal system" would fail and "some of the States might be forming other confederacies adequate to the purposes of their safety" (James Madison, Notes on Debates, 21 February 1783, Hutchinson, *Madison*, VI, 273).

In November 1785 Congress' commercial powers were considered so inadequate that a discouraged Rufus King of Massachusetts privately recommended that, in case the Southern States refused to grant Congress commercial powers, the Northern States "are *competent* to form, and in the event must form, a sub-confederation remedied of all their present embarrassment" (to John Adams, 2 November, LMCC, VIII, 247). A few months later, Benjamin Lincoln of Massachusetts wrote King that if Congress were not given coercive power over commerce, which he believed unlikely, the alternative would be "a division" of the Union (11 February 1786, King, *King*, I, 156–60).

The bitterness between the North and South during the congressional debate over the navigation of the Mississippi River in the summer of 1786 prompted several disgruntled Northerners to recommend that the Northern States establish a separate confederacy. (For the debate on the Mississippi, see CC:46.) On 6 August 1786 Theodore Sedgwick, a Massachusetts delegate to Congress, charged that on commercial matters the Eastern and Middle states could expect "nothing" from the Southern States. "Should their conduct continue the same," declared Sedgwick, "and I think there is not any prospect of an alteration, an attempt to perpetuate our connection with them, which at last too will be found ineffectual, will sacrifice everything to a meer chimera. Even the appearance of a union cannot in the way we now are long be preserved. It becomes us seriously to contemplate a substitute; for if we do not controul events we shall be miserably controuled by them. No other substitute can be devised than that of contracting the limits of the confederacy to such as are natural and reasonable, and within those limits instead of a nominal to institute a real, and an efficient government" (to Caleb Strong, LMCC, VIII, 415–16).

On 12 August James Monroe, a Virginia delegate to Congress, reported that committees of New Englanders and New Yorkers had met in New York City to discuss the division of the Union at the Hudson River—an idea "supposed to have originated" in Massachusetts. Monroe was alarmed that the proposed confederacy might even extend southward to include Maryland. He feared that some Pennsylvanians, including two congressmen, favored this scheme and warned Southerners to do everything possible to prevent Pennsylvania from being "added to the eastern scale." "It were as well to use force to prevent it as to defend ourselves afterwards" (to the Governor of Virginia, 12

August; and to James Madison, 3 September, LMCC, VIII, 424–25, 461. Also see other Monroe letters, *ibid.*, 427, 445.)

In late October 1786 Benjamin Rush of Pennsylvania reported that “Some of our enlightened men who begin to despair of a more complete union of the States in Congress have secretly proposed an Eastern, Middle, and Southern Confederacy, to be united by an alliance offensive and defensive” (to Richard Price, 27 October, Butterfield, *Rush*, I, 408). Then, on 15 February 1787, the idea of separate confederacies first appeared in print in the Boston *Independent Chronicle* (CC:3–A). The *Chronicle’s* account, reprinted nineteen times by 12 May, advocated the formation of a strong New England confederation. Madison believed that most New Englanders, especially those in Connecticut, were opposed to separate confederacies and monarchy; but he suspected that “some leading minds” in New England supported such ideas because of “The late turbulent scenes in Massts. & infamous ones in Rhode Island.” If the Articles of Confederation were not radically amended, Madison felt that either monarchy or separate confederacies, especially the latter, would take place (Notes on Debates, 21 February, to Edmund Pendleton, 24 February, and to Edmund Randolph, 25 February, Rutland, *Madison*, IX, 291–92, 295, 299. See also David Ramsay to Thomas Jefferson, 7 April, Boyd, XI, 279.)

On 24 March and 2 April respectively, “Reason” and “Lycurgus,” two New Yorkers, recommended the establishment of three or four separate confederacies (CC:3 B–C). On 5 August James McClurg of Virginia informed Madison that “The doctrine of three Confederacies, or great Republics, has it’s advocates here” (Rutland, *Madison*, X, 135).

Most political commentators, however, opposed the establishment of separate confederacies. Richard Price, an English friend of the American government, dreaded the idea (CC:22), while John Adams saw “such manifest danger, both from foreign powers and from one another, as cannot be looked upon without terror” (to John Jay, 8 May, Adams, *Works*, VIII, 439). The “West-Chester Farmer” agreed with Adams and added that any quarrel between separate confederacies would be decided by the sword (CC:33). For other comments, see CC:43, 72.

On 9 April 1787 David Humphreys of Connecticut, commenting on the Constitutional Convention, informed Washington that he expected that “a serious proposal” would be made “for dividing the Continent into two or three separate Governments, Local politics & diversity of interests will undoubtedly find their way into the Convention” (Frank Landon Humphreys, *Life and Times of David Humphreys* . . . [2 vols., New York and London, 1917], I, 407–8).

As for the Convention delegates, only Luther Martin of Maryland appears to have raised the idea of separate confederacies and then only in passing. In the debate on suffrage in Congress, Martin declared that he would “rather see partial Confederacies take place” than have a consolidated government dominated by the large states (Farrand, I, 445). After the Convention, Madison reported that “It appeared to be the sincere and unanimous wish of the Convention to cherish and preserve the Union of the States. No proposition was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more Confederacies” (CC:187).

During the debate over ratification, Federalists and Antifederalists generally disavowed the idea of separate confederacies. Federalists argued that the failure to ratify the Constitution would lead to a division of the United States into separate confederacies. They concluded that since Antifederalists opposed the Constitution, they must of necessity favor separate confederacies.

Federalists also accused certain unnamed people of advocating the idea of separate confederacies because they wanted to improve their political positions. (See CC:115, 201, 217, 218.)

Antifederalists supported the notion of a confederation of thirteen republican states under the direction of a central government having specific powers. They opposed the Constitution on the grounds that it created a consolidated republic which would act directly on the people. Antifederalists maintained that a consolidated republic covering a vast expanse of territory would degenerate into despotism. (See "Brutus" I, CC:178; "Centinel" III, *Philadelphia Independent Gazetteer*, 8 November 1787 [CC:243].) However, some Antifederalists, such as Patrick Henry of Virginia, asserted that separate confederacies, when compared to the consolidated government of the Constitution, "are little evils" (Elliot, *Debates*, III, 161).

### 3-A. *Boston Independent Chronicle*, 15 February<sup>1</sup>

How long, asks a correspondent, are we to continue in our present acquiescence in the shameful resistance that some of the States persist in, against federal and national measures? How long is Massachusetts to suffer the paltry politics, weak jealousy, or local interests of New-York and Pennsylvania, to distract our own government, and keep us holden to those wretched measures which has so long made America the pity or contempt of Europe? How long are we to distress our own numerous citizens with the weight of Continental taxes, and support our delegation in an assembly, which has no powers to maintain the reputation, or advance the real interest of our Commonwealth? This State has made reiterated and strenuous exertions to restore that firmness, confidence, and greatness, which distinguished united America from 1774 to 1782, but to little purpose: It is therefore now time to form a new and stronger union. The five States of New-England, closely confederated, can have nothing to fear. Let then our General Assembly immediately recall their Delegates from the shadowy Meeting which still bears the name of Congress, as being a useless and expensive establishment. Send proposals for instituting a new Congress, as the Representative of the nation of New-England, and leave the rest of the Continent to pursue their own imbecile and disjointed plans, until they have experimentally learnt the folly, danger and disgrace of them, and acquired magnanimity and wisdom sufficient to join a confederation that may rescue them from destruction.

### 3-B. *Reason*

*New York Daily Advertiser*, 24 March<sup>2</sup>

A THOUGHT for the DELEGATES TO THE CONVENTION, to be held at Philadelphia.

Instead of attempting to amend the present articles of confederation with a view to retain them as the form of government, or instead of at-

tempting one general government for the whole community of the United States, would it not be preferable to distribute the States into three Republics, who should enter into a perpetual League or Alliance for mutual defence. This league or alliance must as in all cases of compact between Independent Nations, depend on National Faith.—Self preservation however would almost inevitably produce an observance, as each state would have much to apprehend from the subjugation of either of the others.—Reflections on the subject in the abstract, would have suggested to us, and our own experience has fully convinced us, that there can be only one sovereignty in a government; the notion therefore of a government by confederation between several Independent States, and each state still retaining its sovereignty, must be abandoned, and with it every attempt to amend the present articles of confederation.—No possible amendment will prevent a disunion, and being wholly separated we shall be easily broken.—There are objections to the scheme of one general government.—The national concerns of a people so numerous, with a Territory so extensive will be proportionably difficult and important.—This will require proportionate powers in the administration, especially in the chief executive; greater perhaps than will consist with the principles of a democratic form. For these reasons the plan of three republics as a substitute, is proposed for public consideration. The question is of great magnitude; it is only briefly hinted here, but deserves to be attentively and candidly considered by all who have a solicitude for the liberties, and consequently for the happiness of their country. Our fate, as far as it can depend on human means, is committed to the convention; as they decide, so will our lot be. It must be the wish of the delegates, and it certainly is both our duty and interest to aid them in the arduous business intrusted to them. One way to this is by a public communication of sentiments. I have thrown in my mite, let others do the same; thus the *truth* may be discovered.

New-York, March 19, 1787.

3—C. *Lycurgus*

*New York Daily Advertiser, 2 April<sup>th</sup>*

MR. CHILDS, In your Paper of the 24th instant, I observe a piece signed REASON, proposing a dissolution of the Confederation and a division of the United States into three republics.

The question is of the utmost magnitude, and though it may at first view appear impracticable, yet on investigation, it will appear to be founded on the best established principles of human polity. It is easy to see that the confederation cannot long subsist in its present form: Containing such an immense territory, extending through such a variety of

climates, and over people whose manners, customs, and religion are different, and whose interests are often opposed to that of each other. The members that compose it, must perpetually differ in opinion, and little cordiality can long subsist among people who have such different views and interests to pursue.

All political writers of eminence agree, that a republic should not comprehend a large territory; experience bears testimony to the truth of this observation; Partial evils may always be remedied, but it is impossible to provide against *those*, that incessantly arise from radical imperfections.

In vain do we make general laws, and expect obedience to them, if they are not adapted to the habits and manners of the people, and calculated to the climate.

In order to obviate the above objections, I would suggest the propriety of adding a fourth republic. The first to contain the states of New-Hampshire, Massachusetts, Rhode-Island and Connecticut, to which Vermont might be added. The second to contain New-York, New-Jersey, Pennsylvania, Delaware and Maryland. The third, Virginia, the two Carolinas, and Georgia. And the fourth to contain, the state of Franklin, Kentuckey, and the lands lying on the Ohio.

This is a division that seems to be pointed out by climate, whose effect no positive law ever can surpass.

The religion, manners, customs, exports, imports, and general interest of each, being then the same, no opposition arising from differences in these (as at present) would any longer divide their councils, unanimity would render us secure at home, and respected abroad, and promote agriculture, manufactures, and commerce.

I cannot, however, agree with *Reason*, in opinion, that each state must part with its sovereignty, on the contrary I think it essentially necessary that they should in every respect retain the same sovereignty and internal jurisdiction, they do at present, otherwise the republics would fall to pieces by internal imperfection.

These are humbly submitted as the outlines of a plan, which an abler pen may hereafter reduce into a permanent system, from which may result peace, liberty, and security to our country.

New-York, March 30, 1787.

1. Reprints by 12 May (19): Vt. (1), Mass. (3), Conn. (3), N.Y. (3), N.J. (1), Pa. (3), Md. (2), Va. (1), S.C. (1), Ga. (1). On 23 February the New York *Daily Advertiser* printed this item under the caption "A SERIOUS PARAGRAPH." Five other newspapers followed the *Advertiser's* lead.

2. Reprints by 28 April (9): Mass. (1), R.I. (1), Conn. (1), N.Y. (2), Pa. (2), Md. (1), Va. (1).

3. Reprints by 9 June (17): Mass. (7), R.I. (1), Conn. (3), N.Y. (1), N.J. (1), Pa. (2), Md. (1), Ga. (1).



#### 4. George Washington: To the Executives of the States (1783) Providence United States Chronicle, 15 March<sup>1</sup>

During and after the Revolution, George Washington (1732–1799) consistently advocated increasing the powers of Congress and resisted efforts to make him a military dictator or monarch. He believed that Congress had to be strengthened to win the war, to make and keep the peace, and to secure the Union. Whether a military dictatorship, a monarchy, or a republic were established, most people were convinced that Washington's support was essential.

In early March 1787—about two weeks after Congress had called a constitutional convention—several New York City newspapers reprinted brief biographies of Washington and Benjamin Franklin taken from the Marquis de Chastellux's *Travels*, first published in 1782. Then, on 15 March the Providence *United States Chronicle* reprinted Washington's June 1783 circular letter to the state executives. These publications marked the beginning of an avalanche of newspaper items associating Washington with the idea of strengthening the central government.

After the defeat of the Impost of 1781 in December 1782, Superintendent of Finance Robert Morris and his followers—advocates of a powerful central government—turned to the disgruntled officers and men of the Continental Army in order to achieve their ends. The officers at army headquarters at Newburgh, N.Y., petitioned Congress, and rumors were spread that the army might use force to get its back pay. Some officers at Newburgh even threatened to use force against the central government, but in March 1783 Washington squelched this plot or conspiracy by promising the officers that he would use his influence in their behalf. His circular letter of June 1783 was an example of how he kept this promise.

Even before the Newburgh Conspiracy, Washington had been asked to write such a statement. On 26 February 1783 the Reverend William Gordon of Massachusetts wrote that when Washington left the army “a recommendatory Address” from him “to the several States mentioning how much their corps of officers merit rewards as well as thanks, will probably have great weight in serving them” (to Washington, Washington Papers, DLC). After the plot, Alexander Hamilton told Washington that his “exertions” were as essential “to perpetuate our union” as they had been to establish independence. He asked Washington to intervene with Congress on behalf of the army (24 and 25 March, Syrett, III, 304, 306). In late May Robert Morris sought Washington's assistance in convincing the states that they should support Morris' policy for paying the army. According to Morris, the performance of the states in this regard had been “most shameful” (29 May, Washington Papers, DLC). Washington responded to Morris on 3 June: “Before I retire . . . I shall with the greatest freedom give my sentiments to the States on several political subjects, amongst those will be comprehended the particular object you recommend to my attention” (Fitzpatrick, XXVI, 467).

Soon after, Washington prepared his circular letter to the state executives. The dating of the letter varies, depending in part on when the copies were transmitted. Washington's retained copy is dated 8 June and the latest known copy sent to a state executive is dated 21 June.

The circular letter emphasized four things that had to be done to assure America's well-being and survival. The powers of Congress had to be increased; the public debt had to be paid; the militia had to be made uniform; and the states had to abandon “local prejudices and policies.” Washington asked the state executives to submit the letter to their legislatures.

The reaction to the letter was overwhelmingly favorable. Influenced in part by the letter, several legislatures adopted the Impost of 1783—the cornerstone of Robert Morris' financial system. A few legislatures thanked Washington profusely. The Massachusetts General Court ordered the circular printed. A New Englander thought that the letter had been "dictated by the immediate spirit of God," while another stated that when he read the letter he imagined himself "in the presence of the great General of the twelve United States of Israel" (Bancroft, *Constitution*, I, 119–27; Douglas Southall Freeman, *George Washington A Biography* [7 vols., New York, 1948–57], V, 446).

One discordant note was struck, ironically in Washington's home state of Virginia. The circular letter arrived when the House of Delegates was considering the Impost of 1783. Opponents of the Impost were angered by the letter, and, according to Edmund Randolph, "the murmur is free and general against what is called the unsolicited intrusion of his advice" (to James Madison, 28 June, Hutchinson, *Madison*, VII, 200).

In 1783 pamphlet editions of the letter were published in Exeter, Boston, Newport, Hartford, Philadelphia, and Annapolis. The next year it was printed in New York City, and in 1786 it appeared again in New York City and Philadelphia.

The calling of the Constitutional Convention heightened the public's interest in the letter even further. On 15 March the Providence *United States Chronicle* reprinted the letter because a convention had been called for "the express intention of altering" the Articles of Confederation. If Americans, continued the *Chronicle*, had followed Washington's advice earlier, they would have become "a united and a happy People." On 28 April the Philadelphia *Independent Gazetteer* printed excerpts of the letter because they might be interesting "in the present state of our political degeneracy." These excerpts were reprinted in the *Virginia Journal* on 10 May and in the *Carlisle Gazette* on 23 May. The letter also appeared in the May issue of the Philadelphia *American Museum* under the heading "Political Economy."

Public interest in the letter continued after the Convention adjourned. On 22 September the letter appeared in Young and M'Culloch's *Introduction to the History of America . . .*, a children's history published in Philadelphia (Evans 20471). Three days later, Robert Smith—the printer of the Philadelphia *Evening Chronicle*—announced that he had printed "a handsome Pocket Volume" of Washington's letter. Smith described it as "the Foundation of Civil and Religious Liberty displayed, asserted, and established agreeable to its true and genuine Principles, above the reach of all petty Tyrants, who attempt to lord over the human mind. The elegance of style and purity of sentiment, displayed through this incomparable composition, will establish WASHINGTON, as a descriptive PATRIOT, to the latest posterity" (Mfm:Pa. 66). The letter was published in the Richmond *Virginia Independent Chronicle* on 4 June 1788, two days after the Virginia Convention convened. It was then printed in the *Georgia State Gazette* on 7 and 14 June, five months after Georgia had ratified the Constitution.

During the debate over the Constitution, the circular letter was referred to many times. When "Centinel" (CC:133) accused Washington of being ignorant in politics and constitutional matters, "A Citizen" replied that Washington's letters should be read, "especially his advice to the several states upon his resignation of his high command." Washington, continued "A Citizen," had a "great and comprehensive mind" and he was "as enlightened in the science of government as of war" (*Carlisle Gazette*, 24 October, Mfm:Pa. 152). Another writer, also in answer to "Centinel," suggested the perusal of the letter. "'TIS WORTH THEIR READING AGAIN. Few of us have weighed its merit. It shews a deep knowledge of the subject, and a view of our

present situation, that in a less enlightened time would give it the reputation of *an inspired Prophecy*" (*Pennsylvania Gazette*, 31 October, CC:218).

The circular letter was also cited as an authority on the need to strengthen the central government. On 13 November 1787 a writer in the *Pennsylvania Packet* quoted Washington's four essential points for making the United States a great nation (Mfm:Pa. 221). See also "A Marylander," *Baltimore Maryland Gazette*, 12 February 1788.). "A Pennsylvanian" II (Tench Coxe) cited the letter to illustrate the necessity of a strong central government (*Pennsylvania Gazette*, 13 February, Mfm:Pa. 430). "A Federalist" reminded Antifederalists that the letter recommended the kind of government established by the Constitution (*Massachusetts Centinel*, 24 May). Beginning on 1 October 1788 the *Philadelphia Federal Gazette* used the following passage from the letter in its mast-head: "Whatever measures have a tendency to dissolve the union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberties and independence of America" (see also note 2 below).

*At this Time, when the Anxiety of every Friend to America is excited, by the Troubles existing throughout the Union; and when a Convention is forming, with the express Intention of altering the Confederation, perhaps a Republication of the following LETTER, from one of the best Friends America ever had, may not be deemed amiss:—Had our Countrymen attended to the Advice contained therein, it is more than probable, we should now have been a united and a happy People;—but, perhaps, it is not yet too late, if proper Measures are taken to give the Federal Government due Energy, America may yet convince the World, that the favorite Maxim of Tyrants, "That Mankind are not made to be free," is without Foundation.*

(CIRCULAR.)

*Head-Quarters, Newburgh, June 18, 1783.*

SIR, The great object for which I had the honor to hold an appointment in the service of my country, being accomplished, I am now preparing to resign it into the hands of Congress, and return to that domestic retirement, which, it is well known, I left with the greatest reluctance; a retirement for which I have never ceased to sigh through a long and painful absence, in which (remote from the noise and trouble of the world) I meditate to pass the remainder of life, in a state of undisturbed repose: But, before I carry this resolution into effect, I think it a duty incumbent on me to make this my last official communication, to congratulate you on the glorious events which Heaven has been pleased to produce in our favour, to offer my sentiments respecting some important subjects, which appear to me to be intimately connected with the tranquility of the United States, to take my leave of your Excellency as a public character, and to give my final blessing to that country, in whose service I have spent the prime of my life; for whose sake I have consumed so many anxious days and watchful nights,

and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

Impressed with the liveliest sensibility on this pleasing occasion, I will claim the indulgence of dilating the more copiously on the subject of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favourable manner in which it has terminated, we shall find the greatest possible reason for gratitude and rejoicing: This is a theme that will afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as the source of present enjoyment, or the parent of future happiness; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or moral point of light.

The citizens of America, placed in the most enviable condition, as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessaries and conveniences of life, are now, by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency; they are from this period to be considered as the actors on a most conspicuous theatre, which seems to be peculiarly designated by Providence for the display of human greatness and felicity: Here they are not only surrounded with every thing that can contribute to the completion of private and domestic enjoyment, but Heaven has crowned all its other blessings by giving a surer opportunity for political happiness, than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly than a recollection of the happy conjuncture of times and circumstances, under which our Republic assumed its rank among the Nations. The foundation of our empire was not laid in the gloomy age of ignorance and superstition, but at an epocha when the rights of mankind were better understood and more clearly defined, than at any former period: Researches of the human mind after social happiness have been carried to a great extent: The treasures of knowledge acquired by the labours of philosophers, sages and legislators, through a long succession of years, are laid open for use, and their collected wisdom may be happily applied in the establishment of our forms of government: The free cultivation of letters: The unbounded extension of commerce: The progressive refinement of manners: The growing liberality of sentiment, and, above all, the pure and benign light of Revelation, have had a meliorating influence on mankind, and encreased the blessings of society. At this auspicious period the United States came into existence as a Nation, and if their citizens should not be completely free and happy, the fault will be entirely their own.

Such is our situation, and such are our prospects; but notwithstanding the cup of blessing is thus reached out to us, notwithstanding happiness is ours, if we have a disposition to seize the occasion and make it our own; yet it appears to me, there is an option still left to the United States of America, whether they will be respectable and prosperous, or contemptible and miserable as a nation: This is the time of their political probation; this is the moment, when the eyes of the whole world are turned upon them, this is the moment to establish or ruin their national character forever; this is the favorable moment to give such a tone to the federal government, as will enable it to answer the ends of its institution; or this may be the ill-fated moment for relaxing the powers of the union, annihilating the cement of the confederation, and exposing us to become the sport of European politics, which may play one State against another, to prevent their growing importance, and to serve their own interested purposes. For, according to the system of policy the States shall adopt at this moment, they will stand or fall; and, by their conformation or lapse, it is yet to be decided, whether the revolution must ultimately be considered as a blessing or a curse; not to the present age alone, for with our fate will the destiny of unborn millions be involved.

With this conviction of the importance of the present crisis, silence in me would be a crime; I will therefore speak to your Excellency the language of freedom and of sincerity, without disguise. I am aware, however, those who differ from me in political sentiments may, perhaps, remark, I am stepping out of the proper line of my duty; and may possibly ascribe to arrogance or ostentation, what I know is alone the result of the purest intention; but the rectitude of my own heart, which disdains such unworthy motives; the part I have hitherto acted in life, the determination I have formed of not taking any share in public business hereafter; the ardent desire I feel and shall continue to manifest, of quietly enjoying in private life, after all the toils of war, the benefits of a wise and liberal government, will, I flatter myself, sooner or later, convince my countrymen that I could have no sinister views in delivering with so little reserve the opinions contained in this address.

There are four things which I humbly conceive are essential to the well-being, I may even venture to say, to the existence of the United States as an independent power.

1st. An indissoluble Union of the States under one Federal Head.

2dly. A sacred regard to Public Justice.

3dly. The adoption of a proper Peace-Establishment. And,

4thly. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independency and national character must be supported.—Liberty is the basis,—and whoever should dare to sap the foundation or overturn the structure, under whatever specious pretexts he may attempt it, will merit the bitterest execrations, and the severest punishment, which can be inflicted by his injured country.

On the three first articles I will make a few observations; leaving the last to the good sense, and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me in this place to enter into a particular disquisition of the principles of the Union, and to take up the great question which has been frequently agitated, whether it be expedient and requisite for the States to delegate a larger proportion of power to Congress, or not; yet it will be a part of my duty, and that of every true patriot to assert, without reserve, and to insist upon the following positions.—That unless the States will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the constitution, every thing must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual States, that there should be lodged, somewhere, a supreme power, to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration.<sup>2</sup>

That there must be a faithful and pointed compliance on the part of every State with the late proposals and demands of Congress, or the most fatal consequences will ensue.—That whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independency of America, and the authors of them treated accordingly.—And lastly, that unless we can be enabled by the concurrence of the States to participate of the fruits of the revolution and enjoy the essential benefits of civil society, under a form of government so free, and uncorrupted, so happily guarded against the danger of oppression, as has been devised and adopted by the Articles of Confederation, it will be a subject of regret, that so much blood and treasure have been lavished for no purpose; that so many sufferings have been encountered without a compensation, and that so many sacrifices have been made in vain. Many other considerations might here be adduced to prove, that without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two, which seem to me of the greatest importance. It is only in our united character, as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported among foreign nations. The treaties of the European powers, with the United States of America, will have no validity on a

dissolution of the Union. We shall be left nearly in a state of nature, or we may find by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny; and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

As to the second article, which respects the performance of public justice, Congress have, in their late address to the United States, almost exhausted the subject;<sup>3</sup> they have explained their ideas so fully, and have enforced the obligations the States are under to render complete justice to all the public creditors, with so much dignity and energy, that, in my opinion, no real friend to the honour and independency of America can hesitate a single moment respecting the propriety of complying with the just and honourable measures proposed; if their arguments do not produce conviction, I know of nothing that will have greater influence, especially when we recollect that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised; and that, if it shall not be carried into immediate execution, a national bankruptcy, with all its deplorable consequences, will take place before any different plan can possibly be proposed or adopted; so pressing are the present circumstances, and such is the alternative now offered to the States.

The ability of the country to discharge the debts, which have been incurred in its defence, is not to be doubted: An inclination, I flatter myself, will not be wanting; the path of our duty is plain before us: Honesty will be found, on every experiment, to be the best and only true policy. Let us then, as a nation, be just; let us fulfil the public contracts which Congress had undoubtedly a right to make for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the mean time let an attention to the cheerful performance of their proper business, as individuals, and as members of society, be earnestly inculcated on the citizens of America; then will they strengthen the hands of government, and be happy under its protection. Every one will reap the fruit of his labours: Every one will enjoy his own acquisitions, without molestation and without danger.

In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interests of society, and ensure the protection of government? Who does not remember the frequent declarations at the commencement of the war, that we should be completely satisfied, if at the expence of one half, we could defend the remainder of our possessions? Where is the man to be found, who wishes to remain indebted for the defence of his own person and property to the exertions, the bravery and the blood of

others, without making one generous effort to repay the debt of honour and of gratitude? In what part of the Continent shall we find any man, or body of men, who would not blush to stand up and propose measures purposely calculated to rob the soldier of his stipend, and the public creditor of his due? And were it possible, that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down, upon the authors of such measures, the aggravated vengeance of Heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness should manifest itself in any of the States; if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union; if there should be a refusal to comply with the requisitions for funds to discharge the annual interest of the public debts, and if that refusal should revive again all those jealousies and produce all those evils which are now happily removed: Congress, who have in all their transactions shewn a great degree of magnanimity and justice, will stand justified in the sight of God and man! And that State alone, which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious councils, will be responsible for all the consequences.<sup>4</sup>

For my own part, conscious of having acted, while a servant of the public, in the manner I conceived best suited to promote the real interests of my country; having, in consequence of my fixed belief, in some measure, pledged myself to the army, that their country would finally do them complete and ample justice; and not wishing to conceal any instance of my official conduct from the eyes of the world, I have thought proper to transmit to your Excellency the enclosed collection of papers, relative to the half-pay and commutation granted by Congress, to the officers of the army;<sup>5</sup> from these communications, my decided sentiment will be clearly comprehended, together with the conclusive reasons which induced me, at an early period, to recommend the adoption of this measure in the most earnest and serious manner. As the proceedings of Congress, the Army, and myself, are open to all, and contain in my opinion sufficient information to remove the prejudices and errors which may have been entertained by any, I think it unnecessary to say any thing more, than just to observe, that the resolutions of Congress, now alluded to, are as undoubtedly and absolutely binding upon the United States, as the most solemn acts of confederation or legislation.

As to the idea, which I am informed has in some instances prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever: That provision should be viewed, as it really was, a reasonable compensation offered by Congress, at a time when they had nothing else to give to the



officers of the army, for services then to be performed: It was the only means to prevent a total dereliction of the service: It was a part of their hire, I may be allowed to say, it was the price of their blood, and of your independency; it is therefore more than a common debt, it is a debt of honour; it can never be considered as a pension, or gratuity, nor cancelled until it is fairly discharged.

With regard to the distinction between officers and soldiers, it is sufficient, that the uniform experience of every nation of the world, combined with our own, proves the utility and propriety of the discrimination. Rewards in proportion to the aids the public draws from them are unquestionably due to all its servants. In some lines the soldiers have perhaps generally had as ample compensation for their services, by the large bounties which have been paid to them, as their officers will receive in the proposed commutation; in others, if, besides the donation of land, the payment of arrearages of cloathing and wages (in which articles all the component parts of the army must be put upon the same footing) we take into the estimate, the bounties many of the soldiers have received, and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no man will enjoy greater satisfaction than myself in seeing an exemption from taxes for a limited time (which has been petitioned for in some instances) or any other adequate immunity or compensation granted to the brave defenders of their country's cause: But neither the adoption nor rejection of this proposition will, in any manner, affect, much less militate against, the act of Congress, by which they have offered five years full pay, in lieu of the half-pay for life, which had been before promised to the officers of the army.

Before I conclude the subject of public justice, I cannot omit to mention the obligations this country is under to that meritorious class of veterans, the non-commissioned officers and privates, who have been discharged for inability, in consequence of the resolution of Congress of the 23d of April, 1782, on an annual pension for life:<sup>6</sup> Their peculiar sufferings, their singular merits and claims to that provision, need only to be known, to interest the feelings of humanity in their behalf: Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery; and nothing could be a more melancholy and distressing sight, than to behold those who have shed their blood, or lost their limbs, in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the comforts or necessities of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description, belonging to your State, to the warmest patronage of your Excellency and your Legislature.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic. As there can be little doubt but Congress will recommend a proper peace-establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the union upon a regular and respectable footing; if this should be the case, I would beg leave to urge the great advantage of it in the strongest terms.

The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility: It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent, should be absolutely uniform; and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States: No one, who has not learned it from experience, can conceive the difficulty, expence and confusion, which result from a contrary system, or the vague arrangements which have hitherto prevailed.

If, in treating of political points, a greater latitude than usual has been taken in the course of this address, the importance of the crisis, and the magnitude of the objects in discussion, must be my apology: It is, however, neither my wish nor expectation, that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention; consonant to the immutable rules of justice; calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with the more confidence, from my actual observations; and if it would not swell this letter (already too prolix) beyond the bounds I had prescribed myself, I could demonstrate to every mind, open to conviction, that in less time, and with much less expence than has been incurred, the war might have been brought to the same happy conclusion, if the resources of the continent could have been properly called forth: That the distresses and disappointments which have very often occurred, have, in too many instances, resulted more from a want of energy in the continental government, than a deficiency of means in the particular States: That the inefficacy of measures, arising from the want of an adequate authority in the supreme power, from a partial compliance with the requisitions of Congress in some of the States, and from a failure of punctuality in others, while they tended to damp the zeal of those which were more willing to exert themselves, served also to accumulate the expences of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and embarrassments, in which our affairs were by this means involved, would have long ago produced the dissolution of any army, less patient, less virtuous, and less persevering, than that which I have had the honor to command.—But while I mention those things, which are notorious facts,

as the defects of our federal constitution, particularly in the prosecution of a war, I beg it may be understood, that as I have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens; so shall I always be happy to do justice to the unparalleled exertions of the individual States, on many interesting occasions.

I have thus freely disclosed what I wished to make known before I surrendered up my public trust to those who committed it to me: The task is now accomplished; I now bid adieu to your Excellency, as the Chief Magistrate of your State; at the same time I bid a last farewell to the cares of office, and all the employments of public life.

It remains, then, to be my final and only request, that your Excellency will communicate these sentiments to your Legislature, at their next meeting; and that they may be considered as the legacy of one who has ardently wished, on all occasions, to be useful to his country, and who, even in the shade of retirement, will not fail to implore the divine benediction upon it.

I now make it my earnest prayer, that God would have you, and the State over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow-citizens of the United States at large, and particularly for their brethren who have served in the field; and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion; without an humble imitation of whose example, in these things, we can never hope to be a happy nation.

I have the honor to be, with much esteem and respect, Sir, Your Excellency's most obedient, and most humble servant, G. WASHINGTON.

1. Transcribed from the Providence *United States Chronicle*, 15 March. The letter was addressed to "*His Excellency WILLIAM GREENE, Esq; Governor of the State of Rhode-Island, and Providence Plantations.*"

2. This sentence introduced a four-page Federalist broadside published in Philadelphia on or before 21 October 1787 (see Editors' Note, 21 October).

3. *Address and Recommendations to the States, by the United States in Congress Assembled* (Philadelphia, 1783) (Evans 18223). The *Address* was reprinted in Boston, Hartford, Trenton, and Richmond in 1783.

4. See note 2 above.

5. *A Collection of Papers, Relative to Half-Pay and Commutation of Half-Pay, Granted by Congress to the Officers of the Army. Compiled, by Permission of His Excellency George Washington, from the Original Papers in His Possession* (Fishkill, N.Y., 1783) (Evans 18255). The *Collection* was reprinted in Boston in 1783.

6. See JCC, XXII, 209–12.

## 5 A-B. American Fear of British Domination New York Journal, 15 March

Beginning in late 1786, Americans became increasingly worried about the dangers of British intervention in American affairs. This fear was heightened by Shays's Rebellion in Massachusetts (CC:18). One individual informed the Governor of Massachusetts that the insurgents had petitioned the British Parliament for aid, while another told the state council that British emissaries rode through Western Massachusetts trying to foment civil war (Van Beck Hall, *Politics without Parties: Massachusetts, 1780-1791* [Pittsburgh, 1972], 211). William Grayson, a Virginia delegate to Congress, stated that "It is supposed that Vermont is leagued with" the insurgents, "and that they are secretly supported by emissaries of a certain nation; though as to this latter conjecture, I have heard no satisfactory proof" (to James Madison, 22 November 1786, Rutland, *Madison*, IX, 174). Edward Carrington, another Virginia delegate, seemed more certain of his information, when he informed the Governor of Virginia that "It is said that a british influence is operating in this mischievous affair. . . . It is an undoubted truth that communications are held by Lord Dorchester with both the Vermontees, and the insurgents of Massachusetts, and that a direct offer has been made to the latter, of the protection and Government of Great Britain, which they at present decline to accept, but hold *in Petto*, as a last resort in case future events may place them in desperate circumstances" (8 December, LMCC, VIII, 516). James Madison, a third Virginia delegate to Congress, believed that "there was sufficient ground for a general suspicion of readiness in G: B. to take advantage of events in this Country, to warrant precautions agst. her" (Notes on Debates, 19 February 1787, Rutland, *Madison*, IX, 278).

In the first half of 1787, newspapers increasingly published articles warning Americans of the dangers from Great Britain and Canada. On 15 March the *New York Journal* published two items warning that only a strong central government would prevent the United States from once again falling under British domination (CC:5 A-B; 3 and 16 reprints respectively). In the third week in April, the *Worcester Magazine* reported that the British, fearing an American attack, were fortifying their Canadian forts and raising their sunken vessels in Lake Champlain (16 reprints). On 9 June the *New Hampshire Spy* reported that the governor of Quebec was placing the Canadian militia in military readiness, that three Irish and two English regiments were expected to strengthen the frontier forts, that the British were fitting out their vessels on the lakes, and that Daniel Shays had visited Montreal and had left with "a considerable quantity of powder" (27 reprints). Three weeks later, the *Massachusetts Centinel*, 30 June, printed an account of a twenty-gun British ship on Lake Champlain that had seized an American vessel and was supposedly sailing three miles within American waters. Another British gunboat, according to the *Centinel*, was being fitted out (18 reprints). Many Americans believed that the only way to thwart the expected British attempt to regain their former colonies was for the United States to strengthen its central government.

### 5-A. *Americanus*<sup>1</sup>

#### LOOK-OUT!!

And there arose a prophet among us in the days of small things, viz. 1620; and he stood forth and prophesied, saying, "—."

Now all these things have literally come to pass, and the term and terms of this prophecy were finished on the *third day of September, 1783*. At this period he called aloud for universal audience, and again prophesied, and said:—

“Although your *peace* be made with *Great-Britain* upon your favourite tenets, and founded upon principles of natural purity, dictated by the finger of justice—yet, O Americans, be ye not too credulous; distrust the politics of your sister nations, and be industrious to pry into their cabinet secrets.

“On that day I turned my face towards the east, and I heard a voice, like unto the voice of *discontent*, among the nobles of the east athwart, atlanticward, saying:—

‘These things we like not:—by losing the states of America we shall become the scoff of our neighbours; our formidability diminished, our strength lessened, our finances impoverished!—It shall not long be thus!—The great, the important question is, *how regain them?* This may be easily effected:—we will avail ourselves of the most trifling, or *pretended* breaches of the treaty of peace—we will re-engage the *refugees* of that country, who have hither-to assisted us, by paying well their losses—we will hold to view a specious *appearance* of generosity until our plot be ripe—we will send forth *hirelings*, spies, and pimps, into the four quarters of North-America, with orders to spread *sedition* and sow the seeds of rebellion among the people—we will buy the *Indians* to join us to carry into execution our last effort, which (when once they are *cimi-circled*, forest-ward, by our faithful minions) shall be, *to oblige them to submit to the tyrannical government that we will set over them*. If this we obtain, the GLORY of Great-Britain will re-ascend, as on eagles wings, and her FAME will spread from pole to pole.’

“The voice here ceased to utter. I pondered upon the substance of this invisible declaration. I beat my breast, which, with unutterable pangs, was bursting. I reflected that the plan was altogether consistent with the character of *man* in his depraved state. I therefore, at that period, stepped forward to warn Americans, *to be vigilant*—to be *virtuous*—to be *honorable*—for these *three* are *immaculate, uncorruptible—pleasing to the god of nature*. Americans have not regarded my call of affection—and the *plan*, by the voice from the east, is fast ripening. You are infested with CORRUPTION, and list not whence it proceeds.—IT PROCEEDS FROM THE BRITISH CABINET!—REBELLION already stalks in *Massachusetts; Vermont* may favor them. The period of the prophecy is not yet fulfilled—but, if ye cannot trace the *natural* course of events; if ye cannot, in some measure, determine by the effects *what* the causes were, and counter-act, by immediate recourse to *vigilance, virtue, honor, JUSTICE*, and thus undermine every plot which is aimed at your INDEPENDENCE—VERMONT, CANADA, the INDIAN NATIONS, &c. will

join their forces to the monster REBELLION, and drive you head-long, into the pit of POLITICAL DAMNATION.”

AMERICANS! believe not in the *delusive* doctrine of *predestination!* the day of grace is not passed—for, ye have POWER OF REFORMATION!—make your FEDERAL HEAD adequate to the *requisite* purposes of government;—give permanency to your laws;—hurl from your bosoms, *ye several legislatures*, all SYCOPHANTISH members! and those who are swayed by the dangerous principles of SELF-INTEREST, or the interest of any particular state which may effect a DIS-UNION of the whole!—then, and not till then, will you be safe—then the storms and tempests of differing nations shall attempt, *in vain*, to annoy you—and your INDEPENDENCE and HAPPINESS will be established for ever.

5-B. *Extract of a letter from Halifax, via St. Johns, dated Feb. 3, 1787.*<sup>2</sup>

“The acclamations of joy in this land, rage (in consequence of the distracted state of your country) beyond all description; and they firmly believe that the English court have taken an effectual step to disunite you, by the wise appointment of that sagacious politician and General, Lord Dorchester, to the governments of the British territory in America.<sup>3</sup> The unsettled, unhinged situation of the States (for which you are deservedly ridiculed) and want of encouragement, only keep me and many others in this hateful and illiberal country; for my attachment to your cause (if properly conducted) you can never question; but your present embecile measures, I heartily reprobate; and depend that Guy (*as is his duty*) will not be wanting in exertion to avail himself of the embecility and distraction existing in your land—Pray, where are the men, the SOLDIERS and PATRIOTS, who gained so much honor throughout the world—by their gallantry and wisdom—in the days of the war, “the time to try men’s souls,” as your *Amor Patriæ* writer Common Sense said: where, I repeat, are they gone—that you seem so much to need skillful navigators—or are you too republican to call in their aid—fearing, as they have been soldiers, that they will misrule you,—or in other words, be *too severe* in their discipline?”

“Some government of stability and energy, I sincerely wish you,—and as it ought to proceed from yourselves (without any foreign interference whatsoever) better a *monarchy* than an ideal republic—for I cannot but coincide with the two lines, which graces the title page of your judicious theoretical constitutions, viz.

‘For forms of government let fools contest,  
That that’s best administer’d is best.’

“Were my power and talents adequate to my serious wishes—I would endeavour to prescribe a mode for your honor and happiness; but when I reflect on the multitude of wise men and good patriots among you, I blush for my presumption in adventuring my sentiments thus much—nor should I have touched on so abstruse a subject, but from a conviction that I was imparting honest sentiments to a proven friend.—One reason assigned for your disunion, extravagance and insurrections in this *Emporium* of ‘royal loyalty’ (terms assumed by the Philistine refugees) by those who wish your nation respectability, is, that those who were your avowed and most implacable enemies, during the bloody and arduous war you was engaged in,—are admitted among you again,—many of them *in office*,—and having extensive connections of opulence among the English—are neither wanting in intrigue nor wealth, to effect almost any purpose in the *United States*;—which appellation, now, by your own misconduct (and I believe originating in the above causes) has become contemptible in most of Europe; and which your *old mother country* is sedulous in diffusing. Your situation, though critical, is not irremediable—and if timely application and spirit is shewn—you may soon laugh, in your ‘turn.’ Your luxuries, your effeminacy, &c. contribute also to precipitate you to contempt and poverty—which, by this time all among you ought to be sensible of,—and tend to rouse you from your torpor and supineness.”

1. Reprinted: *Pennsylvania Herald*, 24 March; the Middletown, Conn. *Middlesex Gazette*, 26 March; and the Boston *Continental Journal*, 29 March.

2. Reprints by 12 May (16): N.H. (2), Mass. (3), R.I. (1), Conn. (1), N.Y. (2), N.J. (1), Pa. (3), Va. (1), S.C. (1), Ga. (1).

3. Guy Carleton (1724–1808), the first Baron Dorchester, was governor of Quebec from 1786 to 1791.

## 6. Charlestown American Recorder, 16 March<sup>1</sup>

*“The combustibles are collected—the mine is prepared—the smallest spark may again produce an explosion!”*

“This is a crisis in our affairs, which requires all the wisdom and energy of government; for every man of sense must be convinced, that our disturbances have arisen, more from a want of power, than the abuse of it—from the relaxation, and almost annihilation of our federal government—from the feeble, unsystematic, temporising, inconstant character of our own state—from the derangement of our finances—the oppressive absurdity of our mode of taxation—and from the astonishing enthusiasm and perversion of principles among the people. It is not extraordinary that commotions have been excited. It is strange, that under the circumstances which we have been discussing, that they did not appear sooner, and terminate more fatally. For let it be remarked, that

a feeble government produces more factions than an oppressive one. The want of power first makes individuals pretended legislators, and then, active rebels. Where parents want authority, children are wanting in duty. It is not possible to advance further in the same path. Here the ways divide, the one will conduct us to anarchy, and next to foreign or domestic tyranny: the other, by the wise and vigorous exertion of lawful authority, will lead to permanent power, and general prosperity. I am no advocate for despotism; but I believe the probability to be much less of its being introduced by the corruption of our rulers, than by the delusion of the people. Experience has demonstrated, that new maxims of administration are indispensable. It is not, however, by six penny retrenchments of salaries—nor by levying war against any profession of men—nor by giving substance and existence to the frothy essences and fantastic forms of speculation—nor is it by paper money, or an abolition of debts—nor by implicit submission to the insolence of ignorant conventions<sup>2</sup>—nor by the temporary expedients of little minds, that authority can be rendered stable, and the people prosperous. A well digested, liberal, permanent system of policy is required. And, when adopted, must be supported, in spite of faction, against every thing but amendment. And when amendment should be given, let not the confederation be forgot.

“While the bands of union are so loose, we are no more entitled to the character of a nation than the hordes of vagabond traitors. Reason has ever condemned our paltry prejudices upon this important subject. Now that experience has come in aid of reason, let us renounce them. For what is there now to prevent our subjugation by foreign power, but their contempt of the acquisition? It is time to render the federal head supreme in the United States. It is also time to render the general court supreme in Massachusetts. Conventions have too long, and indeed, too unequally divided power. Until this is effected, we cannot depend upon the success of any plans of reformation. When this is done, we ought to attempt the revival of public and private credit. With what decency can we pretend, that republics are supported by virtue, if we presume upon the foulest of all motives—our own advantage, to release the obligation of contracts?”

1. Transcribed from the *Pennsylvania Packet* of 29 March, which printed it under the dateline: “CHARLESTOWN (Massachusetts), March 16.” It was probably reprinted from the no longer extant 16 March issue of the *American Recorder*. In addition to being reprinted in the *Packet*, this item was reprinted four more times by 26 April: Pa. (2), Va. (1), S.C. (1).

2. A reference to the five county conventions which met in Massachusetts in July and August 1786 and recommended several forms of debtor relief and a new state constitution (CC:18).



### 7. Providence United States Chronicle, 29 March<sup>1</sup>

Matters of infinite Importance, says a Correspondent, now claim the Attention of Congress.—A Proposition from the Court of Spain concerning the Navigation of the Mississippi.—The Treaty of Peace with Great-Britain—The Commerce of the United States—and the Conduct of some of the States in *refusing* a Compliance with Continental Requisitions—must speedily be determined on, and *decisive Measures* adopted, or we shall be annihilated as a Nation.—If the People at large have not Virtue enough to govern themselves, as Republicans—they must submit to a different Form of Government—of which they will have no Choice *but to obey*.

1. Reprints by 17 May (13): Mass. (2), R.I. (1), N.Y. (3), N.J. (1), Pa. (1), Del. (1), Md. (2), Va. (1), Ga. (1).

### 8. New Hampshire Spy, 3 April<sup>1</sup>

With respect to local difficulties in this state, we have little cause to complain.—'Tis true—times are dull—money is scarce, &c.—but these difficulties will certainly be removed as soon as the States become united in ONE HEAD—our commerce will then be regulated—our finances properly disposed—and the great channel of trade will be turned into our different ports—and until this event takes place, we cannot expect to have these difficulties removed.—Here, we have no mobs—nor shall we have any—no, no—the true blues of New-Hampshire will never suffer their Constitution to be trampled upon by a set of artful and designing men.—Witness, the plains of Exeter.<sup>2</sup>—Sound but the trump, and lo, our hardy sons, mounted on steeds of quickest speed, await their hero's call; while martial columns, more slow, yet sure, march on, and with undaunted hearts, give energy to law.

1. Reprints by 3 May (6): Mass. (2), N.Y. (1), Pa. (3).

2. A reference to the 20 September 1786 riot where armed New Hampshire farmers surrounded the legislature at Exeter (CC:18).

### 9. Philadelphia American Museum, 4 April<sup>1</sup>

#### *Present situation of affairs.*

The citizens of America must soon arouse from their dreams, or they will awake the subjects of a despot.

They fought gloriously, and displayed the greatest wisdom, until they established independence: but since the peace, an indecisive spirit, a sleepy jealousy, a blind avarice, and little local prejudices, have so benumbed and darkened the heads of many members of the legislatures, in different states, as to cast a shade round the national glory. Hence it is, that congress are still destitute of power to regulate com-

merce, and to form a system of finance. From this source flow numberless evils. Hence the old enemy, Britain, insults us by keeping our Forts contrary to treaty, and aims to destroy our trade in every quarter. This is the source of public poverty, and produces general discontent: and this tends to a change of government.

The people ought to reflect often, and very seriously on this tendency: and they may assure themselves that many, very many wish to see an emperor at the head of our nation. And unless the states very soon give to congress the necessary powers to regulate trade, and to form a system of finance, for the support of national credit, such an event may take place suddenly. It may not be at the distance of one short year. Let us act like men, and give power to congress, who are our representatives; for if we do not, a despot may take power, and use it as he pleases without our controul.

Many people in power, in some of the states, think we are perfectly safe from such an event, therefore pursue only narrow state policy—regardless of the great national concerns. But, I could tell them alarming truths, which at present I shall not mention. Enough hath been told, and if the states continue in the road of error a little longer, it will be unnecessary to tell them of danger—for they may see and feel the effects of their folly.

1. The March issue of the *American Museum* was advertised for sale in the *Pennsylvania Herald* on 4 April.

## 10. George Washington's Election to the Convention Philadelphia Independent Gazetteer, 9 April

The Virginia legislature elected Washington as one of its delegates to the Constitutional Convention on 4 December 1786 (CDR, 198). The news was greeted with acclaim throughout the United States. The item below by "Alexis" is one of the more fulsome examples. It was reprinted eight times by 21 May: N.H. (1), Mass. (1), R.I. (1), Conn. (1), N.Y. (2), Pa. (1), S.C. (1).

However, on 21 December 1786 Washington wrote to Governor Edmund Randolph that he would not attend the Convention (Fitzpatrick, XXIX, 119–20). The news was not made public because the Governor and other prominent Virginians hoped to persuade Washington to change his mind. Meanwhile, men in other states wrote Washington, assuming that he would attend, and assured him that his presence would be indispensable. On 28 March Washington finally agreed to attend (to Edmund Randolph, Fitzpatrick, XXIX, 186–88). This news was printed in the *Virginia Independent Chronicle* on 11 April (CC:11).

From this point until the end of the Convention, Washington's movements were reported by the Philadelphia press and reprinted in newspapers throughout the United States. Such reports included accounts of his arrival in Philadelphia, his election as President of the Convention, his attendance at a lecture on eloquence and at a Roman Catholic church service, his review of the troop of Philadelphia light horse, and his visits to an ironworks and to Valley Forge.

On the coming of the AMERICAN FABIUS to the Federal Convention in May next.

*Had not great Cromwell aim'd to gain a crown,  
Unsuilied tales would hand his mem'ry down.*

The hero comes, each voice resound his praise  
No envious shafts can dare to chill his rays;  
All hail! great man! who for thy country's cause,  
Flew at her call for to protect the laws.  
But while dull notes like these my song disarm'd,  
His rigid virtues ev'ry patriot warm'd;  
Inspir'd each leader at his standard met,  
*Laurens* who fell, with *Greene* and *La Fayette*.  
Like the fair structure on the river side,  
Which from reflection dazzles on the tide,  
Each caught the flame, celestial pow'rs unite,  
And stimulate them on to aid the fight.  
He fought, he won, and calm'd the raging storm,  
Tho' rais'd by pride abstruse, in fury's form;  
Thy unambitious steps will paint thy name  
To future ages thro' historic fame.  
Columbia now with independence crown'd,  
Proclaims her consequence on foreign ground.  
For, oh! great WASHINGTON! while war did rage,  
From *Clinton* retrospectively to *Gage*,  
Stood firm—till peace did crown thy native shore,  
By superceding war's terrific roar.

A time of rest at length appear'd in view,  
With all its happiness in blooming hue;  
A calm which oft the hero wish'd to see,  
Where rural blessings with his mind agree;  
But fly once more the *Senate* house to grace,  
And crown the States with everlasting peace.

ALEXIS.

Philadelphia, April 6, 1787.

### 11. Virginia Independent Chronicle, 11 April<sup>1</sup>

It is with peculiar satisfaction we inform the public, that our illustrious fellow citizen, GEORGE WASHINGTON, Esq; has consented to serve on the ensuing Federal Convention to be held in Philadelphia the second Monday in May next; and that His Excellency EDMUND RANDOLPH, Esq; purposes leaving this city early in that month, on the same business.—Should a delegation attend from each, or a majority of the states,—chosen with that circumspection and wisdom, which governed

the Legislature of THIS COMMONWEALTH,—what happy consequences may not all the true friends to Federal Government promise themselves, from the united Zeal, Policy, and Ability, of SO AUGUST AN ASSEMBLY.

1. Reprints by 14 May (23): Mass. (4), R.I. (1), Conn. (4), N.Y. (6), N.J. (1), Pa. (2), Md. (3), Va. (1), S.C. (1).

## 12. Massachusetts Centinel, 11 April<sup>1</sup>

The States of America, (says a correspondent) cannot be said to be under a federal head—when they will not acknowledge any supremacy in Congress. In time of war, we were bound together by a principle of fear; that principle is gone: We are no longer *United States*, because we are not under any firm and energetic compact. The breath of jealousy has blown the cobweb of our confederacy asunder. Every link of the chain of union is separated from its companion. We live it is true under the appearances of friendship, but we secretly hate and envy, and endeavour to thwart the interest of each other, and was it not for the British colonies and garrisons that surround us, we should probably very soon contend in the field for empire. Even our state governments, where all the energy lies, are unable to preserve their citizens from rebellion. And notwithstanding all this, we pretend to dread the growing power of Congress, and wish to curtail and destroy every exertion of their jurisdiction. This conduct brings to mind the old Roman Senator, who after his country had subdued the commonwealth of Carthage, had made them deliver up their territories, their ships, their arms, and imposed an enormous tribute upon them; in short, after they had bound them hand and foot, and rendered them unable ever to protect themselves, much less to wage war upon their enemies, still the heroick Senator was for precipitating the vengeance of the Romans upon them, and when no possible argument offered itself, he cried out *Carthage must be destroyed*.

1. Reprints by 1 September (15): R.I. (1), Conn. (2), N.Y. (2), N.J. (1), Pa. (5), Md. (2), Va. (1), S.C. (1). It was also reprinted in the August issue of the *Philadelphia American Museum*.

## 13. Newport Herald, 12 April

Newspaper attacks on Rhode Island had been commonplace ever since the state refused to ratify the Impost of 1781. The state's paper money policies, which favored debtors, were universally denounced. The refusal of the legislature to elect delegates to the Constitutional Convention was treated as but another example of the state's iniquity. The item printed below is one of the many attacks on Rhode Island that appeared in newspapers prior to, during, and after the Convention. It was reprinted eighteen times by 23 June: Vt. (1), Mass. (5), Conn. (2), N.Y. (4), N.J. (1), Pa. (3), Md. (1), Ga. (1).

*Extract of a letter from a gentleman in the Southern States, to his correspondent here, dated April 1, 1787.*

“The distracted state you are in, is sufficient to wean and drive every good citizen from his native country;—matters have come to such an alarming crisis, that the confederation must take notice of you, and it seems the opinion of many here, that when the convention meets in Philadelphia, that measures will be taken to reduce you to order and good government, or strike your State out of the union, and annex you to others;<sup>1</sup> for as your Legislature now conducts, they are dangerous to the community at large, and ruinous to every honest and respectable character in the State, the clamour is now loud against your State, and will daily increase.”

1. Some politicians also believed that Rhode Island should have been treated in such a manner. For example, Francis Dana of Massachusetts, unable to attend the Constitutional Convention because of illness, wrote fellow delegate Elbridge Gerry, expressing the hope that “a bold politician wou’d seize upon the occasion their [Rhode Island’s] abominations and anti federal conduct presents for annihilating them as a separate Member of the Union” (2 September 1787, L.W. Smith Collection, Morristown National Historical Park).

#### **14. Benjamin Franklin’s Election to the Convention Massachusetts Centinel, 14 April**

On 30 December 1786 the Pennsylvania Assembly elected seven delegates to the Constitutional Convention, but Franklin (1706–1790), President of the Supreme Executive Council and the most popular man in the state, was not one of them. He was, however, added to the delegation on 28 March. The item below from the *Massachusetts Centinel* was the first to link Washington and Franklin as supporters of a change in government, and it asserted that because of their support, “narrow-soul’d, antifederal politicians” would not dare to attack the work of the Convention. It was reprinted thirteen times by 2 June: Vt. (1), N.H. (3), Mass. (3), R.I. (1), Conn. (1), N.Y. (1), Pa. (3). After the Constitution was published the argument that it should be adopted because Washington and Franklin supported it was reiterated again and again.

Reasonably is it to be expected, says a correspondent—that the deliberations of the sages and patriots, who are to meet in Convention at Philadelphia, next month, will be attended with much good—An union of the abilities of so distinguished a body of men, among whom will be a FRANKLIN and a WASHINGTON, cannot but produce the most salutary measures.—These last names affixed to their recommendations (and it is to be hoped that this will be the case) will stamp a confidence in them, which the narrow-soul’d, antifederal politicians in the several States, who, by their influence, have hitherto damn’d us a nation, will not dare to attack, or endeavour to nullify.

### 15. Thomas Jefferson: On Violence in America New Haven Gazette, 19 April (excerpt)

On 14 September 1786 President Ezra Stiles (1727–1795) of Yale College wrote to Thomas Jefferson (1743–1826), American minister to France, informing him that Yale had awarded him an honorary degree. Stiles also commented on “some Tumults and popular Insurrections” which had occurred in America (Boyd, X, 385–86). A three-paragraph excerpt from Jefferson’s reply to Stiles (24 December 1786, *ibid.*, 629) was published in the *New Haven Gazette* on 19 April 1787. Printed below is the paragraph in which Jefferson commented on violence in America. It was reprinted twelve times by 29 May: N.H. (2), Mass. (4), N.Y. (5), Pa. (1).

Jefferson made similar comments in letters to others. He wrote James Madison that “a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical” (30 January 1787, Boyd, XI, 93). Later he wrote that “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is it’s natural manure” (to William Stephens Smith, 13 November 1787, Boyd, XII, 356).

*Extract of a letter from a distinguished personage in France to his friend in this city, dated Paris, Dec. 24, 1786.*

“The commotions which have taken place in America, as far as they are yet known to me, offer nothing threatening. They are a proof that the people have liberty enough, and I could not wish them less than they have. If the happiness of the mass of the people can be secured at the expence of a little tempest now and then, or even of a little blood, it will be a precious purchase. *Malo libertatem periculosam quam quietam servitutem.* Let common sense and common honesty have fair play, and they will soon set things to rights....”

### 16 A–F. John Adams: A Defence of the Constitutions

In March 1778 the Baron Turgot (1727–1781), a *philosophe* and former finance minister to the King of France, wrote a confidential letter to Richard Price, an English radical and clergyman, in which he attacked the bicameralism of the American state constitutions. Turgot argued that bicameralism, which was based upon the English Constitution, encouraged the development of special interest groups and made civil and social strife inevitable. Turgot favored unicameral legislatures and weak executives which he believed were consistent with the principles of democracy.

In 1784, three years after Turgot’s death, Richard Price published an extract of Turgot’s letter in his *Importance of the American Revolution*. The book circulated widely in the United States, and between 1784 and 1786 several American editions were published (CC:22).

John Adams (1735–1826), the American minister to Great Britain, believed that the ideas expressed in Turgot’s letter were much too prevalent in America. Consequently, in September 1786 he began collecting material to refute Turgot. His technique was to examine different republics and to illustrate that civil war was inevitable without balanced governments. He favored the English Constitution with its balance of the democratic, aristocratic, and

monarchic elements. Adams most feared the democratic and aristocratic elements. They were natural enemies and were constantly warring with one another. Adams was preoccupied with the inevitability of social strife. The seemingly chaotic conditions in America during the 1780s only intensified this feeling. To prevent the rupture of American society, Adams favored a government in which a strong executive balanced the aristocratic and democratic elements.

The first volume of *A Defence of the Constitutions of Government of the United States of America* . . . was completed by the end of December 1786. It consisted of a preface, sixty "letters," and a postscript. The preface outlined Adams's principal theme and gave his reasons for writing the *Defence*. The letters, which traced the history of republics, were addressed to William Stephens Smith, Adams's son-in-law, and were dated from 4 October to 21 December 1786. The postscript was a letter that Adams had written in 1782 to the Abbé de Mably (1709-1785), a French political writer, who had asked Adams's advice about writing a history of the American Revolution.

The *Defence* showed signs of haste. The material was poorly digested and badly organized. Three-fourths of the volume consisted of lengthy quotations from other works, many of which Adams had carelessly translated. Adams realized the volume's shortcomings, blaming the haste to publish on the "disturbances in New England" (i.e., Shays's Rebellion, CC:18). He hoped that his proposed system of government, if adopted, would prevent a recurrence of such "disturbances" (Adams to Richard Cranch, 15 January 1787, Adams Family Papers, MHi).

The first volume of the *Defence* was published, at Adams's expense, by C. Dilly of London and was ready for sale in January 1787. Adams sent copies to John Jay in New York, Benjamin Franklin, Thomas McKean, Benjamin Rush, and Tench Coxe in Philadelphia, and David Ramsay in Charleston. He also sent one hundred copies to his wife's uncle, Dr. Cotton Tufts of Weymouth, Mass., instructing him to present copies to certain individuals and institutions and to give the remainder (about eighty copies) to a Boston bookseller. Tufts delivered the volumes as requested, but added other names to Adams's list. Among the Massachusetts politicians who received volumes were Samuel Adams, Francis Dana, Tristram Dalton, James Lovell, and James Warren. Harvard College, the Academy of Arts and Sciences in Boston, the Free Library of Philadelphia, and the American Philosophical Society in Philadelphia also received copies. (For the distribution of the *Defence* in America, see Adams Family Papers, Loose Papers, 9 January-20 September 1787, *passim*, MHi.)

Copies of the *Defence* were also sent by Adams to Thomas Jefferson and Philip Mazzei in Paris and to Richard Price in England. Jefferson replied that the *Defence* "will do great good in America. It's learning and it's good sense will I hope make it an institute for our politicians, old as well as young" (to Adams, 23 February, Boyd, XI, 177). Mazzei was highly pleased that Adams had defended the state governments and informed him that he and some of Adams's friends were trying to get the work published in France (24 May, Adams Family Papers, MHi). Richard Price told Adams that "I have lately writ several letters to America, and in Some of them I have taken occasion to mention your publication" (8 February, *ibid.* For an example, see CC:38.).

The *Defence* reached America by mid-April 1787. Between 14 and 18 April the ship *Polly & Nancy* arrived in Boston, one of two ships carrying fifty copies of the *Defence*. On 20 April the *Massachusetts Gazette* printed an excerpt from the preface (CC:16-A). A second ship, the *Neptune*, arrived in Boston on 27 April. One of these vessels probably carried the London *General Advertiser's* re-

port of the proceedings of the London "Society for Constitutional Information" praising Adams's work. At the behest of Adams's friends, the proceedings were published in the *Massachusetts Centinel* on 28 April (Cotton Tufts to Adams, 15 May, *ibid.*).

Benjamin Guild of the "Boston Book Store" advertised the *Defence* in the *Massachusetts Gazette* on 28 April and in five or six days he sold about thirty copies (*ibid.*). Between 11 May and 2 November the *Pennsylvania Mercury* reprinted the preface and sixty letters from the *Defence*. American editions of the *Defence* were printed in Philadelphia on 31 May and in New York on 2 June (*Pennsylvania Packet*, 31 May; *New York Daily Advertiser*, 2 June. See also Hugh Gainé's advertisement in the *New York Journal* of 10 May.). The Philadelphia edition was published on the advice of Benjamin Rush (Rush to Adams, 19 May 1812, Butterfield, *Rush*, II, 1135). A third edition was planned in Boston but was not printed until January 1788 (*Massachusetts Gazette*, 22 January 1788). By the end of August 1787, the London and American editions of the *Defence* were for sale in Boston, New Haven, New York, Philadelphia, Baltimore, Annapolis, Richmond, and Charleston. In October, it was offered in New Bern, N.C.

Advocates of a strong central government welcomed the *Defence*, particularly since its arrival coincided with the meeting of the Constitutional Convention and Congress' discussion of the government of the Old Northwest Territory. Cotton Tufts believed that Adams's "Description of the Miseries of an unbalanced Democracy, is well calculated to serve as a Beacon to warn the People here of the Ruin that awaits them" (to Adams, 15 May, Adams Family Papers, MHi). Henry Knox, the Confederation's Secretary at War, wrote that Adams should have entitled his book, "The Soul of a Free Government." The *Defence*, Knox continued, "is a word spoken in season. . . . [Adams] clearly points one of the capital causes of our misery & prostrate character—The will, the caprice the headlong conduct, of a government without strong checks by different branches, or a division of power by a balance. . ." (to Mercy Warren, 30 May, Warren Papers, MHi). Benjamin Rush may have expressed the feelings of many when he declared that "Mr. Adams' book has diffused such excellent principles among us that there is little doubt of our adopting a vigorous and compounded federal legislature. Our illustrious minister in this gift to his country has done us more service than if he had obtained alliances for us with all the nations in Europe" (to Richard Price, 2 June, Butterfield, *Rush*, I, 418).

The impact of the *Defence* on the Constitutional Convention is difficult to determine. Many observers assumed that the work was bound to influence the delegates. Tench Coxe of Pennsylvania believed that the *Defence* "came out very opportunely for the convention" (to John Brown Cutting, 19 May, extract enclosed in Cutting to Adams, n.d., Adams Family Papers, MHi). Richard Cranch, a brother-in-law of Adams, declared that the work "came to America at a very critical Moment just before the Meeting of the grand Convention at Philadelphia for revising and amending the Confederation, when the Subject matter of your Book will naturally be much talked of, and attended to by many of the greatest States-men from all parts of the United States" (to Adams, 24 May, *ibid.*). Writing from Charleston, Thomas Pinckney told Adams that "We are looking forward with anxious expectation to the result of the deliberations of the federal convention now sitting at Philadelphia. Your Excellency's *Defence* of the Constitutions arrived in time to be of utility" (10 July, Adams, *Works*, VIII, 443). William White, the first Episcopal bishop of Pennsylvania, wrote that Adams's "Work will have no small Influence on ye Deliberations of" the Convention (to Adams, 1 August, Adams Family Papers,



MHi). William R. Davie, a North Carolina Convention delegate, informed James Iredell that he would be pleased with "Mr. Adams's celebrated 'Defence' . . . although it is rather an encomium on the British Constitution than a defence of American systems" (6 August, McRee, *Iredell*, II, 168); while Richard Henry Lee, a Virginia delegate to Congress, believed that Adams's book would probably have a "proper influence in forming the federal government now under consideration" (to Adams, 3 September, Adams Family Papers, MHi).

In reality, the *Defence* probably did little more than crystallize the thinking and catalog the knowledge of the Convention delegates. There is not a single recorded reference to Adams or his work in the debates. In June 1787 James Madison, a Convention delegate who, like Adams, had made a study of governments, perhaps best understood the role of the *Defence*, when he wrote that "Men of learning find nothing new in it. Men of taste many things to criticize. And men without either not a few things, which they will not understand. It will nevertheless be read, and praised, and become a powerful engine in forming the public opinion" (to Thomas Jefferson, 6 June, Rutland, *Madison*, X, 29–30).

Madison was correct. The *Defence* did help form public opinion. Newspapers printed excerpts from the *Defence* and articles that praised it. On 20 April the *Massachusetts Gazette* published a brief excerpt from the preface, which advocated "a strong executive" in a balanced government (CC:16–A). About three weeks later, the New York *Daily Advertiser* printed an extract from "Letter LIII," which recommended a balanced government of three branches, each having an equal negative (CC:16–B). And on 6 June "Sidney" praised Adams's system and urged every freeman in America to get "a copy of this invaluable book" (CC:16–C). All three items circulated widely. For other favorable newspaper items, see the *Massachusetts Centinel*, 28 April; Philadelphia *Independent Gazetteer*, 20 June (CC:38); *Georgia State Gazette*, 14 July; and *Pennsylvania Gazette*, 25 July.

The opponents of the *Defence* responded quickly and filled the newspapers with either hostile English reviews of the *Defence* or with original articles, many of them satiric, attacking both Adams and his work. Although some English reviewers admired the *Defence*, several were highly critical of it. On 31 May the *Gazette of the State of Georgia* published "Biscayanus" from the *London Public Ledger*, criticizing Adams for placing "any check upon the voice of the people." On 8 September the *Massachusetts Centinel* printed the last paragraph of a review from the *English Monthly Review* of May 1787. The reviewer stated that Americans needed "some judicious treatise" on government, but he regretted "exceedingly" that Adams's volume was not that treatise. (The *Centinel* published the complete review on 12 and 15 September. Abigail Adams, John's wife, believed that the reviewer was Silas Deane, an American exile and bitter enemy of her husband. See her letter to her husband, dated 7 June 1787, Adams Family Papers, MHi.) Both English reviews were widely reprinted in America.

Most American newspaper critics attacked Adams for his admiration of the British Constitution. They charged that Adams's strong executive was in reality a monarch, that Adams diminished the role of the people, and that he gave too much prominence to the rich and wellborn. (See for examples, CC:16 D–F.) One of the most devastating criticisms along these lines was made privately by the Reverend James Madison of Virginia, who asserted that Adams had been too long exposed to the monarchies of Europe and that he should be called home so that he could again breathe free, republican air. Moreover, he

believed that Adams sought the destruction of the American state governments and that he was trying to sow the "Seeds of discontent" (to James Madison, 11 June, Rutland, *Madison*, X, 44-46). For other newspaper criticisms of Adams and the *Defence*, see "Publicola," *Boston American Herald*, 30 July; Richmond *Virginia Gazette and Weekly Advertiser*, 2 August; "A Republican," *Virginia Independent Chronicle*, 8 August; "An American," *American Herald*, 20 August; *Maryland Journal*, 28 August; and Baltimore *Maryland Gazette*, 4 September.

During the debate over the ratification of the Constitution, Adams's *Defence* continued to evoke mixed responses, both public and private, but such comments did not play a major role in the debate. "Centinel" I did not believe that "human wisdom" was capable of "instituting three co-equal orders in government." No such government ever existed (CC:133). An alleged Massachusetts writer stated that the balanced government of Great Britain, which had influenced Adams, had failed to protect and assist the common people (*Connecticut Journal*, 17 October, RCS:Conn., 375-76). "A Farmer, of New Jersey," in a pamphlet published in New York on 3 November, declared that a balanced government was "a phanthom" and that it was not the "remedy for all disorders." He believed that the legislative branch should be the strongest one and that a strong executive had no place in a republic (Mfm:N.J. 20). A New York letter writer referred to "John Adam's Chickens (commonly called the *Well Born*") who were stifling the freedom of inquiry in Boston (*Philadelphia Freeman's Journal*, 7 November, CC:236).

Antifederalists were also angered by the *Defence* because they believed that it had influenced the members of the Constitutional Convention. "Centinel" I charged that the *Defence* had "misled some well designing members of the late Convention" (CC:133). "John Humble" stated that the Convention, assisted by Adams, had tried to cure a "direful disease" with something worse—a balanced government (*Philadelphia Independent Gazetteer*, 29 October, RCS:Pa., 205).

Several Federalists defended Adams. "A By Stander" attacked Antifederalists who claimed that Adams had influenced the Convention; that they could make such an assertion revealed that they had not read the volume (*ibid.*, 30 October, Mfm:Pa. 171). "Compo" denied that Adams had stated that the "wellborn ought to govern" and that the Constitution was based on the *Defence* (*Connecticut Courant*, 26 November, RCS:Conn., 474). A Connecticut writer defended Adams by explaining that wellborn meant "being born and educated in America" and being "attached to and interested in the welfare of their country" (*ibid.*, 4 February 1788).

John Adams wrote two more volumes of the *Defence*. The second volume was published in London in August 1787 and the third in January 1788. The second volume and almost half of the third dealt with the Italian republics in the Middle Ages. The second half of the third volume was an extended criticism of seventeenth-century English political writer Marchamont Nedham's *The Excellencie of a Free State*.

The second volume went on sale in America in January 1788, while the third was possibly offered sometime in the spring. Neither volume was republished in America until 1797. However, an excerpt from the last "letter" of volume three was printed in the *New York Journal* on 23 February 1788, and was reprinted in more than a dozen newspapers. In this letter, Adams gave his unequivocal support to the Constitution. He declared that the Constitution was an acknowledgment of the principles of the *Defence*, and that it was "without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen."

Adams was not entirely candid with the public in his opinion of the Constitution. In private, he believed that the Constitution needed "a Declaration of Rights," more power for the President, and less for the Senate. Adams also wanted a more complete separation of the executive and legislative branches. However, he thought that all of these deficiencies could be corrected by a second convention after the Constitution was put into operation. (See Adams to Jefferson, 10 November and 6 December 1787, Boyd, XII, 335, 396; Abigail Adams Smith to John Quincy Adams, 10 February 1788, Adams Family Papers, MHi; and Adams to Cotton Tufts, 12 February, Misc. Mss., John Adams Folder, NHi.)

16-A. *Preface*

*Massachusetts Gazette, 20 April<sup>1</sup>*

His Excellency John Adams, Esq. Minister Plenipotentiary from the United States at the Court of Great-Britain, has lately published a very valuable book, entitled, "A Defence of the Constitutions of Government of the United States of America." In the preface is the following paragraph—well worthy the attention of every American at this important crisis of our publick affairs.—"The people in America have now the best opportunity, and the greatest trust, in their hands, that Providence ever committed to so small a number since the transgression of the first pair: if they betray their trust, their guilt will merit even greater punishment than other nations have suffered, and the indignation of Heaven. If there is one *certain truth* to be collected from the history of all ages, it is this: that the people's rights and liberties, and the democratical mixture in a constitution, can never be preserved without a strong executive, or, in other words, without separating the executive power from the legislative. If the executive power, or any considerable part of it, is left in the hands either of an aristocratical or a democratical assembly, it will corrupt the legislature as necessarily as rust corrupts iron, or as arsenic poisons the human body; and when the legislature is corrupted, the people are undone."

16-B. *Letter LIII*

*New York Daily Advertiser, 9 May<sup>2</sup>*

Mr. Adams, in his "Defence of the American Constitutions," page 362, treating of Congress, says—"The people of America, and their delegates in Congress, were of opinion, that a single assembly was every way adequate to the management of all their federal concerns; and with very good reason, because Congress is not a legislative assembly, nor a representative assembly, but only a diplomatic assembly.<sup>3</sup> A single council has been found to answer the purposes of confederacies very well. But in all such cases the deputies are responsible to the states; their authority is clearly ascertained; and the states in their separate ca-

pacities are the checks. These are able to form an effectual balance, and at all times to controul their delegates. The security against the dangers of this kind of government will depend upon the accuracy and decision with which the government of the separate states have their own orders arranged and balanced. The necessity we are under of submitting to a federal government, is an additional and a very powerful argument for three branches, and a balance by an equal negative, in all the separate governments. Congress will always be composed of members from the natural and artificial aristocratical body in every state, even in the northern, as well as in the middle and southern states. Their natural dispositions then in general will be (whether they shall be sensible of it or not, and whatever integrity or abilities they may be possessed of) to diminish the prerogative of the governors, and the privileges of the people, and to augment the influence of the aristocratical parties. There have been causes enough to prevent the appearance of this inclination hitherto;—but a calm course of prosperity would very soon bring it forth, if effectual provision against it be not made in season. It will be found absolutely necessary, therefore, to give negatives to the governors, to defend the executives against the influence of this body, as well as the senates and representatives in their several states, the necessity of a negative in the house of representatives, will be called in question by nobody.

“Dr. Price and the Abbé de Mably are zealous for additional powers to Congress.—Full power in all foreign affairs, and over foreign commerce, and perhaps some authority over the commerce of the states with one another, may be necessary; and it is hard to say that more authority in other things is not wanted: Yet the subject is of such extreme delicacy and difficulty, that the people are much to be applauded for their caution.—To collect together the ancient and modern leagues—the Amphyteonic, the Olynthian, the Argive, the Arcadian, and the Achæan confederacies among the Greeks—the general diet of the Swiss Cantons, and the States General of the United Netherlands—The union of the Hansetowns, &c which have been found to answer the purposes both of government and liberty; to compare them all, with the circumstances, the situation, the geography, commerce, the population and the forms of government, as well as the climate, the soil, the manners of the people, and consider what further federal powers are wanted, and may be safely given, would be a useful work.”

(This excellent political performance of Mr. Adams, comprized in 392 pages, 8vo. is now reprinting by Mr. [Hugh] Gaine,—and the American edition of this great American author, it is expected will make its appearance in about thirty days.)

16—C. Sidney

*Philadelphia Independent Gazetteer, 6 June<sup>4</sup>*

It was remarked frequently, during the late war, that many events favorable to America occurred so *opportunately* that even infidels were forced to ascribe them to the agency of a particular providence. When the first American fleet was fitted out under the command of Commodore [Esek] Hopkins, it was expected it would not have been able to sail from the want of sea lanthorns of a particular construction. The next post, after the discovery of these wants, brought news that Captain [John] Manly had sent a prize into one of the New-England ports, with *exactly* the number and kind of lanthorns which were wanted.

In the second or third year of the war, two thousand musquets were wanted for a particular service. The Congress spent several hours in devising ways and means to procure them. While Mr. [James] Wilson, of Pennsylvania, was speaking upon the subject, and proposing a method of obtaining them that was both uncertain and distressing, the door-keeper of Congress called him out, and introduced him to a Captain of a vessel, who had just arrived. After a few minutes conversation with him, Mr. Wilson returned, and terminated the business before Congress, by informing them, that a vessel had just arrived with two thousand musquets on board, on account of the United States.

These anecdotes are mentioned with a view of taking notice of the opportune publication and arrival of Mr. John Adams's book upon government in America, from which it would appear that divine providence is still active in promoting the happiness of our country. In this excellent work, the principles of republican governments are fully unfolded, and the most undeniable proofs adduced, that a people cannot long be free or happy under a government that consists of a single legislature. His arguments in favor of two or three legislative branches and a powerful executive, drawn from history, from reason, and even from the works of nature, are unanswerable, and will probably serve, joined with the melancholy experience we have had of the folly, instability, and tyranny of single legislatures, to banish those dangerous experiments in government out of our country.

It is to be hoped every freeman in the United States will furnish himself with a copy of this invaluable book. It is more essentially the duty of every person concerned in any way in the government of our country to read and study it. Indeed, I should be glad to see every man who is elected to serve in our assemblies, councils, senates, congress or convention, subscribe a declaration (added to those which are required in most of the states) that he not only believes in the old and new testaments, and that he will faithfully discharge the duties of his station, but that he has read "Adams's Defence of the American Constitutions," or as it might more properly be called Adams's Defence of a mixed, or compound Legislature in all republican Governments.

16-D. *Baltimore Maryland Gazette*, 3 July<sup>5</sup>

A correspondent observes that having carefully perused Mr. *John Adams's* late "Vindication of the Constitutions of Government of the United States of America," he was greatly disappointed; for instead of a vindication, or defence, he found this performance of a different complexion, and evidently militating against the present established systems. Mr. Adams, says our correspondent, seems to bring us back again to the English government; as he repeatedly insists on the necessity of *three independent Branches in the Legislature*, and is particularly fond of a *strong Executive*. Surely the air of Europe has not infected our Plenipotentiary? *This language* is by no means consistent with republicanism, and there are other passages in this writer which point direct to monarchy, or what is the same, "*a first Magistrate* possessed exclusively of the Executive power."—This book will not gain so many proselytes in America, as *Common Sense* in the beginning of the year 1776.

16-E. *Senex*

*Virginia Independent Chronicle*, 15 August<sup>6</sup>

TO THE CITIZENS OF THE UNITED STATES OF AMERICA.

I have read, with a great deal of attention, Mr. Adams's *PRETENDED Defence of the American Constitutions*.—It is, as far as I can judge, one of the most deep wrought systems of political deception, that ever was penn'd by the ingenuity of man. It is a capital picture I must readily confess; but without adverting to the specimens of an Angelo or a Raphael, I will venture to affirm, that it exhibits the truest mixture of light and shade, that ever entered the imagination of a painter. Americans, beware!—for if you imbibe a particle of his political poison, you are undone for ever.—His learned production has been very lately put into my hands—but every subject of such immense moment, as it may have great weight and perhaps prove an eternal ulcer on the body politic of this country, I think it my duty as a citizen and a patriot, as far as my abilities will admit, to probe it to the very bottom—disregarding the shafts of ridicule, the sneer of contempt, or the frown of power. If my health should last, you may depend on hearing from me—and upon every subject inserted in his *Janus*, or double-faced, composition.

PRINCE EDWARD, July 30, 1787.

16-F. *Philadelphia Freeman's Journal*, 12 September<sup>7</sup>

*Extract of a letter from Baltimore.*

"The sentiment of our Ambassador Adams, that a person ought to be *WELL BORN* to be of any consequence in a commonwealth, seems to be rapidly gaining ground in this country. Hardly any person is at present in want of employ but his advertisement gives a plain intimation, if not an absolute assertion, of his or her being in some one sense or another

WELL BORN. As for example: "A Gentleman having about two or three months leisure time, would be happy to employ it in transcribing, &c."—Again;—"Wants a place in a store, a Young Man of a good family, who understands, &c."—"To be sold, the time of a servant girl from Germany, who has three years to serve, &c. N.B. She says she is of a very good family."—Now, I would ask these gentlemen and ladies, what are their good families and gentility to the republicans of America? We accomplished the late Revolution without being *Well Born* (that is, we are descended only from plain laborious ancestors), we have sense enough to become legislators, merchants, farmers and manufacturers without being *Well Born*; and why, young gentlemen and ladies, cannot you manage our books of accounts, or take care of our stores and kitchens without being *Well Born*?—Happy philosopher, who could broach an idea so truly aristocratical!—In the late war, however, I remember it was not demanded, Who are the *Nobles* and *Well Born* of the land; but, Who is able and willing to carry his musquet and knapsack through the snows of Canada or the sands of Carolina and Georgia, and repel the invaders of his rights and country?"

1. The *Gazette* printed this extract from the preface only a few days after copies of the *Defence* arrived in Boston. Reprints by 9 June (27): Mass. (6), R.I. (2), Conn. (3), N.Y. (4), N.J. (1), Pa. (6), Md. (2), Va. (2), Ga. (1).

2. Reprints by 15 October (15): Mass. (3), R.I. (1), Conn. (1), N.Y. (2), N.J. (1), Pa. (4), Md. (2), S.C. (1).

3. In a letter written to Adams on 23 February 1787, Thomas Jefferson objected to the statement that Congress was a diplomatic assembly. Jefferson maintained that American courts had declared that the Confederation was "a part of the law of the land, and superior in authority to the ordinary laws, because it cannot be altered by the legislatures of any one state." He doubted that Congress was at all a diplomatic assembly (Boyd, XI, 177). In his reply of 1 March, Adams stated "I should wish to have [my statement] considered as a Problem, rather for Consideration, than as an opinion: and as a Problem too, relative to the Confederation as it now stands, rather than to any other Plan that may be in Contemplation of the States. It is a most difficult Topick, and no Man at a distance can judge of it, so well as those in America" (*ibid.*, 190).

4. Reprints by 4 July (6): Mass. (2), R.I. (1), Conn. (1), N.Y. (2).

5. Reprints by 18 July (4): Conn. (1), Pa. (2), Va. (1).

6. "Senex" was published under the dateline "From the Petersburg Intelligencer." The *Chronicle* probably reprinted "Senex" from the no longer extant *Virginia Gazette and Petersburg Intelligencer* of 2 or 9 August. By 24 September "Senex" was reprinted ten times: Mass. (4), Pa. (2), Md. (2), Va. (2). On 22 August Dr. James McClurg of Richmond, a delegate to the Constitutional Convention who had left that body on 5 August, wrote James Madison that "Senex" was "supposed by some to be Mr. H---y [Patrick Henry]." The persons who thought that "Senex" was Henry were perhaps influenced by the fact that it was dated from Prince Edward County, Henry's new home. McClurg also stated that Adams's *Defence* "is squibb'd at in almost every paper—but I have not heard that any body speaks of it with more acrimony than your namesake [Reverend James Madison] at Wmsburg" (Rutland, *Madison*, X, 155).

7. Reprints by 25 September (4): Mass. (3), N.J. (1).

**17. Baltimore Maryland Gazette, 24 April<sup>1</sup>**

*Extract of a letter from a gentleman in New-York, to his friend in this town, dated April 5, 1787.*

"The effects of the convention soon to be held at Philadelphia, creates much conjecture and political speculation. The nature and excellency of the different kinds of governments that have ever existed, or have ever been treated upon, is here every day discussed, explained, demonstrated, dissected, reviewed, and placed in every possible light, by every body, on every occasion; and we have as many predictions of the fate of America, as if the prophetic spirit of the antient Jews had revived among us—Even some of our great luminaries strike out like comets in their recess from the centre of light into extravagant lengths. If in their desultory orbits they do not run foul of each other, and bring back the reign of old Chaos, it is to be hoped, that the force of gravity will, in time, restore them to their proper circles of motion.—America at present appears to me like a vessel of cider newly from the press. It has not yet sufficiently fermented to produce a clear homogeneous palatable body, which time only can effect, if it meet not with some artificial agitations to interrupt the process of nature."

1. Reprints by 7 June (8): Mass. (4), N.Y. (2), Pa. (2).

**18 A-G. Agrarian Unrest and the Constitution**

About ninety percent of the population of the United States was engaged in agriculture. After the Revolution, many of these people, particularly those in the backcountry, found it difficult and sometimes impossible to pay taxes and debts. Sheriffs seized private property and imprisoned debtors who failed to meet the demands of their creditors. Petitions for relief inundated state legislatures. While most demands for relief came from small farmers, some came from debt-ridden planters and from speculators in public securities and confiscated Loyalist estates. Legislatures responded by lowering taxes, postponing their collection, or providing for their payment in farm produce. Several legislatures interfered with contracts by making property legal tender, by delaying the collection of private debts, and by providing for payments in installments.

The traditional method of relief, dating back to colonial times, was to emit either bills of credit backed by anticipated tax revenues or loan office certificates backed by real estate mortgages. By the end of 1786, seven states had authorized emissions of bills of credit and/or loan office certificates. Occasionally made legal tender, this paper currency usually depreciated in value, but was always accepted at par by the issuing state in payment for taxes. In turn, the states used the currency to pay for goods and services, to fund the interest and/or principal due on state and federal securities, and to make loans to individuals with sufficient real estate collateral.

These measures did not sufficiently relieve the effects of the postwar depression. Consequently, debtors throughout the United States resorted to sporadic acts of violence. Tax collectors and sheriffs were beaten, foreclosure



proceedings were disrupted, courts were closed, courthouses were burned, and imprisoned rioters were illegally freed. On 20 September 1786 armed New Hampshire farmers surrounded the legislature at Exeter and demanded paper money, the abolition of debts and taxes, and the equal distribution of property. The next day the mob was routed by the local militia. There were also isolated incidents or threats of violence in Connecticut, Pennsylvania, South Carolina, and Virginia.

The most violent events occurred in Massachusetts. During the Revolution the state government began a program of rigorous taxation and debt collection and continued this policy after the war. In the spring of 1786 towns throughout the state petitioned for relief, but the legislature made only minor and temporary concessions. Consequently, county conventions met in July and August in the eastern counties of Bristol and Middlesex and in the western counties of Worcester, Hampshire, and Berkshire. The conventions recommended several forms of debtor relief and a new state constitution.

In late August and September farmers joined together into armed groups called "regulators" and closed the courts in five counties. Finally, in January 1787 the state government moved to crush the rebellion. It mobilized the militia in the east under the command of General Benjamin Lincoln and in the west under General William Shepard. Both men advanced on Springfield (site of a federal arsenal), where large concentrations of "regulators" were stationed under the leadership of Daniel Shays, Luke Day, Eli Parsons, and Adam Wheeler. In late January Shepard's forces killed several insurgents near Springfield. Lincoln joined Shepard and together they pursued and routed the insurgents. Many insurgent leaders and their followers escaped across the state border.

The upheaval in Massachusetts became known as "Shays's Rebellion" even though Shays was only one of several leaders, and a reluctant one at that. Moreover, Shays and most of the other leaders insisted that they wanted to obtain relief from the state, not to rebel against it.

After the rebellion was crushed, the Massachusetts state government instituted a policy of retribution against the insurgents. In February 1787 Governor James Bowdoin issued a proclamation offering a reward for the capture of rebel leaders. The legislature followed with a disqualifying act which deprived the insurgents of some of their civil rights. By the end of April, about a dozen leaders had been condemned to death and hundreds of rebels had been arrested.

Outraged by such harsh policies, the people of Massachusetts voted the Bowdoin administration out of office in April. Two months later the legislature repealed the disqualifying act and pardoned most of the insurgents. Governor John Hancock eventually pardoned everyone; no condemned leader was ever executed.

As late as July 1787, small groups of fugitive "regulators" crossed the border and raided in Massachusetts, but they were never a major threat. Nevertheless, the spectre of Shays was kept before the public, and in May and June newspapers were filled with rumors that Shays and his men were planning to attack Massachusetts (CC:18 A-C, E).

In the spring and summer of 1787, newspapers also reported three minor outbreaks of agrarian violence, one in Connecticut and two in Virginia. In each instance, the outbreak was quickly subdued and the leaders were arrested. One of the Virginia leaders was eventually hanged. (See CC:18-D, F, G.)

Shays's Rebellion had an enormous impact on the attitudes of many Americans. By October 1786 the news of Shays's Rebellion had spread from one end of America to the other, as newspapers were filled with accounts of the events in Massachusetts. Certain men, such as Henry Knox and Henry

Lee, also spread the news, and invariably their accounts were alarmist. On 23 October Knox wrote George Washington that taxes were not the true cause of the rebellion. Knox explained that the "creed" of the insurgents was that the property of the United States "ought to be the common property of all" and that the insurgents were determined "to annihilate all debts public and private, and have agrarian laws, which are easily effected by the means of unfunded paper money, which shall be a tender in all cases whatever." Knox envisaged "a formidable rebellion against reason, the principle of all government, and against the very name of liberty." He suggested that the government be "braced, changed, or altered to secure our lives and property" (Noah Brooks, *Henry Knox: A Soldier of the Revolution* [1900; reprint ed., New York, 1974], 194-96). Influenced by Knox, Henry Lee of Virginia, a member of Congress, informed Washington that "we are all in dire apprehension that a beginning of anarchy with all its calamitys has approached, and have no means to stop the dreadful work. . . ." He wanted Washington to use his influence and intervene in Massachusetts (17 October, LMCC, VIII, 486. See also Lee to Washington, 8 September, *ibid.*, 463.).

Washington's responses to the news about Massachusetts were fervent. The news was perhaps proof "that mankind when left to themselves are unfit for their own Government." To Lee's suggestion that he might be asked to use his influence, Washington retorted that "Influence is no Government. Let us have one by which our lives, liberties and properties will be secured; or let us know the worst at once" (to Lee, 31 October, Fitzpatrick, XXIX, 33-34). After he received Knox's letter of 23 October, Washington wrote James Madison that "We are fast verging to anarchy and confusion," and, he asked, "What stronger evidence can be given of the want of energy in our governments than these disorders?" (5 November, *ibid.*, 51-52). Washington thanked Knox for his letter which was more satisfactory than the "vague and contradictory" reports of the newspapers. He believed that only a Tory or a Briton could have predicted the disorders in Massachusetts; they were a complete surprise to him. "When this spirit first dawned," he continued, "probably it might easily have been checked; but it is scarcely within the reach of human ken, at this moment, to say when, where, or how it will end. There are combustibles in every State, which a spark might set fire to" (26 December, *ibid.*, 122). Thus, what was to be feared was not Shays himself, but what he represented. A writer in the *Albany Gazette* declared that men like Shays existed where government was weak. The "rage of excessive democracy" bred them (CC:41). In time, some newspaper writers identified anyone who resisted authority or opposed the establishment of a strong central government as a follower of Shays (CC:72). After the Constitutional Convention adjourned, Shaysite became a Federalist synonym for an opponent of the Constitution.

By the end of July, Shays himself was no longer considered a threat, and the newspapers—in at least two widely circulated articles—reflected this change. On 26 July the *New York Journal* stated: "Poor Shays—little is said of him." He had become a burden to his friends and they have shunned him. "The rebellion dwindles. . . ." On 18 August the *Pennsylvania Herald* noted that "From the Eastward we understand, that the spirit of *Shayism* rapidly subsides. . . ." (See also Philadelphia *Freeman's Journal*, 3 October, CC:128.)

Shays's Rebellion and other acts of violence thus shocked many Americans who feared that the United States was on the verge of anarchy. Their dismay was heightened by state legislatures which enacted debtor relief or showed leniency toward lawbreakers. Consequently, more and more Americans turned to the idea of a powerful central government—the only kind of government which could restrain the state legislatures and protect life, liberty, and property against the excesses of democracy. In particular, these people looked to the Constitutional Convention for assistance.

*18-A. Albany Gazette, 3 May<sup>1</sup>*

By a gentleman who passed through this city on Monday last, from Lake Champlain, we are informed, That [Daniel] Shays, [Luke] Day, [Adam] Wheeler and [Eli] Parsons (principals in the late rebellion in the commonwealth of Massachusetts) were at Crownpoint, on the 1st instant, collecting all the force they could at that place: That he heard Shays and Day declare, that they were then going into those parts of this state and Vermont, which border on Massachusetts, where their friends had embodied great numbers of men, who were only waiting for their presence, to commence immediate hostilities. The gentleman adds, that the persons above named, and those who have espoused their cause, treat the proclamations which have been issued for their apprehension, with the utmost contempt, and even boast, that the friends of government dare not put them in execution—but we would advise them not to trust too much to their temerity, lest they have reason to repent it, when too late.

*18-B. Massachusetts Centinel, 16 May<sup>2</sup>*

On Monday evening an express arrived in town from the county of Berkshire, with letters for his Excellency the Governour [James Bowdoin], and the Hon. Gen. [Benjamin] Lincoln, from several Gentlemen of distinction in that county, which, we are informed, contain accounts of the Rebels, to the amount of 7 or 800, being collected in the state of Vermont, in the vicinity of this Commonwealth, and that it was given out by them, that they intended in the course of the present week, to make incursions into several parts of this state, and to kill, plunder, burn, and destroy whatever comes in their way.—That Shays, Day, Parsons, &c. had been seen at Crown Point, on their way to join them.—That the town of Sharon in Connecticut had turned out a company of men, properly officered, for the purpose of assisting the Rebels—and that the militia in Berkshire County had orders to hold themselves in readiness to oppose the inroads of these daring and infatuated men.

*18-C. Massachusetts Centinel, 19 May<sup>3</sup>*

*Extract of a letter from a gentleman, at Springfield dated May 15.*

“Our friends in this county do not relish the pardons lately granted to the Traitors who were lately sentenced to the halter, by the Supreme Court. I last week saw one of these miscreants, who notwithstanding this act of grace in his favour, is as inveterate an insurgent as ever, and would willingly sacrifice the men who have given him his life—he has had the audacity publicly to say, that if Government DARED to have

hung him, he was sure they would, and that he had nothing to thank them for—This, indeed, is the language of many of the rebels, who since the movements of *their brethren in iniquity* in Vermont, grow more saucy than ever. I hope however the events of the 24th inst. will convince them that vigour, energy and consistency are characteristick of the present Supreme Executive—and that as they have the power so they have the will, to crush a daring insurrection, by the example of a number of its fomenters.

“A gentleman from the northward informs me, that some of the rebel leaders in Vermont are enlisting men for the service of *the King of England*—they are to serve 3 months, are promised 18s. bounty, and 40s per month—He actually saw several enlisting papers, with a number of names on each. This may be depended on.”

*18—D. Litchfield Weekly Monitor, 21 May<sup>4</sup>*

Last Thursday Evening, arrived in this Town from Hartford, Col. SAMUEL CANFIELD and URIAH TRACY, Esq's. with Orders from the General Assembly to repair to the Town of Sharon, and put a stop to the Insurrection that appeared to be raising in that Town. The same Evening they set off, accompanied by the Sheriff and one of his Deputies, and arrived at Sharon about Day-break; and soon arrested five Persons, who were supposed to be the principal Actors and Abettors in the Insurrection, viz. *Dr. John Hurlbut, Doctor Jonah Barns, William Mitchell*, (who was said to act as their Captain) *Hezekiah Frisbie, and John Lord*;—all of whom (excepting *Barns*, who was permitted to remain on Account of Illness) were conducted to, and safely lodged in our Gaol, on Saturday last, in Order for Examination. —It is hoped this early and spirited Exertion of our Assembly, will prevent any further Disturbance in that Town.—Much Praise is due the Gentlemen employed on this Occasion, for their Prudence, Humanity, and judicious Proceedings.

*18—E. Worcester Magazine, Fourth Week in May<sup>5</sup>*

We are credibly informed, by persons from the State of Vermont, that the leaders in the late Rebellion, assembled, a few days since, a number of men, to the amount, it is said, of about 200, chiefly of those who had fled from this State; but the authority in Vermont ordered them to disperse, and they dispersed accordingly. It is said their intention was to come into this State and renew their nefarious designs. The conduct of Vermont, in this instance, and others, respecting the Rebellion, is spoken of much to its credit. Rhode-Island! Rhode-Island only, as a State, is the only one that has, by its proceedings, encouraged Treason and Rebellion!

*18-F. Virginia Gazette and Weekly Advertiser, 19 July<sup>6</sup>*

Sunday night last, some person or persons yet unknown, set fire to the prison at New Kent courthouse, after which they proceeded to the Clerk's Office, (about two miles distant from the prison) and set fire to that also, which contained all the papers, records, &c. belonging to the county, and burnt both to the ground.

*18-G. Petersburg Virginia Gazette, 6 September<sup>7</sup>*

By a gentleman from Green-Brier county, we learn, that a number of the inhabitants of that county, headed by one [Adonijah] Matthews, have lately attempted to stop the court from proceeding to business—and had nearly effected their purpose—but in consequence of the interference of civil authority, Matthews thought proper to retire, and the rest dispersed. It is said Matthews has since been apprehended, and is now in close confinement.

1. Transcribed from the Poughkeepsie *Country Journal* of 16 May, which printed it under the dateline: "ALBANY May 3." It was probably reprinted from the no longer extant 3 May supplement of the *Albany Gazette*. In addition to the *Country Journal*, this item was reprinted in sixteen other newspapers by 30 June: Vt. (2), N.H. (1), Mass. (1), Conn. (2), N.Y. (2), N.J. (1), Pa. (3), Md. (2), Ga. (2).

2. Reprints by 7 July (21): Vt. (1), N.H. (3), Mass. (3), Conn. (2), N.Y. (2), N.J. (1), Pa. (2), Md. (4), Va. (1), Ga. (2).

3. The first paragraph was reprinted ten times by 18 June: N.H. (1), Mass. (2), N.Y. (2), Pa. (2), Md. (1), Va. (1), S.C. (1). The second paragraph appeared in seventeen newspapers by 7 July: N.H. (2), Mass. (2), N.Y. (2), Pa. (3), Md. (3), Va. (2), S.C. (1), Ga. (2). Nine newspapers reprinted both paragraphs.

4. Reprints by 12 July (24): Vt. (1), N.H. (1), Mass. (5), R.I. (1), Conn. (2), N.Y. (5), Pa. (3), Md. (3), Va. (1), S.C. (1), Ga. (1).

5. Reprints by 18 June (18): Vt. (1), N.H. (2), Mass. (6), R.I. (1), Conn. (2), N.Y. (2), Pa. (2), Md. (1), S.C. (1).

6. Reprints by 15 September (11): N.H. (1), Mass. (1), Conn. (2), N.Y. (2), Pa. (4), Ga. (1). On the same night they started the fires, John Price Posey and Thomas Green were arrested. Green eventually turned state's evidence, while Posey was convicted by the Virginia General Court and was hanged in January 1788 (Rutland, *Madison*, X, 156n).

7. Transcribed from the *Pennsylvania Packet* on 15 September, which printed it under the dateline: "PETERSBURG, September 6." It was probably reprinted from the no longer extant Petersburg *Virginia Gazette* of 6 September. In addition to the *Pennsylvania Packet*, the item appeared in six other newspapers by 18 October: N.H. (1), Mass. (1), Conn. (1), N.Y. (2), Md. (1).

**19. Pennsylvania Herald, 9 May<sup>1</sup>**

A correspondent observes, that as the time approaches for opening the business of the fœderal convention, it is natural that every lover of his country should experience some anxiety for the fate of an expe-

dient so necessary, yet so precarious. Upon the event of this great council, indeed, depends every thing that can be essential to the dignity and stability of the national character. The Veteran who has toiled in the field, the Statesman who has laboured in the cabinet, and every man who participates in the blessings of American Independence, must feel that all the glory of the past, and all the fortune of the future, are involved in this momentous undertaking. The imperfections and debility of the league, framed during a struggle for liberty and political existence, were obscured and concealed by the ardor of enterprize, and the proximity of danger. The feelings of the people were then more obligatory, than the positive injunction of law; and men, in the pursuit of an important object, required no consideration to discharge their duty, but their interests and their passions. Tho' the fœderal compact therefore, thus fortified, might be adequate to the *acquisition*, yet from the nature and disposition of human affairs, it becomes inadequate to the *preservation* of sovereign power. Unless some rule is prescribed, some motive introduced, which in a state of tranquillity will enforce a regard to the general interest, equal to the voluntary enthusiasm arising from common sufferings and apprehensions, we have only exchanged tyranny for anarchy—we have idly preferred the prospect to the possession of a jewel, and have wasted our strength and riches in accomplishing the revolution, merely to furnish another memorable tale for the historian's pen.

1. Reprints by 31 May (13): Mass. (4), R.I. (1), N.Y. (2), Pa. (2), Md. (2), Va. (1), S.C. (1).

## 20 A–C. Speculation about a New Constitution

On 21 February 1787 Congress resolved that a convention meet in mid-May in order to revise and amend the Articles of Confederation (CC:1). By the time the Constitutional Convention met, speculation had begun that the Articles would be radically altered or that they would be replaced by a new constitution. Such speculation was not rife, but does show that people were not totally unprepared to receive a new constitution from the Convention. Although Antifederalists were among those not surprised, they bitterly attacked the Convention for its failure to follow Congress' recommendation of 21 February.

### 20–A. Worcester Magazine, Third Week in May<sup>1</sup>

Accounts from the southward and westward say, that one *consolidated* government is now fully talked of, to extend from New-Hampshire to Georgia; but it is to be hoped there is yet that virtue in United America, as will enable her to support the free governments her citizens now enjoy.

20—B. *Massachusetts Gazette*, 12 June<sup>2</sup>

It is thought by many that the convention will continue to sit some months, and that they will conclude their deliberations by recommending, not an amendment of the old system, but the introduction of one entirely new.

20—C. *Pennsylvania Herald*, 25 July<sup>3</sup>

We are informed that the federal convention will continue their deliberations about a month longer; and that there will then be presented to the public a scheme of continental government adapted to the circumstances and habits of the people, without regard to the fine-spun systems of elementary writers.

1. Reprints by 30 May (13): N.H. (1), Mass. (3), R.I. (3), N.Y. (3), N.J. (1), Pa. (2), Md. (2).

2. Reprinted: *Virginia Independent Chronicle*, 13 June, and *Boston Continental Journal*, 14 June. The *Chronicle* printed it under the dateline "NEW-YORK, June 4." It has not been located in any extant New York newspaper.

3. Reprints by 21 August (20): N.H. (1), Mass. (2), R.I. (1), Conn. (1), N.Y. (5), Pa. (4), Md. (2), Va. (2), N.C. (1), S.C. (1).

21. Z. *Philadelphia Freeman's Journal*, 16 May<sup>1</sup>

It seems to be generally felt and acknowledged, that the affairs of this country are in a ruinous situation. With vast resources in our hands, we are impoverished by the continual drain of money from us in foreign trade; our navigation is destroyed; our people are in debt and unable to pay; industry is at a stand; our public treaties are violated, and national faith, solemnly plighted to foreigners and to our own citizens, is no longer kept. We are discontented at home, and abroad we are insulted and despised.

In this exigency people naturally look up to the continental Convention, in hopes that their wisdom will provide some effectual remedy for this complication of disorders. It is perhaps the last opportunity which may be presented to us of establishing a permanent system of Continental Government; and, if this opportunity be lost, it is much to be feared that we shall fall into irretreivable confusion.

How the great object of their meeting is to be attained is a question which deserves to be seriously considered. Some men, there is reason to believe, have indulged the idea of reforming the United States by means of some refined and complicated schemes of organising a future Congress in a different form. These schemes, like many others with which we have been amused in times past, will be found to be merely visionary, and produce no lasting benefit.—The error is not in the form of Congress, the mode of election, or the duration of the appointment of

the members. The source of all our misfortunes is evidently in the want of power in Congress. To be convinced of this, we need only recollect the vigor, the energy, the unanimity of this country a few years past, even in the midst of a bloody war, *when Congress governed the continent*. We have gradually declined into feebleness, anarchy and wretchedness, from that period in which the several States began to exercise the sovereign and absolute right of treating the recommendations of Congress with contempt. From that time to the present, we have seen the great Federal Head of our union clothed with the authority of making treaties without the power of performing them; of contracting debts without being able to discharge them, or to bind others to discharge them; of regulating our trade, and providing for the general welfare of the people, in their concerns with foreign nations, without the power of restraining a single individual from the infraction of their orders, or restricting any trade, however injurious to the public welfare.

To remedy these evils, some have weakly imagined that it is necessary to annihilate the several States, and vest Congress with the absolute direction and government of the continent, as one single republic. This, however, would be impracticable and mischievous. In so extensive a country many local and internal regulations would be required, which Congress could not possibly attend to, and to which the States individually are fully competent; but those things which alike concern all the States, such as our foreign trade and foreign transactions, Congress should be fully authorised to regulate, and should be invested with the power of enforcing their regulations.

The ocean, which joins us to other nations, would seem to be the scene upon which Congress might exert its authority with the greatest benefit to the United States, as no one State can possibly claim any exclusive right in it. It has been long seen that the States individually cannot, with any success, pretend to regulate trade. The duties and restrictions which one State imposes, the neighbouring States enable the merchants to elude; and besides, if they could be enforced, it would be highly unjust, that the duties collected in the port of one State should be applied to the sole use of that State in which they are collected, whilst the neighbouring States, who have no ports for foreign commerce, consume a part of the goods imported, and thus in effect pay a part of the duties. Even if the recommendation of Congress had been attended to, which proposed the levying for the use of Congress five per centum on goods imported, to be collected by officers to be appointed by the individual States, it is more than probable that the laws would have been feebly executed.<sup>2</sup> Men are not apt to be sufficiently attentive to the business of those who do not appoint, and cannot remove or controul them; officers would naturally look up to the State which appointed them, and it is past a doubt that some of the States would esteem it no unpardon-



able sin to promote their own particular interest, or even that of particular men, to the injury of the United States.

Would it not then be right to vest Congress with the sole and exclusive power of regulating trade, of imposing port duties, of appointing officers to collect these duties, of erecting ports and deciding all questions by their own authority, which concern foreign trade and navigation upon the high seas? Some of those persons, who have conceived a narrow jealousy of Congress, and therefore have unhappily obstructed their exertions for the public welfare, may perhaps be startled at the idea, and make objections. To such I would answer, that our situation appears to be sufficiently desperate to justify the hazarding an experiment of any thing which promises immediate relief. Let us try this for a few years; and if we find it attended with mischief, we can refuse to renew the power.—But it appears to me to be necessary and useful; and I cannot think that it would in the least degree endanger our liberties. The representatives of the States in Congress are easily changed as often as we please, and they must necessarily be changed often.—They would have little inclination and less ability to enterprize against the liberties of their constituents. This, no doubt, would induce the necessity of employing a small number of armed vessels to enforce the regulations of Congress, and would be the beginning of a Continental Navy;—but a navy was never esteemed, like a standing army, dangerous to the liberty of the people.

To those who should object that this is too small a power to grant to Congress;—that many more are necessary to be added to those which they already possess, I can only say, that perhaps they have not sufficiently reflected upon the great importance of the power proposed.—That it would be of immense service to the country I have no doubt, as it is the only means by which our trade can be put on a footing with other nations;—that it would in the event greatly strengthen the hands of Congress, I think is highly probable.

1. Reprints by 13 June (5); Mass. (1), Conn. (1), N.Y. (1), Pa. (2). It was also reprinted in the May issue of the *Philadelphia American Museum*. It appeared twice with the pseudonym “Z,” three times without a pseudonym, and once with the pseudonym “Amicus Patriae.”

2. The Impost of 1783 (CDR, 146–48).

## 22. Richard Price: On the American Government Philadelphia Independent Gazetteer, 16 May

On 27 October 1786 Benjamin Rush wrote to Richard Price about the Annapolis Convention, a rumored plan to divide the United States into separate confederacies, and Shays's Rebellion (Butterfield, *Rush*, I, 408–10). Extracts from Price's reply of 26 January 1787 were published in the *Independent Gazetteer* and in four other Philadelphia newspapers on 16 May 1787. Thirty-five other newspapers and the *Philadelphia American Museum* reprinted the ex-

tracts by 14 June: N.H. (2), Mass. (7), R.I. (3), Conn. (6), N.Y. (8), N.J. (1), Pa. (5), Md. (1), Va. (3). The extracts altered paragraphing and omitted some sentences. (The original letter is in the Rush Papers, in the Library Company of Philadelphia.)

In February 1776 Richard Price (1723–1791), a British clergyman and a writer on theology, morals, finances, and politics, defended the American cause in a pamphlet entitled *Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America*, which circulated widely in Europe and America. In 1784 Price published *Observations on the Importance of the American Revolution, and the Means of Making it a Benefit to the World*. Price praised the American government as “equitable” and “liberal,” predicted that America would become the refuge of the oppressed of the world, and encouraged Americans to complete the fight for liberty by freeing their slaves. He also insisted that Congress have the power to pay the debts of the United States and to call upon state militias to suppress internal rebellion, but he warned that the greatest care should be taken to safeguard the civil and religious liberties already achieved. This pamphlet was reprinted eight times in the United States between 1784 and 1786.

Price’s writings were cited by Americans of all shades of opinion during the debate over the Constitution, and the newspaper publication of his letters to Americans was so common that one newspaper reported that “A political customer observes, that Doctor Price has been so uniform a friend to the United States, there is no doubt he will take infinite pains to shew us whether we ought, or ought not, to adopt the new constitution, and therefore it is proposed, that not a single thing be said, written, or done upon the subject till that gentleman’s opinion arrives” (*Pennsylvania Herald*, 20 October 1787).

Extract of a letter from Dr. Price, dated London, January 26, 1787, to one of his correspondents in this city.

“The newspapers which you sent me were very acceptable to me, the essays and information they contain have contributed towards gratifying a curiosity which I am always feeling with respect to the affairs of the United States. Your federal government is a point of great difficulty and importance which I find still remains unsettled. I dread the thoughts of such a division of the states into three confederacies, as you say have been talked of. It is a pity that some general controuling power cannot be established of sufficient vigor to decide disputes, to regulate commerce, to prevent wars and to constitute a union which shall have weight and credit. At present the power of Congress in Europe is an object of derision rather than respect, at the same time the tumblings in New-England, the weakness of Congress, the difficulties and sufferings of many of the states, and the knavery of the Rhode-Island Legislature, form subjects of triumph in this country. The conclusion is that you are falling to pieces, and will soon repent of your independence. But the hope of the friends of virtue and liberty is (to borrow an expression from your letter) that whereas the kingdoms of Europe travelled to tranquility through seas of *blood*, the United States are travelling to a degree of tranquility and liberty that will make them an example to the world, ONLY through seas of BLUNDERS. God grant this may be the truth.”

### 23. An Enquiry into the Principles of a Commercial System Philadelphia, 19 May (excerpt)

This unsigned pamphlet was an address which Tench Coxe delivered to the Society for Political Enquiries in Philadelphia on 11 May. It is entitled *An Enquiry into the Principles on Which a Commercial System for the United States of America Should be Founded; To Which Are Added Some Political Observations Connected With the Subject* (Evans 20306). The pamphlet was printed, at Coxe's expense, by Robert Aitken of Philadelphia who advertised its sale in the *Pennsylvania Packet* on 19 May. It was inscribed "To the Honorable the Members of the Convention, Assembled at Philadelphia for Foederal Purposes."

Coxe published the pamphlet "For the sake of diffusing his ideas," and he made certain that "every member [of the Convention] was presented with a copy, that it might be carried into various parts of the States" (*Lancaster, Pa., Intelligencer, and Weekly Advertiser*, 19 April 1803, quoted in Jacob E. Cooke, *Tench Coxe and the Early Republic* [Chapel Hill, N.C., 1978], 102). Coxe also sent copies to his friends and business associates in other states, in England, and in the West Indies. He authorized Mathew Carey to print the pamphlet in the July 1787 issue of the *Philadelphia American Museum* and requested that Carey give only "the initials of my name" to it (4 June, Tench Coxe Papers, Series II, Correspondence and General Papers, PHi). The pamphlet was also advertised for sale in the *Charleston Columbian Herald*, 18 June, and the *New York Daily Advertiser*, 4 August.

Tench Coxe (1755–1824), a merchant, joined the British in New York in late 1776 or early 1777 and returned to Philadelphia with the British army in the fall of 1777. After the British evacuated the city in 1778, Coxe was attainted for treason but took the oath of allegiance to the state almost immediately. He supported the Republican Party in state politics, and in 1786 he was the only Pennsylvania delegate to attend the Annapolis Convention. After the Constitutional Convention, Coxe became one of the most prolific writers in behalf of the Constitution (see CC:100 for a list of these writings). He was a delegate to the last Confederation Congress in 1789. In 1789 he was appointed assistant secretary of the U.S. Treasury and three years later became commissioner of revenue. President John Adams removed him from that post in 1797, whereupon Coxe joined the Democratic-Republicans. President Thomas Jefferson appointed him purveyor of public supplies in 1803, a post he held until it was abolished in 1812.

. . . The commercial citizens of America have for some time felt the deepest distress—among the principal causes of their unhappy situation were the inconsiderate spirit of adventure to this country, which pervaded every kingdom in Europe, and the prodigious credits from thence given to our merchants. To these may be added the high spirits and the golden dreams that naturally followed such a war, closed with so much honor and success.—Triumphant over a great enemy, courted by the most powerful nations in the world, it was not in human nature that America should immediately comprehend her new situation—really possessed of the means of future greatness, she anticipated the most distant benefits of the revolution, and considered them as already in her hands. She formed the highest expectations many of which however, serious experience has taught her to relinquish, and how that the

thoughtless adventures and imprudent credits from foreign countries take place no more,<sup>(a)</sup> and time has been given for cool reflexion, she will see her true situation and need not be discouraged.

Our future trade may comprehend the fisheries with the exclusive benefit of supplying our own markets, as hath been already observed. The coasting trade will be entirely secured to us. The right of bringing the commodities of foreign countries may be divided with the ships of the nation from whom they come, or in those cases where they have no native ships the carrying trade may be our own. The revolution has opened to us some new branches of valuable commerce. The intercourse with France was next to none before the war, and with Russia, India and China not thought of. With activity and strict œconomy we may pay Europe with some of the *produce* of India, for a part of the goods with which they supply us, and if we do not over-regulate trade, we shall be an *entrepot* of certain commodities for their West-India and south American colonies. Besides these objects all the manufacturing countries and many free ports will be open to us, and we may adventure in foreign ships to a considerable extent, though it would be more desirable to employ our own. As the proposed regulations would compel the British or Dutch merchants, to import into the United States a part of the produce of France and Spain in American bottoms, so may ours serve the general interests of their country by sending tobacco to Sweden, or flour, rice and live stock to the British colonies in the vessels of the respective nations.

The foundations of national wealth and consequence are so firmly laid in the United States, that no *foreign* power can undetermine [undermine] or destroy them. But the enjoyment of these substantial blessings is rendered precarious by domestic circumstances. Scarcely held together by a weak and half formed fœderal constitution, the powers of our national government, are unequal to the complete execution of any salutary purpose, foreign or domestic. The evils resulting from this unhappy state of things have again shocked our reviving credit, produced among our people alarming instances of disobedience to the laws, and if not remedied, must destroy our property, liberties and peace. Foreign powers, however disposed to favor us, can expect neither satisfaction nor benefit from treaties with congress, while they are unable to enforce them. We can therefore hope to secure no privileges from them, if matters are thus conducted. We must immediately remedy this defect or suffer exceedingly. Desultory commercial acts of the legislatures, formed on the impression of the moment, proceeding from no uniform or permanent principles, clashing with the laws of the other states and opposing those made in the preceding year by the enacting state, can no longer be supported, if we are to continue one people. *A system which will promote the general interests with the smallest injury to partic-*

*ular ones has become indispensibly necessary.* Commerce is more affected by the distractions and evils arising from the uncertainty, opposition and errors of our trade laws, than by the restrictions of any one power in Europe. A negative upon all commercial acts of the legislatures, if granted to Congress would be perfectly safe, and must have an excellent effect. If thought expedient it should be given as well with regard to those that exist, as to those that may be devised in future. Congress would thus be enabled to prevent every regulation, that might oppose the general interests, and by restraining the states from impolitic laws, would gradually bring our national commerce to order and perfection. Such of the ideas suggested in the preceding part of this paper, as shall be honored with the public approbation, may be better digested, and, if they appear worthy of it, may form new articles of confederation, which would be the foundation of the commercial system.

I have ventured to hint at prohibitory powers, but shall leave that point and the general power of regulating trade to those who may undertake to consider the political objects of the Convention, suggesting only the evident propriety of enabling Congress to prevent the importation of such foreign commodities, as are made from our own raw materials. When any article of that kind can be supplied at home, upon as low terms as it can be imported on, a manufacture of *our own produce*, so well established, ought not by any means to be sacrificed to the interests of foreign trade, or subjected to injury by the wild speculations of ignorant adventurers. In all cases careful provision should be made for refunding the duties on exportation, which renders the impost a virtual excise without being liable to the objections against an actual one, and is a great encouragement to trade. . . .

(a) An application of the foregoing observations to the commercial subject, can only be admissible into this essay.

#### **24. Pennsylvania Herald, 19 May<sup>1</sup>**

Various opinions are propagated respecting the probable result of the fœderal convention; but, whatever means are pursued, it seems to be unanimously agreed, that a strong and efficient executive power must be somewhere established. How widely different would have been the character of the union, if in Congress had resided a power to controul the selfish interests of a single state, and to compel the sacrifice of partial views, in order to promote the common weal. The depravity of individuals, not checked by physical obligation, will indeed taint the complexion of society; and if those vices that corrupt the heart, did not extinguish the virtues of citizens, even Rome, which is now no more, would still have existed. In considering then, what form of government is best calculated to promote the principles of universal justice, probity

and honor (which, after all, must be the source of national strength as well as happiness) fatal experience will instruct us that little can be left to the voluntary disposition of the people. Whether the shattered fabric of the original constitution is to be repaired and enlarged, or a new and stately building erected upon the old foundation,—whether, on the one hand, the vast continent is to be distributed into distinct republics, or, on the other, the majesty of a world, centered in an individual, are questions that respect only the forms and not the objects of government; for there are immutable laws in civil societies, independent of times, places and circumstances: and let theorists establish what principles they please in the three sorts of government we are acquainted with, by making virtue the spring of the republican, honor the source of the monarchical, and fear the basis of the despotic,—if these do not lead the people of each government into virtuous manners the whole is nothing but a political romance.

1. Reprints by 3 August (24): Mass. (5), R.I. (4), Conn. (1), N.Y. (4), N.J. (1), Pa. (4), Md. (2), Va. (1), Ga. (2).

## 25. Connecticut Legislature Debates the Appointment of Delegates to the Constitutional Convention, 12 May Connecticut Courant, 21 May

Between 12 and 17 May the Connecticut legislature considered whether or not to appoint delegates to the Constitutional Convention. The debate in the House of Representatives on 12 May is the only such debate recorded in the newspapers, and the arguments put forth anticipated some of the central issues in the debate over the ratification of the Constitution. (For the act appointing Oliver Ellsworth, William Samuel Johnson, and Roger Sherman to the Convention, see CDR, 215–16.)

Nine of the thirteen representatives who spoke later served as delegates to the Connecticut Convention. Seven men voted for and two voted against ratification of the Constitution in January 1788.

The debates were published in the Hartford *Connecticut Courant* and the Hartford *American Mercury* on 21 May. By 21 June they were reprinted in eight newspapers: Conn. (5), Pa. (2), S.C. (1). They were also reprinted in the October issue of the Philadelphia *American Museum*. By 25 June excerpts of the debates appeared in nine other newspapers: N.H. (1), Mass. (4), R.I. (1), N.Y. (1), Md. (2).

### PROCEEDINGS of the GENERAL ASSEMBLY of the STATE of CONNECTICUT. SATURDAY May 12.

On the question, Whether Delegates should be sent by this state to the proposed Convention to be held at Philadelphia for the purpose of revising and altering the Articles of Confederation.

Col. [Charles] Burrall rose and in general terms expressed himself to be in favour of the measure, and thought it expedient to send.

Gen. [Jedidiah] Huntington. Mr. Speaker, The measure under consideration is recommended by Congress, and has been either anticipated or acceded to by most of the states; I would therefore from respect to Congress and affection to our sister states, have this state concur with them. I should stop here, Mr. Speaker, if I had not reason to think that there are some gentlemen who are of opinion that the confederation is sufficient for its purposes, and some who believe we should be better without any—I beg therefore, to be indulged in some observations on the subject.

The confederation was framed whilst this country was smarting under the hand of arbitrary power: it seems to have been the leading object of the framers of it to erect an authority over this country without committing absolutely any power to it; the compact between the several states has not any penalty annexed to it for the breach of its conditions, nor is it provided with any power of coercing a compliance; the observance of it depends entirely on the meer good will and pleasure of each state; whenever therefore any state refuses a compliance with a requisition made agreeably to the confederation, all obligation on the part of the other states is dissolved. If this reasoning is just we have not any confederation—at any rate it is an inefficient one. The importance of a general government, a superintending power, that shall extend to all parts of our extensive territory, to secure peace and the administration of justice between one state and another, and between these states and foreign nations, must be obvious to the least reflection. All rational calculations must very much fail us, if the diversity of sentiments, manners, and local circumstances, the unequal distribution of the public debt, and the jealousies of trade, do not create animosities and contentions of the most serious nature—where and when they will terminate Omniscience only knows. Shall we trust the event to accident, and leave a government to arise out of the distractions of the people? Or, shall we in a cool and dispassionate hour, consult with our sister states on the expediency of making alterations in the confederation, in order to attain the original objects of it? I know that a man removed in his own apprehensions from scenes of danger, with plenty and a kind neighbourhood about him, is apt to hug himself in his ease and security, and think that the independent state of Connecticut is sufficient for all things. Let us then take a view of this sovereign state unconnected with the others. We are without alliance or treaty with any foreign nation, and without the probability of making either, as we have no equivalent to give in exchange for the benefits which others have to bestow on us—we are exposed to the insults and depredations of a single ship of war. But suppose there were no fears from this quarter, what security have we of the

peaceable disposition of our neighbours? I remember a gentleman told us last October, in the course of a debate on another question, that the people of Poland were divided up in compassion to them.—Who knows how long it will be before Massachusetts, New-York, and perhaps Rhode-Island, will combine, and in the excess of their affection for this state, divide us up among them? What can we promise ourselves from the turbulent spirit of one, the selfishness of another, or the righteousness of a third?

How long will it be before the relative rights of these states will come into question?—Within twenty years, perhaps within ten, Massachusetts will discover that she has an exclusive right to the fisheries on her extensive coasts—Complaints will be brought to this assembly that our fishermen are driven from Natucket shoals—we shall transmit these complaints to Congress—they will recommend to Massachusetts to indemnify for the loss and outrage—perhaps they will avail, but I don't believe they will—It is more probable that they will write a long letter of justification to Congress, and close it with reminding them of old continental money and the Penobscot expedition.

I am aware, Mr. Speaker, that my fears may be considered by some to be visionary—that some may attribute my sentiments on government to military habits of thinking, or resolve them into the baneful influence of the Cincinnati.<sup>1</sup> These considerations however cannot dissuade me from speaking what I think to be the dictates of truth and duty. I am an advocate for an efficient general government, and for a revenue adequate to the nature and exigencies of it. This revenue must not depend on the will of any particular state. I am persuaded a sufficient revenue (except in case of an expensive war) may be drawn from the sources which this state has already granted to Congress, bating the limitations and restrictions under which they lye: I mean the regulation of trade for fifteen years, and the five per cent impost.<sup>2</sup> The introduction of our own shipping into the carrying trade, which yields a certain profit, is an object of great importance—as the variety of soil and climate within the United States is capable of producing every article which either the convenience or luxury of man requires. Should the impost be carried to excess, or should foreigners resist impositions on their ships, and make reprisals by laying counter duties on ours, the natural tendency of both will be to promote the growth and manufacture among ourselves of the articles affected by the impositions—and proportionally increase our true wealth and independence. Manufactures more than any other employment will increase our numbers—in that consists the strength and glory of a people.

Mr. [Abraham] Granger, declared himself to be opposed to sending delegates to the Convention; he conceived it would be disagreeable to his constituents; he thought the liberties of the people would be en-



dangered by it—that the constitution of this state was already sufficient for every purpose, added to the articles of confederation, in which sufficient power was already delegated to Congress, and concluded by saying, that he imagined these things would have a tendency to produce a regal government in this country.

Mr. [Hosea] Humphry, on the same side with Mr. Granger, observed, that he thought it would be best to oppose the measure in the first instance—that if Connecticut should send, and the Convention should recommend to the states any alteration in the articles of confederation, and a majority of the states should comply with such recommendation and adopt the measures proposed by it, the majority would compel the minority to comply also, however opposed the latter might be to any change in the fœderal government; and he concluded by saying that he approved of the wisdom and policy of Rhode-Island, in refusing to send delegates to the Convention, and that the conduct of that state, in this particular, was worthy of imitation.

Col. [Thomas] Seymour declared himself to be in favour of sending delegates to the convention. He was happy he said that the motion for a general convention of the states, had come from so respectable a quarter as the state of Virginia—that he was pleased that it originated there—that that state conceived the affairs of the union to have arrived to an alarming crisis—that he was fully of that opinion—that the state of Vermont was ballancing between Canada and the United States—that the settlements on the Ohio were rapidly increasing, and at the expence of the more settled parts of the western states, who were much drained by constant emigrations—that New-York was too much attached to her local interests and had become unfederal—that the affairs of the Massachusetts were still unsettled, and that Rhode-Island by her iniquity had justly become the reproach and scorn of her neighbours:—That this was a melancholy picture, and gave just occasion for the remark of Virginia, that the affairs of the United States had arrived to an alarming crisis; he flattered himself that the convention would find a remedy for all these evils, and that efficiency might be given to the fœderal government, that every part of the United States, however disjointed at present might be brought to promote the great objects at first proposed by their union.

Mr. [Daniel] Perkins was opposed to the measure, and said that the state would send men that had been delicately bred, and who were in affluent circumstances, that could not feel for the people in this day of distress; if we send we shall be under double obligation to adopt what the convention shall recommend, for if we say A, we must say B.

Col. [Jeremiah] Wadsworth. It is allowed by every body that the present confederation does not answer the purposes of a fœderal government, and notwithstanding the solemnity with which we have de-

clared the articles of the confederation shall be inviolably preserved, we find they are intirely neglected, and there is no power in the fœderal government to enforce them. One gentleman [Hosea Humphrey] says we should oppose any alteration in the first instance, lest a majority of the states should recommend an alteration and force us to a compliance, and approves the conduct of Rhode-Island in refusing to send delegates to the convention. I presume this house will not copy Rhode-Island in any of their vile acts of legislation; they have forfeited all claim to the confidence of the United States, and of the whole world—their acts are a disgrace to the human race. Mr. Fitch finds fault with us for censuring that state; I hope we shall always dare to tell them the truth, and while they make laws that are founded in injustice, I shall claim and take the liberty to say what I please about those laws. Col. Seymour well observes it is an alarming crisis, and that we have much to hope from the convention. It is alarming indeed when there is not any force in the fœderal government, and when there are not wanting men who boldly declare that it would be better to go back to Great-Britain. It is said, Sir, there is not wanting at least one member of assembly who wishes we had been conquered by the British at any period of the war. Mr. Perkins objects to having any power to enforce the acts of the fœderal government. If there is to be no power of coercion, there is to be no government; if his objections are serious they go to the destroying all government; for without power to enforce obedience there can be none. We are also told our delegates will be men delicately bred, that don't know or feel for the people. Are we so stupid as to send delegates that are unacquainted with our situation and circumstances? Have we been so? if we have, let us emerge from this stupidity, and send men that live in the country, have been hardly bred and know what our wants are.

No state has more reason to wish for an alteration of the articles of confederation than Connecticut. Fertile and well cultivated, we have large exports from the produce of our land, and we consume much foreign produce—the profits of importation go entirely to our neighbour states; there is collected by them at least one hundred thousand dollars impost which we pay—: The 8th article of the present confederation is universally reprobated, yet not altered, and if it remains as it is this state will finally be ruined.<sup>3</sup> Capt. Granger fears arbitrary power and the destruction of the poor, and says we shall all become asses—This state may well be compared to the strong ass, couching down not only under two but twenty burthens, and they will finally crush us out of existence.

Mr. [Elisha] Fitch declared himself to be against sending delegates to the convention; the privileges of the people he was afraid would be exposed; that he would not see them abridged, but would ever support them to the last degree.

Mr. [James] Davenport. The determination of the present question may be important; it is certainly a serious time as it respects government; much has been said on the subject, but I cannot refrain from offering my sentiments upon it. The gentlemen opposed to sending delegates to the convention, say that the articles of confederation need no revision—that they are fully adequate to the purposes for which they were intended; this amounts to a declaration that we want no continental government, for what power has congress now? they have it is true the power of demanding money, but have they the power of collecting it? The conduct of this house in treating with neglect, if not with contempt, their requisitions, determines that they have not.<sup>4</sup> Besides, is this agreeable to the sentiments of this assembly? Have not they heretofore by their acts given additional powers to Congress, by granting them the impost and the right of regulating trade? and has not there been great clamour against the state of New-York for not granting the same additional authority to Congress, and have not some gentlemen in fact urged that measures ought to be taken to coerce it, when at the same time the requirements of Congress, made in virtue of the confederation, were refused to be complied with by us. But view us disconnected—What would have been the consequence of a disunion the late war? Was not all the strength of the United States necessary? and that too when the resolutions of Congress were most critically attended to and observed, when they were of more force than law—and we may be under the necessity of this united force hereafter. But is not an efficient national government necessary to preserve peace between the states; their interests are in some measure opposed, and contentions very easily arise when this is the case, unless there is a controuling power.

Some of the gentlemen are afraid of the measure which the southern states may wish to adopt, and say that the nature of their governments and that their feelings are more arbitrary and despotic than ours—Is this the case? Have not they run into the extremes of democracy? Georgia, the most southern state, as much influenced we should suppose by such principles as any, has by her constitution provided, that no one person shall be elected governor two years successively. Some of the other states have made provisions not very dissimilar; the gentlemen who were in Congress from those states at the time of framing the confederation, and who assisted in that business, were purely republican. I would ask, is it likely we never shall be disturbed from abroad? Why are additional troops ordered out to Canada? besides, we are officially informed there is a prospect of trouble from the western settlers, and the treaty which is on foot with Spain, and which is disrelished by some of the states, may be a means of creating a necessity for union and united strength.

This convention was first proposed to remedy the evils arising from the embarrassments of our trade. This is an object we have much at heart; I am glad the southern states are alarmed, that they wish to consolidate the union; they have been heretofore opposed to foederal measures, their interests have been opposed to tradè regulations—I hope something may be effected by the convention, and that we may send delegates.

Mr. [Joseph] Hopkins said he had very little to expect from the proposed convention, yet he concluded by saying he should be for the measure out of compliment to the sister states.

Mr. [John] Welton was in favour of sending, because according to present appearances, and unless some alteration takes place, the union will soon be entirely at an end.

Mr. [Charles] Chauncey. I am for sending members to the convention; but I am anticipated by the gentlemen who have gone before me—they have left little to be urged on the subject. I have not been before this session honoured with a seat in this house; but being often a spectator in the gallery, I have constantly heard complaints that Congress had not power enough—that this state had large demands against the united states—that if Congress had power to regulate our trade and establish a system of revenue, we might be paid, or at least know what was due to us. I have often heard it urged that all the evils we feel were for want of a well regulated federal government; we have something to hope and nothing to fear from the convention. But I will not detain the house, the reasons for sending delegates are too many and too obvious to escape our notice.

Col. [Benjamin] Hinman was in favour of sending, and expressed his approbation of the measure.

*(Several other gentlemen spoke on the subject, but we have not been able to collect the purport of their observations.)*

1. For Connecticut opposition to the Society of the Cincinnati, see RCS:Conn., 325, 379, 429n.

2. In 1784 Connecticut granted Congress the Impost of 1783 and in 1785 it granted Congress the power to regulate trade for fifteen years (RCS:Conn., 321–22, 322 and CDR, 146–48, 153–54).

3. In April 1783 Congress proposed an amendment to the 8th Article that changed the method of apportioning common expenses among the states from land values to population (CDR, 148–50). Connecticut refused to ratify it.

4. In October 1786 the Connecticut legislature ordered the governor to tell the President of Congress, “in a summary manner,” that Connecticut had no money to pay congressional requisitions (RCS:Conn., 324). Only a few days after Davenport chided the House for this earlier action, the House refused to consider the matter of the state’s quota of the congressional requisition.

## 26. Baltimore Maryland Gazette, 22 May<sup>1</sup>

By a letter from Philadelphia, it appears, that a sufficient number of Commissioners from the States, were not then arrived in that city, to form the GRAND CONVENTION; but some recent advices make it daily expected, that the representation will soon be compleat. This *august meeting*, will certainly be of the highest importance to the political existence and welfare of the United States. To revise the confederation, and to fall upon a system of commercial regulations, which upon the whole may tend to the revival and establishment of our credit, and the encouragement of our trade and manufactures, are objects of such magnitude, as require the united wisdom of the continent—and from the respectable names of the gentlemen, deputed to this arduous business, we have reason to be assured, the greatest exertions will be made, and the best measures adopted, to render the constitution of the federal Government, adequate to the exigencies of the union.—Should this be happily compleated, we, of this day, may yet felicitate ourselves in the enjoyment of a glorious independence.

The articles of the confederation were made for the temporary purposes of a war; they were as wisely drawn as the then situation of the country would permit: For pressed by danger on every side, our immediate defence was uppermost in our minds, and our attention was naturally absorbed, by objects of magnitude that surrounded us, while only time and reflection, could make us acquainted with more important ones at a distance. In this situation, we voluntarily gave the force of law to recommendations, which we now treat like common advice.

Thus the confederation, that appeared so perfect in its original state, is become a loose, incomplete agreement, totally inconsistent with its own principles. By this political compact, the United States in Congress, have *exclusive right and power* for the following purposes without being able to *execute* one of them.

They may “make and conclude treaties;” but can only *recommend* the observance of them.

They may appoint Ambassadors; but cannot defray even the expences of their tables.

They may borrow money in their own name, on the faith of the union; but cannot pay a dollar.

They may coin money; but cannot purchase an ounce of bullion.

They may make war, and determine what number of troops are necessary; but cannot raise a single soldier. In short, they may DECLARE every thing, but can DO nothing.

If any thing can be added to this description of the impotence of our federal Government, it must be a total want of authority over its own members.

A recent instance of this was experienced in the loss of a late question, the consequence of which is, that any member may leave Congress, whenever he pleases, without their leave, or that of the State he represents. The most important question may therefore be lost by the wilful absence of one Delegate—Since this is a true picture of our present system of *Sovereignty*, what true friend to this country can object to the giving more *power and efficacy to the laws and ordinances* of the once highly respected and honourable Congress of America?

1. Reprints by 16 June (8): N.H. (1), R.I. (2), Conn. (1), N.Y. (1), Pa. (2), Ga. (1). Excerpts reprinted by 23 June (10): Mass. (2), Conn. (1), N.J. (1), Pa. (3), Va. (2), Ga. (1).

### 27. New York Journal, 24 May<sup>1</sup>

Oh, my countrymen, exclaims a correspondent, through how many scenes and changes must we pass! the wide, the unbounded prospect lies before us—but, shadows, clouds, and darkness rest upon it—Here will I hold—if there is a power in heaven, or if there is a power, and *wisdom*, in the FÆDERAL CONVENTION, it must delight in obliterating every *discordant* sentence from the *Fœderal system* of government, and rendering efficient, to all the purposes of BENEFIT, HONOR, and RESPECTABILITY, the articles of confederation of the United States of America—then, that which they delight in must be happy.

1. Reprints by 7 June (8): N.H. (2), Mass. (2), Conn. (1), Pa. (2), Del. (1).

### 28. To the Political Freethinkers of America New York Daily Advertiser, 24 May

This is the first part of a four-part treatise published in the *Daily Advertiser*. The remaining parts, published on 26 and 29 May and 2 June, argued that the United States needed a balanced government in which independent and separate legislative, executive, and judicial branches would “counterpoise” each other. Such a balance was essential if liberty was to be secured.

Parts one and two of the treatise were reprinted in the *Lansingburgh Northern Centinel* on 11 and 18 June.

The lofty scheme, and the profound essay,  
Let abler statesmen guardedly display;  
Mine be the humbler task to pave the way.

ANON.

A Convention of States, created from *fear and suffering*, are now to sit at Philadelphia—May we presume it is yet proper, consistently with that decorum which even the shadow of law and government seems to require, to speak freely and sound a preparatory to the wondering multitude.

No precise idea seems yet to be formed of the power and objects of this convention; and perhaps prudence has hitherto guarded it against common speculation—prudence now clearly dictates a conduct directly the contrary. The inertness of the government is now felt in its consequences by the people, and a remedy more earnestly wished and more loudly asked for.

The humiliating and injurious impositions on our trade, to which we were forced to submit from the imbecility of our general constitution, first gave the alarm and suggested the scheme of a Convention.

To remedy this evil may have been the only determinate object which opinion had given to it at that time. An experimental acquaintance with the operation of our constitution for more than two years since—reflections upon the past and anticipations of the future, have excited other and important expectations from the convention. *Essential* alterations in the constitution have been *felt* to be wanting, and apprehensive that these wants, if left to themselves, may operate with violence, prudent legislatures have been sensible of the propriety of *curing by anticipation*. Accordingly we are informed, that the authority granted to their delegates, by some states, are very extensive; by others even general, and by all much enlarged. Upon the whole we may conclude that they will find their authority equal to the important work that will lay before them; or at least we may safely conclude from the characters already announced to the public, that they will represent the deficiency, and surely the representation of such characters will have sufficient weight.

At first our trade was restricted, and our ships made useless, we wished for a government impowered to assert and maintain our commercial rights and advantages. But now we see the necessity of an efficient government, even to enable us to pay our debts; and to preserve us a name in the commercial, as well as in the political world. Tho' we are oppressed beyond bearing with actual misery, yet we are exceedingly alarmed in our apprehensions; and tho' we have no reason to despair, yet we seriously ask "what shall we do to be saved?"

It is a received maxim, that the bulk of the people cannot reason. That therefore oppression must necessarily precede awakening and enquiry. This cause and effect is borrowed from mechanical reasoning. The spring must be compressed before it can resist and expand. The operation of this principle must then always be violent. However mortifying this maxim may be, it is nevertheless true as generally applied. But America is an exception to many political maxims and singularly so to this. She took arms at a period of uncommon national prosperity. Not from *felt* oppression, but from the certain prospect of it. She indeed seems to be exempted from the influence of principles drawn

from the experience of the old world, and designed to establish a new system of political ethicks for her own government. Her boundless territory, her various soil, climate and products, the equally various natures, dispositions and habits of her people, all point her out as a Theatre for new and wonderful displays in the history of society. If it would not lead to an unjustifiable romantic indulgence, I would say that a general view of the country itself, its immense Rivers, Lakes, Mountains and Plains, seem to declare her to be a distinct creation and of a style and rank considerably superior to the old world.

When we add the present and probable future condition of America together, having an extensive view of the whole before us, it precludes even a hope of establishing government now, which shall be adequate to the great objects that present on such a view, and which shall last thro' the glorious progression that such a view teaches us to expect. But may we not hope with the aid of experience, and calculating for the tides of opinion and passion, to be able *peaceably* to establish a government equal to the present exigencies of the country and made capable of anticipating the important changes which await it.

With this hope, let us retrospect her past history, beginning at the dawn of her independency.

An uncommon love of liberty, and an uncommon insight into the principles upon which it depends, led the people of America to arms; and success contrary to the prudence of calculations accompanied the hazardous enterprize.

They appointed a Congress to manage the unruly affairs of a people in the art of a revolution, and to devise a system of general government. Such was the fervour of liberty and such the ready obedience of the people to slight recommendations, that venerable body influenced more by present affections than by reason and foresight, and insensible to the charms of power, formed a set of *faint rules* which seemed rather to anticipate than to cement a federal combination, and the world was entertained with the novel speculation of a numerous and encreasing people, and a boundless territory governed by a *committee of ways and means*, authorised to correspond abroad—to publish recommendations at home—and to direct the operations of the army. Feeble as this prototype of a governing power was, while the war lasted, and the hazardous measure of taxation was nearly kept out of sight, the English army were to them in the room of an executive, and the zeal and fears of the people kept them in tolerable subordination. But when these objects were removed, and America sat down in peace among the governors of the earth, a short experience of her artless system, soon taught her this important truth, that the bare *good will* of her constituents could not alone answer all the purposes of an effective governing power.



### 29. Harrington: To the Freemen of the United States Pennsylvania Gazette, 30 May

"Harrington," which was also printed in the *Pennsylvania Journal* on 30 May, was the only lengthy essay on the need to strengthen the central government that circulated widely during the meeting of the Constitutional Convention.

Benjamin Rush was probably the author of "Harrington." The evidence for this assertion consists of two letters. The first, dated 1 June, was composed by an unidentified Philadelphian (CC:49). The second, dated 2 June, was written by Rush to Richard Price (Butterfield, *Rush*, I, 418–20). Both letters enclosed a recently published newspaper article. The letter of 1 June described the article as an "address" written "To the Freemen of the United States." Rush's letter of 2 June, referring to an "enclosed newspaper [which] contains an address suited to our present hour of difficulty and danger," included a statement sometimes made by authors who did not explicitly want to identify themselves. Rush stated that "The sentiments contained in it will discover its author."

The two letters have other similarities, indicating that they were written by the same person. Both letters referred to the roles of Benjamin Franklin and John Dickinson in the Constitutional Convention. They also alluded to the "ardor" or "enthusiasm" for "liberty" which existed in the years 1774 and 1775.

"Harrington" was reprinted in whole or in part in thirty newspapers by 11 August: Vt. (1), N.H. (2), Mass. (9), R.I. (2), Conn. (4), N.Y. (5), N.J. (1), Pa. (1), Md. (2), Va. (1), S.C. (1), Ga. (1). It also appeared in the June issue of the *Philadelphia American Museum*.

A citizen of Pennsylvania, in a retired situation, who holds and wishes for no share in the power or offices of his country, and who often addressed you in the years 1774 and 1775, upon the interesting subject of the LIBERTIES of America, begs leave to address you again upon the important subject of her GOVERNMENT.

It is impossible to be happy without freedom,—and it is equally impossible to preserve freedom, without such constitutions and laws as are adapted to the circumstances and habits of our country.

The *rights* of mankind are simple. They require no learning to unfold them. They are better *felt*, than explained. Hence, in matters that relate to *liberty*, the mechanic and the philosopher, the farmer and the scholar, are all upon a footing. But the case is widely different with respect to *government*. It is a complicated science, and requires abilities and knowledge of a variety of other subjects, to understand it. Unfortunately, from the general prevalence of despotism, and the monopoly of power in a few hands, mankind have had but few opportunities of profiting by the knowledge they have acquired by experience in this science. The world, for the first time, saw a number of freemen assembled in America, to compose a system of government for themselves. It now beholds a scene equally new and illustrious,—a body of freemen assembled, to correct the mistakes of this government. How

different is the situation of the citizens of America from the rest of mankind!—What would be the fate of the millions of our fellow creatures in the kingdoms of Europe, should they assemble by voluntary association for this purpose?—Or, what would not the subjects of Great-Britain, who complain of the defects or corruptions of their government, give for this inestimable privilege?—Let this comparison kindle in our bosoms a due sense of the value of liberty, and let no pains be spared in framing such a form of government, as will preserve it for ever.

The present fœderal constitution was formed amidst the confusions of war, and in the infancy of our political knowledge. It has been found ineffectual to support public credit—to obtain alliances—to preserve treaties—to enforce taxes—to prevent hostilities with our neighbours, and insurrections among our citizens. Hence the name of an American, which was so respectable in the year 1782, in every part of the globe, is now treated every where with obloquy and contempt.

If the evils we have suffered, and the infamy we have incurred, have not been sufficient to induce us to alter our fœderal government, there is one argument that should possess a weight with us, that should be irresistible. Mankind insensibly glide into a stable government. The rich and the poor soon grow tired of anarchy. They prefer the order and tranquility of despotism to popular licentiousness, and the oppression of law. Hence the success of usurpers in every age and country. It becomes us, therefore, to prevent the power which is the offspring of force, by means of a regular constitution, founded in a mutual compact between rulers and the people. There never was a republic of long duration in any country, whose form was not mixed. But the mixture was in most cases, unfortunately, the effect of accidents, or popular commotions. Hence the inequality of liberty in most of them, and hence their corruption or extinction in every part of the world. I see no reason why a republic, composed of a legislature properly compounded and balanced, where representation is equal, and elections annual, should not continue to be the vehicle of liberty to the end of time. We have, therefore, my fellow-citizens, no choice left to us. We must either form an efficient government for ourselves, suited in every respect to our exigencies and interests, or we must submit to have one imposed upon us by accident or usurpation. A bramble will exercise dominion over us, if we neglect any longer to choose a vine or a fig-tree for that purpose. The present relaxed state of government in America is no common temptation to ambition. A fœderal Shays may be more successful than the Shays of Massachusetts Bay, or a body of men may arise, who may form themselves into an order of hereditary nobility, and, by surprize or stratagem, prostrate our liberties at their feet.

This view of our situation is indeed truly alarming. We are upon the brink of a precipice. Heavens! shall the citizens of America—shall the deponents of the power of George the third, and the conquerors of Britain in America—submit to receive law from a bold and successful demagogue, or a confederated body of usurpers?—Shall the United States become a theatre, on which the crimes of the Cæsars and Cromwells of past ages are to be acted over again?—Are the freemen of America to be summed up in the account of universal slavery, and transferred, like cattle at an auction, to the highest bidder?—Are our fields to be scratched (for they will not then be cultivated) by the hands of slaves? And is the product of our industry, whether in arts or agriculture, to be torn from us by arbitrary edicts, issued from a newly established court of American DESPOTS? Was it for this we drew the sword at Lexington, and submitted to, or rather embraced poverty, exile, imprisonment, flames and death, in every stage of the war? Was it for this we triumphed in the recovery of our cities, and in the reduction of the armies of Burgoyne and Cornwallis? Was it for this, we exulted in the peace which we extorted from Great-Britain in the year 1782? If it was,—then virtue has suffered—heroism has bled—and heaven itself has blessed us in vain.

America has it in her power to adopt a government which shall secure to her all the benefits of monarchy, without parting with any of the privileges of a republic. She may divide her legislature into two or three branches. She may unite perfect freedom and wisdom together, and may confer upon a supreme magistrate such a portion of executive power, as will enable him to exhibit a representation of majesty—such as was never seen before—for it will be the majesty of a free people. To preserve a sense of his obligations to every citizen of the republic, he may be elected annually, and made eligible for seven years, or for life.

The more we abridge the states of their sovereignty, and the more supreme power we concenter in AN ASSEMBLY OF THE STATES (for by this new name let us call our fœderal government) the more safety, liberty and prosperity, will be enjoyed by each of the states.

The ambition of the poor, and the avarice of the rich demagogue, can never be restrained upon the narrow scale of a state government. In an assembly of the states they will check each other. In this extensive reservoir of power, it will be impossible for them to excite storms of sedition, or oppression. Should even virtue be wanting in it, ambition will oppose ambition, and wealth will prevent danger from wealth. Besides, while the eyes of the whole empire are directed to one supreme legislature, its duties will be perfectly understood, its conduct will be narrowly watched, and its laws will be obeyed with cheerfulness and respect.

Let the states who are jealous of each others competitions and encroachments, whether in commerce or territory, or who have suffered under aristocratic or democratic juntos, come forward, and first throw

their sovereignty at the feet of the convention. It is there only that they can doom their disputes—their unjust tender and commutation laws—their paper money—their oppressive taxes upon land—and their partial systems of finance—to destruction.

Let the public creditor, who lent his money to his country, and the soldier and citizen, who yielded her their services, come forward next, and contribute their aid to establish an effective fœderal government. It is from the united power and resources of America, only, that they can expect permanent and substantial justice.

Let the lovers of peace add their efforts to those that have been mentioned, in increasing the energy of a fœderal government. An assembly of the states alone, by the terror of its power and the fidelity of its engagements, can preserve a perpetual peace with the nations of Europe.

Let the citizens of America who inhabit the western counties of our states fly to a fœderal power for protection. The Indians know too well the dreadful consequences of confederacy in arms, ever to disturb the peaceful husbandman, who is under the cover of the arsenals of thirteen states.

Let the farmer who groans beneath the weight of direct taxation seek relief from a government, whose extensive jurisdiction will enable it to extract the resources of our country by means of imposts and customs.

Let the merchant, who complains of the restrictions and exclusions imposed upon his vessels by foreign nations, unite his influence in establishing a power that shall retaliate these injuries, and insure him success in his honest pursuits, by a general system of commercial regulations.

Let the manufacturer and mechanic, who are every where languishing for want of employment, direct their eyes to an assembly of the states. It will be in their power, only, to encourage such arts and manufactures as are essential to the prosperity of our country.

To beget confidence in, and an attachment to, a new fœderal government, let us attend to the characters of the men who are met to form it.

Many of them were members of the first Congress, that sat in Philadelphia in the year 1774.

Many of them were part of that band of patriots, who, with halts round their necks, signed the declaration of independence on the 4th of July, 1776.

Many of them were distinguished in the field, and some of them bear marks of the wounds they received in our late contest for liberty.

Perhaps no age or country ever saw more wisdom, patriotism and probity united in a single assembly, than we now behold in the convention of the states.

Who can read or hear, that the immortal WASHINGTON has again quitted his beloved retirement, and obeyed the voice of God and his country, by accepting the chair of this illustrious body of patriots and heroes, and doubt of the safety and blessings of the government we are to receive from their hands?

Or who can read or hear of Franklin, Dickinson, Rutledge, R. Morris, Livingston, Randolph, Gerry, Shearman, Mifflin, Clymer, Pinkney, Read, and many others that might be mentioned, whose names are synonymous with liberty and fame, and not long to receive from them the precious ark, that is to preserve and transmit to posterity the freedom of America?

Under the present weak, imperfect and distracted government of Congress, anarchy, poverty, infamy, and SLAVERY, await the United States.

Under such a government as will probably be formed by the present convention, America may yet enjoy peace, safety, liberty and glory.

### **30 A–M. Reports of Constitutional Convention Proceedings 30 May–13 September**

The Constitutional Convention, called to meet in Philadelphia on 14 May, did not have a quorum until the 25th. To attain this quorum, the delegates had followed the rules prescribed for sessions of Congress: seven states had to be present and each had to be represented by at least two delegates. On the 25th the delegates elected George Washington as President and William Jackson (a non-delegate) as secretary; appointed a committee to draw up the rules; and then adjourned to Monclay, the 28th. On Monday, after the rules had been adopted, Pierce Butler of South Carolina moved that the Convention “provide agst. interruption of business by absence of members, and against licentious publications of their proceedings.” The next day the Convention adopted several additional rules which included these: no copy of any journal entry could be made without the consent of the Convention; only the delegates could inspect the journals; and “nothing spoken in the House [could] be printed, or otherwise published, or communicated without leave.”

The rule of secrecy, however, was broken by several delegates. For example, members of Congress in New York knew about the Virginia resolutions which were introduced on 29 May, adopted in amended form on 19 June, and debated until 26 July. On 5 July Massachusetts congressman Nathan Dane wrote to Rufus King in the Convention that “It seems to be agreed here that the Virginia plan . . . keeps its ground at present” (Farrand, III, 55). Dane had indicated earlier that William Pierce, a Georgia delegate to the Convention and to Congress, did not “fully” understand “the true meaning, full and just extent of the order not to communicate &c” (to Rufus King, 19 June, *ibid.*, 48–49. Pierce had attended the Convention from 31 May to mid-June, when he had left to attend Congress.). Soon after taking his Convention seat on 23 July, Nicholas Gilman of New Hampshire reported that “As secrecy is not otherwise enjoined than as prudence may dictate to each individual,” he had written his brother John a “hint” of the “general principles of the plan of national Government” (to Joseph Gilman, 31 July, *ibid.*, 66).

Meanwhile, the public was dependent on several Philadelphia newspapers for news about the Convention. These newspapers, many of which were widely reprinted, reported the arrival of delegates, the election of Washington as President, and the appointment of the Committee of Detail. However, Alexander J. Dallas, the editor of the *Pennsylvania Herald*, went beyond such reports by printing information about the Convention's debates.

On 13 June, for instance, the *Herald* declared that "we understand" that "a very great diversity of opinion" prevails among the members, and that schemes had been presented which retained the form but destroyed the "spirit of a democracy," while other plans promoted a powerful executive and "openly rejected even the appearance of a popular constitution" (CC:30-C). There was, indeed, "a very great diversity of opinion" among the delegates, and several speeches, beginning with Edmund Randolph's opening speech on 29 May, had denounced democracy as the chief evil of the times, while the argument for a powerful executive had also begun. Other Philadelphia newspapers tried to counter the *Herald's* report with assertions that great unanimity existed in the Convention (CC:30-E, F).

On 28 July the *Pennsylvania Herald* and the *Independent Gazetteer* announced the appointment of the Committee of Detail to draft a constitution and the adjournment of the Convention to 6 August (CC:30-H, I). Two days after the Convention reconvened, the *Herald* reported that the Convention was debating the report of the Committee of Detail by paragraphs (CC:30-J).

On 15 August the *Herald* printed a brief item stating that on Monday, 13 August, the Convention had debated until five o'clock, "when, it is said, a decision took place upon the most important question" since the beginning of the Convention (CC:30-K). The "most important question" probably involved the origination of money bills. On 16 July, as part of the compromise between the large and the small states, the small states were guaranteed equality in the Senate, while the House of Representatives (which would be controlled by the large states) was to have exclusive control over money bills. The Senate could neither amend nor alter money bills. These provisions were included in the report of the Committee of Detail on 6 August. On 13 August John Dickinson of Delaware, in a heated debate, proposed that the Senate be given the power to amend money bills. The Convention rejected his motion, thereby keeping the original compromise intact. The small state forces, however, were finally successful on 8 September, when the Senate was given power "to propose or concur 'with amendments as on other bills.'"

On Thursday, 13 September, the *Pennsylvania Herald*, in its final report prior to the Convention's adjournment, predicted that the Convention would complete its work on Friday or Saturday. It also reported that the delegates were still uncertain about who was to receive the report of the Convention—Congress or the states (CC:30-M).

Newspapers in other states also published information about the Convention. The Baltimore *Maryland Gazette*, for instance, printed an extract of a Philadelphia letter (dated 15 June) which summarized some of the arguments used on 9 and 11 June in the debate between the large and the small states over representation (CC:30-D). The Charleston *Columbian Herald* published an extract of another Philadelphia letter, reporting that Alexander Hamilton, William Paterson, and Edmund Randolph had presented plans of government to the Convention and that the Convention was discussing the latter's plan (CC:30-G).

Occasionally, newspapers printed articles on the Convention which were woefully incorrect or outright fabrications. For example, on 9 June the usually

reliable *Pennsylvania Herald* reported on some alleged actions that the Convention had taken against Rhode Island—the only state which had not elected delegates to that body (CC:35–A). About two weeks later, the Philadelphia *Independent Gazetteer* dismissed the *Herald's* report and warned its readers against “The mere idle reports of busy-bodies, and the absurd foolish suggestions of trifling pretenders” (CC:35–E). On 26 July the Charleston *Columbian Herald* printed an extract of a Philadelphia letter dated 4 July, which itemized the subjects supposedly then under discussion in the Convention. However, not a single statement in the letter was factual. (For the letter, see CC:53.)

Despite these lapses in the rule of secrecy, only the broad outlines of the new Constitution were known even to the most knowledgeable people before the Convention adjourned. No one outside the Convention knew the full details of the Constitution or of the numerous compromises fashioned by the delegates. The delegates did not distribute copies of the various plans of government or resolutions; nor did they circulate summaries of the debates. Thus, the rule of secrecy also prevented delegates from seeking the counsel of individuals outside the Convention.

Antifederalists seized on the rule of secrecy as an issue after the Convention adjourned. They described the Convention as a “secret conclave” and the Constitution as the product of an aristocracy intent on subverting the rights and liberties of the people. Hence, Antifederalists insisted on their right to propose and consider amendments to the Constitution in the state ratifying conventions.

30–A. *Pennsylvania Herald*, 30 May<sup>1</sup>

On Friday last the members of the fœderal convention being assembled, chose his excellency George Washington for their president, and Mr. William Jackson for their secretary.—It is said that the first step towards discharging the important duties of this national council, will be the appointment of a delegate from each state, as a committee to receive communications from the other members, and to arrange, digest and report a system for the subsequent discussion of the whole body. This plan is admirably adapted for the dispatch of business, as it cuts off a field for long and desultory debate upon first principles, and, by collecting materials from every quarter to form a solid and comprehensive foundation, leaves little besides the easy task of raising and adorning the superstructure to the collective labour of a popular assembly. When indeed we consider the critical situation of the country, the anxiety with which every good citizen regards this *dernier resorte*, and the decisive effect it must have upon the peace and prosperity of America, though every thing should certainly be given to prudence and deliberation, not a moment can be spared to useless forms or unprofitable controversy.

30–B. *Pennsylvania Herald*, 2 June<sup>2</sup>

Such circumspection and secrecy mark the proceedings of the fœderal convention, that the members find it difficult to acquire the habit of communication even among themselves, and are so cautious in de-

feating the curiosity of the public, that all debate is suspended upon the entrance of their own inferior officers. Though we readily admit the propriety of excluding an indiscriminate attendance upon the discussions of this *deliberative* council, it is hoped that the privacy of their transactions will be an additional motive for dispatch, as the anxiety of the people must be necessarily encreased, by every appearance of mystery in conducting this important business.

30—C. *Pennsylvania Herald, 13 June*<sup>3</sup>

Though the particular arguments, debates, and decisions that take place in the foederal Convention, are considered as matters of secrecy, we understand, in general, that there exists a very great diversity of opinion amongst the members, and that there has been already a wonderful display of wisdom, eloquence and patriotism. Some schemes, it is said, have been projected which preserve the form, but effectually destroy the spirit of a democracy; and others, more bold, which, regarding only the necessity of a strong executive power, have openly rejected even the appearance of a popular constitution. From the plans of this last description, there is little reason to apprehend danger, for the people will hardly be induced to make a voluntary surrender of their rights; but they may indeed be deceived, by the flattery of outward shew, into a passive and destructive acquiescence. The forms of liberty were preserved in the ROMAN government, after the most intolerable tyranny had usurped its seat; and we are told, that under Tiberius, one of their most execrable emperors, the freedom of the people was still in appearance preserved; the SENATE was still employed in managing the business of the public; money (as the marks upon it at this day testify) was coined by their authority, and every other public affair received their sanction. Yet, at the same time we know, the most shocking barbarities were exercised by the emperors, who, while their actions met with no significant opposition, were well satisfied that the people would still flatter themselves with the empty shew of power.

30—D. *Extract of a Letter from Philadelphia, 15 June*  
*Baltimore Maryland Gazette, 19 June*<sup>4</sup>

“I know you are waiting with anxious expectation to be informed of the proceedings of the *Grand Convention*. Nothing as yet has transpired—all that we know is, that a committee is appointed to collect materials, and to form a report for the discussion of this respectable body. *Rhode-Island*, notwithstanding her *insignificance* on the Continental scale, does not think proper to be represented on this weighty and most interesting occasion—her political obstinacy and depravity are justly treated with the highest contempt. You may depend on it, my friend, that to permit *Rhode-Island, Georgia*, and some other *little States* to an



equal share of power, or an equal vote in the union with those States that are ten times more important in wealth and numbers, is a fundamental defect in our federal system. Representation should be regulated in proportion to the wealth and number of the inhabitants. It surely is wrong that three or four States, inconsiderable to the importance and *support* of the union, should enjoy near a quarter of its power; while Massachusetts, Pennsylvania, and Virginia, which are required to pay near half of the public expence, have in the national Congress, but an equal influence with the twentieth part of America.—There are *single* counties in Pennsylvania, that have more citizens by many thousands, and pay more taxes than some of *those* sovereignties, which in truth, have been a great obstruction to the honour, credit, and stability of our confederation.

30—E. *Philadelphia Independent Gazetteer*, 16 June<sup>5</sup>

We hear that the greatest unanimity subsists in the councils of the Federal Convention. It is to be hoped, says a correspondent, the United States will discover as much wisdom in receiving from them a suitable form of government to preserve the liberties of the people, as they did fortitude in defending them against the arbitrary and wicked attempts of Great-Britain. Nothing but Union and a vigorous Continental Government can save us from destruction.

30—F. *Pennsylvania Gazette*, 18 July<sup>6</sup>

So great is the unanimity, we hear, that prevails in the Convention, upon all great fœderal subjects, that it has been proposed to call the room in which they assemble—UNANIMITY HALL.—In the beginning of the late war, the citizens of America looked up to a fœderal government, only, for safety and protection: They were then powerful and successful at home and abroad. As soon as they set up the idol of *State Sovereignty*, they forgot the rock from whence they derived their freedom and independence, and confined their allegiance and affections only to their state governments: And hence the distress, confusion, debts and disgrace of the United States. Calamities have at last opened their eyes, and they again turn them to a fœderal government for safety and protection. May the enemies of the new Confederation, whether in Rhode-Island or elsewhere, whether secret or open, meet with the fate of the disaffected in the late war.

30—G. *Extract of a Letter from Philadelphia*, 21 July  
*Charleston Columbian Herald*, 9 August<sup>7</sup>

“It is expected the Convention will adjourn in September: Their proceedings are still kept secret—Three plans have been submitted to

their consideration; one presented by Colonel Hamilton; another by Mr. Patterson, late Chief Justice of Jersey, and a third by the late Governor of Virginia. They are now going on with the last, and I believe, with a few alterations, it will be pretty unanimously agreed to.”

30—H. *Philadelphia Independent Gazetteer*, 28 July<sup>8</sup>

Thursday last, the Honorable the CONVENTION of the United States adjourned till the first Monday in August next, after having appointed the following gentlemen to act as a Committee during their recess, viz.

Mr. *Gorham* of Massachusetts, Mr. *Elseworth* of Connecticut, Mr. *Wilson* of Pennsylvania, Mr. *Randolph* of Virginia, Mr. *Rutledge* of South-Carolina.

30—I. *Pennsylvania Herald*, 28 July<sup>9</sup>

The Fœderal Convention having resolved upon the measures necessary to discharge their important trust, adjourned till Monday week, in order to give a committee, appointed for the purpose, time to arrange and systemize the materials which that honorable body have collected. The public curiosity will soon be gratified; and it is hoped, from the universal confidence reposed in this delegation, that the minds of the people throughout the United States are prepared to receive with respect, and to try with a fortitude and perseverance, the plan which will be offered to them by men distinguished for their wisdom and patriotism.

30—J. *Pennsylvania Herald*, 8 August<sup>10</sup>

On Monday last [6 August] the Fœderal Convention met, after their short adjournment; and we are told, that they are now debating by paragraphs, the plan which is to be submitted to public consideration.

30—K. *Pennsylvania Herald*, 15 August<sup>11</sup>

The debates of the Fœderal Convention continued 'till five o'clock on Monday evening; when, it is said, a decision took place upon the most important question that has been agitated since the meeting of this assembly.

30—L. *Pennsylvania Gazette*, 5 September<sup>12</sup>

We hear that the CONVENTION propose to adjourn next week, after laying America under such obligations to them for their long, painful and disinterested labours, to establish her liberty upon a permanent basis, as no time will ever cancel.

30—*M. Pennsylvania Herald, 13 September*<sup>13</sup>

We are well informed that the federal convention will break up tomorrow or the next day, having concluded all their business, except determining upon the proper mode of making their report. Some members propose a general return of their proceedings to Congress; others conceive that though the requisition of Congress induced the respective legislatures to adopt the measure, yet as the delegates sit under the authority of the individual states, the return of their proceedings must be made to the power that appointed them.

1. Reprints by 9 July (26): Vt. (2), N.H. (3), Mass. (7), R.I. (2), Conn. (2), N.Y. (4), Pa. (2), Md. (1), Va. (2), S.C. (1). More than half the reprints included a list of the Convention delegates which the *Pennsylvania Herald* had printed immediately after CC:30—A.

2. Reprints by 9 July (26): N.H. (3), Mass. (10), R.I. (3), Conn. (3), N.Y. (4), N.J. (1), Va. (1), S.C. (1).

3. Reprints by 25 August (15): Vt. (1), N.H. (1), Mass. (3), R.I. (2), Conn. (1), N.Y. (3), N.J. (1), Va. (1), S.C. (1), Ga. (1).

4. Reprints by 26 July (14): Mass. (5), R.I. (1), N.Y. (3), N.J. (1), Pa. (3), S.C. (1).

5. Reprints by 28 July (27): N.H. (1), Mass. (8), R.I. (3), Conn. (5), N.Y. (5), Md. (2), Va. (1), Ga. (2).

6. Reprints by 11 August (24): Mass. (5), R.I. (3), Conn. (4), N.Y. (4), N.J. (1), Pa. (4), Del. (1), Md. (1), S.C. (1).

7. Reprinted: *Gazette of the State of Georgia*, 23 August.

8. Reprints by 20 August (17): Vt. (1), Mass. (4), Conn. (3), N.Y. (4), Pa. (3), Md. (2).

9. Reprints by 8 September (35): Mass. (7), R.I. (3), Conn. (4), N.Y. (9), Pa. (5), Del. (1), Md. (1), Va. (2), S.C. (1), Ga. (2).

10. Reprints by 30 August (29): Vt. (1), N.H. (2), Mass. (7), R.I. (3), Conn. (3), N.Y. (5), N.J. (1), Pa. (2), Del. (1), Md. (2), S.C. (1), Ga. (1).

11. Reprints by 22 September (33): Vt. (1), N.H. (2), Mass. (8), R.I. (2), Conn. (6), N.Y. (3), N.J. (1), Pa. (1), Del. (1), Md. (3), Va. (3), Ga. (2).

12. Reprints by 24 September (19): Vt. (1), N.H. (2), Mass. (3), R.I. (1), Conn. (2), N.Y. (3), N.J. (1), Pa. (2), Del. (1), Md. (2), Va. (1).

13. Reprints by 18 September (4): N.Y. (2), Md. (2).

31. *Philadelphia Independent Gazetteer, 5 June*<sup>1</sup>

The present time, says a correspondent, is a very important one: The eyes of friends and enemies—of all Europe—nay more—of the whole world are upon the United States.—Come forth ye decided patriots—ye friends to virtue and order—and ye public ministers of religion, come forth, and from the sacred desk as well as in your private intercourse with your flocks, inculcate upon them the necessity of government, and the connection between good laws faithfully executed and true religion. This will be no departure from the purity or dignity of the gospel, for although by the *miraculous* providence of God, it has risen above the

persecution of earthly power, yet it must always flourish most when rulers are a terror to evil doers, and a praise to them that do well.

It is the duty of the American ladies, in a particular manner, to interest themselves in the success of the measures that are now pursuing by the Federal Convention for the happiness of America:—They can retain their rank as rational beings only in a free government. In a monarchy (to which the present anarchy in America if not restrained, must soon lead us) they will be considered as valuable members of society, only in proportion as they are capable of being mothers for soldiers, who are the pillars of crowned heads.—It is in their power, by their influence over their husbands, brothers and sons, to draw them from those dreams of liberty under a simple democratical form of government, which are so unfriendly to that order and decency, of which nature has made them such amiable examples. As the miseries of slavery will fall with particular weight upon them, they are certainly deeply interested in the establishment of such a government as will preserve our liberties, and thereby preserve the rank—the happiness—the influence, and the character in society, for which God intended them.

1. Reprints by 25 July (22): Vt. (1), N.H. (3), Mass. (5), R.I. (2), Conn. (1), N.Y. (4), N.J. (1), Pa. (3), S.C. (2).

### 32. Massachusetts Gazette, 5 June<sup>1</sup>

*Extract of a letter from a gentleman of character in New York, to his friend in this town, dated May 26.*

“The convention opens the great field of political speculation; and there seems to be at present an astonishing variety in the opinion even of respectable men concerning the alterations which ought to be made in our federal system—It ever has been, and ever will be, the effect of letting men loose in that field—and I shall think it a fortunate event if a tolerable majority can, in the course of a year or two, be brought to think alike of our national character and condition, and to adopt alterations in the forms of government suitable to them. There are many temperate and very respectable men in the convention; and I hope they will propose those judicious alterations, in the national constitution, which may give stability, happiness, and satisfaction to this great community. But as we complain now of evils which evidently do not exist, I confess, I sometimes almost despair of seeing the day when we shall cease to murmur, and suffer imaginary evils to produce in the end real ones. We certainly enjoy great blessings as a people, tho’ not all we wish for—nor, probably, all we might enjoy, were our governments more established and settled, and individuals more fixed and steady in their respective branches of business.”

1. Reprints by 12 July (7): N.H. (1), N.Y. (2), Pa. (2), Md. (1), S.C. (1).

### 33. West-Chester Farmer: To the Citizens of America New York Daily Advertiser, 8 June

The following item was unusual among the public statements made during the Convention in that it called specifically for the creation of a "consolidated republic" and the reduction of the states to the status of "civil corporations" with the power to make bylaws which would be void if contrary to the laws and ordinances of the "supreme power." This item was reprinted in the *Virginia Independent Chronicle*, 27 June.

*West-Chester, June 3d, 1787.*

It is the undoubted, unalienable and indefeasible right of the majority of the people, in a republican government, to amend, alter, or to annihilate their form of government, as often as the one established should be found to be inadequate to the purposes for which it was intended. It will, I am afraid, be constantly found inconsistent with the views, interests and local peculiarities of thirteen sovereignties, under the direction of a diplomatic Congress, ever to expect they will be sufficiently unanimous, to give such a kind of confederation decision, energy and punctuality; without which, a government will soon be contemptible abroad, and rebellious at home. To give Congress the additional power that has been asked, would (if Blackstone [is] to be credited) be very wrong; he says, that "where-ever the power of making and enforcing laws is in one and the same man, or body of men, there can be no public liberty; but where the legislative and executive authority are in distinct hands, the former will take care not to intrust the latter with so large a power, as may tend to the subversion of its own independence, and therewith of the liberty of the subject." We shall soon be reduced to the alternative of either making an efficient government for ourselves, or have one made for us. As there is no kind of government at present existing, or that has existed, that would suit our present circumstances, we must content ourselves with a speculative government; and time and experience can only justify the adoption. A monarchical government, under a good king, is generally allowed to be the best; and at present the United States may probably have it in their power to place on the throne as good a king as ever reigned: But as history does not furnish above one good king to half a-dozen bad or indifferent ones, it would be purchasing a good king at too dear a rate. To divide the United States into three or more independent republics, would weaken us too much against foreigners, leave us too small to be respectable, and would expose us to continual quarrels, which could only be decided by the sword as sovereigns do not acknowledge any other arbiter. One consolidated republic of the United States, if formed on the best possible plan, would probably be the most happy government. I will throw out some hints for this purpose, which may be improved on. The supreme power should be divided into two branches, the one legislative, to wit, a parliament consisting of the delegates of the people; the

other executive, to wit, the supreme executive council. The house of delegates to consist of one member for every two thousand electors in the United States, to be chosen for two years. The supreme executive council to consist of a president and twenty-six counsellors; the president to be chosen by the governors of the different states, to continue in office five years; the counsellors to be chosen by the legislatures of the different states, each to send two, to continue in office four years, one to be chosen biennially.<sup>(a)</sup> All acts, provisions or laws shall originate and be enacted by the majority of the house of delegates; but the supreme executive council shall be vested with the prerogative of rejecting such acts, provisions or laws, as they may judge inconsistent with the public weal. The powers of the supreme executive council should be well defined, and be perfectly enabled to maintain its independence and vigor. It should possess the prerogative of making peace and war, of sending and receiving all ambassadors, of making treaties, leagues and alliances with foreign states and princes, and is to be *quo ad hoc* the sovereign power. Whatever contracts, therefore the council engages in, no other power in the republic shall legally delay, resist, or annul. But, lest this plenitude of authority should be abused, to the detriment of the public, the house of delegates should possess the right of impeaching any of the members of the council, as, from criminal motives, advise or conclude any treaty, which shall afterwards be judged to derogate from the honor and interest of the republic.

The sole power of appointing all officers, civil and military, shall be vested in the council. The judicial power is to be a distinct and separate body, to be appointed by the council, but to hold their appointments *quamdiu se bene gesserint*; in which consists one main preservative of Public Liberty, which cannot subsist long in any state unless the administration of common justice be, in some degree, separated both from the legislative, and also the executive power. "Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then only regulated by their own opinions, and not by any fundamental principles of law, which, though legislators may depart from, yet judges are bound to observe; were it joined with the executive, the union might soon prove an over-balance for the legislative." *Blackstone*.

With respect to the interior polity of the different states, they should still retain the subordinate power of legislation; that is, the power of making local ordinances, not repugnant to the laws of the supreme power; but that nothing be attempted that may derogate from its sovereignty: Or, in other words, they are to be in the nature of civil corporations, with the power of making by laws for their own interior regulation, and suitable to their different emergencies, with such rights and authorities as may be given them, by their constitutions; which are particularly to provide that all laws, by laws, usages and customs, repugnant to any law or ordinance made, or to be made, by the supreme

power, shall be utterly void and of none effect: And the supreme power is to be vested with full power and authority, to make laws and ordinances of sufficient validity to the states, in all cases whatsoever; and that on a refusal, by any or either of the states, to comply with any ordinance or law of the supreme power, the subordinate legislative authority of such state shall be immediately suspended. Economy in the government should at present be particularly regarded, and on this principle, the plan now proposed may be defended. As so much power must be delegated to the parliament, the senate in this state may be abolished, and two members for each county will be a sufficient representation in the legislature. Supposing the other expences of Government to continue the same, there would be a saving to this state, on this plan, of above 3,000 l. per annum.

Our present yearly expences may be calculated as under—	
194 Senators and Assembly-men, at 10s. per diem each, for 90 days, is	£.4,230
4 Members of Congress, at 4 dollars each per day, for 300 days, is	1,920
	<hr/>
	£.6,150

The expence of the new Government would be	
28 Members of Parliament, at 16s. per day each, for 60 days, is	1,344
2 Members of the Executive council, at 4 dollars each per diem, for 300 days, is	960
28 Members of the Legislature, at 10s. per day each, for 60 days, is	840
	<hr/>
	£.3,144.

N.B. I have supposed that the Sessions of Parliament would not be more than 60 days per annum; and that as the Legislature will be divested of so much authority, and the members fewer, their business may be done in 60 days.

(a) This plan gives an equal share in the executive part of the government to all the states; but in the legislative, the power is more justly distributed according to the number of inhabitants.

### 34. Pennsylvania Herald, 9 June<sup>1</sup>

*Tacitus* observes that "in all nations or cities, the government is in the hands of the people, of the nobility, or of a single person."<sup>2</sup> Or in other words, that there are three forms of government, a *democracy*, an *aristoc-*

*racy* and a *monarchy*. Each of these, though none of them absolutely perfect, is well enough calculated, says a friend to order, for preserving peace and procuring plenty to those who live in subjection to it; but as there is a certain malignity in human nature, which fails not to weaken, and in time to destroy the noblest structures its better faculties are capable of raising, so each of these schemes, from the faults of its administrators and subjects, has a continual proneness to sink into an evil and corrupt form, productive only of mischief and destruction. Thus the *democracy* by the rashness and giddiness of the people is apt to dissolve into an *ochlocracy*, or turbulent state, on the borders of anarchy; the *aristocracy*, through the ambition of the nobles, uncontented with their legal share of power, is inclined to change into an *obligarchy*, or fraudulent dominion of a few, and the *monarchy* from the pride of him entrusted with sole power, too frequently degenerates into a *tyranny*. Those three general modes of rule then, are capable of being perverted into three methods of oppression, and in a continual rotation from one to another of these forms, some penetrating politicians have affirmed, all political constitutions to move, though with different degrees of velocity. But, upon the whole, it is certain, that as all *power* is a delegation from the people for their own advantage, no greater portion of it should be any where entrusted than is necessary to accomplish the end proposed; and consequently a *democracy*, fortified by a strong and efficient executive branch, is the most natural, and may be rendered the most beneficial form of government. Were we, indeed, compelled to an election between the monarchical and aristocratical systems, the experience of nations might direct our choice to the former; and, if we must encounter a monster, we should surely be induced to prefer a lion to a cerberus. But "while memory holds a seat in this distracted globe," the citizens of America can never be reduced to so deplorable an alternative.

1. Reprints by 11 July (7): Mass. (2), N.Y. (2), Pa. (1), Va. (1), N.C. (1).

2. Tacitus (c. 55-117), a Roman politician, orator, and historian, made this statement in his *Annals*—a history of the Julian emperors following the death of Emperor Augustus (14 A.D.).

### 35 A-B. Rhode Island and the Constitutional Convention

On 9 June the *Pennsylvania Herald* reported that the Convention had taken punitive actions against the State of Rhode Island (CC:35-A). About two weeks later, the Philadelphia *Independent Gazetteer* correctly indicated that the Convention had taken no such actions (CC:35-B. For other newspaper reports of Convention proceedings, see CC:30 A-M.).

By 8 September the *Herald* item had appeared in forty-four newspapers: Vt. (2), N.H. (3), Mass. (11), R.I. (3), Conn. (6), N.Y. (7), N.J. (1), Pa. (2), Md. (3), Va. (3), S.C. (1), Ga. (2). By 16 July the *Gazetteer* article was reprinted sixteen times: Vt. (1), Mass. (3), R.I. (2), Conn. (4), N.Y. (2), Pa. (1), Md. (2), N.C. (1).



35-A. *Pennsylvania Herald*, 9 June

We are informed that the Fœderal Convention, among other things has resolved that Rhode-Island should be considered as having virtually withdrawn herself from the union, and that the right of emitting paper-money by the states jointly or severally, ought to be abrogated. It is proposed in the first case, that for the proportion of the fœderal debt now due from Rhode-Island, she shall be held, and, if gentler means will not avail, she shall be compelled to be responsible; but upon no account shall she be restored to her station in the Union. And in the other case, it is proposed to establish a mint for the receipt of Bullion, from which the states are to draw coin, in proportion to their respective contributions. The Convention has sent to New-York for the last return of the accounts between the individual states and the confederated body.

35-B. *Philadelphia Independent Gazetteer*, 22 June

It is a fact of public notoriety, says a correspondent, that the Members of the Convention, ever since a quorum has been formed, have observed the greatest secrecy in all their transactions: Nothing whatever of a public nature has been officially communicated or transpired. Very little credit can therefore be given to what has hitherto appeared in the newspapers as to their *resolves* that Rhode-Island should be considered as having withdrawn herself from the Union—and shall upon no account be restored to her station again—and for her proportion of the federal debt, if gentler means will not avail, she shall be compelled to be responsible—the abrogation of paper emissions, and the establishment of a mint for the receipt of bullion, &c.

The mere idle reports of busy-bodies, and the absurd foolish suggestions of trifling pretenders are not to be viewed and considered as the real and regular proceedings of the Convention.

## 36. Nestor

**Massachusetts Centinel, 13 June<sup>1</sup>**

*The OLD MAN'S ADVICE. A FABLE.*

*Inscribed to the Grand Federal Convention.*

The careful sire of old—who found  
 Death coming—call'd his sons around.  
 They heard with rev'rence what he spake—  
 "Here!—try this bunch of sticks to break."  
 They took the bundle, every swain  
 Endeavour'd—but the task was vain.  
 "Observe" the dying father cry'd

And took the sticks himself—and try'd,  
 When separated, lo how quick  
 He breaks asunder every stick!  
 “Learn my dear boys by this example,  
 So strong, so pertinent—so ample,  
 That union saves you all from ruin  
 But *to divide* is your undoing.  
 For if you take them *one by one*,  
 See with what ease the task is done!  
*Singly*—how quickly broke in twain,  
 How *firm* the aggregate THIRTEEN.”

Is not the tale, Columbians clear?  
 What application needs there here?  
 This motto to your hearts apply  
 Ye Senators, “UNITE or DIE.”

*Boston, June 10.*

1. Reprints by 1 September (8): Vt. (1), Conn. (1), N.Y. (3), Pa. (1), Md. (1), S.C. (1). “Nestor” was also reprinted in the August issue of the *Philadelphia American Museum*.

### 37. *New York Daily Advertiser*, 18 June<sup>1</sup>

It is remarkable, says a correspondent, that those very men, who have not only ransacked their brain for arguments, but every political publication for authorities to support their favorite measure of withholding the necessary powers from the union, should all at once be fairly silenced. We see or read no more of their elaborate pieces, with long and uninteresting quotations from musty authors. Are they conscious of their errors? Or does the wisdom and dignity of that respectable group of characters now sitting in Convention at Philadelphia, for the express purpose of strengthening the confederacy, strike them with awe, or make them apprehensive that their sinister policy will be crushed?—These men, without consideration or forethought, have rashly attempted to bring poverty and shame on their too much afflicted country! Happy would it be for them, if it had been an error of the head, rather than that of the heart.

1. Reprints by 11 July (5): Mass. (1), Pa. (2), Md. (1), Va. (1).

### 38. Richard Price to William Bingham *Philadelphia Independent Gazetteer*, 20 June<sup>1</sup>

At a time when democratical principles have laid the foundation of some of the weakest and most inefficient governments in the American

States, that ever nations were affected with, and, when Mr. Adams, a firm friend to liberty and the rights of mankind, has combated these prejudices with acknowledged success, it may perhaps be pleasing to discover how such sentiments have affected the great and good Dr. Price, who had formerly been led away by the airy phantom of a pure democracy, and who candidly confesses the error of his opinions in a letter of a late date, to Mr. Bingham,<sup>2</sup> from which the following are extracts:

"I am sorry the Constitution of your government in Pennsylvania is so imperfect as it is;—Mr. Adams has just published a book, which contains much reading and information—he has entitled it, 'A Defence of the American Constitutions,' but the chief design of it is to shew that the powers of legislation ought to be lodged in more than one Assembly, and he has convinced me so entirely of this, that I wish I had inserted a note on the passage in Mons. Turgot's letter to me, which has occasioned Mr. Adams's book, to express my disapprobation of it."<sup>3</sup>

"Having taken the liberty to address to the United States, my sentiments of the importance of the revolution in their favor, and, during the late war, interested myself warmly in their cause, I cannot but anxiously wish to hear they are prosperous and happy: And notwithstanding many appearances which are very discouraging, I must believe they will prove at last, such an example and benefit to mankind, as I have expected."

"But, before this can happen, they have much to do—the Federal Government, in particular, is unsettled, and, I suppose, will continue so, 'till insignificance and discredit amongst foreign powers, and internal distresses of wars oblige them to give it *due strength and energy*."

"Some of the States have been led to a very improper emission of paper—this, in the best circumstances of States, is a dangerous expedient; but when the paper is not well secured on productive funds, and there is no sufficient basis of coin for circulating it, and it is at the same time made a legal tender, the emission of it becomes much worse than *dangerous*. I have, indeed, been shocked to hear, what has been done in this way by one or two of the American Legislatures; such facts throw a cloud over our American prospects."

"I doubt not, however, but that what you say of the body of the people is true—there is an ardor for improvement amongst them, an industry and an acquaintance with the true principles of civil government, which, united to the great advantages of their situation, must produce great effects."

1. This item was also printed in the *Pennsylvania Gazette* and *Pennsylvania Packet* on 20 June. Reprints by 12 July (22): N.H. (1), Mass. (7), R.I. (2), Conn. (1), N.Y. (5), N.J. (1), Pa. (1), Md. (3), Va. (1).

2. William Bingham (1752–1804) was a Pennsylvania delegate to Congress.

3. See CC:16.

**39. Pennsylvania Herald, 20 June<sup>1</sup>**

Whatever measure may be recommended by the Fœderal Convention, whether an addition to the old constitution, or the adoption of a new one, it will, in effect, be a revolution in government, accomplished by reasoning and deliberation; an event that has never occurred since the formation of society, and which will be strongly characteristic of the philosophic and tolerant spirit of the age.

1. Reprints by 23 July (17): Vt. (1), N.H. (1), Mass. (4), R.I. (1), Conn. (1), N.Y. (4), Pa. (2), Md. (3).

**40 A–E. The Opposition to a New Constitution  
20 June–6 September**

The campaign against those who were expected to oppose the establishment of a new government began in earnest in June 1787 and quickly gained momentum after reports circulated that the Constitutional Convention would not merely amend the Articles of Confederation. By the time the Convention adjourned on 17 September, many of the charges against these opponents had been set forth in some detail. In several widely reprinted newspaper articles, opponents of a new government were accused of being advocates of paper money (CC:43), enemies of prosperity (CC:59), men of illiberal sentiments and weak intellects (CC:61, 62), demagogues like Daniel Shays (CC:72), and Loyalists (CC:73).

According to some newspaper writers, state officeholders—especially in Pennsylvania and New York—would also be among the opponents of a new government because they feared the loss of their prestigious and lucrative positions. The *Pennsylvania Gazette* went so far as to declare that state officeholders would be the “*only*” opponents (CC:40–A) and that “salary and perquisite men . . . in *all* the states” might object to a new government (CC:40–D). The *Philadelphia Independent Gazetteer* reported on 8 August that two prominent Pennsylvania officeholders and others were meeting secretly and planning “to excite prejudices against the new federal government” (Mfm:Pa. 16). A week later “Tar and Feathers” warned such men not to continue their opposition or they might “expect to wear a coat of tar and feathers” (*Independent Gazetteer*, 16 August, Mfm:Pa. 20).

The most significant attack on an officeholder occurred in New York. On 21 July Alexander Hamilton, in a lengthy and widely circulated anonymous article, criticized Governor George Clinton for his alleged opposition to the Constitutional Convention (CC:40–B). The *Pennsylvania Herald*, 1 August, followed with another attack on Clinton (CC:40–C). On 6 September “A Republican” answered Hamilton, but this reply was not widely reprinted (CC:40–E). The attacks upon state officeholders, such as Clinton, increased after the Convention adjourned and continued unabated until after the Constitution was ratified.

**40–A. Pennsylvania Gazette, 20 June<sup>1</sup>**

It is agreed (says a Correspondent) on all hands, that our Convention are framing a wise and free government for us.—This government will be opposed *only* by our *Civil Officers*, who are afraid of new arrange-

ments taking place, which shall jostle them out of office.—If these men are wise, they will be quiet, by which means they may succeed to their old offices—but if they are not, they may, probably, share the fate of the loyalists in the beginning of the late war. In the mean while, the Public are desired to beware of all essays and paragraphs that are opposed to a reform in our government, for they all must and will come from *Civil Officers*, or persons connected with them.

40—B. *Alexander Hamilton Attacks Governor George Clinton*  
*New York Daily Advertiser, 21 July*<sup>2</sup>

It is currently reported and believed, that his Excellency Governor CLINTON has, in public company, without reserve, reprobated the appointment of the Convention, and predicted a mischievous issue of that measure. His observations are said to be to this effect:—That the present confederation is, in itself, equal to the purposes of the union:—That the appointment of a Convention is calculated to impress the people with an idea of evils which do not exist:—That if either nothing should be proposed by the Convention, or if what they should propose should not be agreed to, the one or the other would tend to beget despair in the public mind; and that, in all probability, the result of their deliberations, whatever it might be, would only serve to throw the community into confusion.

Upon this conduct of his Excellency, if he is not misrepresented, the following reflections will naturally occur to every considerate and impartial man:

*First.* That from the almost universal concurrence of the states in the measure of appointing a Convention, and from the powers given to their Deputies, “to devise and propose such alterations in the Federal Constitution as are necessary to *render it adequate* to the purposes of government, and to the exigencies of the union,” it appears clearly to be the general sense of America, that the present confederation is *not* “equal to the purposes of the union,” but requires material alterations.

*Secondly.* That the concurrence of the legislatures of twelve out of the thirteen states, which compose the union (actuated as they are by a diversity of prejudices and supposed interests) in a measure of so extraordinary a complexion, the direct object of which is the abridgement of their own power, in favor of a general government, is of itself a strong presumptive proof that there exist real evils; and that these evils are of so extensive and cogent a nature, as to have been capable of giving an impulse from one extremity of the United States to the other.

*Thirdly.* That some of these evils are so obvious, that they do not seem to admit of doubt or equivocation;—of this description are,

1. The *defective* and *disproportionate* contributions of the several states to the common treasury, and, in consequence of this, the total want of

means in the United States to pay their debts, foreign or domestic, or to support those establishments which are necessary to the public tranquillity.

2. The general stagnation of commerce, occasioned no doubt, in a great degree, by the exclusions, and restraints with which foreign nations fetter our trade with them; while they enjoy in our ports unlimited freedom, and while our government is incapable of making those defensive regulations, which would be likely to produce a greater reciprocity of privileges.

3d. The degradation of our national character and consequence, to such an extreme of insignificance, that foreign powers in plain terms, refuse to treat with us, alledging, and alledging truly, that we have no government to ensure the performance of the stipulations on our part.

*Fourthly.* That these and many other facts and circumstances, prove to a demonstration, that the general government is fundamentally defective; that the very existence of the union is in imminent danger, and that there is great reason to dread, that without some speedy and radical alterations, these states may shortly become thirteen distinct and unconnected communities, exposed, without a common head, to all the hazard of foreign invasion, and intrigue, of hostility with each other, and of internal faction and insurrection.

*Fifthly.* That at this very instant the union is so far nominal, that it is not only destitute of the necessary powers to administer the common concerns of the nation, but is scarcely able to keep up the appearances of existence; sunk to so low an ebb that it can with difficulty engage the attendance of a sufficient number of members in Congress, even to *deliberate* upon any matter of importance.

*Sixthly.* That this state of our affairs called for the collective wisdom of the union to provide an effectual remedy; that there were only two ways of uniting its councils to that end, one through the medium of Congress, and the other through the medium of a body specially appointed for the purpose; that several reasons conspired to render the latter mode preferable. Congress, occupied in the ordinary administration of the government could not give so steady and undivided an attention to the national reform as the crisis demanded: The parties, which will always grow up in an established body, would render them less likely to agree in a proper plan. Any plan they should agree upon, would have greater prejudices to encounter in its progress through the states; for the mind is naturally prone to suspect the aims of men who propose the increase of a power, of which they themselves have the present possession; and, in several of the states, industrious and wicked pains have been taken by the parties unfriendly to the measures of the union, to discredit and debase the authority and influence of Congress. In addition to these considerations, the states would have it in their

power, in a special Convention, to avail themselves of the weight and abilities of men, who could not have been induced to accept an appointment to Congress; and whose aid, in a work of such magnitude, was on many accounts desirable. The late illustrious Commander in Chief stands foremost in this number.

*Seventhly.* That though it is too justly to be apprehended that local views, state prejudices, and personal interests, will frustrate the hope of any effectual plan from any body of men whatever, appointed by so many separate states, yet the object was worthy of an experiment, and that experiment could not be made with so much advantage in any way, as in that which has been fallen upon for the purpose.

*Eighthly.* That however justifiable it might be in the governor to oppose the appointment of a convention, if the measure were still under deliberation; and if he sincerely believed it to be a pernicious one, yet the general voice of America having decided in its favor, it is *unwarrantable* and *culpable in any man*, in so serious a posture of our national affairs, to endeavour to prepossess the public mind against the hitherto undetermined and unknown measures of a body to whose councils America has, in a great measure, entrusted its future fate, and to whom the people in general look up, under the blessing of heaven, for their political salvation.

*Ninthly.* That such conduct in a man high in office, argues greater attachment to his *own power* than to the *public good*, and furnishes strong reason to suspect a dangerous predetermination to oppose whatever may tend to diminish the *former*, however it may promote the *latter*.

If there be any man among us, who acts so unworthy a part, it becomes a free and enlightened people to observe him with a jealous eye, and when he sounds the alarm of danger from another quarter, to examine whether they have not more to apprehend from *himself*.

40—C. *Pennsylvania Herald*, 1 August<sup>3</sup>

A gentleman from New-York informs us, that the anti-fœderal disposition of a great officer of that state, has seriously alarmed the citizens, as every appearance of opposition to the important measure upon which the people have reposed their hopes, creates a painful anticipation of anarchy and division. At this critical moment, men who have an influence upon society, should be cautious what opinions they entertain, and what sentiments they deliver,—yielding to the passions and exigencies of the country all dogmatic fondness for particular systems and arrangements.

40—D. *Pennsylvania Gazette*, 8 August<sup>4</sup>

Some timid, or perhaps *interested* politicians have expressed apprehensions, that the new fœderal government will not be adopted by the

states, or the people. Such persons do not know, or recollect, the good sense of the Americans, who, under less pressing circumstances, in the year 1775 adopted the resolutions of Congress, and in the year 1776 the Declaration of Independence. For neither of these were the citizens of America *half* so well prepared, as they are *now* for a vigorous fœderal government. It is probable *some* of the states will object to it, and certain factions, composed of salary and perquisite men, may object to it in *all* the states; but (as was the case with the resolutions of Congress and the Declaration of Independence) *truth* and the *public safety* will finally prevail over self-interest and faction, and America will be the delight of her friends and citizens, and the envy, admiration and example of the whole world.

40-E. A Republican

*New York Journal, 6 September (excerpt)*<sup>5</sup>

. . . I by no means assent to the reasoning of the writer, admitting it to be inferred from uncontrovertible facts; I deny that it is *unwarrantable and culpable*, in any citizen of a free state, (much less in a man, who is from office, one of the guardians of our liberties) freely and unreservedly to express his sentiments on public measures however serious the posture of our national affairs may be; on the contrary, it is his essential duty; and the more critical our situation, the more loudly he is called upon to perform it, and to approve or disapprove, as he may think the public good directs. Should ever this inherent right be destroyed, it is easy to foresee, that a tyranny must, sooner or later, be the inevitable consequence.—Every attempt then to call it in question, I consider as high treason against the majesty of the people. In governments, conducted by intrigue and deception, and where ignorance is their chief support, candour will be arraigned as a vice, and reservedness construed into wisdom.—We ought to esteem it one of our greatest blessings, that the administration of our government does not depend upon such shallow and feeble artifices.

There is something extremely novel and singular in the manner, the performance under consideration is introduced, which cannot have escaped notice, and which must lead to a discovery of the spirit that dictated it—It is founded on a report, of the truth of which, the writer himself expresses his doubts: is not this a refinement upon the system of slander? by adopting this new-invented mode of detraction, the reputation of any man, or family, may be wounded; nothing more is necessary than to have a malicious report circulated, which it will be easy to effect, by characters unworthy of notice, and then insert it in a newspaper, with an *if it is not a misrepresentation*, and deduce the most injurious trauducations; and such is the depravity of human nature, that where party-spirit prevails, these productions will be read with pleasure, and command the applause of the malignant mind. It might have been wise



in the author, to have reflected, that however elated with his *situation, connections* and *prospects*, they do not exempt *him* from the ungenerous attack.

An eminent author has predicted, that the opulent and ambitious, would never rest contented with the equality established by our democratic forms of government.

This was the case in the once free states of Athens and of Rome; the wealthy were continually harrassing and injuring the poor;—the eloquent were frequently luring them to destruction, by their pernicious orations. The ambitious were always at work to circumvent, and deprive them of their freedom. And they, unhappy people, were finally plunged into slavery. That this prediction, is already in some measure realized must be obvious to every man of the least discernment, it cannot admit of a doubt, that a certain lordly faction exists in this state, composed of men, possessed of an insatiable thirst for dominion, and who, having forfeited the confidence of their fellow-citizens, and being defeated in their hopes of rising into power, have, for sometime past, employed themselves with unremitting industry, to embarrass every public measure; they reprobate our laws, censure our rulers, and decry our government, thereby to induce the necessity of a change, that they may establish a system more favorable to their aristocratic views, in which, honors and distinction shall not depend upon the opinion and suffrages of the people: every drone, every desparate debtor, and every other worthless character, though a despot in principle, even though he has drenched his hands in the blood of his fellow citizens, that enlist under their banners, are received with applause, and dubbed patriots and foederal men: no measure, which low cunning can devise, or wicked exertion effect, is omitted to ensure the attainment of their wishes; every virtuous man, who dares to stand in the way of their ambitious and arbitrary projects, becomes the victim of their keenest resentment, and is devoted to destruction—hence we find our newspapers daily disgraced with calumny, personal scurrility and falsehood—and hence we can trace the motives which influenced this writer.

I shall conclude with a few lines from the works of the celebrated Churchill, and leave the application to the reader.<sup>6</sup>

“Smit with the love of honor, or the pence,  
O'er-run with wit, and destitute of sense,  
Legions of factious authors throng at once;  
Fool beckons fool, and dunce awakens dunce.  
To Hamilton's the ready lies repair;  
Ne'er was lie made which was not welcome there.  
Thence, on maturer judgment's anvil wrought,  
The polish'd falsehoods into public brought;  
Quick circulating slanders mirth afford,  
And reputation bleeds in ev'ry word.”

1. Reprints by 28 July (10): Vt. (1), N.H. (1), Mass. (3), R.I. (2), N.Y. (2), Pa. (1). See CC:42 for a response to this item.

2. Reprints, in part or in whole, by 11 September (18): Vt. (1), N.H. (2), Mass. (7), R.I. (1), Conn. (1), N.Y. (2), Pa. (2), Md. (1), S.C. (1). For the identification of Alexander Hamilton as the author of this article, see Syrett, IV, 248–49.

Hamilton (1757–1804), a New York City lawyer, was a lieutenant colonel in the Continental Army from 1777 to 1783, serving as George Washington's aide-de-camp for the first four of those years. Hamilton was a delegate to Congress in 1782, 1783, and 1788, and to the Annapolis Convention in 1786. In the Constitutional Convention, he was a member of the Committee of Style and the only New York signer of the Constitution. With James Madison and John Jay, Hamilton wrote *The Federalist Papers* (CC:201). He voted to ratify the Constitution in the New York Convention in July 1788. From 1789 to 1795, he was U.S. Secretary of the Treasury.

George Clinton (1739–1812), an Ulster County lawyer, was a brigadier general in the New York militia from 1775 to 1777, a member of Congress from 1775 to 1776, and a brigadier general in the Continental Army in 1777. Clinton was governor of New York from 1777 to 1795 and 1801 to 1804, and, as such, he was the leader of a powerful, well-organized political machine. He was President of the New York Convention in June and July 1788, where he strongly supported amendments to the Constitution. He was Vice President of the United States from 1805 until his death in 1812.

3. Reprints by 3 September (15): Vt. (1), N.H. (2), Mass. (4), R.I. (2), Conn. (1), N.Y. (2), Pa. (2), Md. (1).

4. Reprints by 4 September (16): N.H. (1), Mass. (4), R.I. (1), Conn. (2), N.Y. (3), N.J. (1), Pa. (1), Md. (1), Va. (2). Another reprinting appeared in the *New Hampshire Gazette* on 26 December.

5. Reprinted: *Hudson Weekly Gazette*, 13 September. Excerpts were reprinted in the *Philadelphia Freeman's Journal*, 12 September, and the *Charleston Columbian Herald*, 4 October. The identity of "A Republican," who answered the writer of CC:40–B, has not been determined, but one contemporary referred to George Clinton as "the Republican" (Charles Tillinghast to Hugh Hughes, 27–28 January 1788, Hughes Papers, DLC). For Hamilton's reply to "A Republican," published in the *New York Daily Advertiser* on 15 September, see Syrett, IV, 248–53.

6. The stanza is from Charles Churchill's *The Apology. Addressed to the Critical Reviewers* (London, 1761), printed in Douglas Grant, ed., *The Political Works of Charles Churchill* (Oxford, 1956), 35–48.

#### 41. Albany Gazette, 21 June<sup>1</sup>

*Extract of a letter from a gentleman in Washington county to his friend in Albany.*

"Where is SHAYS?—Is he in Canada, Vermont, or White-Creek?—I have been asked these questions a thousand times, and a thousand times have I declared myself unable to gratify the curiosity of the inquirers.

"But what in the name of common sense is this *Shays*? A mere tool of faction—a puppet which some political mountebank has play'd off upon the populace—an idol, void of intrinsic merit, to which a thoughtless multitude have bent the knee.—Supposing that he was taken and gibbeted to day—how soon would the prevailing rage of excessive democracy—this fashionable contempt of government—of public and private faith, raise up another Shays, as mad and audacious as the present! It was to

little purpose that Moses destroyed the molten calf of Aaron, the gods of the Ashtorites and other surrounding nations soon afforded a rich supply of successors.

*Manet causa, manet quoque effectus.*

When people are once thoroughly prepared for political idolatry, it is curious, and degrading to human nature, to think what slight qualifications are necessary to compose the object. Not only the meanest of the human race, a *Jack Straw*, a *Wat Tyler*, and a *Massinello*, have acquired this honor, but even brutes and inanimate objects have had their turn. The horse of Caligula was promoted to the consulship at Rome, and probably received the same honors from the croud, which, in a happier period of the republic, were paid to Cicero. The hat of *Griesler*, hoisted on a pole in *Switzerland*, was saluted with respectable conges by every passenger, excepting *Tell*, a whimsical old patriot, who thought proper to withhold his homage—Nor did the Peruvians ever bend with more reverence to Capac, than to the artillery of *Cortez*.

“It is *Shayism* (if I may use the term) and not Shays, that is the object of my apprehensions.

“Some enterprising partizan will, doubtless, have the good fortune to apprehend this Massachusetts outlaw, and impartial justice will inflict that punishment his crimes deserve: But who can demolish the *continental obliquity* of Shays? You smile at this expression—In indictments for felony it is always asserted, that the crime was perpetrated *instigatione diaboli*—but the devil will appear in one instance to have been *rum*—in another *whiskey*—in a third *jealousy*—in a fourth *hunger*.—Let Shays then, like this legal instigator, be *nomen generalisium*—substitute the essence for the mode, and we have a most extraordinary character.

“It is not alone, my dear sir, at the head of an armed banditti in Berkshire, in the forests of Canada or Vermont, or the cliffs of Sandgate, we are to look for Shays—*Shays* is essentially the same, whether acting in the character of a soldier, or sitting in magisterial importance in the form of the gubernatorial *Jack Tar*—*mutato nomine* is all the difference.—Where there is the mock semblance of government, without its energy—there is Shays—Where the shrewd eye of villainy peeps through the seemly mask of justice—there is Shays—Where a base regard to private interest acts in obstinate opposition to the general welfare—there is Shays—He lives in the depreciated currency of one state—he triumphs in the tender-act of another.

“Immortal honors would be due from mankind to that political genius who could propose a law compatible with civil liberty, by which every grave intriguer, who, under the specious terms of *virtue*, *liberty* and *public spirit*, inculcates opinions infinitely more dangerous to government than the arms of an avowed rebel—who, under the cover of distorted law, saps the foundation of public justice—might be dragged

from behind the thick curtain dissimulation wove, and consigned to that vengeance which awaits the traitor.

“But this perfection of policy can never happen, till mankind cease to be amused with sounds and dazzled with appearances—till then the most potent enemies of states will lie concealed—unwhipp’d of justice, perhaps loaded with popular honors—while the tools of their ambition—the puppets of policy, are placed as the ostensible objects of vengeance, and sentenced to the gibbet.

“Many startle at the name of rebellion, but are surprizingly calm at sedition. These choose for their motto, ‘Be temperate in all things’—prate very learnedly of grievances—of the rights of the people—and the necessity of some popular commotions to secure I know not what to the public.—Does a man whisper treason? he is angry, he will think better when he gets calm.—Does another defy the authority? he is a young fool, age will teach him wisdom—Does a formidable mob collect, and demolish half a dozen buildings? it is a *mere brush*, a frolic of *apprentices* and *negroes*.

“At length, to the infinite surprize of these *moderate people*, sedition, which at first makes its appearance in a tavern club—grows in a town meeting—swells big in a county convention—in a formidable army acquires the name of rebellion—Happy fruits of moderation! when the treasures of a state must be exhausted, and the arms of a *Lincoln* exerted, to extirpate monsters, which the well timed interference of a single justice of the peace, might have crushed in its infancy! *Prepostera sunc frugalitas seware vitreum et perdere gemmas!*

“Is it not time, my dear sir, for politicians to begin to consider mankind *as they are* and not *what they ought to be?*—If I mistake not, this is the rock upon which many of our best writers on government have split.—*Locke* and many others have written very excellent treatises on this subject—almost every one admires the theory, but experience shews it can only be reduced to practice in *Eutopia*—Had mankind continued in the golden age, they would have been happy in systems of this kind, and men like *Locke* might have diffused their liberal, their noble sentiments with success—But *we are what we are*, in the gross, blind and inconsistent—naturally averse to government—born ‘like the wild ass’s colt.’ To beings of this description, the arbitrary sentiments of a *James* the first are scarcely more prejudicial than those of visionary writers, who, with the steady temper of *Portius*,

‘Can look on guilt, rebellion, *fraud* and *Cesar*,  
In the calm light of mild philosophy.’

“Let no one suppose that I am an enemy to freedom—I am a friend to liberty, and to secure it inviolate to the people, would wish to banish licentiousness.—But let them know, that without a sacred regard to the

laws—a reverential submission to authority—an impartial and sometimes a severe administration of justice—this invaluable jewel, this boasted liberty will be inevitably lost—For when the laws are vague—when the administration of justice becomes feeble and irregular—when political empirics, ever courting popularity, give to a distempered multitude whatever their depraved appetites may crave—when the people are wallowing in the superfluity of liberty—then, unless their eyes were darkened, would they see tyranny in his horrid form, brandishing the bloody scourge and entering the door—then, unless they were deaf than than adds, would they hear the chain of slavery clanging in their ears.

“I shall conclude this tedious train of reflections in the words of an old ballad,

‘If we can learn from other’s ills,  
Then we shall do full well.’ ”

1. Transcribed from the New York *Daily Advertiser* of 28 June, which probably reprinted it from the no longer extant *Albany Gazette* of 21 June. In addition to the *Advertiser*, this item was reprinted thirteen times by 19 July: Vt. (1), N.H. (1), Mass. (3), R.I. (1), Conn. (1), N.Y. (2), Pa. (3), Va. (1). For more on Shays’s Rebellion, see CC:18.

#### 42. Civis

**Pennsylvania Packet, 25 June<sup>1</sup>**

June 21, 1787.

Mess. DUNLAP and CLAYPOLE, I observe in your paper of to-day, that a correspondent says, “It is agreed on all hands, that our Convention are framing a wise and free government for us.”<sup>2</sup>—I wish with all my heart, that it may so turn out, to convince the world, that we are determined to support the dignity and consequence which we have assumed, and still maintain, among the nations of the earth—that of being an independent and separate empire of ourselves, without the assistance or interposition of any foreign power whatever; for to this shameful alternative we must undoubtedly be obliged to look, in case the result of this great and respectable assemblage of the Patriots of America should fail in answering the grand and necessary business for which they were called together. I am much in dread lest partial interests will be opposed to the general good—of this now tottering fabric—Liberty—Now is your time, O Saviours of your country! to repair, build up and complete that noble edifice “where Freedom loves to dwell,” and raise it from that ruinous heap of confusion, which now hangs over and threatens destruction to that once fair, once blest retreat. To exalt it to the clouds, so that angels may come down to view the solemnity, beauty and magnificence of Heaven-born Liberty—The eyes of thousands are now fixed on the Fœderal Convention—expecting to see some great and laudable purposes adopted—calculated to remedy those evils which per-

vade almost every state in the union, and to put America on an equal footing with other free countries, who look on our rising greatness with a jealous eye, and are ever ready to snatch the opportunity of encreasing a general wreck, which must be the lot of all states and empires where government has not the power of protecting itself from the attacks of common enemies, or even check the malicious insinuations of treacherous and pretended friends to this country, who would rejoice at its downfall, and glory in the idea of our not being able to exist without a King.

It is the hope and desire of all good men, I believe, at this particular crisis in the affairs of America, that the distinguished characters both for integrity and ability, who compose the Convention, will strain every nerve to establish a permanent and well adapted system of republican government, or that which is most likely to promote the true interests and happiness of a people. With such a great and good patriot as Washington at their head, may we not expect the most salutary measures will be recommended to each state, to join unanimously in adopting the plans which our federal body shall think proper to agree to—even though it should affect the petty interests of one or two states in the union.—I say petty interests, because they are in fact so, when compared to the welfare of an extensive empire, which now is to be determined—whether or no we are to be ranked as slaves or free men, or left to struggle with darkness and obstinacy, in the paths of anarchy and confusion. God forbid it should be like the building of Babel; if the first attempt failed, the second may be crowned with success. “The wise counsels of a Franklin, and penetrating eye of your great Hero, will give energy to every step you take in this business, and add vigour to the whole of your movements,” said a writer in his address to that august Body. May guardian angels protect and endue them with wisdom to perfect the work they have undertaken, and raise to this country a name worthy to be written in letters of gold.

1. Reprints by 6 September (11): Mass. (4), N.Y. (4), N.J. (1), Pa. (1), Va. (1).

2. See CC:40–A, *Pennsylvania Gazette*, 20 June, which was reprinted in the *Pennsylvania Packet* on 21 June.

### 43. *Philadelphia Independent Gazetteer*, 26 June<sup>1</sup>

*Extract of a letter from a gentleman in Virginia, to his friend in this city.*

*Who knows not, FRANKLIN, that within itself  
AMERICA is safe, if true within itself?*

SHAKESPEAR.

“It is not owing to a want of knowledge, if the present respectable Convention fail to establish an energetic government, which will diffuse equal advantages to the remotest corner of the United States. It will be

owing to the narrow minds, or selfish views of little politicians, perhaps corrupted by the influence of a foreign power, who hates to see the United States rise into importance and respect among the nations of the earth.

"It is thought that the persons who opposed the impost,<sup>2</sup> and laboured for emissions of paper, were ignorant of, or inimical to, the interests of America.

"The idea of having the Supreme Federal Power divided into two or more branches meets with universal approbation—it will be a check on the intriguing spirit of the members of one House, and will be the means of bringing the deliberations of the supreme power to greater maturity—it will be a guard against precipitancy and temerity of Council.—The advantage of two branches has been conspicuous lately in Maryland—the firmness of their *Senate* saved their country from perdition.<sup>3</sup>

"I reprobate the idea of a division of the States into three or four republics<sup>4</sup>—the greatest enemy to America could have suggested nothing worse or more destructive.

"By reading the history of Ireland, when each of its provinces was a separate state, we may judge of the fatal consequences. The ancient and brave inhabitants of Spain would never have been conquered by the Carthagenians, or Romans, had they not been divided into different independent states, and employed one against the other, by the intrigues and corruption of their enemies:—But we need not look so far back, to mark the certain and fatal consequence of such division—Not to mention the unhappy state of England during the Heptarchy; Chevy-chace, Flowden Field, and Bannack-burn, are unanswerable arguments against it. What calamitous times these were, when Britain was divided only into *two* states.—My opinion is, that America would be happier under the government of France, or the present Empress of Russia, than be divided according to that malevolent suggestion.—But let us be under one vigorous government, established on liberal principles; possessed of coercion and energy sufficient to pervade and invigorate the whole—we will then rise immediately into the highest consideration—our friendship and trade will be courted by all the powers of Europe, and in a few years, the Algerines themselves will stand in awe of the brave and enterprising American.

"You mention the Federal debt:—The domestic debt rose to the enormous height by the inexperience of the supreme power, in '78, '79 and '80. They employed their *Commissaries*, *Quarter-Masters*, and *Contractors*, upon *commission*, instead of agreeing for the ration; the commutation for half-pay increased it considerably.—For what purpose the foreign debt was contracted, or how it was *expended*, I believe no particular account has been given.—But if you and I, and all the men in America, do but wear our old coat one year longer, we would save a sum nearly equal to the half of our foreign debt.

"Can you mention a nation on the face of the earth, that does not manufacture, that exports so much as the United States? After our trade is put under proper regulations, and we have begun to manufacture, the public debt will dwindle into nothing. A more extensive plan of finance will probably be adopted by the new government, by which means many partial, ill-contrived taxes, will be taken off the people, which will fix their affection and attachment to government.

"You tell me that you suspect a combination against the Federal Government in Rhode-Island and New-York.—The majority of the House of Delegates of Rhode-Island have lost all character and even shame itself: Yet you see there are honest men in that state—the Judges behaved handsomely in the affair of the Tender Law,<sup>5</sup> and the minority have sent some gentlemen to the Convention, who no doubt will meet with all the attention they can expect.<sup>6</sup>

"There were a number of British General Officers and Members of Parliament in New-York last year, whether they have been tampering with government, time, the revealer of secrets, will display. But there being a dead vote against the impost, without the least altercation, after the necessity of the measure was demonstrated, gives room for suspicion.<sup>7</sup> Let the case be as it will, such is the present temper of the Americans, and the resentment for the contempt they have so universally incurred on account of the weakness of government is so great, that I believe, upon my honor, the Supreme Federal Power, after an adequate government is determined upon, may command the service of 20,000 volunteers for a year without pay, to execute their orders, and fix government upon a firm and permanent basis."

1. Reprints by 8 August (17): N.H. (1), Mass. (4), R.I. (3), Conn. (2), N.Y. (4), N.J. (1), Pa. (1), Md. (1).

2. Probably the Impost of 1783 which Virginia had adopted in 1784.

3. In May 1787 the Maryland Senate defeated an act allowing debts to be paid in installments.

4. For proposals about separate confederacies, see CC:3.

5. In September 1786 the Rhode Island Superior Court, in the case of *Trevett v. Weeden*, declared unconstitutional a law that provided penalties for anyone convicted of depreciating the state's paper money. The justices who supported the decision were not reappointed by the Assembly in May 1787.

6. In May 1787 a group of Providence merchants and others wrote to the Constitutional Convention, expressing regret for the state's refusal to send delegates to the Convention (Farrand, III, 18–20).

7. In May 1786 the New York legislature granted Congress the Impost of 1783, but under conditions which were unacceptable to Congress. In February 1787 the New York legislature confirmed its earlier action.

#### 44. Philadelphia Independent Gazetteer, 27 June<sup>1</sup>

The present Federal Convention, says a correspondent, is happily composed of men who are qualified from education, experience and profession for the great business assigned to them.



The principles, the administration or executive duties of government will be pointed out by those gentlemen who have filled or who now fill the offices of first Magistrate in several of the states—while the commercial interests of America will be faithfully represented and ably explained by the mercantile part of the Convention. These gentlemen are assembled at a most fortunate period—in the midst of peace—with leisure to explore the perfections or defects of all the governments that ever existed—with passions uncontroled by the resentments and prejudices kindled by the late war—and with a variety of experiments before them of the feebleness, tyranny, and licentiousness, of our American forms of government.

Under such circumstances, it will not be difficult for them to frame a Federal Constitution that will suit our country. The present Confederation may be compared to a *hut* or *tent*, accommodated to the emergencies of war—but it is now time to erect a castle of durable materials, with a tight roof and substantial bolts and bars to secure our persons and property from violence, and external injuries of all kinds. May this building rise like a pyramid upon the broad basis of the people! and may they have wisdom to see that if they delegate a little more power to their Rulers, the more liberty they will possess themselves, provided they take care to secure their *sovereignty* and *importance* by frequent elections, and rotation of offices.

1. Reprints by 19 July (23): Vt. (1), N.H. (1), Mass. (7), R.I. (1), Conn. (1), N.Y. (6), N.J. (1), Pa. (3), Md. (1), Va. (1).

#### 45. Massachusetts Centinel, 30 June<sup>1</sup>

The publick cannot, says a correspondent, too often be apprized, that unless an energetick, permanent continental government is speedily established, our liberties will be set afloat in the confusion that will inevitably ensue.—At present we have no power on which we may center our interest, and receive stability—but are every day tottering on the brink of civil dissention.

If we attend to a view of our national debt, how is that to be paid, unless they are combined by an efficacious policy? How can a revenue be collected by thirteen DISJOINED republicks, at jealous and possibly at hostile opposition? Experience tells us there will be NO COLLECTION. We are afraid it teaches us in almost as emphatical language, that many a subtle, many a grave and imposing politician, would be glad to sweep away the whole publick debt as they would their consciences and their country into the chaos of contending factions. Our foreign creditors will assuredly pay themselves. They have the means in their hands and the right on their side, and a few unlucky merchants and seaports may be obliged to bear singly the burden of the continent. But our feeble domestick friends, who generously and zealously supported the war by their property and services, THEY must be left, as they have hitherto

been left, to curse our vain struggle for freedom and independence, while they are smarting under the pressure of disgrace and poverty. What an everlasting infamy this would fix on the character of a democratical government. To the confusion of the sons of liberty, and the congratulation of tyrants, this new republick which appeared in the western hemisphere with so splendid and benign an aspect, would justly be compared to a comet that shone for a moment, attracted the gaze of the world, and then vanished forever.

A blessing may still be within our reach. Some plan of government will be recommended by the united wisdom of the Convention: Many have been handed out already by the imagination of writers. In our humble opinion, no government can be entirely safe for the liberty of the subject, unless the three distinct powers are lodged in separate hands. We ought, however, to submit this matter to that great council with the most respectful confidence: It would be better to embrace almost any expedient rather than to remain as we are. Anarchy is the most dreadful of all situations, and more effectually carries away every pillar of justice and virtue than the tyranny of an eastern despot. It is wished the people may be awakened to the NECESSITY of the measure, and be on their guard against those pretended friends but real enemies, who may perhaps approach them with the mask of gravity and popular zeal, and enkindle jealousy and faction to the ruin of our fairest prospects.

1. Reprints by 2 August (5): Mass. (1), R.I. (1), Pa. (2), S.C. (1).

#### **46 A-D. The United States, Spain, and the Navigation of the Mississippi River**

The question of the free navigation of the Mississippi River extended back into the late 1770s and apparently had been resolved in favor of the United States in the Treaty of Peace of 1783. The treaty provided that the Mississippi River was the western boundary of the United States and also guaranteed Americans the right of free navigation. In June 1784 Spain closed the navigation of the Mississippi to Americans. Westerners were outraged and threatened war against Spain. In November 1784 and March 1785 respectively the Virginia and Massachusetts legislatures instructed their delegates to Congress to urge that every effort be made to secure the navigation of the Mississippi.

In the spring of 1785 Don Diego de Gardoqui arrived in America to negotiate a commercial treaty, with instructions not to surrender Spain's claim to the exclusive navigation of the Mississippi. On 25 August 1785, a month after receiving Gardoqui's credentials, Congress instructed John Jay, the Secretary for Foreign Affairs, "to stipulate the right of the United States to their territorial bounds, and the free Navigation of the Mississippi. . . ." Jay and Gardoqui entered into negotiations, but were soon at loggerheads over the Mississippi. Consequently, on 3 August 1786 Jay asked Congress if they would forbear the navigation for a period of twenty-five or thirty years, because, according to Jay, that right could not be used effectively by Americans. More important would be the immediate benefits to the United States of a commercial treaty with Spain.

Southern delegates in Congress, especially those from Virginia, were angered by Jay's request. After a bitter three-week debate, Congress on 29 August voted seven to five to repeal Jay's instructions respecting the Mississippi. The vote was strictly sectional—the seven Northern States (Delaware was absent) voted for repeal; the five Southern States against it.

Congress insisted that the debates be kept secret, but news spread quickly throughout the United States. Southerners and Westerners were indignant. Many of them believed that Jay had already given up the American right to the navigation of the Mississippi for twenty-five or thirty years. Bellicose Westerners threatened to raise thousands of troops and drive the Spanish out; war seemed imminent in the West.

The news of the debates endangered the stability of the Union and the movement to strengthen the central government. The already wide breach between the Northern and Southern states was widened even further. In August and September 1786 disgruntled New Englanders and New Yorkers considered establishing a Northern confederacy because, if the Southern States continued to vote as a bloc, congressional passage of a commercial treaty would be impossible. At the end of October, "enlightened men" in the North were considering the establishment of three separate confederacies. And in February 1787 a Massachusetts newspaper article, which was reprinted widely, openly advocated separate confederacies. (For a fuller discussion of the idea of separate confederacies, see CC:3.)

The Union was further imperiled by the attitude of people in the Western settlements. In late 1786 and early 1787 a letter circulated in the West, declaring that, if Congress ceded the navigation of the Mississippi, the allegiance of Westerners would be thrown to Great Britain (CC:46-A). A Pittsburgh correspondent reiterated this threat in a letter to James Madison. The correspondent stated that Westerners viewed the proposed cession as the "greatest Injustice and Despotism." Moreover, he believed that the people in Kentucky and Tennessee might form a separate state (John Campbell to James Madison, 21 February 1787, Rutland, *Madison*, IX, 287).

In Virginia, James Madison feared that, unless Congress reversed its position on Jay's instructions, "the hopes of carrying this State into a proper federal System will be demolished. Many of our most federal leading men are extremely soured with what has already passed. Mr. [Patrick] Henry, who has been hitherto the Champion of the federal cause, has become a cold advocate, and in the event of an actual sacrifice of the Missipi. by Congress, will unquestionably go over to the opposite side" (to George Washington, 7 December 1786, *ibid.*, 200). John Marshall reported that Henry, perhaps Virginia's most influential politician, "has been heard to say that he would rather part with the confederation than relinquish the navigation of the Mississippi" (to Arthur Lee, 5 March 1787, Richard Henry Lee, *Life of Arthur Lee* . . . [2 vols., Boston, 1829], II, 321).

Between November 1786 and March 1787, several state legislatures considered the Mississippi question. In November 1786 the New Jersey legislature instructed the state's delegates to Congress to oppose the closing of the Mississippi out of the fear that this would affect the sale of western lands—the proceeds of which would pay the public debt. In December 1786 and January 1787, the Virginia and North Carolina legislatures similarly instructed their congressional delegates that any cession of the right of navigation would violate the Articles of Confederation. The Virginia resolutions, possibly written by James Madison, were widely reprinted in the newspapers. In March 1787 the Pennsylvania legislature postponed action on the Mississippi question. Pennsylvania advocates of free navigation, mostly from western Pennsylvania,

had assumed the same position as the Virginia and North Carolina legislatures.

In mid-February 1787 James Madison—after an hiatus of more than three years—returned to Congress intent on pressing the Mississippi question. On 4 April Congress ordered John Jay to report on the state of his negotiations with Gardoqui. On 13 April Congress read the report, in which Jay declared that he had suggested to Gardoqui that the United States was prepared to relinquish the “*Use*,” but not the “*Right*,” to the free navigation of the Mississippi for the term of the treaty with Spain. Jay also declared that he had not admitted Spain’s “right” to prohibit the free navigation of the river. An outraged Madison moved on 18 April that negotiations be transferred to Thomas Jefferson, who should proceed to Madrid. Because of Jay’s opposition, however, Congress balked and soon dropped the whole issue of the treaty negotiations. On 26 April Madison noted: “the project of shutting the Mississippi was at an end; a point deemed of great importance in reference to the approaching Convention for introducing a Change in the federal Government, and to the objection to an increase of its powers foreseen from the jealousy which had been excited by that project” (Notes on Debates, Rutland, *Madison*, IX, 407). A few months later, William Grayson, another Virginia delegate, declared that “The Mississippi is in a State of absolute dormification” (to Madison, 31 August, *ibid.*, X, 159).

Outside Congress, however, newspapers kept up their incessant clamor over the Mississippi question through the spring and summer, so much so that Richard Henry Lee was prompted to declare that “Our Gazettes continue to be filled with publications against the Spanish Treaty and for opening the Mississippi, some of them plausible, but generally weak and indecent” (to Washington, 15 July 1787, LMCC, VIII, 620). On 3 July the *Maryland Journal* published three important items on the Mississippi: (1) two letters from the Falls of the Ohio dated 4 and 6 December, protesting Congress’ attempts to make Westerners “vassals to the merciless Spaniards” and threatening to raise 20,000 troops to march against the Spanish (CC:46-A); (2) a circular letter from Danville, Ky., voicing alarm over the proposed treaty with Spain and requesting that Congress be petitioned; and (3) a letter from Fayette County, Ky., expressing the hope that the Constitutional Convention would help Westerners by increasing the powers of Congress (CC:46-B). Four days later the *Pennsylvania Packet* reprinted these three items and published (for the first time) a long letter from Nashville, Tennessee, to “B. H.,” dated 1 May 1787. The letter, a classic example of saber-rattling, was written by Hugh Williamson, a North Carolina Convention delegate with large western land holdings, to Benjamin Hawkins, a North Carolina delegate to Congress. Williamson asserted that Spain only understood force and warned that in ten years the West could raise 60,000 men capable of bearing arms (CC:46-C).

On 12 July a correspondent in the *New York Journal* lamented the growing evils in the West and the fact that the people could not adequately obtain a redress of grievances from the inefficient central government. The correspondent also objected to the inflammatory material that filled the newspapers (CC:46-D). On 30 July the *Charleston Morning Post* published an alleged letter from Captain John Sullivan, an adventurer and freebooter, in which Sullivan informed Gardoqui that he would not serve as a Spanish mercenary. Sullivan criticized the closing of the Mississippi, and claimed that 50,000 Americans could be raised on the frontier to keep the river open. After reading the letter, Gardoqui protested to Congress (JCC, XXXIII, 507, 507n). On 21 August the *New York Morning Post* reprinted an item from the *Charleston Morning Post*

reporting that a former Continental army officer employed by the State of Franklin was in Charleston buying arms and ammunition. It was believed that "a daring enterprize against New Orleans is in agitation."

The Mississippi question had a profound impact on the Southern delegates to the Constitutional Convention. They realized that, in order to defeat any treaty ceding the navigation of the Mississippi, it was imperative that all treaties be ratified by a two-thirds vote of the Senate. According to Hugh Williamson, the two-thirds vote was included in the Constitution "for the express purpose of preventing a majority of the Senate or of the States . . . from giving up the Mississippi" (to James Madison, 2 June 1788, Rutland, *Madison*, XI, 71).

46—A. *Maryland Journal*, 3 July <sup>1</sup>

*Copy of two letters from a gentleman at the Falls  
of the Ohio, to his friend in New-England.*

*"Louisville, Falls of the Ohio, 4th December, 1786.*

"DEAR SIR, Politics, which a few months ago were scarcely thought of, are now sounded aloud in this part of the world, and discussed by almost every person. The late commercial treaty with Spain, in shutting up (as it is said) the navigation of the Mississippi River for the term of twenty-five years, has given this western country an universal shock, and struck its inhabitants with amazement.—Our foundation is affected—it is, therefore, necessary that every individual exert himself to apply a remedy. To sell us and make us vassals to the merciless Spaniards, is a grievance not to be borne.—The parliamentary act which occasioned our revolt from Great-Britain, was not so barefaced and intolerable.—To give us a liberty of transporting our effects down the river to New-Orleans, and then be subject to the Spanish laws and impositions, is an insult upon our understanding. We know, by woful experience, that it is in their power, when once there, to take our produce at any price they please.—Large quantities of flour, meat, &c. have been taken there the summer past, and mostly confiscated. Those who had permits from their governor, were obliged to sell at a price he was pleased to state, or subject themselves to lose the whole. Men of large property are already ruined by their policy.—What benefit can you on the Atlantic shores receive from this act? The Spaniards, from the amazing resources of this river, can supply all their own markets, as also foreign markets, at a much lower price than you possibly can.—Though this country has been settling but about six years, and that in the midst of an inveterate enemy, and most of the first adventurers fallen a prey to the merciless savages, and although the emigration to this country is so very rapid, that the internal market is very great, yet the quantities of produce they now have on hand, are immense.—Flour and pork are now selling here at 12s. per Cwt. beef in proportion; and any quantity of Indian corn may be had at 9d. per bushel. Three times the quantity of

tobacco and corn can be raised on an acre here, than can be within the settlements on the east side of the mountains, and with less cultivation—it is, therefore, rational to suppose, that, in a very few years, the vast bodies of water in those rivers will labour under the immense weight of the produce of this rich and fertile country, and the Spanish ships be unable to carry it to market. Do you think to prevent the emigration from a barren country, loaded with taxes and impoverished with debt, to the most luxuriant and fertile soil in the world?—Vain is the thought, and presumptuous the supposition!—You may as well endeavour to prevent the fishes from gathering on a bank in the sea, which affords them plenty of nourishment!—Shall the best and largest part of the United States be uncultivated, a nest for savages and beasts of prey?—Certainly not; Providence has designed it for some nobler purposes.—This is convincing to every one who beholds the many advantages and pleasing prospects of this country.—Here is a soil richer, to appearance, than can be possibly made by art!—Large plains and meadows, without the labour of hands, sufficient to support millions of cattle, summer and winter!—Cane, which is also good nourishment for stock, without bounds!—The spontaneous production of this country surpasses your imagination—consequently I see nothing to prevent our herds being as numerous here, in time, as they are in the kingdom of Mexico.—Our lands north of the Ohio, for the produce of wheat, &c. I think will vie with the Island of Sicily.—Shall all this country now be cultivated entirely for the use of the Spaniards?—Shall we be their bondmen, as the Children of Israel were to the Egyptians?—Shall one part of the United States be slaves, while the other is free?—Human nature shudders at the thought, and despises those who would be so mean as to even contemplate on so vile a subject. Our situation is as bad as it possibly can be; therefore, every exertion to retrieve our circumstances, must be manly, eligible and just.—We can raise twenty thousand troops this side of the Allegany and Apalachian mountains, and the annual increase of them, by emigration from other parts, is from two to four thousand.

“We have taken all the goods belonging to the Spanish merchants at Post St. Vincent [Vincennes] and the Illinois, and are determined that they shall not trade up the river, provided they will not let us trade down it.

“Preparations are now making here (if necessary) to drive the Spaniards from the settlements at the mouth of the Mississippi.

“In case we are not countenanced and succoured by the United States (if we need it) our allegiance will be thrown off, and some other power applied to. Great-Britain stands ready, with open arms, to receive and support us.—They have already offered to open their resources for our supplies.—When once re-united to them, ‘farewell—a

long farewell to all your boasted greatness'—The province of Canada and the inhabitants of these waters, of themselves, in time, will be able to conquer you.—You are as ignorant of this country as Great-Britain was of America.

“These hints, if rightly improved, may be of some service; if not, blame yourselves for the neglect.”

“December 6th, 1786.

“DEAR SIR, I cannot but remind you of the danger into which the United States are plunging themselves. Spain has placed the rock upon which they are like to split. It is very surprising to every rational person, that the legislatures of those states, which have been so applauded for their assertion and defence of their just rights and privileges, should so soon endeavour to subjugate a great part of their dominions even to worse slavery than ever Great-Britain presumed to subjugate any part of hers. Ireland is a free country to what this will be when its navigation is given into the hands of the Spaniards.—There now seems a greater call for the people here to appeal to justice and to arms, for the defence of their just rights, than was ever known in America.—The five western counties of Pennsylvania are sensibly affected.—The French at the Illinois and Post St. Vincent have two thousand militia, and, by forming a new alliance, the numerous tribes of Indians will join us. The State of Franklin are ready to fly to arms—In Kentucky, Liberty or Death are in every one's mouth!—all is in confusion—and God only knows where it will end.—Except Congress immediately rescind their resolution, and do something to make this country form a better opinion of them, America is ruined! inevitably ruined!

“Blow ye the trumpet—sound it aloud—spare not—for wo is come upon Israel!”

46—B. *Maryland Journal*, 3 July<sup>2</sup>

*Extract of a letter from Kentucky, Fayette County, May 3, 1787.*

“Although we are not unfrequently visited by the savages, and although our separation is become a serious subject, as it is drawing nigh, yet the public mind seems most attracted by our commercial prospects, of which the navigation of the Mississippi is our main hope. I agree with you, that the treaty with Spain might have a happy tendency to render useless attempts to cultivate tobacco, of course banish slavery, and, in their room, introduce European manufactures, which, in some degree, would compensate for the loss of trade.—But then, have you attentively considered that our country is, and will be for a long time, in want of hands sufficient to carry on manufactories to any good purpose.—That bulky articles must be our first exports, and that if those articles cannot be vended, it will greatly injure the landed interest. We would a

thousand times rather agree that Congress would reverse the proposition, that is, for the Spanish court to agree to the free navigation of the Mississippi for 25 or 30 years, and after that period, to shut it for 25 years or more; by that time we will have made such advances in manufactures, particularly that of woollens, that we may find a vent for them up the Mississippi, and in Canada. Flax and hemp, the best in the world grows here; these can be made into still lighter fabrication, of course exported to a greater distance.

"I think I may affirm, by far the greater part of the people of this country join with you in disapproving of the sentiments of our letter-writer from the Falls of the Ohio, of December 4th and 6th last. I rather conclude it is the language of an individual who has received injury from the rapacious commandant at the Natchez, than the voice of the people of Kentucky. They have too high a veneration for federal government to betray such disrespect; and it must be a repetition of injuries that will drive them to seek connexion with a people lately so hostile to their liberties.—Whilst I touch upon federal matters, give me leave to remind you to transmit, by the earliest conveyance, what you may learn has been done at the grand convention in Philadelphia.

"I am far from the opinion of some, that nothing else should be attempted, but to give the federal council a power to regulate foreign commerce. I think it would be of advantage to new-moddle and modernize the whole instrument, no matter whether in thirteen or twenty articles; and, perhaps, it will be found, that not the least of the defects of the present instrument is the having some states too large, others more ridiculously small, and the want of fixing, by precise limits, all the states; also providing a certain and regular mode for the erection of new states in the Western Country.—At a venture, however, this much might be attempted, to annex Rhode-Island to Connecticut, and Delaware to Maryland. All these you will say are Utopian schemes. It may be so—but may not I say, if an essay is not made for a thorough reform, it will argue a want of wisdom and virtue somewhere?"

46—C. *Pennsylvania Packet*, 7 July (excerpt)<sup>3</sup>

*Extract of a letter to the Honourable B. H. dated at Nashville, in Davidson County, May 1, 1787.*

"... Here then it would be natural for us to conclude, that the navigation of the Mississippi is open to the citizens of the United States, since the letter and spirit of every treaty on this subject declare, that it shall be open. But there is one title remaining, and that title appears to be vested in the crown of Spain. She is supposed to have the longest sword. She has taken possession of the river, and in contempt of arguments and treaties she continues to hold it by force. Is not this a true state of the question? Does not Spain admit that she despises the treaty,



and that she is now acting towards us as a hostile nation? In this view every man on the western waters considers this subject, and we readily admit that this single argument of Spain must be considered as good and conclusive, while it retains its present force; but we are fully assured, that it must lose of its weight in every succeeding year: and we see that the time is fast coming, when every argument will be on our side. The *Lex ultima Regum*, the rule by which kings are governed, the long sword, or if you please the short rifle, will presently be a conclusive argument in our favour. We shall not fail to use it. Spain has set us a fair example. She has not been delicate on this head. She has seized the property of our fellow citizens, and converted it to her own use. Perhaps I shall be told that Spain is a powerful nation; that in case of a rupture, she can oppress the United States, and crush their commerce. I am not to learn, that the United States will not go to war with Spain, for the sake of the Mississippi. People who live on the sea coast have too much at stake; they are too much exposed to the insults of a Spanish fleet, and too little interested in our happiness ever to enter seriously into this dispute. You may remonstrate against the encroachments of Spain, but all your efforts will terminate in a harmless war on paper. Who do you think will be the chief sufferers by those cautious politics, by such a sacrifice of our privileges and property, to the mere indolence of nature, and the love of ease? Let us trace this dispute a few years in its natural progress. I formerly said, that we are strengthened by the addition of 2000 sensible inhabitants every year. When I stated the number at 2000, I was greatly below the mark. To such accessions you must add the natural increase of citizens in a country where the soil is fertile, the climate healthy, and where men are tempted to marry early in life. In the space of ten years we shall muster at least 60,000 men, capable of bearing arms. Is it probable, that at such a period we shall suffer our lands to lie without cultivation, or our produce to perish on our hands, from the want of a river by which that produce may be carried to market? Is it probable that we shall suffer a few Spanish soldiers to seize our boats? I think not. What then must happen? We can hardly forget this loss of property, especially as it was taken from us by force. The Spanish colonists may also have some boats, merchandize or silver; we shall count the interest, and shall not fail to repay ourselves by a friendly reciprocity of good offices. Spain may possibly remonstrate against such proofs of a good memory, and the United States in Congress may reply, that they cannot possibly restrain those disorderly woodmen. You may be told in reply, that you shall be answerable for their conduct. This would be a serious and critical period, and you had best consider how you will conduct yourselves in such a case. To send an army across the mountain to punish your brethren for defending their property, would be the beginning of a very unnatural war. A war that could neither be

profitable nor pleasant, and assuredly it would not be honourable. Quixotism itself would hardly attempt such a measure. However, the Spaniards would probably begin with you, because you are at hand, and you have much to lose, but we have nothing, except our houses, cattle and lands; to this short inventory may possibly be added, a considerable number of unpolished citizens, whom the Spanish negociators would count as worse than nothing. It is possible, however, that Spain may pursue other measures, for we are told that she has others in contemplation. Perhaps she may send troops up the river, and endeavour to establish posts on the Tennessee, or on some other water of the Ohio. This is a step that we look for. It would naturally bring on a serious discussion of territorial claims; or you may rather be pleased to call it, An experimental enquiry concerning the meaning of treaties and the rights of men. There may be a great deal more involved in this question, than people are apt to suspect. During the progress of the enquiry, we may possibly discover, that the claims of Spain to certain territories beyond the Mississippi are not well founded. Be it remembered, that Spain asserted her claim to that country two hundred years ago, in the presence of unarmed savages, and no body since that time has taken the trouble to examine her title deeds. I have formerly observed, that statesmen are not usually guided by the most obvious rules of justice; but when you have reviewed the several treaties that I have just mentioned, and when you have considered what will be the probable operation of those arguments that are commonly used to explain treaties, you will allow me to express my surprise, that Spain should put so much at stake for so trifling an object. That she would forfeit the reputation of good faith, and hazard other things that are more substantial, for the mere pleasure of distressing a few honest planters, who are only desirous to paddle their canoes up and down the river Mississippi."

46-D. *New York Journal*, 12 July (excerpt)<sup>4</sup>

From a CORRESPONDENT.

When we cast our eyes around, my countrymen, what feuds, what discords do we behold from the several quarters of the United States! while those in the east only *appear* to be dying away, new, and accumulated evils seem to be gathering in the west. The treaty with Spain, relative to the navigation of the Mississippi, has set the people, on the falls of the Ohio, &c. into a political phrenzy; the general voice of the western community (who, it is said, can raise 20,000 militia) is, EQUAL LIBERTY with the thirteen states, or a *breach of peace*, and a *new alliance!*—There is a shoal of letters now in circulation, from different parts of this extensive territory, which purport this, and more; some of them must be branded with the epithets of *insolence*, &c. however just their complaints may be. Why are not remonstrances made, through a proper channel,

for the rescinding of the resolve of Congress (if such a one there be) respecting this species of *cession* of the Mississippi?—but, where is this proper channel!—These circumstances greatly corroborate the necessity of an immediate *Efficient Fœderal Government!* consequently, to blow the trumpet, and sound the alarm, is incumbent on every public printer, who, with the honorable chancellor, in his late oration, acknowledges, that *the joys of the American independence are mingled with anxiety*.<sup>5</sup>—If any *grievances* exist, what they are, and their tendencies, ought doubtless, coolly, and impartially to be discussed, by some adequate pen, in the public papers; but, to suffer *pieces*, which are studiously calculated to alarm the community (and which perhaps originate with our internal enemies) to circulate unanswered and undetected, is *criminal negligence*, and the height of *impolicy*. . . .

1. Reprints of the 4 December letter by the end of July (15): Vt. (1), N.H. (3), Mass. (4), R.I. (1), N.Y. (1), Pa. (3), Md. (1), Va. (1). Reprints of the 6 December letter by 8 September (15): Vt. (1), N.H. (2), Mass. (4), R.I. (1), N.Y. (1), Pa. (3), Md. (1), Va. (1), Ga. (1). These two letters were probably written by Thomas Green (1723–1805), a resident of Spanish-held Natchez who had left that town in 1785 out of fear of Spanish authorities (Thomas Marshall Green, *The Spanish Conspiracy* . . . [1891; reprint ed., Gloucester, Mass., 1967], 75, 385–88; Kenneth Coleman, *The American Revolution in Georgia 1763–1789* [Athens, Ga., 1958], 261–63; and Edmund Randolph to James Madison, 7 March 1787, Rutland, *Madison*, IX, 303). The 4 December letter had circulated in the West for some time. In late March 1787 the Virginia delegates turned this letter and other papers over to Congress, which, in turn, transmitted them to John Jay, the Secretary for Foreign Affairs. Jay's report was read to Congress on 13 April (JCC, XXXII, 188–99).

2. Reprints by 8 September (18): N.H. (2), Mass. (5), R.I. (2), Conn. (2), N.Y. (3), Pa. (2), S.C. (1), Ga. (1).

3. Reprints by 20 October (8): N.H. (1), Mass. (1), N.Y. (2), Pa. (2), Va. (1), Ga. (1). William Blount, a North Carolina delegate to Congress, declared that this letter was written by "H.W." [Hugh Williamson] to "B.H." [Benjamin Hawkins] (to Governor Richard Caswell, 19 July, Alice Barnwell Keith, ed., *The John Gray Blount Papers* [2 vols., Raleigh, N.C., 1952–59], I, 321–22). Williamson may have been motivated to write the letter because of his landholdings in Davidson County. For a similar letter from Nashville, dated 1 October 1786, which was probably also written by Williamson, see *Pennsylvania Packet* and *Philadelphia Independent Gazetteer*, 16 February 1787 (reprinted under a Richmond, 3 February dateline).

4. Reprints by 2 August (9): Vt. (1), Mass. (5), Conn. (1), N.Y. (1), N.J. (1).

5. Robert R. Livingston, in his Fourth of July oration to the New York Society of the Cincinnati, had declared that "Reflection on the past, brings to memory a variety of tender and interesting events; while hope and fear, anxiety and pleasure, alternately possess me, when I endeavor to pierce the veil of futurity" (Evans 20464).

#### 47 A–F. Celebration of the Fourth of July

The Fourth of July celebrations in 1787 assumed added significance because the Constitutional Convention was in session. Newspapers reported on the festivities in about thirty towns, large and small, from Portsmouth, N.H., to Washington, Ga. Orations delivered in Boston, Hartford, New Haven, New York, and Philadelphia were even published as pamphlets.

The orations and banquets revealed widespread support for the Convention. In particular, orators decried the lack of a strong, efficient central government and the sad state into which America had fallen. In Boston, John Brooks and Thomas Dawes criticized the states for refusing the requisitions of Congress. Both wished that a strong federal authority could be established. (For Brooks, see CC:47-A, and for Dawes, see Evans 20318.) Joel Barlow informed the Connecticut Society of the Cincinnati at Hartford that the Revolution could not be completed until America had "a permanent fœderal system" (Evans 20219 and Mfm:Conn. 13). In New Haven, David Daggett lamented the "contentions and civil discord" in every state and the contempt in which foreign nations held America (CC:47-B). Robert R. Livingston told the New York Society of the Cincinnati that "I sicken at the sight" of the federal government. Congress, he continued, was "a nerveless council, united by imaginary ties, brooding over ideal decrees, which caprice, or fancy, is at pleasure to annul, or execute" (Evans 20464). In Philadelphia, James Campbell praised the Convention and hoped that it would strengthen the central government, within the republican principles of the present government (CC:47-C). Robert Davidson expressed similar feelings in Carlisle (Evans 20317).

No celebration or banquet was complete without numerous toasts offered to the success of the Convention; the health of its President, George Washington; the establishment of a strong and energetic central government; and the restoration of American commerce.

47-A. *John Brooks, Boston, Oration Delivered to the Massachusetts Society of the Cincinnati (excerpts)*<sup>1</sup>

. . . Notwithstanding the national spirit that discovered itself during the war, we are now compelled to believe that the union of the states, during that period, was the effect either of a momentary sense of danger, or, at best, of a transient glow of patriotism. A review of the temper and manners of the people of this Country, through the various stages of their progress from dependence to empire, compared with the present, forces to confess that the ascent to greatness, however hazardous, is more pleasing to the great mass of mankind, than the practice of those virtues, which can alone secure respectability in the calm season of peace.

As the States had one common enemy, they had one common interest; the force of which rendered them insensible to a variety of separate, inferiour interests, which peace alone could unfold and bring into view. So soon, therefore, as the impulse of foreign force was removed, the little politicks of each state engrossed the publick attention—federal ideas were obscured, and the national character has been falling a victim to local prejudices. Ever since the war the states have been receding from each other, and from their common center, till the power of political attraction has become almost imperceptible.

How these states are to be re-united, and the unity of the national character and government preserved, are questions already highly momentous; but are daily becoming more interesting, as they are rapidly advancing to a practical decision. A federal system, differently modified

from the present, may probably be adopted with a view to effectuate these immense objects. But how far a government *meerly* federal is calculated to answer these purposes,—how far such a government, is, in the present state of things, practicable, time alone will fully determine. Reasonings founded in the nature and general principles of government will not satisfy the mind on this subject, as coercion, the great animating principle of every government, is, and perhaps must necessarily be wanting. . . .

. . . We have been witnesses of the decline, and almost utter extinction, as well as of the rise and progress of a federal system—sufficient, perhaps, to convince us of the necessity of a great national constitution of government, formed with all those powers, those checks and balances, which may be necessary to give it energy, on the one hand, and to secure the liberties of the people, on the other. What indeed can preserve the publick liberty but an efficient, energetick government, founded in just principles, and dispensing equal laws? So far is such a government from endangering the liberties of the people, that it insures to them the highest possible degree of protection. The extremes of almost every thing in the moral and political world are nearly allied. The excess of virtue is vice; and the extremes of liberty border on despotism.

Money is the sinew of government as well as of war. To call it forth with certainty—in such quantities and in such only as the public exigencies demand, and in a manner most easy to the people, is the perfection of legislation. But to effect these important points, is it not essential that one undivided, integral, though balanced, government should be established, the influence of which should operate directly upon the individual constituents of it without the intervention of local, or subordinate legislatures?

Among the various causes of the present distress of our country perhaps none has been more capitally influential, than the want of a well-toned, national government. The levity and disrespect with which many of the recommendations and requisitions of Congress have been received, by some of the states, has had an extensive effect on the publick mind. Mankind at large do not always reason: they are prone to imitation, are susceptible of injuries, and in their political conduct are generally, governed by their feelings. It was impossible therefore, for the legislature of any one state to trifle with the dignity of the federal government, without, sooner or later, hazarding their own. . . .

*47—B. David Daggett, Oration Delivered  
in New Haven (excerpts)<sup>2</sup>*

. . . The war from which we have so lately been extricated, also, necessarily brought on a long train of evils. It vitiated the morals of the people at large.—It destroyed that virtue which is so essentially neces-

sary to a popular government.—It introduced luxury, that bane of civil society.—It drained us of our wealth, and left us as some convulsive and racking malady frequently leaves the human constitution.

Many thousands of our inhabitants had been employed in the various departments of the army and navy—some indeed returned to plentiful fortunes—some to peaceful industry.—Yet, many, destitute of property, and the means of acquiring it, could only think of supporting themselves by the sweat of the brow.—This idea was intolerable.—It led them to despise their country, dispossessed them of their patriotic sentiments, and fitted them to sow the seeds of civil discord;—others had thro' the war, aggrandized themselves by the fluctuating state of property, and rioted upon fortunes acquired by a single exertion, or a fortuitous concurrence of circumstances.—These soon found the scene changed, and that an industrious pursuit of some constant employment would alone support them. This they could not submit to, and ascribed the declension of their fortunes to the badness of the times, scarcity of cash, and a thousand other causes.

The alarming state of our finances, compelled the legislature to lay heavy taxes.—This caused the most bitter complaints.—They parted with their property with the utmost reluctance. Is this liberty—is this independence, say they—How preferable the years of 1772 or 73!—We were told during the struggle for freedom, of happy days—of a quiet enjoyment of our possessions—of “sitting under our own vines and fig-trees”—But how different the situation!—

Thus have arisen contentions and civil discord in almost every state in the union.—Massachusetts has long been torn with intestine factions, and their government almost prostrated by a despicable banditti. This state has not yet experienced a civil war.—We are, however, very contented, while New-York is rioting on thousands, annually drained from our coffers.—Rhode-Island has acted a part, which would cause the savages of the wilderness to blush.—Fraud and injustice there, stalk openly.—Nay, they enter their legislative bodies, and are there fondly fostered and cherished.—Witness their whole system of public proceedings for twelve months past.—That little state is an unruly member of the political body, and is a reproach and bye-word among all her acquaintance.

In short, the whole nation is now languishing under all those evils which have originated in consequence of systems of wretched policy—flagrant acts of injustice, and an impoverishing war.—The whole political frame is convulsed and threatened, from external attacks, and its own natural imbecility, with an immediate dissolution.

The eyes of all Europe are fixed upon us.—Their writers and orators, who extolled our success, and predicted our future greatness, now laugh at our folly—burlesque our policy, and condemn our dishonesty. They respect us for what we have been—admire us for what we might be, but despise us for what we are.

A Shays, an ignoble contemptible Shays, without abilities, without influence, has, for a while, prostrated government, in the three western counties of Massachusetts. And what if a greater than Shays, a CROMWELL or a CÆSAR should arise;—where are our bulwarks against the attack? If we look up to Congress, they are chained and fettered in impotency.—If to foreign nations—they will retort with propriety, Where is your gratitude, for past favours, and your recompence for past services?—Where is your faith and honor in discharging obligations for money generously loaned you when in the deepest distress?—If we invoke the assistance of our countrymen, we shall call in vain.—Patriotism is fled.—The days of 1775, we cannot recall.—We cannot inspire our citizens with that disinterested love of their country, which caused them to encounter imprisonment,—exile,—slavery and death.—If we appeal to heaven—the cries of the widow and orphan, whom we have wickedly robbed, have already entered there, and called for vengeance! Will not then the righteous Lord, who loveth righteousness, “laugh at our calamity, and mock when our fear cometh?”—Shall then some insinuating courtier, or some formidable desperado, blast the hopes of this young empire? Shall they here erect a tyranny or a despotism more to be dreaded than death, in her most hideous forms? Was it for this, COLUMBUS to explore this new world, surmounted every obstacle,—braved death, in ten thousand different shapes, and finally expired in reproach and contempt? Was it for this, our venerable ancestors left their native country, and in defiance of millions of savages, and in hazard of every earthly pleasure, in a desert wilderness, layed the foundation of this empire? Was it for this, the brave sons of Mars, made that memorable opposition to our assailants, at Lexington? Was it for this, the immortal WASHINGTON quitted the enchanting scenes of domestic felicity and by a series of military achievements, equal to those of any hero of ancient or modern days, rescued us from that destruction with which we were threatened? Was it for this, that the brave, the heroic MONTGOMERY, nobly fell a martyr to liberty, before the walls of Quebec? Was it for this, that illustrious BODY OF SAGES, at Philadelphia, in defiance of British menaces, declared us INDEPENDENT, and nobly fixed their names to the declaration? Was it for this, we exulted in the reduction of Burgoyne and Cornwallis, those signal victories, which prostrated the exalted hopes of our haughty foes? Was it for this, we saw thousands of our youth, the hopes of their parents and their country, boldly embrace death? Was it for this, we saw whole villages sacked, beautiful towns laid in ashes, and almost whole states depopulated? Was it for this, we waded thro’ seas of blood, to establish ourselves in that peace, and independence which promised us lasting honor and immortal felicity? Was all this done, I say, were we thus elevated to a summit of glory, which was the envy of all the empires of the world, only that we might exhibit

a more complete scene of wretchedness and misery, and finally sink deeper in infamy and contempt? Forbid it heaven! Forbid it, oh my country! . . .

We must consent to a change of government.—Whether this change shall be partial or general, is not for me to say.—A more energetic, a more coercive power than at present is felt, must be vested in some public body.—This matter is submitted to a convention of the states, now sitting at Philadelphia. The unanimity of the states, in choosing delegates to this convention, is a forcible argument of the full conviction that the people feel of the weakness of the present system.—This measure has justly exalted the hopes of every patriot.—A measure from which we have nothing to fear, but every thing to hope.—At their head, sits the illustrious WASHINGTON, in description of whose finished and complete character, language fails.—There is FRANKLIN, whose penetrating mind, looks thro' all the works of nature.—There are GERRY, SHERMAN, MORRIS, CLYMER, WILSON, READ and WYTHE, who made a declaration of that independence which we this day celebrate, and whose fame is coeval with our national importance.—Why need I particularize any?—Such a band of venerable personages, baffle all description!—Yet I must not omit to congratulate Connecticut on the happy choice of her members.—This state can boast of many worthy characters, and we are peculiarly happy in our representation in this great council of the states.

There is the collected wisdom of the community.—There is virtue enough to incline them, and knowledge enough to direct them to adopt a system calculated to make us a happy people.—Could we once see a government firmly established over us, which should adapt itself to the genius, manners, customs and peculiar situation of this country, we might bid defiance to the malice of our enemies!—It is impossible for societies to exist without an energetic, coercive power; and the same principle which induced men, while in a state of nature, to enter into compacts, will soon compel these states to a change of government.—Shall we then suffer this change to be effected by our fellow citizens, by those who are with us, to enjoy the felicity of a well regulated society, or with us to experience the horrors of anarchy? Or shall we submit this alteration to capricious fortune?—We cannot hesitate in determining this question, unless we are stupidly inattentive to our own happiness, and criminally negligent of the interests of unborn millions. . . .

47—C. *James Campbell, Oration Delivered  
in Philadelphia (excerpts)*<sup>3</sup>

. . . But why should we travel back to antiquity for examples of the dignity of conduct and sentiment inspired by a republican form of government—we have beheld the citizens of the United States raised by



their personal interest in the government of their country to a pitch of glory which has excited the admiration of half the globe.—It was the spirit of republican liberty that animated the patriot in the cabinet, and supported the American soldier under all his sufferings in the field, during a long and arduous war.—It is the same patriotic spirit which has convened the members of our Fœderal Convention, at the expence of private ease and fortune, to supply the defects of our confederation—to prop the tottering fabric of our union, and to lay the foundations of national safety and happiness—Illustrious Senate, to you your country looks with anxious expectation—on your decisions she rests—convinced that men who cut the cords of foreign legislation are competent to framing a system of government which will embrace all interests, call forth our resources, and establish our credit:—But in every plan for improvement or reformation, may an attachment to the principles of our present government be the characteristic of an American, and may every proposition to add kingly power to our fœderal system be regarded as treason to the liberties of our country. . . .

Placing, then, a proper value on the blessings which the efforts of such illustrious citizens have procured, our counsellors have not planned the happiness of their country without effect, nor have the martyrs of freedom bled in vain. No, my fellow-citizens, from their ashes, enriched by their blood, the tree of liberty shall yet grow and flourish among us:<sup>4</sup> Methinks I already see the stately fabric of a free and vigorous government rising out of the wisdom of the FœDERAL CONVENTION; I behold order and contentment pervading every part of the United States; our forests falling before the hand of labour; our fields doubling their encrease, from the effects of well-directed industry; our villages enlivened by useful manufactures, and our cities thriving under foreign and domestic commerce: I behold millions of freemen, covering the shores of our rivers and lakes with all the arts and enjoyments of civilized life, and on the Anniversary of this Day, 1887, shouting forth the praises of the HEROES and PATRIOTS, who, in 1776, secured and extended to them all their HAPPINESS.

47—D. *New York Journal*, 12 July

By the several papers in the neighbouring states, we find, that the anniversary of the American Independence has been generally celebrated with extraordinary festivity and military parade: at Boston and Philadelphia in particular, where the ceremonies were commenced, by a solemn address to the king of kings. At Boston, the anniversary oration, on this occasion, was delivered by Thomas Dawes, jun. Esq. in the forenoon, at the request of the town; and in the Society of the Cincinnati, another, in the afternoon, by the Honourable Major General Brooks. At Philadelphia, an oration was delivered by James Campbell, Esq. to a numerous and crowded auditory. At Princeton, Trenton, &c.

in New-Jersey, we hear that the day was celebrated by all ranks of people, females not excepted, who, almost without exception, appeared in public, decorated with the natural, and most beautiful ornaments of their country, viz. green branches, and flowers.

47-E. *Pennsylvania Herald*, 14 July<sup>5</sup>

The auspicious Fourth of July, which crowned the toils of America with freedom and sovereignty has been commemorated in every district of the continent, with the fullest demonstrations of joy and gratitude. The fond recollection of past dangers, the veneration due to the memory of those heroes who have fallen in the defence of liberty and honor, and the respect that accompanies the characters of those patriots who have survived the glorious contest, naturally impress the mind with sentiments of gratitude and exultation. But when we look forward to the happiness, the power, and the dignity, which the event of that great day ought to communicate to our posterity; it becomes us, in the pride of our honest triumphs, to provide the means for perpetuating the blessings we enjoy, and to expect with zeal and confidence, from the Fœderal Convention, a system of government adequate to the security and preservation of those rights, which were promulged by the ever-memorable Declaration of Independency.

47-F. *New York Journal*, 19 July<sup>6</sup>

It has frequently been observed—by that class of inhabitants whose breasts are not over burthened with republican zeal, or with that truly patriotic arder which *flashes* spontaneously the harmonious sentiments of universal happiness, upon the principles of honour, veracity, and a philanthropic regard for all mankind—that the *source of toasts*, upon the glorious subject of American Independence, is quite exhausted!—It affords a peculiar satisfaction, says a correspondent, to be able to detect the fallacy of this assertion, only by quoting, from the toasts that were given on that day, the following sentiments, the originality of which sufficiently evince, that the christa[l] fountains of freedom and independence, *wisely æconomised*, are INEXHAUSTABLE, however expeditiously they might be consumed by foolish and unjust *squanderers*, or the *contracted royalist*.—The sentiments, referred to, are as follow:—

The Fœderal Convention.—May the wisdom of their debates, and the salutary effects of their decisions, like the secrecy of their counsels, resemble the decrees of Fate.—*Salem*.

The Convention.—May they recommend, and the United States adopt, such a plan as will secure the happiness of America.—*Philadelphia*.

Lasting honour to men in power whose virtue cannot be conquered by temptation.—*Ditto*.

May the Rulers of America be cloathed with due power by the hands of liberty.—*Ditto*.

The daughters of America.—May they, by their patriotism and industry, be as indefatigable to preserve, as they were to rear, a new empire.—*Ditto*.

May the Independence of the United States, reared on the basis of freedom, withstand the assaults of time.—*Hudson*.

Agriculture.—May the honest hand of labour meet its full reward.—*New-Brunswick*.

Universal empire to law and justice.—*Ditto*.

May the 4th of July be more dear to Americans than their birth days. *Groton, a country town in Massachusetts*.

May the independence of America equal the sun, in duration. *Ditto*.

May a law never exist in Massachusetts which favours treason and injustice. *Ditto*.

May the sword of justice draw the blood of rebellion. *Ditto*.

May Agriculture and the manufactures, enjoy the blessings of heaven, and reach perfection. *Ditto*.

May the councils of America be ever distinguished by justice and wisdom. *Fort Plain, County of Montgomery*.

May the temple of freedom rear its venerable head,—and never be shaken by the tempests of despotism. *Petersburgh*.

May the thorns of individual animosity never wound the bosom of social friendship. *Ditto*.

The kingdoms and states in alliance with the United States of America.—*Prince Town*.

Liberty to all the wor[l]d. *Trenton*.

1. *An Oration, Delivered to the Society of the Cincinnati in the Commonwealth of Massachusetts, July 4th 1787* (Boston, 1787) (Evans 20245). Brooks (1752–1825), a prominent Medford physician, was major general of the Middlesex County militia in 1786 and helped to suppress Shays's Rebellion. He voted to ratify the Constitution in the Massachusetts Convention in February 1788.

2. *An Oration, Pronounced in the Brick Meeting-House, in the City of New-Haven, on the Fourth of July, A.D. 1787. It Being the Eleventh Anniversary of the Independence of the United States of America* (New Haven, [1787]) (Evans 20314; Mfm:Conn. 14). An excerpt was reprinted in the December 1787 issue of the *Philadelphia American Museum* and reprinted twice in Rhode Island and once in New Jersey by 19 January 1788. Daggett (1764–1851), a New Haven lawyer, was a member of the Connecticut House of Representatives from 1791 to 1797 (speaker, 1794 to 1797) and 1805 to 1806, and the Connecticut Council from 1797 to 1805 and 1809 to 1813. He was a U.S. Senator from 1813 to 1819. From 1826 to 1832, he was an associate justice of the Connecticut Supreme Court of Errors and chief justice from 1833 to 1834.

3. *An Oration, in Commemoration of the Independence of the United States of North-America, Delivered July 4, 1787, at the Reformed Calvinist Church in Philadelphia . . . to which is Prefixed, an Introductory Prayer, Delivered on the Same Occasion, by the Rev. William Rogers, A.M. Published at the Request of the Pennsylvania Society of the Cincinnati* (Philadelphia, 1787) (Evans 20259). The speech was reprinted in the January 1788 issue of the *Philadelphia American Museum*. Campbell (d. 1803) was a Philadelphia

law student who was admitted to the bar in June 1788. He served as secretary of the Pennsylvania state Convention in November–December 1787.

4. Compare this statement to one made by Thomas Jefferson on 13 November 1787 (quoted in note to CC:15).

5. Reprints by 25 July (8): Mass. (1), N.Y. (3), Pa. (4).

6. Reprinted: *Pennsylvania Packet*, 24 July.

#### 48. Norwich Packet, 5 July<sup>1</sup>

The orthodox sentiments of the day upon political subjects, especially for Connecticut, seem to be the following, viz.—That government at all events shall be supported with dignity—The confederation must be strengthened—Democracy should be seasoned at least, with Aristocracy, if not with Monarchy—Temperance, frugality and industry, are essentially necessary to our political salvation.—Pride in her gaudy dress will be perfered to simplicity of manners—No legeslature has a right to interfere in contracts of a private nature—Paper money ever was, is, and ever will be the hobby horse of knavery—Every one must take care of himself—Necessity requires that political opinions should be squar'd to private views—Commerce must take the lead, agriculture next follow, and manufactures should bring up the rear—All attempt to be politicians—Genuine liberty terminates in licentiousness—Lawyers must be Esquires, legeslatores.—In short the reigning politics of the times *ever* was, *is* and *shall* be right.

1. Reprints by 3 September (10): N.H. (1), Mass. (2), R.I. (1), Conn. (1), Pa. (2), Md. (2), S.C. (1).

#### 49. Charleston Columbian Herald, 5 July<sup>1</sup>

*Extract of a letter from a gentleman in Philadelphia, to his friend in this city, dated June 1, 1787.*

“Our news papers will inform you of the names of the Federal Convention: they have acquired a large share of the confidence of this city; and there is little doubt of our taking the lead in adopting such a government as they shall recommend.

“The inclosed address ‘To the Freemen of the United States,’<sup>2</sup> was intended to awaken the same ardor for *Governments*, which prevailed for *Liberty*, in the years 1774, and 1775.—I wish it could be re-published in all the Papers on the continent.

“General Washington presides in the Convention with his usual dignity.—The venerable Dr. Franklin attends it daily, and is contributing his experience and knowledge to assist his country in her present crisis.—Mr. [John] Dickenson, it is said, has turned his thoughts for some time past to the business of the Convention, and intends to offer them to his country.—From the characters of the gentlemen who compose this illustrious assembly—from the increase of our national

difficulties—and above all, from the growing disposition our citizens every where discover to improve our foederal government, I have not a doubt but that America will in a few years realize all the happiness for which she has contended.”

1. Reprints by 16 August (12): N.H. (1), Mass. (6), R.I. (3), Conn. (1), Ga. (1). For the identification of Benjamin Rush as the author of this letter, see CC:29.
2. “Harrington,” CC:29.

### 50. Philadelphia Independent Gazetteer, 6 July<sup>1</sup>

A correspondent remarks that the Convention now sitting, seems quite novel in the history of governments, and stands remarkable and alone in political history. After the establishment of governments in various parts of the Continent, some of which have been forced upon the majority of the governed; and after the existence of others which have not only been cheerfully submitted to, but eagerly embraced by the people; it is still singular to see an authority, however great and respectable in itself, presiding tacitly over the confederation of the states by voluntary election.

May patriotism blow the gale, and virtue be the pilot to the ports of happiness and freedom!

1. Reprints by 26 July (9): N.H. (1), Mass. (3), R.I. (2), Conn. (1), N.Y. (2).

### 51 A–F. Monarchical Tendencies in America

During the years after 1776, some men advocated monarchy or measures tending toward monarchy whenever Congress or the states appeared unable to resolve a crisis. As students of history, monarchists maintained that republican governments could not endure. Others used the threat of monarchy in order to obtain a strong central government or some other desired end. Such individuals and monarchists were a distinct minority, but their challenge to the prevailing republican sentiment caused genuine concern.

In 1780—the darkest year of the war—there was a movement in New York “for appointing a Dictator with a vice dictator in each state, invested with all the powers conferred formerly by the roman people on theirs. . .” (Philip Schuyler to Alexander Hamilton, 10 September 1780, Syrett, II, 425). As in Roman times, these dictators were to remain in power only for a limited time until the emergency or crisis was over. The idea of dictatorship was discussed in both houses of New York’s legislature “as if it was a thing that was already determined on” (Schuyler to Hamilton, 16 September, *ibid.*, 433). Even in Congress the idea of appointing George Washington “sole dictator” was discussed “as the only means under God by which we can be saved from destruction” (Ezekiel Cornell to the Governor of Rhode Island, 1 August, LMCC, V, 305). In September John Mathews of South Carolina moved in Congress that Washington be vested with power to do all “matters and things as shall appear to him necessary to promote the Welfare of these United States. . .” (James Lovell to Elbridge Gerry, 20 November, *ibid.*, 452). But Mathews and his motion were vehemently denounced.

Even after the war seemed won, monarchical schemes still lay under the surface. Many army officers, disgruntled over the lack of pay and their poor peacetime prospects, favored some kind of action to strengthen their position. One officer, Colonel Lewis Nicola, went so far as to write General Washington in May 1782 recommending the establishment of a monarchy, supported by the army, with Washington as king (22 May, Washington Papers, DLC). A month later, James M. Varnum, formerly a Rhode Island delegate to Congress and a brigadier general in the Continental Army, wrote Washington that the Articles of Confederation were a "baseless Fabric" and that "absolute Monarchy, or a military State, can alone rescue" America (23 June, Washington Papers, DLC).

In his reply to Varnum, Washington stated only that he did not agree with Varnum's conclusions. However, Washington sternly rebuked Colonel Nicola, declaring that he was greatly surprised and astonished to see that these ideas existed in the army. Nicola's suggestions seemed "big with the greatest mischiefs that can befall my Country." Nicola, he continued, could not have picked a person to whom his schemes were "more disagreeable." Washington ordered Nicola "to banish these thoughts from your Mind, and never communicate, as from yourself, or any one else, a sentiment of the like Nature." He himself promised to keep the suggestion "in my own bosom" (to Nicola, 22 May, and to Varnum, 10 July, Fitzpatrick, XXIV, 272-73, 415-16).

In 1786 and 1787 interest in and fear of monarchical government was revived by the failure of Congress and the state governments to alleviate the economic depression and to deal effectively with the widespread agrarian unrest. In June 1786 John Jay, the Secretary for Foreign Affairs, wrote George Washington that the defects of the federal government might lead some people into anti-republican ideas. Jay feared that "the better kind of people . . . will be led by the insecurity of property, the loss of confidence in their rulers, and the want of public faith and rectitude, to consider the charms of liberty as imaginary and delusive" (27 June, Johnston, *Jay*, III, 205. See also Rufus King to Jonathan Jackson, 3 September, LMCC, VIII, 459.). Washington, in reply to Jay, expressed the concern of many Americans when he wrote: "What astonishing changes a few years are capable of producing. I am told that even respectable characters speak of a monarchical form of Government without horror. From thinking proceeds speaking, thence to acting is often but a single step" (1 August 1786, Fitzpatrick, XXVIII, 503).

One man who appears to have changed his attitude toward monarchy was Noah Webster, who wrote an anonymous essay in the *Connecticut Courant* on 20 November 1786. "I confess, I was once as strong a republican as any man in America. Now, a republican is among the last kinds of governments I should choose. I should infinitely prefer a limited monarchy, for I would sooner be subject to the caprice of one man, than to the ignorance and passions of a multitude" (Mfm:Conn. 3). Circumstantial evidence even exists showing that in late 1786 President of Congress Nathaniel Gorham had invited Prince Henry of Prussia to be king of America (Louise Burnham Dunbar, *A Study of "Monarchical" Tendencies in the United States from 1776 to 1801* [Urbana, Illinois, 1922], 60-70).

In February 1787—when Congress was considering a constitutional convention—congressman James Madison reported that "The Eastern members were suspected by some of leaning towards some antirepublican establishment, (the effect of their late confusions) or of being less desirous or hopeful of preserving the Unity of the Empire." This "propensity towards Monarchy" manifested itself primarily in some of the "leading minds." Madi-

son was confident, however, that monarchists throughout the country would "abandon an unattainable object whenever a prospect opens of rendering the Republican form competent to its purposes" (Notes on Debates, 21 February; to George Washington, 21 February; to Edmund Pendleton, 24 February; and to Edmund Randolph, 25 February, Rutland, *Madison*, IX, 286, 291-92, 295, 299. See also Edward Carrington to Thomas Jefferson, 9 June, Boyd, XI, 410.).

George Washington was amazed that there was such strong sentiment for monarchy in New England. He believed that monarchical tendencies should have first appeared in the Southern States because of "the habitual distinctions which have always existed among the people" there (to Madison, 31 March 1787, Rutland, *Madison*, IX, 342). George Mason, a Virginia delegate to the Constitutional Convention, explained this "extraordinary Phœnomenon" in New England: "Men disappointed in Expectations too hastily, & sanguinely formed, tired and disgusted with the unexpected Evils they have experienced, & anxious to remove them as far as possible, are very apt to run into the opposite Extreme. . ." (to George Mason, Jr., 20 May, Rutland, *Mason*, III, 880-81. For more on this seeming paradox, see Edward Carrington to Thomas Jefferson, 9 June; and John Banister, Jr. to Jefferson, 27 September, Boyd, XI, 410; XII, 187.).

Others associated monarchical ideas with military men. Jeremy Belknap, a Boston clergyman, declared that "some geniuses, particularly of the military order, are frequently condemning" "the present republican system," and "setting up a more decisive and efficacious mode" (to Ebenezer Hazard, 10 March, *The Belknap Papers, Collections of the Massachusetts Historical Society*, 5th series, Vol. II [Boston, 1877], 466). In addressing Secretary at War Henry Knox, General Benjamin Tupper, a retired Continental officer and a Massachusetts state representative, had declared himself "in favor of Majesty for which" Knox had given him "a gentle check." Despite this, Tupper would not be swayed. He responded that "I cannot give up the Idea that Monarchy in our present situation is become absolutely necessary to save the States from Sinking into the lowest abbiss of Misery." Tupper had expressed the idea in "all companies" and was "exceedingly pleased to find such a respectable number of my sentiments." He was "clearly of Opinion if matters were properly arranged it would be easily and soon effected." The Society of the Cincinnati "must once more consult and affect the Salvation of a distracted Country" ([April 1787], Knox Papers, MHi). The French chargé d'affaires Louis Guillaume Otto also reported that the Society of the Cincinnati wanted to make Washington king (to Comte de Montmorin, 10 June, Farrand, III, 43).

In spring 1787 reports circulated in Nova Scotia that Congress had asked Washington either to become "DICTATOR for six years" or to be invested "with the dignified Title of Protector." According to the reports, Washington refused, "declaring he would not again meddle with publick affairs." "The general conjecture" was, however, "that a revolution, of some sort, is not very far distant, as Congress do not possess power sufficient to support either the honour or credit of their government" (*Massachusetts Gazette*, 5 June; *Nova Scotia Gazette*, 15 May).

Perhaps no writings excited more nationwide hostility than John Adams's *Defence of the Constitutions* (CC:16). Adams's critics contended that his proposed powerful executive was in reality a monarch (CC:16-D). One writer stated flatly that Adams appeared "to be clear for monarchy" (CC:51-A). The most biting criticism came from the Reverend James Madison of Virginia, who charged that the plain, republican ideals of Adams had been corrupted by the

British Court. He feared that Adams wanted the "Days of Kings, Nobles & Priests . . . to rise in America with new Splendour" (to James Madison, 11 June, Rutland, *Madison*, X, 44).

Newspapers also contained several attacks upon the supporters of monarchy. Fisher Ames of Massachusetts, writing as "Camillus," claimed that royal government for America "is very absurd." Americans were, by nature, republicans (Boston *Independent Chronicle*, 8 March). The *Pennsylvania Herald* of 2 June also referred to the absurdity of an American monarchy. To "invest anyone with the attributes of sovereignty," continued the *Herald*, "would amount to suicide. . . ." "Civis" labelled monarchists as "treacherous and pretended friends" of America, "who would rejoice at its downfall, and glory in the idea of our not being able to exist without a King" (*Pennsylvania Packet*, 25 June, CC:42). In his Fourth of July oration in Philadelphia, James Campbell insisted that "every proposition to add kingly power to our federal system be regarded as treason to the liberties" of America (CC:47-C).

Federalist writers also used monarchy as a threat to obtain a stronger central government. Employing the widely accepted cyclical theory of government, they suggested that the anarchic conditions brought on by the weak central government of the Confederation would give rise to a tyrant, and a tyrant, in turn, would eventually lead to either an aristocracy or a monarchy. Either of these two forms would end in despotism. The only way to prevent this from happening was to strengthen the central government. Many men believed that the Constitutional Convention offered the last and best chance to save the Confederation. If the Convention failed to establish a strong central government, "all classes of the People" would be convinced "of the necessity of a change" (Washington to Madison, 31 March 1787, Rutland, *Madison*, IX, 343. See also CC:9, 33, 74.).

The issue of monarchy received increased attention in August and September. On 25 July the Connecticut *Fairfield Gazette* printed an extract of a letter from Philadelphia, under a Portsmouth, N.H., dateline. The letter stated that a scheme had originated for making the Bishop of Osnaburg, the second son of George III, the king of America, and it outlined the advantages of such an action. The idea of a monarch was said to be making rapid progress, but it still had to be disseminated among the people at large (CC:51-A). On 2 August the *New Haven Gazette* printed a brief summary of this letter and suggested that royal government could be averted if Americans adopted the recommendations of the Constitutional Convention (CC:51-B). The *Gazette's* summary was reprinted in twenty-eight newspapers. News of the monarchical scheme even reached Great Britain, where it appears to have been considered seriously (Lord Sydney to Lord Dorchester, 14 September, Farrand, III, 80-81).

The scheme reported by the *Gazette* disturbed several members of the Constitutional Convention. On 18 August the *Pennsylvania Herald* declared that the delegates, who were receiving letters about the scheme, wanted to assure the public that they had no intention of establishing a monarchy (CC:51-C). Two days later Alexander Martin, a North Carolina delegate, gave similar assurances to the governor of his state (Farrand, III, 73).

Alexander Hamilton, a New York delegate to the Convention, tried to trace the *Gazette's* report to its source. On 20 August Hamilton wrote to Jeremiah Wadsworth, a Hartford merchant, that some believed the circular was intended "to excite jealousies against the Convention with a view to an opposition to their recommendations" (CC:51-D). Wadsworth replied on 26 August that he had originally believed the circular letter was a good effort to frighten



Antifederalists into accepting the work of the Convention, but he had since had second thoughts about it. He passed Hamilton's letter on to David Humphreys of New Haven (CC:51-E). On 1 September Humphreys wrote that the circular letter was the work of former Loyalists who wanted to determine if people were receptive to monarchy. These former Loyalists had been disturbed by Shays's Rebellion and the ineffectiveness of the central government (CC:51-F). It is uncertain whether or not Wadsworth and Humphreys alleviated Hamilton's concerns.

The sensitivity of the Convention delegates to the charges of monarchy was understandable because certain recommendations made in the Convention were considered by some to have monarchical tendencies. New Hampshire delegate Nicholas Gilman, soon after his arrival in the Convention in late July, reported that "vigorous minds and warm Constitutions advocate a high toned Monarchy" (to Joseph Gilman, 31 July, Farrand, III, 66). Such recommendations possibly caused Maryland delegate John Francis Mercer to make a list of over twenty Convention delegates who he believed favored a monarch. (For the controversy that developed over this list, see *ibid.*, 306, 319-24.) Several months after the Convention adjourned, Luther Martin, also a Maryland delegate, reiterated the charge that "One party" in the Convention openly sought a central government "of a monarchical nature" and that this government was supported by "a considerable number" of delegates, "who did not openly avow it" but who were "covertly endeavouring to carry into effect what they well knew openly and avowedly could not be accomplished" (Baltimore *Maryland Gazette*, 1 January 1788, CC:401).

51-A. *Fairfield Gazette*, 25 July<sup>1</sup>

*Extract of a Letter from Philadelphia, dated June 19.*

I am happy to inform you that by our latest accounts from England, the scheme for a coalition, which originated in Connecticut, and which is so agreeable to the people of America, and so manifestly for their interest, meets with a favorable reception from the British Court. The affair is yet a profound secret; but we are assured by those who have the cause in trust, that a disposition discovers itself intirely to meet the wishes of the people on this side the water. The King and Ministry are sensible that, sooner or later, both Nova-Scotia and Canada must necessarily be annexed to the American Empire; and that an early and permanent union with this nascent power, on terms of reciprocal interest, is an object of the highest importance to the glory of both nations. Nothing surely can be more evidently the policy of this country, (nor we presume more agreeable to England) than an expedient which, while it perpetuated the felicity of that nation, would at once relieve us from all our embarrassments and difficulties, and restore to us, not only all those commercial advantages which we enjoyed previous to the war, but which would afford us all the other privileges of every kind, possessed by the most independent and powerful nation on earth. No other project which may occur to the mind, can seem more eligible than the one at present in contemplation: Gen. Washington, though unexceptionable in every respect of his virtues, would probably decline the crown

were it offered him; but insuperable difficulties oppose themselves to the elevation of any person from the mass of Citizens in America to the Royal Dignity; as much from the envy of the people, as from an inability to make the establishment.<sup>2</sup> Without a power or disposition to raise money sufficient for the support of the present Civil List, what hopes can we have of creating a fund for the maintenance of a King, and the various appendages of Royalty?<sup>3</sup> But admitting our capacity of accomplishing this first object, yet, destitute as we are of a Navy or the hope of one, few of those advantages can be expected from a system with this essential deficiency, which we might promise ourselves from the acquisition of a British Prince, with forty sail of the line, the province of Nova Scotia and Canada, a Royal Establishment, and an *Alliance with the Crown of England*.—The Bishop of Oznaburg, as dear to the British nation as amiable in the eyes of the world, would find no difficulty in obtaining these bequests, and this country would surely have great reason to felicitate itself upon an event which would place us upon a footing with the most respectable powers of the earth.<sup>4</sup> The appointment of the court and favorites from among our own citizens, would be a sufficient provision for the men now in influence and those employed in affairs, and would be as effectual in uniting all parties, as, unequivocally, to bind the affections of the Prince to the Kingdom. Our independence would be more secure, and as complete as ever; our trade as free as air, and extensive as the globe itself.—The King would consider our country as his proper inheritance; as rising in importance—and, detached from England and those prejudices peculiar to vulgar minds;—established upon the principles of the British Constitution, and holding the sceptre with such favorable auspices; we might expect with assurance, he would turn his attachment to the interest of his American subjects.

One circumstance should be impressed upon the people, though of little moment indeed in competition with an event of this nature, that our alliance with France, would not necessarily as some suppose, be dissolved; the good sense of the world having at length prevailed over those narrow jealousies with respect to trade; which are found by experience to be mutually injurious to the interests of the contending nations.

Great is the uneasiness of the people here and of the southern States, with the present confusion and oppression of government; and all seem convinced that we can expect no relief but from an energetic and vigorous administration under the auspices of Royal Authority.

The scheme ripens fast; there are numbers indeed, who cannot yet divest themselves of their prejudices to a British Prince, though they acknowledge our affairs are thrown into such confusion, that nothing can prevent our fate in the ruin before us, but the alternative presented to our choice. The convention we understand have the subject in their deliberation, and are harmonious in their opinions; the means only of ac-

completing so great an event, appears principally to occupy their counsels. The affair must get a circulation among the people, and without any appearance of design there is no doubt, if they were made to know their interests, and their suffrages were taken, three fourths of the citizens would be in favor of monarchy—I shall be happy to hear of the success of the cause in your part of the world:—If the people there are as much awakened and as warmly engaged as in these States, I have reason to hope the great business will be accomplished in the course of six months!

Mr. Adams's book being published at this time is extremely fortunate;—that great politician and patriot, so popular both in America and Europe, appears throughout to be clear for monarchy.

*51-B. New Haven Gazette, 2 August<sup>5</sup>*

A circular letter is handing about the country, recommending a kingly government for these states—The writer proposes to send to England for the Bishop of Osnaburgh, second son of the king of Great-Britain, and have him crowned KING over this continent. We have found by experience, says he, that we have not wit enough to govern ourselves—that all our declamation and parade about Republicanism, Liberty, Property and the Rights of Man, are mere stuff and nonsense, and that it is high time for us to tread back the wayward path we have walked in these twelve years. This plan, we are told, gains friends and partisans rapidly, and it surely is necessary for the great body of the people to be on their guard.—The Federal Convention may save us from this worst of all curses (A ROYAL GOVERNMENT) if we are only wise enough to adopt their recommendations when they shall be communicated to us.

*51-C. Pennsylvania Herald, 18 August<sup>6</sup>*

We are well informed, that many letters have been written to the members of the federal convention from different quarters, respecting the reports idly circulating, that it is intended to establish a monarchical government, to send for the Bishop of Osnaburgh, &c. &c.—to which it has been uniformly answered, “tho’ we cannot, affirmatively, tell you what we are doing; we can, negatively, tell you what we are not doing—we never once thought of a king.”

*51-D. Alexander Hamilton to Jeremiah Wadsworth  
New York, 20 August<sup>7</sup>*

The enclosed is said to be the Copy of a letter circulating in your state<sup>8</sup>—The history of its appearance among us is that it was sent by one *Whitmore* of Stratford, formerly in the Pay Master Generals Office to a *James Reynold* of this City<sup>9</sup>—

I am at a loss clearly to understand its object—and have some suspicion that it has been fabricated to excite jealousies against the Convention with a view to an opposition to their recommendations. At all events I wish if possible to trace its source and send it to you for that purpose—Whitmore must of course say where he got it and by pursuing the information we may at last come at the author—Let me know the political connections of this man and the complexion of the people most active in the circulation of the letter—Be so good as to attend to this enquiry somewhat particularly, as I have different reasons of some moment [for] setting it on foot—

51-E. *Jeremiah Wadsworth to Alexander Hamilton*  
Hartford, 26 August<sup>10</sup>

I recd your favor this day with the inclosed Copy of a letter said to be circulating in this State. Some time since a Paragraph in the New Haven Paper hinted at such a letter,<sup>11</sup> & appeared to be written to scare the antifederal Party or alarm them—and I believed it was well intended as it seemed to be meant to prepare them to comply with the doings of the convention, least worse befell them—but the close of this letter appears to be calculated for other purposes. Witmore has always associated with Men who wished well to America & a good Government. he is half Brother to the Spirited federal Writer in our papers who Signs him selfe Cato<sup>12</sup>—and if he has really written or circulated the letter in question I am quite at a loss to know his intentions—I have communicated this matter to Col Humphry in confidence who is on his way to New Haven (where Witmore lives tho formerly of Stratford) he will enquire carefully into ye matter & write you. he has lived in the same house with Witmore & can easily fathom him—Witmore is naturally sanguine has some tallents & I believe is enterprizing—but fickel. Who the Active people in this business are I have Yet to learn as it certainly has not circulated hereabout. But from Humphry you may expect to know all that is true in Witmores neighborhood—I have always been Humphrys friend—but a nearer acquaintance with him Convince me he is a Man of great integrity and such talents as would wear well in any employment of consequence—if he comes to New York I wish you to be more Acquainted with him.

51-F. *David Humphreys to Alexander Hamilton*  
New Haven, 1 September<sup>13</sup>

Our friend Col. Wadsworth has communicated to me a letter in which you made enquiries respecting a political letter that has lately circulated in this State. I arrived in this Town yesterday & have since conversed with several intelligent persons on the subject. It appears to have been printed in a Fairfield Paper as long ago as the 25th of July. I have

not been able to trace it to its source—Mr Wetmore informs me that when he first saw this letter it was in the hands of one Jared Mansfield, who, I believe, has formerly been reputed a Loyalist.<sup>14</sup> Indeed it seems to have been recieved & circulated with avidity by that Class of People, whether it was fabricated by them or not. I think, however, there is little doubt that it was manufactured in this State. I demanded of Mr Wetmore what he thought were the wishes & objects of the writer of that letter; he said he believed it might be written principally for the amusement of the author & perhaps with some view to learn whether the People were not absolutely indifferent to all government & dead to all political sentiment.

Before I saw the letter in question, a Paragraph had been published by Mr [Josiah] Meigs, giving an account of it & attempting to excite the apprehension of the Antifederalists, with an idea, that the most disastrous consequences are to be expected, unless we shall accept the Proceedings of the Convention. Some think this was the real design of that fictitious performance; but others, with more reason, that it was intended to feel the public pulse & to discover whether the public mind would be startled with propositions of Royalty. The quondam Tories have undoubtedly conceived hopes of a future union with G. Britain, from the inefficacy of our Government & the tumults which prevailed in Massachusetts during the last winter. I saw a letter written, at that period, by a Clergyman of considerable reputation in Nova Scotia to a Person of eminence in this State; stating the impossibility of our being happy under our present Constitution & proposing (now we could think & argue calmly on all the consequences) that the efforts of the moderate, the virtuous & the brave should be exerted to effect a reunion with the parent State. He mentioned, among other things, how instrumental the Cincinnati might be & how much it would redound to their emolument. It seems by a conversation I have had here, that the ultimate practicability of introducing the Bishop of Osnaburgh is not a novel idea among those who were formerly termed Loyalists. Ever since the peace it has been occasionally talked of & wished for.—Yesterday, where I dined, half jest, half earnest, he was given as the first Toast.—

I leave you now, my dear friend, to reflect how ripe we are for the most mad & ruinous projects that can be suggested, especially when, in addition to this view, we take into consideration how thoroughly the patriotic part of the Community, the friends of an efficient Government are discouraged with the present System & irritated at the popular Demagogues who are determined to keep themselves in office at the risque of every thing. Thence apprehensions are formed, that tho' the measures proposed by the Convention, may not be equal to the wishes of the most enlightened & virtuous; yet that they will be too high-toned

to be adopted by our popular Assemblies. Should that happen our political Ship will be left afloat on a Sea of Chance, without a Rudder as well as without a Pilot.

I am happy to see you have (some of you) had the honest boldness to attack in a public Paper, the Antifederal Dogmas of a great Personage in your State.<sup>15</sup> Go on & prosper. Were the men of talents & honesty, throughout the Continent, properly combined into one Phalanx, I am confident they would be competent to hew their way thro' all opposition. Were there no little jealousies, bickerings, & unworthy sinister views to divert them from their object, they might by perseverance establish a Government calculated to promote the happiness of Mankind & to make the Revolution a blessing instead of a curse.

I think it probable that I shall soon go to the Southward

1. This letter was published under a "Portsmouth, (N.H.) June 28" dateline, but it was never printed in any of the Portsmouth newspapers. No reprintings have been located in any newspaper. The manuscript version of the letter is unsigned and is dated "Portsmouth, New Hampshire June 28th 178[?]." It has a last-line paragraph which reads: "N.B. Let this be copied and circulated." (For the letter, see Sol Feinstone Collection at the American Philosophical Society Library, where it was mistakenly placed under the year 1781.)

2. The manuscript reads: "as much from the envy of the People, who will perpetually recal the Idea of a former Level, as from an inability under our present circumstances to make the Establishment."

3. In the manuscript this sentence follows: "For this there needs a previous efficacy of Government, and then it would be done with infinitely less Burthen to the community, than even the small revenues we now are able to raise by a partial and oppressive mode of collection."

4. Frederick Augustus (1763–1827), Duke of York and Albany, the second son of George III, was the Bishop of Osnaburg in the electorate of Hanover, which was located in northwestern Germany. He had been appointed to this post by his father—the elector of Hanover. In November 1787 Frederick took his seat in the British House of Lords.

5. Reprints by 22 September (28): N.H. (3), Mass. (8), R.I. (1), Conn. (3), N.Y. (1), Pa. (4), Del. (1), Md. (3), Va. (2), Ga. (2). This item was also reprinted in the December issue of the *Philadelphia American Museum*.

6. Reprints by 20 September (32): N.H. (2), Mass. (7), R.I. (3), Conn. (6), N.Y. (2), N.J. (2), Pa. (4), Md. (2), Va. (3), Ga. (1).

7. FC, Hamilton Papers, DLC. Wadsworth (1743–1804), a Hartford merchant and member of the Connecticut House of Representatives, voted to ratify the Constitution in the Connecticut Convention in January 1788.

8. Probably a copy of the letter published in the *Fairfield Gazette* on 25 July (CC:51-A).

9. Possibly Hezekiah Wetmore of New Haven, who had dissolved a mercantile partnership with John Sherman in June 1787. James Reynolds was a New York speculator in soldiers' certificates and arrearages. His wife had a notorious affair with Hamilton in 1791 and 1792.

10. RC, Hamilton Papers, DLC.

11. CC:51-C.

12. Wetmore's half-brother was William P. Beers. For the "Cato" essays, see *New Haven Gazette*, 30 November 1786; 25 January, 8 February, 8 and 15 March 1787.

13. RC, Hamilton Papers, DLC.

14. Mansfield (1759–1830) was the rector of the Hopkins Grammar School in New Haven.

15. CC:40–B.

## 52. Petersburg Virginia Gazette, 26 July<sup>1</sup>

It is a fact of notoriety, observes a correspondent, that our present distressed situation arises from the great scarcity of money, and fatal experience will point out to us, that the causes which have created our necessities, originated with those who are the avowed enemies to this country. It is well known that, by them alone, near half a million of specie has been exported from this state within these four years—and in lieu thereof we have received nothing but luxuries, which have involved us in debt, and deprived us of every blessing we might reasonably have expected from the favorable termination of so glorious but trying a contest. Hopes and fears, anxieties and doubts, have given birth to measures, which, from the unsettled state of our government, may prove fatal in their consequences—and the late alarming and villainous transaction, in burning the jail and records of New Kent county, is so unjustifiable as to admit of no defence; and those who were instrumental in committing so great a public injury, it is hoped will meet with a punishment equal to so heinous a crime. Was it for this, that our fellow-citizens fought and bled in the glorious cause of freedom? Was it for this, that many of our departed heroes triumphant [*sic*] in death, at the pleasing prospect of fixing the glory and happiness of American offspring?—No.—Let not then such pitiful and destructive measures actuate your minds. If the want of a circulating medium—an equal and impartial administration—has brought you to these difficulties, let your revenge be aimed at those who were the original cause of it, and who are still seeking our ruin, under the influence of many, too many, distrustful patriots. And remember, that unless a timely exertion is made to avert the impending danger, the consequences may prove fatal indeed. Be virtuous, and preserve your integrity—otherwise you will precipitate your country into injustice, and then into destruction.

To be in any degree instrumental in the establishment of justice (continues our correspondent) and all the concomitant arts and blessings of peace—to open a view, which duly improved, might lead America to the highest pitch of prosperity and glory—is a pursuit which naturally rouses and warms the mind.—Let there be generous and candid concessions, free from local prejudices, such as shall support and maintain on a liberal scale, the government and dignity of the empire.—Let Congress be invested with an independent power over the

states, without violating the religious tenets or customs of any particular state, or in the quiet enjoyment of such territories or rights as shall be ascertained by the general establishment.—Let the states yield to Congress the power of regulating our commerce—that by a uniform system we may preserve a genuine alliance of mutual friendship, and free intercourse of trade with each other. But I forbear! The Grand Fœderal Convention it is hoped will act wisely, for on their determinations alone, and our acquiescence, depends our future happiness and prosperity; and if their lives a man equal to so arduous a task, it is a WASHINGTON!

1. Transcribed from the *Pennsylvania Packet* of 4 August, which published it under the dateline "Petersburg, (Virginia) July 26." Presumably it was reprinted from the no longer extant Petersburg *Virginia Gazette* of 26 July. It was reprinted seven times by 27 August: Mass. (1), R.I. (1), Pa. (3), Md. (1), S.C. (1).

### 53. Charleston Columbian Herald, 26 July<sup>1</sup>

*Extract of a letter from a Gentleman in Philadelphia, to his Friend in this City, dated July 4, 1787.*

"You requested me in your last to inform you of the state of our markets and politics in general; which in my last I treated of in brief, when I only advised you of the nature of the business at the opening of the Convention; but many matters have been proposed and debated on since—and although secrecy was agreed on, it is credited by some of the first informed men in this city, that amongst the matters now under consideration, are—

"A continuance of the fœderal government, and to include the state of Vermont:

"To establish a revenue for 21 years (easy in its collection) of 5 per cent. on all imports: two and a half per cent. on all exports, on such articles as are not produced in any of the British provinces:—The 5 per cent to be appropriated to the payment of our foreign and domestic debts:—The two and a half per cent for the expences of keeping up a small land force and navy.

"A poll-tax of one shilling per head on all whites; and two shillings on all other inhabitants, to be applied for granting bounties on ships built in the United States, and on every ton of shipping employed in the fisheries.

"And, as many of our present difficulties arise from the imbecility of the inhabitants to pay their debts,—that it be strongly recommended to each state, to pass laws for paying off all debts contracted before the 1st of October 1784, by instalments of one, two, three, four and five years, giving security:

"That serious application be made for the free navigation of the Mississippi, according to the treaty of peace.



"That no new states be established, until the public debt is paid off.

"Five hundred troops to be raised and kept up in each state; one half on the seacoast, and the other half on the frontiers.

"That three frigates of forty guns be built immediately.

"Congress to be called the General Assembly of the United States, and to sit six months in the year.

"No doubt much more is talked of, but as these seem leading points, I hand them to you; and shall, when ever I have good grounds to go on, keep informing you of what I learn, particularly on matters of commerce.

"Have just heard from undoubted authority, that a member of the Convention will propose this week, that no slave whatever be imported into any of the states for the term of twenty-five years. Your's, &c."

1. Reprints by 12 September (17): N.H. (2), Mass. (5), Conn. (2), N.Y. (4), N.J. (1), Pa. (1), Md. (1), Va. (1). According to Charles Warren, this extract of a letter was a "false report"; "not a single fact referred to was accurate" (*Constitution*, 444).

#### 54. Philadelphia Independent Gazetteer, 27 July<sup>1</sup>

Extract of a letter from a gentleman in Baltimore, to his friend in this city, dated July 20.

"How are the times with you? Here they are bad enough.—No money in circulation, and consequently no trade. The expectation of the people seems to be fixed on the GRAND CONVENTION, NOW in your metropolis; but nothing has transpired. It is said by some observers of nature, that it is often *darkest* before break of day—The political horizon of America is at present *dark indeed*; but I hope it will soon break forth into a glorious dawn of light and liberty; otherwise the friends of the Revolution will have laboured and bled in vain!"

1. Reprints by 13 September (9): N.H. (2), Mass. (3), N.Y. (3), N.J. (1).

#### 55. Observations on the Articles of Confederation New York, 27 July (excerpt)

On Tuesday, 24 July, the *New York Packet* announced that a pamphlet would be published "Tomorrow." In its next issue, on Friday, 27 July, the *Packet* advertised that the pamphlet "This day is published, and for sale. . . ." The title of the sixteen-page pamphlet is *Observations on the Articles of Confederation of the Thirteen United States of America, Entered into in July, 1778, and ratified and compleated the 1st of March, 1781* (Evans 20600). It was signed "A WELL WISHER to the United States of America, who came lately from London to New-York, surprised to find News-Papers filled with Censures on the Lameness of the Articles of the American Union, was thereby induced to consider those Articles and Censures with some Care, and thereupon, volunteeringly, to write his Observations, as above, which he hopes will give some Satisfaction to those who will peruse them."

... So much for Remarks upon the British Union, as a Kind of Introduction to the following Observations on the Articles of the American Union, and those Articles, in a political Sense, truly appear to be improperly penned, in various Particulars herein after observed upon:

I. The Stipulation, that each State retains it's Sovereignty and Independence, &c. (as in Article Ist) appears to be wrong. Under the Idea of a political Union of thirteen several States confederating together, the Sovereignty of any individual State ought not to have been considered or expressed to be retained by such individual State, because no Sovereignty ought to be supposed to exist in any individual State after the Union, the only Sovereignty which could be useful or of Importance being the United Sovereignty, and of course, the whole Sovereignty of the Thirteen United States ought to be lodged with, and concentered in the Congress, as being the supreme Body or Tribunal, constituted for the Purpose of possessing the united Sovereignties of the Thirteen several United States.

II. If this is just, it will appear, that after the Union, no individual State ought to be it's own Legislator, but that the Laws of each State ought to be made and passed in Congress.—Perhaps this would not have been relished by the individual States, at the Time of the Articles of Union entered into; but now, after some Experience had under those Articles, during which Experience, various Events are said to have happened, to show the Inconvenience of individual States making their own Laws, *ad Libitum*, without regarding Congress; perhaps the individual States will not consider an Alteration to be made in this Respect, either by themselves or Congress, severally or jointly, as any Infringement or Violation of the legislative Right of any individual State, but will consider it as a proper and even necessary Alteration for the Benefit of the Union, and for rendering it more consistent and more complete.

III. If it is considered to be too much for individual States to give up what is called their Sovereignty, their legislative Right, still they may be willing and satisfied to have the Exercise of such their sovereign and legislative Rights modified and abridged, or limited so far that no Law or Laws, Regulation or Regulations, to be made by any individual State, in Time coming, shall be valid, or of any Force or Effect, without the Assent of Congress first had and interposed thereunto.—If this Matter is suffered to continue, as it was left, under the Articles of Union, it will then be clear, that the individual States of the Union chuse to keep up an absurd *Imperium in Imperio*, by individual Sovereignties, and legislative Rights, militating against, and destructive of the Authority of Congress, which ought to be the only sovereign, supreme, and absolute Authority, over, in, and throughout every Part of the United States. . . .

**56. Pennsylvania Herald, 28 July<sup>1</sup>**

It is fashionable in the European prints, to describe the United States as convulsed with intestine tumults, and borne down with private calamities; but when we review the present state of the old established empires, we shall be able to retort the charges that are alledged against our infant sovereignty; and to draw some consolation from considering our temporary embarrassment as an evil common to all governments, and not as an indication of the singular weakness of our own. France, notwithstanding the energy of despotic rule, has been poisoned by the malversation of her public ministers; and the innumerable bankruptcies that have lately occurred in that kingdom, threaten destruction to the national credit. Russia and the Porte are agitated with the apprehensions of war. Great Britain amusing herself with the parade of an impeachment, or the quarrels of her monarch and his son; totters beneath the enormity of her debt, and the increasing corruption of her offspring; while Holland (the republican and phlegmatic Holland) burns with the flames of civil war. Which then, of these nations can boast superior happiness? Let the citizens of America recollect *the past*, and they will rather wonder that they are so well, than lament that they are not better;—but then anticipate *the future*, and they will find that their prosperity and honor depend upon themselves.

1. Reprints by 13 October (21): N.H. (2), Mass. (6), R.I. (1), Conn. (3), N.Y. (3), Pa. (4), Va. (2).

**57. Pennsylvania Gazette, 1 August<sup>1</sup>**

The situation of America, says a correspondent, is more favourable at present to her growth in wealth, independence and happiness, than ever it has been in any stage of her history, provided she will now adopt the means of obtaining them. These means are, AGRICULTURE and MANUFACTURES. She has no business with commerce, 'till she derives it from the products of the earth, or from her own arts.

The complaints of the decay of *trade* are without foundation. It should rather be said there is a decay of *traders*. A few merchants are sufficient to import and sell all the goods America requires. Let those of them who complain of hard times betake themselves to the cultivation of the earth, or to the establishment of some useful manufacture. Until ninety-nine out of an hundred of the citizens of America are farmers, artificers or manufacturers, we can never be rich or happy.

Our correspondent does not wish to exclude the learned professions from lending their aid to lessen the evils of human life, or of government. But let the lawyers and physicians learn of the ministers of the

gospel, who are settled in the country, to derive part of their subsistence from cultivating the earth. Few of them have business enough at present to employ all their time. Their leisure hours might be employed in introducing the new and profitable modes of agriculture into our country—for their example would have an extensive influence in this respect. Among the ancient Jews, it was counted infamous for a man to spend his life without planting a tree, or building a house. It were to be wished, that it could be made equally disreputable for a man to pass thro' life in America without enriching some spot of ground, without clearing a field, or encreasing the quantity of meadow, and thereby adding to the products of the earth, and of course to the population and happiness of his country.

To encourage agriculture, it is to be hoped the present mode of taxing lands so heavily will be laid aside—otherwise, instead of seeing our merchants, shop-keepers, lawyers and doctors retreat to farms, we shall soon see our farmers retreat to Kentucke, or to the shores of the South Sea, in order to enjoy the fruits of their industry.—An efficient fœderal government alone can relieve us from our oppressive state systems of taxation, and realise all our hopes and wishes of national glory and prosperity.

1. Reprints, in whole or in part, by 3 September (29): N.H. (4), Mass. (6), R.I. (3), Conn. (5), N.Y. (3), N.J. (1), Pa. (3), Md. (2), Va. (1), S.C. (1).

## 58. Americanus

### New York Daily Advertiser, 1 August<sup>1</sup>

*"The times are out of joint."* Shakesp.

The state of America interests the attention of every citizen, who are all proposing different systems of government. There is hardly an attorney or clerk of the court, that has not his system, which he defends with all the strength of his mutton fists. The table may be impressed with their arguments, but the minds of their audience are unimpressed with conviction.

Government, in a period of tranquillity, will never be respected, and opinion will never give aid to democratical authority, when almost every office is in the hands of those who are not distinguished by property, family, education, manners or talents. Our politicians may in vain suggest legislative refinements and innovation, if they do not displace from the helm, characters who carry every mark of civil inferiority; and who cannot enjoy that confidence and esteem which the world always give to property and education.

The empire of property is uniform, natural, and universal; but the authority of even real talents, without property, is capricious and speculative, and has an interrupted influence on the minds of the people.

The people of property will act with caution and circumspection, and will not endanger social harmony for any political *bagatelles*. The pennyless and speculative genius loves a hurricane, which, though it may destroy the vessel of state, yet, no cargo of theirs is injured; but they expect to save themselves by a plank, and, taking an advantage of the darkness of the night, and the confusion of the storm, to secrete some of the spoils of the tempest.

All those laws which have disgraced probity, and stained national character, originated with men whose debts made them desperate, and disqualified them for any office of government. Those who have joined Cæsar, Sylla, and Catiline, were debtors; but those who joined the party of the virtuous Brutus, were men of property, and *creditors*.

Legislation is an evil, when the laws of property are fabricated by those who may probably shew a scar, but not an acre of land. Characters have been sent to the councils of the nation, not only destitute of property, but embarrassed with debt, beyond all hope of payment. A fraudulent and absconding debtor sits upon the seat of justice in one of the Southern states.

Can the European world, who consider political honesty as the first principle of society, esteem a country where such events happen?—Can the citizens feel confidence and respect? Will not government and the most perfect constitution be considered as a farce, when mean, low and worthless personages, who should act as candle-snuffers, strut o'er the public stage, as judges, members, representatives and governors?

*Hanover-square, 31st July.*

1. Reprints by 29 August (6): Mass. (1), N.Y. (1), Pa. (1), Md. (2), Va. (1). The reprinting in the *Pennsylvania Herald*, 18 August, was prefaced with the following editorial statement: "The freedom of writing in New-York may be exemplified by the following letter; but its contents evidently proceed from the spelnetic pen of an adherent to Royalty."

## 59. An American

### Massachusetts Centinel, 4 August<sup>1</sup>

Mr. RUSSELL, However inattentive to their situation the citizens of the United States, may *appear*—or however licentious and perverse they may be *represented*, it is a truth, which numerous events will avouch, that when eminent occasion calls for an exhibition of that *good sense*, which is the foundation of political happiness—it bursts forth in all the strength of majesty, and teaches the world that the latitude of the patriotism and publick spirit of Americans, is as unbounded as the country they possess.

The Convention, I am told, have unanimously agreed on a system for the future government of the United States—which will speedily be laid before the several legislatures for their acceptance and

ratification.—What this system is, is not as yet, known but to the framers of it—that it will be a system founded on justice and equity—in which the rights of the citizens, and of the rulers, will be properly *ballanced*, considering the characters who have formed it, none can doubt:—That consistent with these, it may be energetick, none can but wish.

Occasion, therefore, now presents itself, in which that *good sense of the people* can produce the most desirable event—for the people will now determine, whether a Nation possessing *every advantage* which nature can bestow to make it Great, and to which *nothing is wanting* but to improve those advantages, to make it such, shall be so, or not. But, my respected fellow citizens, can we have a reasonable doubt—Are we to behold a *new thing under the sun?*—Will the *nature of things be reversed?*—NO—the EXPERIENCE we have had, answers the queries in the *Negative*, and bids us *anticipate the wished-for event* of its meeting the *approbation of all ranks* of citizens—those excepted, *who are, and ever will be*, enemies to the prosperity of our *infant empire*.—Against such it *behooves* us to be on the *guard*—*Be assured* they will *artfully cast stumbling-blocks* in your way to *national happiness and honour*, and under the *mask of patriotism*, will endeavour to work your *political destruction*—That such are among us *is certain*—But, I trust your penetration will discover their designs—however thick their cloak—however specious their hypocrisy.

That this country may long remain under the guardianship of him who raiseth up, and putteth down nations, is the fervent prayer of, AN AMERICAN.

1. Reprints by 11 September (18): Vt. (1), N.H. (1), Mass. (3), R.I. (1), Conn. (2), N.Y. (2), N.J. (1), Pa. (3), Md. (2), Va. (2).

## 60. Boston American Herald, 6 August<sup>1</sup>

We cannot help facilitating our readers and the public, on the almost perfect restoration of peace, and the returning confidence of the people, in every part of the State, in the wisdom and vigour of government, tho' the completion of general prosperity can only arise from the acceptance and approbation of the new Fœderal Constitution, which we are informed, will be soon recommended by our national Convention. The profound secrecy hitherto observed by this august body, we cannot help considering as a happy omen; as it demonstrates, that the spirit of party, on any great and essential point, cannot have arisen to any height.—No other country, perhaps, can exhibit such an illustrious scene as is now displayed on this Continent.—A people in peace, and without bloodshed, deputing a band of Patriots and Philosophers, who would have adorned the history of Greece and Rome, in their most brilliant æras, to consider the political defects of their government; and to recommend a new system, more firm and efficient, and probably, far more favorable, even to the individual liberty of the poorest subject,

than the last.—And yet, we may very fairly presume, that this will be the case, from the moderate Sage and enlightned understandings of some of those Luminaries, the radiance of whose wisdom, in peace and war, has been diffused through the wide expanse of this Western Hemisphere. ILLUSTRIOUS SAGES! may we not fondly hope, that none of the little, mean jealousy which has hitherto restrained the career of America to power, glory, peace and safety, will intervene, to prevent the happy effects of your wise councils.—And shall we not believe, that if our future conduct, like our past, should be disgraced by unreasonable suspicions, that the authors of such deception, instead of the plaudit of a part, shall be stigmatised and dishonoured by the united execrations of the whole people.

1. Reprints by 6 September (9): R.I. (3), N.Y. (2), Pa. (1), Md. (1), Va. (1), S.C. (1). For a similarly written item, see the Boston *American Herald*, 1 October (CC:120).

### 61. Salem Mercury, 7 August<sup>1</sup>

It is said, the Federal Convention have unanimously agreed on a scheme of Continental Government, adapted to the circumstances, habits and necessities of the people,<sup>2</sup> and which will speedily be presented to the several legislatures, for their acceptance and ratification. The principal difficulty will now be, to have it freely adopted by the people: And on this account we should have nothing to apprehend, were it not, that some people, for some reason or another, have started objections to giving any power out of their hands, as they term it, lest the liberties of the people be endangered. It hath unhappily been the case, when measures have been proposed, in the Assemblies of the States, evidently calculated for the benefit of individual and confederate States, for some to mount the political hobby-horse, and set up the cry of—Liberty! On these occasions, we frequently hear of our forefathers coming to this howling wilderness for liberty—and if we grant money or power to Congress, our liberties will be in danger—that Congress are profuse, &c.—It is undoubtedly the duty of a free people to be tenacious of their liberties, and guard against encroachment—But does it follow, that we should be suspicious of every publick measure, or publick character? The suggestions, that it would be dangerous to grant money or power to Congress—or to establish a national government adequate to the national purposes—are unmanly and unreasonable, yet they have their effect on minds naturally suspicious and timid, and those unenlarged; whereby many men, of illiberal sentiments, base and selfish views, and also of weak intellects, draw a train after them like a comet. In the insinuations which are frequently made use of, there is not only a great share of illiberality, but also a great degree of puerility. Let me have your knife, says Tommy to Billy: No, says Billy—you will

cut your fingers if I do, and I can make a whistle as well again as you can.—Whether there is more reason in one case than in the other, is submitted.

1. Reprints by 30 August (8): Mass. (1), R.I. (1), Conn. (2), N.Y. (2), Pa. (1), Md. (1).
2. Cf. *Pennsylvania Herald*, 25 July (CC:20-C).

### 62. New Hampshire Spy, 7 August<sup>1</sup>

“As the hart panteth after the cooling water-brook,” so does every citizen of this state pant after a reform in government—not only a local, but a federal reform—and this, we have reason to hope, will be effected, notwithstanding the arts that are, or may be used in New-York and Rhode-Island to oppose it. The characters residing in these two states, who have uniformly opposed a federal reform—are well known—It would be well for them to desist from their nefarious schemes. The united force of America is against them—The bolts of vengeance are forging—tremble ye workers of iniquity, and no longer oppose the *salvation* of your country, lest *speedy destruction* come upon you, and you fall into the pit which *your own hands* have digged.

It is a fact, that some *influential* characters in New-York and Rhode-Island, are opposed to the present federal convention, and, it is feared, they will use every artifice to overthrow that glorious fabric which the united wisdom of our great MASTER-BUILDERS are about to erect.

1. Reprints by 18 September (14): N.H. (1), R.I. (2), N.Y. (4), Pa. (4), Md. (1), Va. (1), Ga. (1).

### 63. Pennsylvania Gazette, 15 August<sup>1</sup>

The conduct of the *single* states (says a Correspondent) has been like that of the *prodigal Son* in the Gospel. They have taken of the portion of their Independence, that should have been lodged for ever in Congress, and spent it in riotous living in a far country. They now return, burthened with diseases and debts, to their *Father's house*—that is, to a *federal government*—in which their independence and liberties received their existence. Their Father no sooner beheld signs of distress and contrition among them, than he opened his arms, to take them a second time under his protection. In a little while, it is to be hoped, the *federal robe* and *ring* will be put upon each of them—the *fatted calf* will be killed—and every city, village, farm-house and cabin resound with joy—since the States that were lost and dead are now found and made alive, in a VIGOROUS, EFFICIENT, NATIONAL GOVERNMENT.

1. Reprints by 15 October (24): Vt. (1), N.H. (2), Mass. (7), R.I. (2), Conn. (4), N.Y. (3), N.J. (1), Pa. (1), Md. (1), Va. (2).



**64. New York Journal, 16 August<sup>1</sup>**

*From a* CORRESPONDENT.

In all probability a few revolving suns, from this date, will present to the several independent states of America, their lawful, and, in every sense, legitimate *offspring*, generated by a *whole empire*, and brought forth from the chaste body of their *delegated wisdom*. Thus far acknowledged, ought not the minds of every individual of the *empire* to be prepared for the filial interview, and be ready to nourish it with the milk of paternal affection. To suppose it otherwise than a lawful heir would be impious in an individual, and to suppose it imperfect, or unworthy of its venerable sire, *humiliating* in a local sense, and in a foreign view, *despicable imbecility*. This will be the important epocha from which the several *characters* of the states will be ultimately dated; this the *trying season* for PATRIOTISM; this the time of *new birth* to GLORY and EMPIRE, or of *ignominious death* to SLAVERY, and her vile concomitant, NATIONAL INFAMY. Oh PATRIOTISM, rear *now* thine hoary head—may the decisions of the states be poised in thine equal balance, with the goddess *unanimity* at thy right hand, to preside in these momentous councils, and present the gift of HONORABLE EMPIRE! Oh ye states, KNOW YE not, that Rhode-Island has become a derision and a bye-word! beware of a parallel fate! should either of you once be reduced to this *vile* comparison, like her would you be *despised*—like her *lose your virtuous sons!*—But, on the contrary, should *patriotism* and *unanimity* reign triumphant, “the wilderness would blossom like the rose, and deserts become fruitful fields;” justice would run down our streets like a river, and judgment as a mighty stream.

1. Reprints by 29 August (7): Vt. (1), N.H. (1), Mass. (2), N.J. (1), Pa. (1), Va. (1).

**65. Pennsylvania Packet, 20 August<sup>1</sup>**

A correspondent observes, that, as there is so much frailty in human nature, the people, from whom all power is derived under a pure republican system of government, when they are about to invest man with power and authority, even for the necessary purposes of government, that it be strictly guarded and limited; so that it be not abused to the oppression of those who conferred it. Hence, from neglect or inattention in fixing those essential checks and restraints on rulers and governors, it is that we behold in the world so small a portion of mankind who are not tyrants or slaves, oppressors or oppressed. Let America for ever boast, that her subjects freely and fully enjoy liberty and property and all those natural rights which God and nature assigned to them.

1. Reprints by 30 August (5): N.Y. (2), Pa. (1), Va. (2).

**66. Philadelphia Independent Gazetteer, 22 August<sup>1</sup>**

*From a* CORRESPONDENT.

Private letters from Europe mention that the oppressed and persecuted in every country, look with great eagerness to the United States in the present awful crisis of her affairs. Should the new federal government be adopted, thousands would embark immediately for America. Holland would pour in with her merchants, a large quantity of cash among us. Germany, and Ireland, would send us colonies of cultivators of the earth, while England and Scotland would fill our towns and cities with industrious mechanics and manufacturers.—With the liberties, safety, population, and glory of our country, all depending upon the adoption of a national government, that man must be a greater enemy to his country than *Hutchinson* or *Adams*,<sup>2</sup> who, for selfish or party purposes, advises his countrymen to reject it.

1. Reprints by 22 October (30): Vt. (1), N.H. (2), Mass. (7), R.I. (2), Conn. (4), N.Y. (7), Pa. (2), Del. (1), Md. (1), Va. (3).

2. The reference to "Hutchinson" is presumably to Massachusetts Loyalist, Thomas Hutchinson. The name "Adams" obviously puzzled newspaper publishers who reprinted the item. Thirteen newspapers substituted "Arnold" (i.e., Benedict Arnold) for "Adams," while ten omitted both names.

**67. Philadelphia Independent Gazetteer, 22 August<sup>1</sup>**

One of the first objects with the national government to be elected under the new constitution, it is said, will be to provide funds for the payment of the national debt, and thereby to restore the credit of the United States, which has been so much impaired by the individual states. Every holder of a public security of any kind is, therefore, deeply interested in the cordial reception, and speedy establishment of a vigorous continental government.—By letters and private accounts from most of the counties in Pennsylvania, we learn that the good people of this state, of all parties, are alike prepared and disposed to receive the new federal government. It is remarkable that Pennsylvania has in every great and necessary measure, set an example of a federal disposition to all the states.

1. Reprints by 11 September (29): N.H. (2), Mass. (7), Conn. (5), N.Y. (6), N.J. (1), Pa. (4), Md. (1), Va. (3). For other items asserting that public creditors were looking forward to a new government, see CC:70, 74, 85.

**68. Pennsylvania Gazette, 22 August<sup>1</sup>**

The long and peaceable session of the present august Convention, and the general determination among all classes of people to receive the government they are now framing (says a correspondent) indicate

degrees of order and good sense in the Americans, that have seldom appeared in other countries. Tyrants and official pensioners are the only men who oppose the reformation of governments. In proportion as knowledge and virtue prevail in our country, it will become as common for men to change and improve their governments, civil and ecclesiastical, as it is for men to alter and improve their houses, when the encrease of their families, or a change in their circumstances, make it necessary.

The punctuality with which the members of the Convention assemble every day at a certain hour, and the long time they spend in the deliberations of each day (sometimes seven hours) are proofs, among other things, how much they are entitled to the universal confidence of the people of America. Such a body of enlightened and honest men perhaps never before met for political purposes, in any country upon the face of the earth.

How great (adds our correspondent) must be the satisfaction of our late worthy Commander in Chief, to be called upon a second time, by the suffrages of three millions of people, to save his sinking country?—In 1775, we beheld him at the head of the armies of America, arresting the progress of British tyranny.—In the year 1787, we beheld him at the head of a chosen band of patriots and heroes, arresting the progress of American anarchy, and taking the lead in laying a deep foundation for preserving that liberty by a good government, which he had acquired for his country by his sword.—Illustrious and highly favored instrument of the blessings of Heaven to America—live—live for ever!

1. Reprints by 17 September (32): Vt. (1), N.H. (2), Mass. (10), R.I. (3), Conn. (4), N.Y. (6), N.J. (1), Pa. (4), S.C. (1).

### 69. Philadelphia Freeman's Journal, 29 August<sup>1</sup>

It is laughable, says a correspondent, to observe the strange whims and ideas of people in respect to the Grand Convention and their proceedings. It is taken for granted by the generality that something is accidentally wrong in our political machine, which a little skill and contrivance may at once put to rights by the magic of a few resolves upon paper; not considering that the evils and confusions we experience have originated in a great measure with the people themselves, and by them only can be eventually rectified. A long course of frugality, disuse of foreign luxuries, encouragement of industry, application to agriculture, attention to home manufactures, and a spirit of union and national sobriety, can alone place us in the respectable rank of rich and flourishing nations, a situation which we all pant for, but the price of which very few are found willing to pay.

1. Reprints by 25 September (20): Vt. (1), N.H. (1), Mass. (5), Conn. (4), N.Y. (1), N.J. (2), Pa. (4), Va. (1), S.C. (1). For a partial reply, see CC:72.

**70. Pennsylvania Gazette, 29 August<sup>1</sup>**

Every enterprize, public as well as private, in the United States (says a correspondent) seems suspended, till it is known what kind of government we are to receive from our national Convention. The states neglect their roads and canals, till they see whether those necessary improvements will not become the objects of a national government. Trading and manufacturing companies suspend their voyages and manufactures, till they see how far their commerce will be protected and promoted by a national system of commercial regulations.—The lawful usurer locks up or buries his specie, till he sees whether the new frame of government will deliver him from the curse or fear of paper-money and tender-laws. The wealthy farmer views a plantation with desire, for one of his sons, but declines to empty his chest of his hard dollars for it till he is sure it will not in a few years be taken from him by the enormous *weight* of *state governments* and taxes. The public creditor, who, from the deranged state of the finances in every state, and their total inability to support their partial funding systems, has reason to fear that his certificates will perish in his hands, now places all his hopes of justice in an enlightened and stable national government. The embarrassed farmer and the oppressed tenant, who wish to become free and independent, by emigrating to a frontier county, wait to see whether they shall be protected by a national force from the Indians, and by a national system of taxation, from the more terrible hosts of state and county tax-gatherers. In short, the pulse of industry, ingenuity and enterprize, in every art and occupation of man, now stands still in the United States, and every look—and wish—and hope—is only *to*, and every prayer to heaven that has for its object the safety of our country, is only *for*, the present august national Convention.

1. Reprints by 24 September (13): N.H. (2), Mass. (4), Conn. (3), N.J. (1), Md. (2), S.C. (1).

**71. Pennsylvania Gazette, 29 August<sup>1</sup>**

The principles of *liberty* and the principles of *government* (says another correspondent) are distinct things: Many understand the former, which are matters of feeling, who know nothing of the latter, which are objects of reflection and reason.—It must not surprize us, therefore, if a few ignorant people, headed by interested and designing men, should oppose the new foederal government. When the union of parliaments took place between England and Scotland, a number of people in the west of Scotland were so far misled as to fly to arms to oppose it.—They were, however, easily persuaded to lay them down, and they soon perceived that the measure they armed themselves to oppose gave their country degrees of wealth, consequence and happiness, it

never knew before. It is to be hoped the United States will set the world an example of the consistency of liberty with compound and vigorous governments. In every age liberty has declined and perished, no less under anarchy, or an excess of power lodged in the whole body of the people, than under simple monarchy, and aristocracy.

If just and free governments are favorable to morality, they must be agreeable to the will of God. It must, therefore, be the duty of good men to submit to, and support them. At the present important crisis, it is in a peculiar manner the duty of Ministers of the Gospel to inculcate submission to the powers which are to arise out of ourselves. In this way they will best check that idleness and licentiousness, which have been derived from the weakness of our governments, and which threaten, like a deluge, to wash away all the remaining religion and morality of our country.

1. Reprints, in whole or in part, by 20 September (9): N.H. (1), Mass. (3), Conn. (2), N.Y. (1), N.J. (1), Md. (1).

## 72. Pennsylvania Gazette, 5 September<sup>1</sup>

The year 1776 is celebrated (says a correspondent) for a revolution in favor of *Liberty*. The year 1787, it is expected, will be celebrated with equal joy, for a revolution in favor of *Government*. The impatience with which all classes of people (a few officers of government only excepted) wait to receive the new federal constitution, can only be equalled by their zealous determination to support it.

Every state (adds our correspondent) has its SHAYS, who, either with their pens—or tongues—or offices—are endeavouring to effect what *Shays* attempted in vain with his sword. In one of the states, this demagogue tries to persuade the people that it is dangerous to increase the powers of Congress:—In another, *he* denies the authority of the Convention to redress our national grievances:—In a third, he whispers distrust, saying the states will not adopt the new frame of government:—In a fourth, he says the state constitutions, and the officers who act under them, are of *divine* right, and can be altered by no human power—and of course considers all attempts to restore order and government in the United States as a “*laughable*” thing:<sup>2</sup>—In a fifth, he opposes a *general* confederacy, and urges the division of the states into three smaller confederacies, that he may the more easily place himself at the *head* of one of them.<sup>3</sup> The spirit and wickedness of SHAYS is in each of these principles and measures. Let Americans be wise. Toryism and Shayism are nearly allied. They both lead to slavery, poverty, and misery.

1. Reprints by 25 September (25): Vt. (1), N.H. (1), Mass. (7), R.I. (1), Conn. (2), N.Y. (4), N.J. (3), Pa. (2), Del. (1), Md. (2), Va. (1).

2. See CC:69.

3. See CC:3.

### 73. Pennsylvania Gazette, 12 September<sup>1</sup>

The "distinction" between "*fæderal*" and "*antifæderal*," referred to in this article, was apparently first used by Noah Webster in November 1786 to describe Connecticut politics (*Connecticut Courant*, 20 November, Mfm:Conn. 3). In April 1787 the *Massachusetts Centinel* applied the labels to the national discussion of a new government (CC:14). Despite Antifederalist objections that the terms were misnomers, the labels were used during the debate over ratification.

The former distinction of the citizens of America (says a Correspondent) into whigs and tories, should be lost in the more important distinction of *fæderal* and *antifæderal* men. The former are the friends of liberty and independence—the latter are the enemies of liberty, and the secret abettors of the interests of Great-Britain.

1. Reprints by 11 October (10): N.H. (1), Mass. (3), R.I. (1), Conn. (1), N.Y. (1), N.J. (1), Pa. (2).

### 74. Pennsylvania Gazette, 12 September<sup>1</sup>

Should the *fæderal* government be *rejected* (AWFUL WORDS) another correspondent has favored us with the following paragraphs, to be published in our paper in the month of June, 1789.—

On the 30th ult. his Excellency David [*sic*] Shays, Esquire, took possession of the government of Massachusetts. The execution of — —, Esquire, the late tyrannical governor, was to take place the next day.

Accounts from New-Jersey grow every day more alarming. The people have grown desperate from the oppressions of their new masters, and have secretly, it is said, dispatched a messenger to the Court of Great-Britain, praying to be taken again under the protection of the British Crown.

We hear from Richmond, that the new state-house lately erected there was burnt by a mob from Berkeley county, on account of the Assembly refusing to emit paper money. From the number and daring spirit of the mob, government have judged it most prudent not to meddle with them.

Yesterday 300 ship-carpenters embarked from this city for Nova-Scotia, to be employed in his Britannic Majesty's ship-yards at Halifax.

We hear from Cumberland, Franklin and Bedford counties, in this state, that immense quantities of wheat are rotting in stacks and barns, owing to the demand for that article having ceased, in consequence of our ships being shut out of all the ports of Europe and the West-Indies.

We hear that 300 families left Chester county last week, to settle at Kentucke. Their farms were exposed to sale before they sat off, but many of them could not be raised to the value of the taxes that were due on them.

On Saturday last were interred, from the Bettering-house, the remains of Mrs. Mary —. This venerable lady was once in easy circumstances, but having sold property to the amount of 5000*l.* and lodged it in the funds, which, from the convulsions and distractions of our country, have unfortunately become insolvent, she was obliged to retire to the City Poor-house. Her certificates were sold on the Monday following her interment, but did not bring as much cash as paid for her winding sheet.

By a vessel just arrived from L'Orient we learn, that the partition treaty between Great-Britain and the Emperor of Morocco was signed on the 25th of April last, at London. The Emperor is to have possession of all the states to the southward of Pennsylvania, and Great-Britain is to possess all the states to the eastward and northward of Pennsylvania, inclusive of this middle state. Private letters from London add, that Silas Dean, Esq; is to be appointed Governor of Connecticut, and Joseph Galloway, Esq; is to be appointed Governor of Pennsylvania. The government of Rhode-Island was offered to Brigadier-General [Benedict] Arnold, who refused to accept of it, urging, as the reason of his refusal, that he was afraid of being corrupted by living in such a nest of speculators and traitors.—

But, adds our correspondent, should the fœderal government be *adopted*, the following paragraphs will probably have a place in our paper in the same month, viz. in June, 1789.—

Yesterday arrived in this city his Excellency the Earl of Surry, from the Court of Great-Britain, as Envoy Extraordinary to the United States. He was received by the principal Secretary of State, and introduced to the President-General, at the fœderal State-house, who received him with great marks of politeness. His Lordship's errand to America is, to negotiate a commercial treaty with the United States. The foundation of this treaty is, that all British ports are to be opened to American vessels, duty free, and a proposal to build 200 ships every year in the ports of Boston, New-York, Philadelphia and Charleston.

Last evening arrived at Billingsport the ship Van Berkel, Nicholas Van Vleck, master, from Amsterdam, with 100 reputable families on board, who have fled from the commotions which now distract their unhappy country. It is said they have brought cash with them to the amount of 45000*l.* sterling, to be laid out in purchasing cultivated farms in this and the neighbouring states.

We learn from Cumberland county, in this state, that land in the neighbourhood of Carlisle, which sold in the year 1787 for only 5*l.* has lately been sold for 10*l.* per acre, at public vendue. This sudden rise in the value of estates is ascribed to the new mode of taxation adopted by the fœderal government, as well as to the stability of this government.

Such are the improvements in the roads in this state since the establishment of the fœderal government, that several loaded waggons arrived in this city in two days from the town of Lancaster.

By a gentleman just arrived from Tioga we learn, that the insurgents in that place were surprized and taken by a party of the new fœderal militia, and that their leaders are on their way to Wyoming, to be tried for their lives.<sup>2</sup>

It appears from the Custom-House books of this city, that the exports from this state were nearly double last year, of the exports of the year 1786.

In the course of the present year, it appears that there have arrived in this state 18,923 souls, from different parts of Europe.

Several foreigners, who attended the debates in the fœderal Assembly and Senate last Wednesday, declare, that they never saw half so much decorum, nor heard more noble specimens of eloquence in the British House of Lords and Commons, than they saw and heard in our illustrious republican Assemblies.

We hear from Fort Pitt, that since the navigation of the Mississippi has been confirmed to the United States by the Court of Spain, the price of wheat has risen from 4s. to 7s. 6 per bushel in all the counties to the westward of the Alleghany Mountain.

In consequence of the new and successful modes of taxation adopted by the United States, public securities of all kinds have risen to par with specie, to the great joy of widows, orphans, and all others who trusted their property in the funds of their country.

We hear that the Honorable Thomas —, Esq; is appointed to deliver the anniversary Oration, in September next, in honor of the birth-day of our present free and glorious fœderal constitution—a day that cannot fail of being equally dear to all Americans with the 4th of July, 1776—for while this day gave us *liberty*, the 15th of September, 1787, gave us, under the smiles of a benignant Providence, a *Government*, which alone could have rendered that liberty *safe and perpetual*.

1. Reprints by 11 October (15): Mass. (5), R.I. (1), Conn. (1), N.Y. (3), N.J. (2), Pa. (2), Va. (1). Most of the newspapers that reprinted the *Gazette's* predictions also reprinted the statements prefacing these predictions.

2. A reference to an uprising against the government of Pennsylvania which had taken place in August 1787 (CC:94).

## 75. The Constitutional Convention, A Second General Convention, and A Bill of Rights, 12-15 September<sup>1</sup>

The idea of a second general convention was first advanced in the Constitutional Convention by George Mason of Virginia on 31 August. He declared that, if changes were not made, he would want "to bring the whole subject be-



fore another general Convention." Governor Edmund Randolph of Virginia then added that, if he could not approve the final form of the Constitution, he would propose that the state conventions be allowed "To propose amendments to be submitted to another General Convention."

On 15 September Randolph, asserting that the powers given Congress were "indefinite and dangerous," moved that state conventions be allowed to submit amendments to the consideration of a second constitutional convention. Mason seconded the motion which was also supported by Elbridge Gerry of Massachusetts. The motion was unanimously rejected by the states.

During the Convention, various delegates had proposed that certain civil liberties be guaranteed. The Convention accepted some guarantees and incorporated them in the early drafts of the Constitution. A bill of rights was not proposed, however, until 12 September, after the Committee of Style had reported the final draft constitution. On that day Gerry moved that a committee be appointed to prepare a bill of rights. The motion, seconded by Mason, was defeated unanimously.

Because of the increased power of the central government and the Convention's refusal to adopt a bill of rights, Gerry, Mason, and Randolph did not sign the Constitution on 17 September. In the next few months, the three men were attacked for their refusal, and in response, each publicly defended his position. Mason and Gerry opposed the Constitution throughout 1787 and 1788, but Randolph voted to ratify it in the Virginia Convention.

Elbridge Gerry (1744–1814), a Marblehead, Mass., merchant who moved to Cambridge in 1786, was a delegate to Congress from 1776 to 1780 and from 1783 to 1785 and signed the Declaration of Independence and the Articles of Confederation. Gerry was appointed to the Annapolis Convention in 1786 but did not attend. In the Constitutional Convention, he advocated the strengthening of the central government, but he became increasingly dismayed as the Convention steadily enhanced the powers of that government. His objections to the Constitution, in a letter sent to the Massachusetts legislature, were published in early November 1787 (CC:227). Gerry was a U.S. Representative from 1789 to 1793, a commissioner to France in 1797 and 1798, governor of Massachusetts from 1810 to 1812, and Vice President of the United States from 1813 until his death.

George Mason (1725–1792), a planter, lived at Gunston Hall near Alexandria, Va., and was a friend and neighbor of George Washington. Mason drafted the Virginia Declaration of Rights and parts of the state constitution of 1776. He was a member of the state House of Delegates from 1776 to 1781 and from 1786 to 1788. He was elected a delegate to Congress in 1777 and to the Annapolis Convention in 1786 but attended neither. Mason was one of the most frequent speakers in the Constitutional Convention, where he supported the strengthening of the central government, but insisted that the rights and liberties of the people be protected. His objections to the Constitution circulated in manuscript from September to November 1787 and were printed in mid-November (CC:138, 276). In June 1788 Mason voted against ratification in the Virginia Convention. In 1790 he refused an appointment to the U.S. Senate to replace William Grayson who had died.

Edmund Randolph (1753–1813), a Williamsburg lawyer, was attorney general of Virginia from 1776 to 1786 and governor from 1786 to 1788. Randolph was a delegate to Congress in 1779 and from 1781 to 1782. He was a member of the Annapolis Convention. In the Constitutional Convention, he presented the Virginia Resolutions, which became the basis for the Constitution. In late December 1787, he published a letter explaining why he did not

sign the Constitution (CC:385). In June 1788, however, he voted for ratification in the Virginia Convention. As a member of the Virginia House of Delegates in 1788 and 1789, he helped to codify the laws of Virginia. Randolph was U.S. Attorney General from 1789 to 1794 and Secretary of State from 1794 to 1795.

*Wednesday, 12 September*

Mr. [Hugh] Williamson, observed to the House that no provision was yet made for juries in Civil cases and suggested the necessity of it.

Mr. [Nathaniel] Gorham. It is not possible to discriminate equity cases from those in which juries are proper. The Representatives of the people may be safely trusted in this matter.

Mr. Gerry urged the necessity of Juries to guard agst. corrupt Judges. He proposed that the Committee last appointed should be directed to provide a clause for securing the trial by Juries.<sup>2</sup>

Col: Mason perceived the difficulty mentioned by Mr. Gorham. The jury cases can not be specified. A general principle laid down on this and some other points would be sufficient. He wished the plan had been prefaced with a Bill of Rights, & would second a motion if made for the purpose. It would give great quiet to the people; and with the aid of the State declarations, a bill might be prepared in a few hours.

Mr. Gerry concurred in the idea & moved for a Committee to prepare a Bill of Rights. Col: Mason 2ded. the motion.

Mr. [Roger] Sherman, was for securing the rights of the people where requisite. The State Declarations of Rights are not repealed by this Constitution; and being in force are sufficient. There are many cases where juries are proper which can not be discriminated. The Legislature may be safely trusted.

Col: Mason. The Laws of the U.S. are to be paramount to State Bills of Rights. On the question for a Come. to prepare a Bill of Rights

N.H. no. Mas. abst. Ct. no. N.J. no. Pa. no. Del. no. Md. no. Va. no. N.C. no. S.C. no. Geo. no.

*Friday, 14 September*

Col: Mason moved to strike out from the clause (art I. Sect 9.) "No bill of attainder nor any ex post facto law shall be passed" the words "nor any ex post facto law." He thought it not sufficiently clear that the prohibition meant by this phrase was limited to cases of a criminal nature, and no Legislature ever did or can altogether avoid them in Civil cases.

Mr. Gerry 2ded. the motion but with a view to extend the prohibition to "civil cases," which he thought ought to be done.

On the question; all the states were—no.

Mr. [Charles] Pinkney & Mr. Gerry, moved to insert a declaration "that the liberty of the Press should be inviolably observed."

Mr. Sherman. It is unnecessary. The power of Congress does not extend to the Press. On the question,<sup>3</sup>

N.H. no.<sup>4</sup> Mas. ay. Ct. no. N.J. no. Pa. no. Del. no. Md. ay. Va. ay. N.C. no. S.C. ay. Geo. no.

*Saturday, 15 September*

Mr. Randolph animadverting on the indefinite and dangerous power given by the Constitution to Congress, expressing the pain he felt at differing from the body of the Convention, on the close of the great & awful subject of their labours, and anxiously wishing for some accomodating expedient which would relieve him from his embarrassments, made a motion importing "that amendments to the plan might be offered by the State Conventions, which should be submitted to and finally decided on by another general Convention." Should this proposition be disregarded, it would he said be impossible for him to put his name to the instrument. Whether he should oppose it afterwards he would not then decide but he would not deprive himself of the freedom to do so in his own State, if that course should be prescribed by his final judgment—

Col: Mason 2ded. & followed Mr. Randolph in animadversions on the dangerous power and structure of the Government, concluding that it would end either in monarchy, or a tyrannical aristocracy; which, he was in doubt, but one or other, he was sure. This Constitution had been formed without the knowledge or idea of the people. A second Convention will know more of the sense of the people, and be able to provide a system more consonant to it. It was improper to say to the people, take this or nothing. As the Constitution now stands, he could neither give it his support or vote in Virginia; and he could not sign here what he could not support there. With the expedient of another Convention as proposed, he could sign.

Mr. [Charles] Pinkney. These declarations from members so respectable at the close of this important scene, give a peculiar solemnity to the present moment. He descanted on the consequences of calling forth the deliberations & amendments of the different States on the subject of Government at large. Nothing but confusion & contrariety could spring from the experiment. The States will never agree in their plans, and the

Deputies to a second Convention coming together under the discordant impressions of their Constituents, will never agree. Conventions are serious things, and ought not to be repeated. He was not without objections as well as others to the plan. He objected to the contemptible weakness & dependence of the Executive. He objected to the power of a majority only of Congs. over Commerce. But apprehending the danger of a general confusion, and an ultimate decision by the Sword, he should give the plan his support.

Mr. Gerry. Stated the objections which determined him to withhold his name from the Constitution. 1. the duration and re-eligibility of the Senate. 2. the power of the House of Representatives to conceal their journals. 3. the power of Congress over the places of election. 4 the unlimited power of Congress over their own compensations. 5 Massachusetts has not a due share of Representatives allotted to her. 6. 3/5 of the Blacks are to be represented as if they were freemen. 7. *Under* the power over commerce, monopolies may be established. 8. The vice president being made head of the Senate. He could however he said get over all these, if the rights of the Citizens were not rendered insecure 1. by the general power of the Legislature to make what laws they may please to call necessary and proper. 2. raise armies and money without limit. 3. to establish a tribunal without juries, which will be a Star-Chamber as to Civil cases. Under such a view of the Constitution, the best that could be done he conceived was to provide for a second general Convention.

On the question on the proposition of Mr. Randolph. All the States answered no.

On the question to agree to the Constitution as amended. All the States ay.

The Constitution was then ordered to be engrossed,  
And the House adjourned

1. MS, Madison Papers, DLC. Printed: Farrand, II, 587-88, 617-18, 631-33.

2. Probably a reference to the Committee of Style which had been appointed on 8 September "to revise the style of and arrange the articles agreed to by the House. . . ." This committee reported the second draft of the Constitution on 12 September.

3. At a later date, Madison added "it passed in the negative."

4. At a later date, Madison added "In the printed Journal N. Hampshire ay."

## 76. The Report of the Constitutional Convention, 17 September

The Convention completed work on the Constitution on Saturday, 15 September, and ordered it engrossed and printed. The engrossed Constitution was signed on Monday, 17 September. Three delegates—Elbridge Gerry, George Mason, and Edmund Randolph—refused to sign. At 4:00 P.M., the Convention adjourned *sine die*. (For the evolution of the Constitution in the Convention, see CDR, 231-96.)

By Tuesday morning, 18 September, John Dunlap and David C. Claypoole—publishers of the *Pennsylvania Packet*—had printed 500 copies of a six-page broadside containing the Constitution, two resolutions of the Convention, and the letter of the President of the Convention to the President of Congress (Evans 20818). The broadside was given to the delegates who sent copies to state executives, families, and friends. (For examples, see CC:78, 83, 90, 93, 192.)

The broadside was also given to other printers. The Constitution was printed in the *Philadelphia Evening Chronicle* on 18 September and the next day in the *Pennsylvania Packet*. By 6 October, at least fifty-five newspapers had printed the Constitution, and by 31 October about twenty more newspapers had printed or had begun to print it. (For an account of the printings of the Constitution, see Leonard Rapport, "Printing the Constitution: The Convention and Newspaper Imprints, August–November 1787," *Prologue, The Journal of the National Archives*, II [1970], 69–89.)

The document below is a transcript of the Dunlap and Claypoole broadside.

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.

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

*Sect. 2.* The House of Representatives shall be composed of members chosen every second year by the people of the 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.

*Sect. 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.

*Sect. 4.* The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legisla-

ture 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.

*Sect. 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 authorised 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.

*Sect. 6.* The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

*Sect. 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 pro-

ceed 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.

*Sect. 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.

*Sect. 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.

*Sect. 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 its 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.

## II.

*Sect. 1.* The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows.

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately chuse by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the president. But in chusing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president,

the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall chuse from them by ballot the vice-president.

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

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be encreased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States.”

*Sect. 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 presi-

dent 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.

*Sect. 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.

*Sect. 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.

### III.

*Sect. 1.* The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. 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.

*Sect. 2.* The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; 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.

*Sect. 3.* Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

#### IV.

*Sect. 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.

*Sect. 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.

*Sect. 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.

*Sect. 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.

## 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 seven [sic] hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

## 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 beforementioned, 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.

## 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.

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.

GEORGE WASHINGTON, President,  
And Deputy from VIRGINIA.

## NEW-HAMPSHIRE.

*John Langdon,*  
*Nicholas Gilman.*

## MASSACHUSETTS.

*Nathaniel Gorham,*  
*Rufus King.*

## CONNECTICUT.

*William Samuel Johnson,*  
*Roger Sherman.*

## NEW-YORK.

*Alexander Hamilton.*

## NEW-JERSEY.

*William Livingston,*  
*David Brearley,*  
*William Paterson,*  
*Jonathan Dayton.*

## PENNSYLVANIA.

*Benjamin Franklin,*  
*Thomas Mifflin,*  
*Robert Morris,*  
*George Clymer,*  
*Thomas Fitzsimons,*  
*Jared Ingersoll,*  
*James Wilson,*  
*Gouverneur Morris.*

Attest, *William Jackson*, SECRETARY.

## DELAWARE.

*George Read,*  
*Gunning Bedford, Junior,*  
*John Dickinson,*  
*Richard Bassett,*  
*Jacob Broom.*

## MARYLAND.

*James M'Henry,*  
*Daniel of St. Tho. Jenifer,*  
*Daniel Carrol.*

## VIRGINIA.

*John Blair,*  
*James Madison, Junior.*

## NORTH-CAROLINA

*William Blount,*  
*Richard Dobbs Spaight,*  
*Hugh Williamson.*

## SOUTH-CAROLINA.

*John Rutledge,*  
*Charles Cotesworth Pinckney*  
*Charles Pinckney,*  
*Pierce Butler.*

## GEORGIA.

*William Few,*  
*Abraham Baldwin.*

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 preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention 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,  
 GEORGE WASHINGTON, President.

*William Jackson*, Secretary.

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 fœderal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was encreased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than



might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, SIR, YOUR EXCELLENCY'S most obedient and humble Servants,

George Washington, President.

*By unanimous Order of the CONVENTION.*

HIS EXCELLENCY

The President of Congress.

### 77 A-B. Benjamin Franklin: Speech in Convention, 17 September

The final session of the Constitutional Convention on 17 September began with the reading and correction of the engrossed Constitution. Then, according to Maryland delegate James McHenry, "Dr. Franklin put a paper into Mr [James] Willsons hand to read containing his reasons for assenting to the constitution. It was plain, insinuating persuasive—and in any event of the system guarded the Doctor's fame" (Farrand, II, 649). Two days later the *Pennsylvania Gazette* reported that the speech was "extremely sensible" and that Franklin's support of the Constitution would recommend it to all his Pennsylvania friends.

On 30 October Nathaniel Gorham, a Massachusetts delegate to the Convention, asked Franklin for a copy of the speech. Gorham said that its publication might influence "some few honest men" in Massachusetts who were not in favor of the Constitution (Franklin Papers, PPAmP). Two weeks later Franklin replied that "I have hitherto refused to permit its Publication: But your Judgment that it may do good weighs much more with me than my own Scruples. I therefore enclose it, and it is at your Disposition" (14 November, Franklin Papers, DLC).

Gorham, on the advice of friends, deleted portions and the *Boston Gazette* published the speech on 3 December. The *Gazette* stated that it was "AUTHENTIC—coming from a gentleman of respectability." By 21 December this version of the speech was reprinted twenty-six times: N.H. (4), Mass. (8), R.I. (3), Conn. (7), N.Y. (3), N.J. (1).

Gorham informed Franklin that almost everyone "read and applauded" the speech and that it had been "much used" in town meetings "to inculcate moderation & a due respect to the opinion of others" (15 December, Franklin Papers, PPAmP. See also "An Elector" and "Clito," *Massachusetts Gazette*, 4, 18 December.). Some Antifederalists criticized Franklin for signing the Constitution despite the serious doubts that he had about it ("Z," *Boston Independent Chronicle*, 6 December, CC:323; and *Massachusetts Gazette*, 14 December).

Franklin also sent a copy of the speech to Daniel Carroll, a Maryland delegate to the Convention. Maryland's Convention delegates appeared before the state's House of Delegates in Annapolis on 29 and 30 November, and Carroll informed Franklin that he had read the speech to the House in order to refute statements by fellow Convention delegate Luther Martin, whom he believed had misrepresented Franklin. (For Martin's speech on 29 November, see Farrand, III, 151–59.) Carroll told Franklin that he “had not communicated” the speech “to any but Messrs. Ths Johnson Mr [Charles] Carroll of Carrollton & my Brother [John Carroll] untill this occasion, nor have I suffered any Copy to be taken nor will not *without yr permission* to persons *I can depend on* to be used occasionally for the same purpose I have done it, or will do any thing else with them you may require—If you will honor me with a few lines they may relieve me from the anxiety I now feel—” (2 December, Franklin Papers, PPAmP).

On 5 December, three days after Carroll had written to Franklin, the Richmond *Virginia Independent Chronicle* printed a version of the speech almost identical with the copy Franklin had sent to Carroll. “A.B.,” who requested the *Chronicle* to publish the speech, said that he did not want to displease Franklin but that “the risque of offending him is over-balanced by the service I may render my country in desseminating those principles it contains, of modest deference for the opinions of others.—” By 16 February 1788 the *Chronicle's* version was reprinted ten times: N.J. (1), Pa. (5), Md. (1), Va. (1), S.C. (1), Ga. (1). It also appeared in the December 1787 issue of the Philadelphia *American Museum* and in a Richmond pamphlet anthology entitled *Various Extracts on the Fæderal Government* . . . (CC:350). (For a criticism and a defense of the speech, see the *Pennsylvania Herald*, 19, 22 December.)

The version of the speech printed below is the one Franklin sent to Daniel Carroll. The parts not included in the *Boston Gazette* printing are enclosed in angle brackets>. (For James Madison's version, see Farrand, II, 641–43.)

### 77—A. Franklin's Speech<sup>1</sup>

I confess that I do not entirely approve of this Constitution at present, but Sir, I am not sure I shall never approve it: For having lived long, I have experienced many Instances of being oblig'd, by better Information or fuller Consideration, to change Opinions even on important Subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow the more apt I am to doubt my own Judgment and to pay more Respect to the Judgment of others. Most Men indeed as well as most Sects in Religion, think themselves in Possession of all Truth, and that wherever others differ from them it is so far Error. [Sir Richard] Steele, a Protestant, in a Dedication tells the Pope, that the only Difference between our two Churches in their Opinions of the Certainty of their Doctrine, is, the Romish Church is infallible, and the Church of England is never in the Wrong. But tho' many private Persons think almost as highly of their own Infallibility, as that of their Sect, few express it so naturally as a certain French lady, who in a little Dispute with her Sister, said, I don't know how it happens, Sister, but I meet with no body but myself that's *always* in the right. (*Il n'y a que moi qui a toujours raison.*)

In these Sentiments, Sir, I agree to this Constitution, with all its Faults, if they are such: because I think a General Government necessary for us, and there is no *Form* of Government but what may be a Blessing to the People if well administred; and I believe farther that this is likely to be well administred for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotick Government, being incapable of any other. I doubt too whether any other Convention we can obtain, may be able to make a better Constitution: For when you assemble a Number of Men to have the Advantage of their joint Wisdom, you inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views. From such an Assembly can a perfect Production be expected? It therefore astonishes me, Sir, to find this System approaching so near to Perfection as it does; and I think it will astonish our Enemies, who are waiting with Confidence to hear that our Councils are confounded, like those of the Builders of Babel, and that our States are on the Point of Separation, only to meet hereafter for the Purpose of cutting one another's Throats. Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best. (The Opinions I have had of its Errors, I sacrifice to the Public Good. I have never whisper'd a Syllable of them abroad. Within these Walls they were born, & here they shall die. If every one of us in returning to our Constituents were to report the Objections he has had to it, and endeavour to gain Partizans in support of them, we might prevent its being generally received, and thereby lose all the salutary Effects & great Advantages resulting naturally in our favour among foreign Nations, as well as among ourselves, from our real or apparent Unanimity.) Much of the Strength and Efficiency of any Government, in procuring & securing Happiness to the People depends on Opinion, on the general Opinion of the Goodness of that Government as well as of the Wisdom & Integrity of its Governors. I hope therefore that for our own Sakes, as a Part of the People, and for the Sake of our Posterity, we shall act heartily & unanimously in recommending this Constitution,<sup>2</sup> wherever our Influence may extend, and turn our future Thoughts and Endeavours to the Means of having it well administred.—

On the whole, Sir, I cannot help expressing a Wish, that every Member of the Convention, who may still have Objections to it, would with me on this Occasion doubt a little of his own Infallibility, and to make *manifest* our *Unanimity*, put his Name to this Instrument.—

(Then the Motion was made for adding the last Formula, viz Done in Convention by the unanimous Consent &c—which was agreed to and added—accordingly.)<sup>3</sup>

77—B. *Franklin's Final Remarks*<sup>4</sup>

Whilst the last members were signing it [i.e., the Constitution] Doctr. Franklin looking towards the President's Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had found it difficult to distinguish in their art a rising from a setting sun. I have said he, often and often in the course of the Session, and the vicistudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun.

1. MS, Cornell University Libraries. The manuscript is addressed "D. Carrol Esqr."

2. At this point, the following statement appears in Madison's version of the speech: "(if approved by Congress & confirmed by the Conventions)."

3. Madison's version of this paragraph reads: "He then moved that the Constitution be signed by the members and offered the following as a convenient form viz. 'Done in Convention, by the unanimous consent of *the States* present the 17th. of Sepr. &c.—In Witness whereof we have hereunto subscribed our names.' " According to Madison, "This ambiguous form had been drawn up by Mr. G[ouverneur] M[orris] in order to gain the dissenting members, and put into the hands of Doctr. Franklin that it might have the better chance of success" (Farrand, II, 643).

4. MS, Madison Papers, DLC. An account of this incident was later printed in the *Newport Herald* on 20 December and reprinted five times by 25 February 1788: N.H. (1), Mass. (1), N.Y. (1), Pa. (1), S.C. (1).

### 78. North Carolina Delegates to Governor Richard Caswell Philadelphia, 18 September<sup>1</sup>

This letter was written in accordance with the instructions that the North Carolina delegates to the Constitutional Convention had received from their state legislature in January 1787. The legislature had required that the delegates report to it any act of the Convention "to remove the defects of our federal union and to procure the enlarged purposes which it was intended to effect . . ." (CDR, 201).

The North Carolina letter is only one of several written by Convention delegates to their state legislatures and executives. Some letters were written soon after the Convention adjourned, while others were sent weeks and even months later. The letters either explained the meaning of the Constitution and the kind of government it created; indicated how states or regions would benefit from the Constitution; or justified positions taken by the delegates in the Convention. (For other such letters, see CC:192, 227.)

In the Course of four Months Severe and painful application and anxiety, the Convention have prepared a plan of Government for the United States of America which we hope will obviate the defects of the present Fœderal Union and procure the enlarged purposes which it was intended to effect. Inclosed we have the honor to send you a Copy, and when you are pleased to lay this plan before the General Assembly

we entreat that you will do us the justice to assure that honorable body that no exertions have been wanting on our part to guard & promote the particular Interest of North Carolina. You will Observe that the representation in the Second Branch of the National Legislature is to be According to Numbers, that is to say, According to the whole Number of white Inhabitants added to three fifths of the blacks; You will also observe that during the first three years North Carolina is to have five Members in the House of Representatives, which is just one thirteenth part of the whole Number in that house and our Annual Quota of the National debt has not hitherto been fixed quite so high. Doubtless we have reasons to believe that the Citizens of North Carolina are more than a thirteenth part of the whole Number in the Union, but the State has never enabled its Delegates in Congress to prove this Opinion and hitherto they had not been Zealous to magnify the Number of their Constituents because their Quota of the National Debt must have been Augmented Accordingly, we had many things to hope from a National Government and the Chief thing we had to fear from such a Government was the Risque of unequal or heavy Taxation but we hope You will believe as we do that the Southern States in General and North Carolina in Particular are well Secured on that head by the Proposed System. It is provided in the 9th. Section of Article the first that no Capitation or other direct Tax shall be laid except in Proportion to the Number of Inhabitants, in which Number five Blacks are only Counted as three.—If a land Tax is laid we are to Pay at the Same Rate, for Example, fifty Citizens of North Carolina can be taxed no more for all their Lands than fifty Citizens in one of the eastern States. This must be greatly in our favour for as Most of their Farms are Small & many of them live in Towns, we certainly have, one with another, land of twice the Value that they Possess. When it is also considered that five Negroes are only to be charged the Same Poll Tax as three whites the advantage must be considerably increased Under the Proposed Form of Government The Southern States have also a much better Security for the Return of Slaves who might endeavour to escape than they had under the original Confederation—It is expected a considerable Share of the National Taxes will be Collected by Imposts, Duties and Excises but You will find it provided in the 8th. Section of article the first that all duties, Imposts and, excises shall *be uniform* throughout the United States While we were taking so much care to guard ourselves against being overreached and to form Rules of Taxation that might operate in our favour, it is not to be supposed that our Northern Brethren were inattentive to their Particular Interest.—A navigation Act or the Power to regulate Commerce in the Hands of the National Government by which American Ships and Seamen may be fully employed is the desirable weight that is thrown into the Northern Scale. This is what the

Southern States have given in Exchange for the Advantages we Mentioned above; but we beg leave to Observe in the Course of this Interchange North Carolina does not Appear to us to have given *any thing*; for we are doubtless the most independent of the Southern States; we are able to carry our own Produce and if the Spirit of Navigation and Ship building is cherished in our State we Shall Soon be able to carry for our Neighbours—We have taken the liberty to mention the general Pecuniary Considerations which are involved in this Plan of Government, there are other Considerations of great Magnitude involved in the System but we cannot exercise Your Patience with a further Detail; but Submit it with the Utmost deference.

1. Copy, Governors' Letterbooks, Nc-Ar. The letter was signed by William Blount, Richard Dobbs Spaight, and Hugh Williamson. Governor Caswell had been elected to the Constitutional Convention, but had resigned.

### 79. Pennsylvania Gazette, 19 September

The item below was the first newspaper commentary on the Constitution published in the United States. Reprints by 11 October (19): Vt. (1), Mass. (7), R.I. (3), Conn. (4), N.Y. (1), Pa. (1), Md. (2).

The division of the power of the United States into three branches gives the sincerest satisfaction to a great majority of our citizens, who have long suffered many inconveniencies from being governed by a *single* legislature. All *single* governments are tyrannies—whether they be lodged in *one* man—*A few* men—or a *large* body of the people.

### 80. Phineas Bond to the Marquis of Carmarthen Philadelphia, 20 September (excerpt)<sup>1</sup>

I have the Honor to inform your L<sup>d</sup>p: the Meeting of the Convention of the United States closed on the 17th. Inst.; and I now inclose to your Lordship the Constitution of Government recommended to the Consideration of Congress. As far as I can judge, the sober and discreet Part of the Community approve of the Plan in its present Form, & when due Consideration is paid to the democratic Temper of the Times, it is perhaps the best Shape in which it could have been handed forth to the People. . . .

1. RC, Foreign Office, Class 4, America, Vol. 5, f. 257, Public Record Office, London, England. Printed: J. Franklin Jameson, ed., "Letters of Phineas Bond, British Consul At Philadelphia, To the Foreign Office of Great Britain, 1787, 1788, 1789," American Historical Association *Annual Report* . . . 1896 (2 vols., Washington, D.C., 1897), I, 546. Bond (1749–1815), a Pennsylvanian, was attainted for treason in 1778 and left for England. He returned to America in November 1786 as the British consul for New York, New Jersey, Pennsylvania, Delaware, and Maryland. The Marquis of Carmarthen (1751–1799) was the British Foreign Secretary.

**81. Benjamin Franklin to Jane Mecom**  
**Philadelphia, 20 September (excerpt)<sup>1</sup>**

. . . The Convention finish'd the 17th Instant. I attended the Business of it 5 Hours in every Day from the Beginning; which is something more than four Months. You may judge from thence that my Health continues; some tell me I look better, and they suppose the daily Exercise of going & returning from the Statehouse has done me good.—You will see the Constitution we have propos'd in the Papers. The Forming of it so as to accommodate all the different Interests and Views was a difficult Task: and perhaps after all it may not be receiv'd with the same Unanimity in the different States that the Convention have given the Example of in delivering it out for their Consideration. We have however done our best, and it must take its chance. . . .

1. FC, Franklin Papers, DLC. Printed: Albert Henry Smyth, ed., *The Writings of Benjamin Franklin* . . . (10 vols., New York and London, 1905–1907), IX, 612–14. Mrs. Mecom (1712–1794), Franklin's sister, lived in Boston.

**82. Elbridge Gerry to John Adams**  
**New York, 20 September<sup>1</sup>**

The proceedings of the Convention being this day published, I embrace the Opportunity of transmitting them by a Vessel which is to sail this morning for London. There were only three dissentients Governor Randolph & Colo Mason from Virginia & your friend who now addresses you from Massachusetts. The objections you will easily conceive without their being enumerated: & they will probably be stated to our respective Legislatures. Time must determine the fate of this production, which with a check on standing armies in time of peace, & on an arbitrary administration of the powers vested in the Legislature, would have met with my approbation.

1. RC, Adams Family Papers, MHi. For Gerry's objections to the Constitution, see CC:227.

**83. James Madison to Edmund Pendleton**  
**Philadelphia, 20 September (excerpt)<sup>1</sup>**

The privilege of franking having ceased with the Convention, I have waited for this opportunity of inclosing you a copy of the proposed Constitution for the U. States.<sup>2</sup> I forbear to make any observations on it, either on the side of its merits or its faults. The best Judges of both will be those who can combine a knowledge of the collective & permanent interest of America, a freedom from the bias resulting from a participation in the work. If the plan proposed be worthy of adoption, the degree of unanimity attained in the Convention is a circumstance as

fortunate, as the very respectable dissent on the part of Virginia is a subject of regret. The double object of blending a proper stability & energy in the Government with the essential characters of the republican Form and of tracing a proper line of demarkation between the national and State authorities, was necessarily found to be as difficult as it was desirable, and to admit of an infinite diversity concerning the means among those who were unanimously agreed concerning the end. . . .

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, X, 171. Madison (1751–1836), an Orange County lawyer, was a Virginia delegate to Congress, 1780 to 1783 and 1787 to 1788. He attended the Annapolis Convention in 1786 and the Constitutional Convention the next year. In the latter body, Madison was a leading advocate of a powerful central government, a member of the Committee of Style, and a signer of the Constitution. Along with Alexander Hamilton and John Jay, he wrote *The Federalist Papers* (CC:201). Madison voted to ratify the Constitution in the Virginia Convention in June 1788. He was a U.S. Representative, 1789–1797; U.S. Secretary of State, 1801–1809; and President of the U.S., 1809–1817.

Pendleton (1721–1803) was president of Virginia's Supreme Court of Appeals, and in June 1788 he was elected President of the Virginia Convention, where he voted to ratify the Constitution.

2. Pendleton's copy of the Dunlap and Claypoole printing of the Constitution, with his annotations, is in the Andrew Jackson Donelson Papers, DLC.

#### 84. Robert Milligan to William Tilghman Philadelphia, 20 September (excerpt)<sup>1</sup>

. . . The convention is at last risen—their plan of Fœderal government is applauded here for its moderation, & we have no doubt of its being adopted—I shall deliver a copy to the post for you—When all was ready for signing—three of the members, flew off—Randolph & Mason from Virginia, & Geary from Boston.—the last mention'd is a mere insect, without any sort of consequence,—Mason has not been cordial in any part of the business; Randolph has been one of the most active persons in Convention, & much was expected from his support in Virginia, all at once he became an apostate; he is said to be afraid of the democracy & Patrick Henry. be this as it will, he has completely blasted himself here—We entertain hopes that New York will be the only refusing state—

[P.S.] It is said that Genl Washington has given assurances, that he will serve as President.<sup>2</sup>

1. RC, William Tilghman Papers, PHi. The place is not indicated, but presumably the letter was written in Philadelphia. Milligan (c. 1754–1806) was a Philadelphia lawyer. Tilghman (1756–1827), also a lawyer, represented Kent County in the Maryland Convention in April 1788, where he voted to ratify the Constitution.

2. There is no evidence that Washington gave any such "assurances." However, it had been rumored for weeks that Washington would probably be the first President (see, for example, Benjamin Rush to Timothy Pickering, Philadelphia, 30 August, Butterfield, *Rush*, I, 440).



**85. Matthew M'Connell to William Irvine**  
**Philadelphia, 20 September (excerpt)<sup>1</sup>**

. . . I should have answered your letter sooner but waited to try if I could find what effect the rising of the Convention might have upon State & Contl. credit—People interested in these matters seem very much staggered, however, continental certifs. have rose to be very currt. @ 2/6, and I was this morning offered 2/9 for five thousd. dollars by a stranger who has lately began to purchase—Our New loan are 4/ but very few sellers & as few purchasers—Paper money cannot be said to be better than 25 P.Cent discit. It appears to me that if the New federal Government is adopted all certificates will be alike, that is, the debt Pennsylv. has addopted must revert back to the United States and rest upon their funds—This would derange all our funding and Land Office laws it is true, but perhaps it might be as well for the creditors in the end, provided Congress get stable & permanent funds.<sup>2</sup>—The New Government will abridge the powers of State legislatures, & I suppose in some measure impair their Constitutions—These things I am afraid the people will not readily consent to, and yet if they do not I am of opinion America cannot exist as one nation; So that I see great difficulties every way, and independant of the funding Systems adopted by Pennsylv. & New York<sup>3</sup>—These are my own private oppinions—I have not met with any body yet who chose to speak very freely on the subject. I suppose Congress will have it under consideration very shortly.

P.S. Should be happy to know [how] the continental lands sell at Auction.

1. RC, Irvine Papers, PHi. M'Connell (c. 1743–1816), a Philadelphia merchant and broker, was the author of *An Essay on the Domestic Debts of the United States of America* . . . published in March 1787 (Evans 20470). The pamphlet enumerated the types of public securities in circulation and analyzed the provisions that Congress and the states had made for their redemption. Irvine (1741–1804) was a Pennsylvania delegate to Congress from 1787 to 1788. He was defeated for election to the U.S. Senate and the House of Representatives in 1788.

2. Because Congress was unable to pay the interest on its debt, the Pennsylvania General Assembly provided on 16 March 1785 that it would pay the interest due on federal securities for one year, earmarking for this purpose revenue derived from land sales, taxes, and an issue of paper money. The following year, the Assembly authorized the exchange of federal securities owned by Pennsylvanians for state certificates bearing six percent interest. By the end of 1787, Pennsylvania had assumed federal securities worth about six million dollars specie value.

3. New York's funding system, enacted on 6 March 1786, was similar to Pennsylvania's. Coupled with the revenue derived from land sales, New York assumed federal securities worth over \$2,300,000 specie.

**86. Roger Alden: Memorandum**  
**New York, 21 September<sup>1</sup>**

The budget was opened Yesterday and the important secret is now exposed to public view<sup>2</sup>—and I hope it will be approved by every individual—I find it meets with the approbation of many of those

Gentlemen of whose opinion and for whose judgment I have the highest respect—but where we may expect opposition is easy to be conjectured—I can readily make three classes—Great Men of our own who will loose their consequence, little Great Men, conscious of their own talents—who know they have not abilities to become really great Men—and all those who are really enemies to the happiness of the Country or have exposed themselves by their crimes, Idleness—and wickedness to the Just Laws of society—

1. FC, PCC, Item 55, Records of the Office of Congress, 1781–89, f. 207, DNA. The document begins with the salutation, "Dear Sir," but Alden possibly intended it as a memorandum to remain in the papers of Congress. Alden (1754–1836), from Stratford, Conn., was deputy secretary of Congress. He was William Samuel Johnson's son-in-law.

2. A reference to the fact that Congress read the engrossed Constitution (CC:95).

### 87. Philadelphia Independent Gazetteer, 21 September<sup>1</sup>

Having stepped into Mr. —'s beer-house, in — Street, on Saturday-evening last, I perceived the room filled with a number of decent tradesmen who were conversing very freely about the members of the Federal Convention, who it was said like good workmen, had finished their work on a Saturday night.—As the principles of this company were highly federal, and many of their remarks very shrewd, I took notes of them in my memorandum book, in short hand, and have since copied them for the use of your truly federal paper.

1. *A Sea Captain*. By George, if we dont adopt the Federal Government we shall all go to wreck.

2. *His Mate*. Hold, hold Captain, we are in no danger, *Washington* is still at the helm.

3. *A Continental Lieutenant*. If we dont adopt the new government—why the hardest send off—promotion is always most rapid in a civil war.

4. *A Cooper*. If we reject the new government—we shall all go to staves.

5. *A Blacksmith*. If we dont submit to the Convention—we shall all be burned into cinders.

6. *A Shoemaker*. If we do not adopt the alterations in the Federal Convention now—we shall never have such another opportunity of having it mended.

7. *A Mason*. The old fabric must be underpinned—or we shall all go to the devil together.

8. *A House-Carpenter*. We shall never do well, till all the little rooms in the federal mansion-house, are thrown into one.

9. *A Silversmith*. I hate your party-coloured metals—the sooner we are all melted into one mass the better.

10. *A Baker*. Let me see the man that dares oppose the federal government, and I will soon make biscuit of him.

11. *A Butcher*. And I would soon quarter the dog.

12. *A Barber*. And I would shave the sun of a —.

13. A *Cook*. And I would *break every bone* in his body.  
 14. A *Joiner*. And I would make a *wooden jacket* for him.  
 15. A *Potter*. And I would grind his dust afterward into a *chamber pot*.  
 16. A *Taylor*. And I would throw it *into Hell*.

1. Reprints by 31 October (10): N.H. (1), Mass. (1), R.I. (1), Conn. (3), N.Y. (2), N.J. (1), Md. (1).

### 88. Pennsylvania Packet, 22 September<sup>1</sup>

*From a Correspondent.*

I was walking the other day in Second street and observed a child, of five or six years old, with a paper in his hand, and lisping, with a smile, "*here's what the convention have done.*" Last evening I was walking down Arch street and was struck with the appearance of an old man, whose head was covered with hoary locks, and whose knees bent beneath the weight of his body, stepping to his seat by the door, with a crutch in one hand and his spectacles and the *new federal constitution* in the other. These incidents renewed in my mind the importance of the present æra to one half the world! I was pleased to see all ages anxious to know the result of the deliberations of that illustrious council, whose *constitutions* are designed to govern *a world of freemen!* The unthinking youth, who cannot realize the importance of government seems to be impressed with a sense of our want of union and system; and the venerable sire, who is tottering to the grave, feels new life at the prospect of having everything valuable secured to posterity.

Ye Spirits of ancient legislators! Ye Ghosts of Solon, Lycurgus and Alfred! Of the members of the grand Amphycyonic Council of Greece! and of the illustrious Senate of Rome! attend and bear testimony, how important the task of making laws for governing empires? Attend, ye Ghosts of Warren, Montgomery, Mercer and other heroes who offered your lives upon the altar of freedom! Bear witness, with what solicitude the great council of America, headed by a *Franklin* and a *Washington*, the fathers of their country, have deliberated upon the dearest interests of men, and laboured to frame a system of laws and constitutions that shall perpetuate the blessings of that independence, which you obtained by your swords!

"These are the fathers of this western clime!

Nor names more noble grac'd the rolls of fame.

When Spartan firmness braved the wrecks of time,

Or Rome's bold virtues fanned the heroic flame.

Not deeper thought the immortal sage inspired

On Solon's lips when Grecian senates hung;

Nor manlier eloquence the bosom fired

When genius thundered from the ATHENIAN tongue."<sup>2</sup>

Away ye spirits of discord! ye narrow views! ye local policies! ye selfish patriots, who would damn your country for a sixpenny duty! In the present state of America, *local views are general ruin!* *Unanimity* alone is our *last resort*. Every other expedient has been tried; and unanimity *now* will certainly secure freedom, national faith and prosperity.

1. Reprints by 8 November (11): Vt. (1), N.H. (1), Mass. (3), R.I. (1), Conn. (1), N.Y. (2), Pa. (1), Va. (1).

2. These stanzas are from *An Elegy on the Times* (Boston, 1774), written by John Trumbull of Hartford, Conn. (Evans 13693).

### 89. Don Diego de Gardoqui to Conde de Floridablanca New York, 23 September (excerpts)<sup>1</sup>

Consistent with my last unnumbered Letter of the 13th of the Present Month written in Philadelphia, whose Duplicate, and that of my previous Number 211 are enclosed; again I risk this one by the same route, in order to send Y[our] E[xcellency] a Copy of the Results of the General Convention, and its translation; having taken it with the greatest promptness, in consideration of the fact that the Congress, which has set this first Wednesday to begin to consider it, has just received it.

It is absolutely impossible to form a sure judgment about its adoption, but the general opinion is, that in spite of some opposition from some States, this new System will be adopted. . . .

[P.S.] Mr. Randolph, Governor of Virginia, and Mr. Mason of the same State and Mr. Gerry of Massachusetts did not want to sign the report of the Convention. Only Mr. Hamilton signed for New York because the other two Delegates were absent in order not to ratify it.<sup>2</sup> All of these are persons of high position.

1. RC (Tr), Estado, Legajo 3893 bis, Letter 212, Archivo Histórico Nacional, Madrid, Spain. Gardoqui (1735–1798), the Spanish minister to the United States, arrived in America in 1785 to negotiate a treaty and remained until 1789. Floridablanca (1728–1808) was Spain's Secretary of State.

2. John Lansing and Robert Yates had left the Convention on 10 July.

### 90. George Washington to Former Virginia Governors Mount Vernon, 24 September<sup>1</sup>

Soon after he returned to Virginia, Washington wrote identical letters to three former Virginia governors—Patrick Henry, Benjamin Harrison, and Thomas Nelson—and enclosed the Dunlap and Claypoole printing of the Constitution (CC:76). He had already forwarded the broadside to another former governor, Thomas Jefferson (18 September, Fitzpatrick, XXIX, 276).

Henry (1736–1799) was a member of the Virginia Convention in 1788 and led the opposition to the Constitution. Harrison (1726–1791) voted for ratification in the Virginia Convention even though he believed the Constitution needed a bill of rights. Nelson (1738–1789) had retired from public life after having served as governor in 1781.

In the first moments after my return I take the liberty of sending you a copy of the Constitution which the Fœderal Convention has submitted to the People of these States.—

I accompany it with no observations—your own Judgment will at once discover the good, and the exceptionable parts of it.—and your experience of the difficulties which have ever arisen when attempts have been made to reconcile such variety of interests, and local prejudices as pervade the several States will render explanation unnecessary.—I wish the Constitution which is offered had been made more perfect, but I sincerely believe it is the best that could be obtained at this time—and as a constitutional door is opened for amendment hereafter, the adoption of it under present circumstances of the Union is in my opinion desirable.

From a variety of concurring accounts it appears to me that the political concerns of this Country are, in a manner, suspended by a thread.—That the Convention has been looked up to by the reflecting part of the community with a Sollicitude which is hardly to be conceived, and that, if nothing had been agreed on by that body,—anarchy would soon have ensued—the seeds being richly sown in every soil.

1. FC, Washington Papers, DLC.

### 91. New York Daily Advertiser, 24 September

This item was the first original commentary on the Constitution published in New York. It was reprinted in the *Albany Gazette* on 4 October and the *Litchfield, Conn. Weekly Monitor* on 12 November.

The result of the deliberations of the National Convention is now laid before the public, and I congratulate each patriot heart on the important disclosure. The causes which have all pressed, as it were to a point, to render a thorough reform indispensably necessary, have been long the subject of general speculation. The Casuist has disputed—the Orator has harangued—and the Essayist has reasoned on them. Indeed, the necessity of the Convention has been generally admitted, and almost universally *felt*. We have now offered to us a Constitution, which, if happily received, will disappoint our enemies, render us safe and happy at home, and respected abroad. Heaven, in mercy to us, has furnished this auspicious event, in order to snatch us from impending ruin, and to re-establish this favored land on the substantial basis of liberty, honor and virtue. The means of wiping opprobrium from our country are now in our power; let us neither reject nor forego them. It will be the duty of all honest, well-disposed men, friends to peace and good government, as well in this State as throughout the Union, to cultivate and diffuse, as far as their walk may extend, a spirit of submission to the counsels of this great patriot band; who have sought to procure,

and have been anxious in their endeavors to establish, our liberty, and aggrandize our fame. If the New Constitution is not as perfect in every part as it might have been, let it be considered, that it is much more so than the most friendly and sanguine expected; and, at the same time, let it be remembered, that “the *mutual deference and concession*,” and that “*spirit of amity*,”<sup>1</sup> from which this Constitution has resulted, ought to have a strong operation on the minds of all generous Americans, and have due influence with every *State Convention*, when they come to deliberate upon its adoption.

Every good American, when he reflects, will exult with joy that his countrymen have calmly resorted to so temperate and wise a measure as the late Convention; not only on account of the advantages, which, by the blessing of Heaven, we are likely to derive from it; but also as it furnishes a valuable precedent, if it shall be found necessary hereafter. It will likewise teach foreign nations to reflect, that, tho’ discord may rear its Hydra head, and state jealousies for a while prevail, yet the enlightened Americans will not consent that the fair fabric of Liberty, which they have established with their blood, shall be endangered by anarchy at home, or destroyed by violence from abroad. The conflict which America lately sustained in the cause of Freedom, will be historiated as an important lesson to distant nations and future ages. Let the present epoch be recorded as a lesson to future generations in these United States, as having given birth to a *revolution*, effected by good sense and deliberation: Let it be stiled the reign of reason, the triumph of discretion, virtue and public spirit!

Perhaps the greatest, if not the only difficulty, which will arise against the adoption of this New Federal System of Government, will be made by those ambitious citizens, in the different States, who either *now are in power*, or who will practise their political wiles on the ignorant and unsuspecting part of the people, in order to obtain their own *private purposes*. It is a lamentable consideration, that men of this stamp too frequently, by the folly and blindness of the people, are put in the exercise of such offices as give them a very dangerous degree of influence—Hence the social compact is often violated, and sometimes dissolved.

Let difficulties, if any unhappily arise, be no longer laid to *our charge*—and let us all, who are friends to order and good government, in the language of scriptural injunction, “*watch and pray*.”—*Watch, and, with open front*, manfully oppose every ambitious demagogue, however *high in office*, who may attempt to form combinations, with a wicked intent to destroy the labors of those distinguished worthies; and *pray the Governor of the world* to avert, and finally disappoint their nefarious purposes.—If the change, which genius and patriotism has presented to us, as the most advisable to be received, should be rejected, and if (which God avert) such evil-minded men should prevail, what is the alternative?

Gorgon-headed anarchy, or a miserable aristocratic domination; all the wretchedness and wickedness of an aristocracy, without a single particle of its dignity.

Certain it is, we have no reason to fear (whatever pseudo-patriots may insinuate) a well digested system, which reconciles in a great measure, various interests, and embraces the happiness of the whole; which has been approved by the most dignified and patriotic citizens in the Union; and which at once gives a power that will be efficient and adequate to the support and happiness of the Confederation; and, at the same time, so guards and checks the administration of it, that there will be little danger of running into a lawless Democracy, on the one hand, or of the Sovereign authority degenerating into Tyranny, on the other.—In short, a system, which it will be wise in us to accept with gratitude—the rejection of which might, perhaps, be dreadful.

*Saturday.*

1. The quotations are from the letter of the President of the Constitutional Convention to the President of Congress, 17 September 1787 (CC:76).

## 92. St. Jean de Crevecoeur to le Maréchal de Castries

New York, 25 September (excerpts)<sup>1</sup>

... The Americans are close to a very important crisis, and all that is now happening, must be regarded as the forerunner of the fate which destiny reserves for them; whether they submit to a reform of the present System of the Confederation, for which task, the Convention is being held at Philadelphia; or whether by the division of the union they plunge into Anarchy, & the misfortunes which must necessarily be its Consequence. It is only in this political respect, that I flatter myself to be able to give these details some degree of interest. I have hardly forgotten to inform you in this outline of the principles upon which Congress has just founded the new Government, which that Body is going to establish North West of the Ohio. . . .<sup>2</sup>

People await with the greatest impatience the result of the long Sessions of the federal Convention which, by the merit, experience & talents of the 54 Members which compose it, can be regarded as the collective Wisdom of the Continent; it was presided over, as you perhaps knew, by General Washington, whom the voice of his country made come out of his retirement a second time. The Vice President is the Celebrated Doctor Franklin, & a large number of the other members of this Convention are or have been Governors of several of the States. If you give me permission, I will not fail at the same time to send you an outline of the new plan of federal Government which this assembly of wise men will have proposed in order to eliminate the abuses and replace the present weakness with Energy and uniformity. . . .

... The instant that I was ending my Letter, I received from General Knox the copy of the new Constitution which the federal Convention has just transmitted to Congress, & which is going to be placed before the view of the Legislatures of all the States. This event is so new, so interesting to humanity in General, as well as to the inhabitants of this new part of the world, that I was unable to resist the desire to make an extract of it, which will be enough to give you a clear & distinct Idea of the new principles, on which this new Constitution is based.—You can well observe My Lord, that this is no longer a Confederation of 13 separate & distinct States It is a new general Government, vested with Legislative, Judicial & Executive powers, sufficient to superintend the Interests of, & protect all the States which will accede to it. Democracy has never before appeared under a similar form, & has never been so balanced. They followed, as far as Circumstances permitted them, the principles of the late Mr. Turgot & of Doctor Price. This new Constitution will take place as soon as 9 States have assented to it, & at that time it is believed that General Washington will be elected & appointed President; an Important Office as you can see by perusing this Extract, which I made as brief as possible.

1. RC (Tr), *Correspondance Politique, États-Unis, Supplement, Vol. IV, ff. 304–6*, Archives du Ministère des Affaires Étrangères, Paris, France. Crevecoeur (1735–1813), born in France, migrated to Canada and was a French army scout and mapmaker in the French and Indian War. From 1759 to 1769 he traveled extensively throughout the American colonies. He became a naturalized citizen in 1765 and settled on a farm in New York in 1769. He visited France in 1780 and returned to the United States in 1783 as the French consul for New York, New Jersey, and Connecticut. Le Maréchal de Castries (1727–1801) was the French Minister of Marine until August 1787 when he was replaced by the Comte de Montmorin.

2. The reference is to the Northwest Ordinance, adopted by Congress on 13 July 1787 (CDR, 168–74).

### 93. William Samuel Johnson to Samuel William Johnson New York, 25 September (excerpts)<sup>1</sup>

I returned here from Philadelphia last Wednesday [19 September]. ... I send you by this Conveyance several Copies of the Result of the Convention, & you will find two Copies in the Papers of the 21st Inst.<sup>2</sup> which I presume will be sufficient for you & your Friends to amuse yourselves with. It is yet impossible to foresee what will eventually be the Fate of it with the People, we only know that it was very well received on its publication in Philadelphia, & most that we hear in this City, & from Connecticut, & N. Jersey is extremely favourable, but it is known that Parties are forming in al[most?] every State to give it opposition, & it must be some time before we can know the Event. ...

1. RC, William Samuel Johnson Correspondence, Columbia University Library. William Samuel Johnson (1727–1819), a Connecticut delegate to the Constitutional



Convention, was a member of Congress and took part in the debate on transmitting the Constitution to the states (CC:95). He voted to ratify the Constitution in the Connecticut Convention in January 1788. His son, Samuel William (1761–1846), was living at the time in St. George's, Bermuda.

2. The Constitution was printed in the New York *Daily Advertiser* and the *New York Packet* on 21 September.

#### 94. Daniel Shays to the Antifederal Junto in Philadelphia Philadelphia Independent Gazetteer, 25 September

This fictitious letter was an attempt to associate Philadelphia's Antifederalist leaders with Daniel Shays of Massachusetts and the violence-prone Connecticut settlers in Pennsylvania's Wyoming Valley. The Wyoming Valley had been the scene of turmoil for decades. Before the Revolution, a large group of Connecticut settlers purchased land in the valley from a Connecticut land company, settled there, and acknowledged the jurisdiction of Connecticut. From the first, the Connecticut settlers engaged in open warfare with those settlers who accepted Pennsylvania's jurisdiction. In 1782 a federal court awarded jurisdiction of the valley to Pennsylvania, and four years later, Pennsylvania established Luzerne County in the area. Whereupon, the Connecticut settlers, led by John Franklin, organized to resist the laws of Pennsylvania and to boycott state and local elections. In August 1787 they met at Tioga Point and openly defied the authority of Pennsylvania. Their "avowed design" was the creation of "a new state." Soon after, the Pennsylvania Supreme Executive Council ordered Franklin's arrest, and in early October he was apprehended and imprisoned (*Independent Gazetteer*, 3, 12 September and 6 October, Mfm:Pa. 31, 40, 108).

By 20 December the fictitious letter printed below was reprinted ten times: Mass. (3), Conn. (1), N.Y. (1), N.J. (2), Pa. (2), S.C. (1).

*Tioga Point, 15th September, 1787.*

*My dear Friends,*

It is with great concern that I have heard that you are composed of only *five* members, and that a great body of citizens who once followed you in every thing, have lately joined the federal party. Rest assured, they never were sound at bottom, that is, they never were attached to *themselves* above all things, or they never would have left you at this trying juncture.

My advice to you upon this occasion is, give the new government all the opposition that lies in your power. For this purpose, if you are applied to to sign a petition to your Assembly to recommend the adoption of it,<sup>1</sup>—you must say "you have not read it;" or if you have, that "you want time to consider of it."

Besides this, you must *snarle* at the Convention in every company, and write letters to the frontier countries, where the people is most easily deceived, and alarm them with a number of hard words, such as *aristocracy, monarchy, oligarchy*, and the like, none of which they will understand.

You must tell them further, that by the constitution of Pennsylvania, which *you* are sworne to support (and no wonder, for its treasury supports *you*) the federal government cannot be adopted in Pennsylvania. Even the *people* themselves cannot consent to any alterations of the constitution; for the constitution is above them all, and above every thing else, except you five gentlemen, who live by it, and who may break it, and twist it, and turn it when ever it suits your interest and party.

You must try further to put off the recommendation of a Convention, till the next session of your Assembly. This will give you time to look about you, and perhaps to throw a lock upon one of the wheels of the great continental waggon; for you may depend upon it your wheelbarrow, and the new flying machine, cannot long travel the same road together.<sup>2</sup>

With great regard, and sincere wishes for your success in every thing that tends to anarchy, distress, poverty and tyranny, I am your friend and humble servant, DANIEL SHAYS.

1. For such petitions, see RCS:Pa., 62, 64, 64–65, 65, 67, 134, 137–38.

2. The “great continental waggon” probably refers to the central government, and the “new flying machine” to the new Constitution. The “wheelbarrow” was undoubtedly the Pennsylvania state constitution of 1776. On 30 August 1787 Benjamin Rush had used similar language: “The new federal government like a new continental wagon will overset our state dung cart with all its dirty contents (reverend and irreverent) and thereby restore order and happiness to Pennsylvania” (to Timothy Pickering, Butterfield, *Rush*, I, 439–40).

## 95. The Confederation Congress and the Constitution 26–28 September

On the morning of 18 September William Jackson, Secretary of the Constitutional Convention, left Philadelphia for Congress in New York, carrying the engrossed Constitution. He arrived the next day and submitted the Constitution to Charles Thomson, the Secretary of Congress.

The Constitution was read to Congress on 20 September, and Congress assigned 26 September for its consideration. By the 26th, ten Constitutional Convention delegates, who were also members of Congress, had taken their seats. Of the ten, nine had signed the Constitution; the tenth (William Pierce) had left the Convention early (CDR, 317, 324–25).

Five of the Convention delegates—Pierce Butler, Nathaniel Gorham, William Samuel Johnson, Rufus King, and James Madison—are known to have taken part in the congressional debates on the Constitution between 26 and 28 September. Other members of Congress who participated were Edward Carrington, Abraham Clark, Nathan Dane, William Grayson, Henry Lee, and Richard Henry Lee. Gorham, Grayson, Johnson, King, Madison, and Henry Lee later sat in state conventions, and all but Grayson voted to ratify the Constitution.

On 26 and 27 September Congress debated the manner in which it would send the Constitution to the states. Critics of the Constitution wanted it transmitted to the state legislatures with an indication that the Convention had vio-

lated Article XIII of the Articles of Confederation and the congressional resolution of 21 February 1787 (CC:1). Supporters of the Constitution advocated that Congress should approve the Constitution before submitting it to the state legislatures. They also wanted to recommend that the legislatures call conventions to consider the Constitution.

On 27 September Richard Henry Lee, a critic, moved that Congress consider amendments to the Constitution which he then proposed. Congress refused to debate the substance of Lee's amendments and rejected his proposal. Nor were Lee's motion and amendments placed upon the Journals.

On 28 September Congress reached a compromise. It resolved "unanimously" that the Constitution and the resolutions and the letter of the Convention be sent to the states with only a suggestion that the states call conventions to consider the Constitution. This compromise followed the recommendation of the Convention.

On the same day Secretary Thomson transmitted to the state executives a four-page broadside which included the Constitution, the resolutions and the letter of the Convention, and Congress' resolution of 28 September. The broadside had been printed by John M'Lean of the New York *Independent Journal* and then attested by Secretary Thomson.

News of the adoption of the 28 September resolution circulated widely. By 23 October more than fifty newspapers had printed the text of the resolution or reported its passage, but only one brief newspaper item even hinted that a debate had occurred (*Pennsylvania Herald*, 6 October, CDR, 351).

Many individuals, however, knew that a heated debate had taken place and that there had been opposition to the Constitution. Between 29 September and 16 October, Richard Henry Lee sent copies of his amendments to such Antifederalists as Elbridge Gerry, George Mason, William Shippen, Jr., Samuel Adams, and Edmund Randolph (CDR, 342; and CC:117, 122, 132, 325). Another manuscript version of the amendments, not in Lee's hand, was sent to the Governor of North Carolina (Governors' Papers, Nc-Ar). Federalist delegates to Congress such as James Madison also admitted in private correspondence that there was considerable disagreement among the delegates (see, for example, CDR, 343-45).

The general public became aware of the debate in Congress through the publication of two widely reprinted Antifederalist items. On 24 October "Centinel" II stated that after "two days animated discussion," the proponents of the Constitution dropped their attempt to have Congress send the Constitution to the states with its approval. By cleverly wording the resolution of transmittal, however, they tried to mislead the public into believing that Congress had "unanimously" approved the Constitution (CC:190). On 6 December the Petersburg *Virginia Gazette* published Lee's amendments and his letter of 16 October to Edmund Randolph which reiterated the charge made by "Centinel" (CC:325).

The proceedings of Congress for 26, 27 and 28 September (printed below) are reconstructed from the Journals of Congress, manuscript motions made in Congress, Melancton Smith's notes of debates, Richard Henry Lee's amendments, and the letterbooks of the Secretary of Congress.

The most complete record of Congress' actions on the Constitution is the notes of debates kept by Melancton Smith, a New York delegate. In recording the arguments of the speakers, Smith placed all motions in their proper order. His notes are undated, but it is evident that they cover the events of 26 and 27 September.

Smith's notes are in the New York State Library and have been published by Julius Goebel, Jr., as "Melancton Smith's Minutes of Debates on the New Constitution," *Columbia Law Review*, LXIV (1964), 26–43. Smith's notes are composed of seven manuscript pages headed "On the constitution reported by the Convention—." A blank eighth page is docketed "Minutes of Debates on the new Constitution." The notes are printed below in literal form. Some abbreviations, however, have been spelled out for clarity, in which case the editors' amplifications have been set in italic.

For more on Congress and the Constitution between 20 and 28 September, see CDR, 322–42. For commentaries on these proceedings, see CDR, 342–53; and CC:86, 105, 114, 117, 122, 127, 132, 144, 185, 187, 199, 325.

*Proceedings, 26 September*

Congress assembled present as before [New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, and from Maryland David Ross] [PCC, Item 1, Rough Journals of Congress, DNA]

*Nathan Dane's Motion, 26 September<sup>1</sup>*

Whereas Congress Sensible that there were defects in the present Confederation; and that several of the States were desirous that a Convention of Delegates should be formed to consider the same, and to propose necessary alterations in the federal Constitution; in February last resolved that it was expedient that a Convention of the States should be held for the Sole and express purpose of revising the articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein, as Should when agreed to in Congress, and be confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the union—

And whereas it appears by Credential laid before Congress, that twelve States appointed Delegates who assembled in Convention accordingly, and who did on the 17th. instant, by the unanimous consent of the States then present in convention agree upon, and after wards lay before Congress, a Constitution for the United States, to be submitted to a convention of Delegates, chosen in each State by the people thereof, under the recommendation of it's legislature, for their assent and ratification which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation;—to alterations in which articles, the deliberations and powers of Congress are, in this Case, constitutionally confined—and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in

the said Confederation—and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a system of Government no way connected with those forms; but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the Several States to be laid before the respective legislatures thereof therefore

Resolved that there be transmitted to the Supreme executive of each State a copy of the report of the Convention of the States lately assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress— [MS, PCC, Item 36, Motions Made in Congress, 1777–88, DNA]

the motion of Mr Dane for sending forward ye. Constit. with an opin— [Smith's Notes]

*Proceedings, 27 September*

Congress assembled, present as before [Journals of Congress, DNA]

*Debates, 27 September*

Renewed<sup>2</sup>

Mr. *Pierce* Butler—wishes to know the motives yt produced ye motion—he thinks it is calculated to disapprove—

Mr. Dane—Asks to know what words are *objectionable*—

1. The consolidation imperfect & will not work—
2. If it does it will not work on free principles—it must be supported by a standing Army—it will oppress ye honest and industrious—will *advantage* a few—is not averse to *examination* is open to convictn—and if convinced will support it—is willing the prest. motion should be amended so as to be neutral—If it is to be approved it will be moved to take it up by paragraphs—objections stated, amendments moved—Congress no *constitutional* right to consider

Mr *Richard Henry* Lee—Every man to see with his own eyes—to judge for themselves—Congress acting under ye pres. constitution. *definitely* limiting yr. powers, have no right to recomd. a plan subverting ye Govt.—this remark [felt?] as a Gent yesterday justify. by ye necessity of the case—this *dangerous* because ys *principle* has been abusd to bad 100 tims where it is used for good—the impost<sup>3</sup> referred as an instn. to justify—that within ye powers of *Congress*; it was sent to receive ye app of 13 Ss. & within ys Line—this by nine.—this plan proposes destroy. ye

Conf. of 13 and *establishing* a new one of 9—yet it wd. be indecent not to send it to ye Ss. for 12 states sent Del. to *the Constitutional Convention* as he *understands* to amend ye pres. govt. men of *respected Characters* have agreed upon ys it should be forwd.

A Gen. yesd said ye Conf. says nothg of Conven.—It is true it does nt. point to a conv. but it does not forbd ym. to be proposd. by one, or any other way, Congs. is only to agree—if this was not destruct. but an amdt. Cong. might consd.—proposes a Resolution, stating that as Cong. have no right under ye Conf. to *recommend alterations* of ye conf. unless agreed to by 13 S. & ys. *proposes* an amd. by 9 [Smith's Notes]

*Richard Henry Lee's Motion, 27 September<sup>4</sup>*

... And a motion being made by Mr R H Lee seconded by Mr Smith in the words following "Resolved That Congress after due attention to the Constitution under which this body exists and acts find that the said Constitution in the thirteenth article thereof limits the power of Congress to the amendment of the present confederacy of thirteen states, but does not extend it to the creation of a new confederacy of nine states; and the late Convention having been constituted under the authority of twelve states in this Union it is deemed respectful to transmit and it is accordingly ordered that the plan of a new federal constitution laid before Congress by the said convention be sent to the executive of every state in this Union to be laid before their respective legislatures."—[Journals of Congress, DNA]

*Debates, 27 September*

Mr *Rufus King*—Recds. moderation & is sorry Mr *Dane* is intemperate—

*Henry Lee*. approves ye moti of Mr L, R H Lee, as bring. ye. point to view. whether it shall be passed, with. inves—or witht—thinks Mr *Dane* has not appeared *intemperate*.

R H. Lee. at a loss to undersd. Mr *King*—feel his pulse & he will find no intem Congs. must do somg.—some think it must be *approved*—some think we have no right to determ—he yt. [thought] his motion neutral—if he is called to approve, his conscience will oblige him to declare his sentis—he is candid—not sinister—

Mr. *Abraham Clark*—Dont like any propl. yet made—he cant appr it—but thinks it will ans. no purpose to alter it—will not opp it in any place—prefrs a resol. to postpone *Lee's motion* to take up one, barely to forward a copy to ye States, to be laid before the Legiss. to be *referred* to *conventions*. [Smith's Notes]

*Abraham Clark's Motion, 27 September*

A motion was made by Mr Clarke seconded by Mr Mitchel to postpone the consideration of that Motion [Lee's] in order to take up the following "That a copy of the Constitution agreed to and laid before Congress by the late Convention of the several states with their resolutions and the letter accompanying the same be transmitted to the executives of each state to be laid before their respective legislatures in order to be by them submitted to conventions of delegates to be chosen agreeably to the said resolutions of the Convention" [Journals of Congress, DNA]<sup>5</sup>

*Debates, 27 September*

R H. Lee. The *Resolution* moved is an appr—

Clark—Does not mean to approve the plan—but ye resn. of *the Constitutional conv.* to be laid before ye convent. of ye States—by yt we only approve that it be laid before ye States, but does not recomd. yt be ratified—we may take it up and alter it

Mr *Nathaniel Goram*—hopes it will be postpd.—as it is plainer—ye resol. of Mr Lee, states we cannt. take it up—and will prev. Cong. from setting ye Gov. to work if 9 or 10 Sts. agree to it—therefore there must be war—the new Gov. must raise troops to overset Congs.

*William Grayson*—The mot fm Virg. better yn Jersey—the one fm Jersey just forwds ye *proposal* by a bare implic. approb—the one Virg. gives a reason why it dont appv. and leaves ye *advocates* to say Cong. wd. have appd. if yy could—in fav. of ye mot. fm Virg.—is in fav. of the new Constn.—this *Confederation* props. a mode of altg—if we depart fm ye mode in ys. case, it will form a precedt. from doing it in ye old one—ye 13th. Art. found—9 S: may agree to ye new—ye other 4 ought to be left in possession of this *Confederation* if yy. chuse & not forced to come in—does not think yr has yet been any *departure* fm ye Conf—Cong. had a right to refer to any body to report—keep ye prest. *Confederation* until you get a better—agt. ye Cons—it affects his State—persl. right—not in ye danger some fear—Bills of right *essential* in Monarchys—the Govt. is democratic all over—Liberty as safe as in ye hands of R. Island if Gent embard respn pers. Liberty—But cant say so as to property an Idea taken up, never admitted in confed—Majority never governs—the Netherlds. instanced—nine States shd have been reqd.—the reprints. in ye. Senate inequal—

R. H. Lee It is objd. that if ys. Congress cannot decide now a new a future one cannot—*This argument* has not force, for ys is a first prinl. that ye majy. of ye people have a right to make a new one if 9 States agre ye majority of ye people *agree*

H. Lee. Will vote for the postpon. of *Lee's motion* because he supposes we have a right to decide from ye great principle of necessity or ye *salus populi*—this necessity justifies ye measure Cong. and all ye States have decided it—Are ye. Laws of Congs. paramt. to ye Constituti. of ye diff Ss.

Mr. Dane: wishes to steer in ye chanl. of neutrality—yet suggest whether a motion which brings into view so materially ye question of 9 States *should be adopted*—prefers N Jersey *motion*—Understands ye clause which makes ye clause declarg ye Constn supreme Law diff. from ye conven *draft*<sup>6</sup>—

R H Lee. We live in an enlightned age—people will understand us—to accomodate has left out ye words 9 & 13—will consent yy. may be put out—the doctrin of *salus populi dangerous*. It has been in ye *mouths* of all tyrants.—if men may do as yy please fm ys *argument* all *Constitutions* useless—all tyrants have used it—

James Madison. cant. accede to it [Lee's Motion]—is not respectful to ye. Conv—after wt has been done, if Cong. does not agree implies a disag.—Cong. fm former acts do not object to a national gov—if either *Lee's or Clark's* motn. is adopted it implies disag—ye ques. is wheth. on ye whole it is best to adopt it & *we* ought to say so—ye powers of Conv. ye same as of Congs. ye reason of Conv. *was* yt yy might not be interrupted, and yt. persons might be admitted wthr. *or not they* be in Congs.—and to prevent Jealousies—If this house cant. approve it says ye crisis is not yet arrived—& impls. a disag—*In* a great many Inst. Cong. have recomd. what yy. have no right—

R.H. Lee. The conv. have not proceeded as ys. house were bound—it is to be agreed to by ye States & means ye. 13—but this recomds. a new Confedy of 9—ye Conv. no more powers yn. Congress, yet if 9 States agree becomes supreme Law—knows no instance on ye Journals as he remembers opposing ye Confedy.—the impost was to be adopted by 13 The Resol. fm Jersey approves, for Cong. dont send out any thing but such as yy. approve—

Mr Clark. unhappy to differ fm Mr Lee, he reveres his Judgment—if his *objection* is good, his own *proposal* is liable to ye like *objection*.

William Samuel Johnson. hardly possible to send it out wtht. approv. or disapprov.—for this reason Mr Lees motion *ought to be postponed*—Cong. ought to approve or disapprove—they may do it—it is their duty to do it—The people will see we that Cong. act wtht. power, in ye case of 9 or 13—they will see, that the act of Feby. was departing from ye. Constitn<sup>7</sup>—Conf. says Congress was to mk. alter. Cong. appt. a Conven. to do it—he saw it so at the time and opposed it<sup>8</sup>—the argts. then were *salus populi*—nothing fm Congress wd. do—the prop. fm Conv. not a prop. to 9 but to all, it is hoped all will *agree*—Mr Lee says if 9 agree to alter by ye people—this says if 9 do in ys case, we will set it going on ye



principle of maj—On the principle of Cong. referring to ye Conv. they are a Commt. and have made report, Congress then must approve or disapprove—it dont imply an approbation of all its parts, but the best upon ye whole, a matter of accomodation—we say it is better than the present—better than running ye risque of another.

Madison—Did not say the Conv. moved exactly in ye Line of their appointment—Cong. did depart fm the Idea of federal & recomd. a national Govt.—in Feby 1781.<sup>9</sup> Congress did from the pril salus populi—The western Country its sale & Govt.—an instance of exceeding powers—as Congress have in many Instances exceeded their powers if it does not in this Inst. approve it will imply disappr—

R H Lee. The wes. Country was once Virgs.—she gave it to Congress. Cong. sells it as she had a right—The Government tempory & not inconsistent<sup>10</sup>—If I unders. Gen this is to be adopted & no other with alter—why so? good things in it—but many bad—so much so tht. he says here as he will say every where that if adopted civil Liberty will be in eminent danger—The *greatest* parts of dffy. arises fm debt—: if yt was removed—and cd make treats without ye limitations—and to regulate the trade wt. reasonable limitations—but at all events, he sees not ye necessity. of pressing this without any amends.—thinks ye. Convs. had best have had ye Liby. to alter

Butler. The quest. ought to be on ye whole—no amendments—the objections not pointed—Dane has leading objections but declines naming them—Lee dangerous to civil Liberty—the Conv. could have made a better—but yt. ys best on ye whole—Congress have no power and it will answer no purpose, to alter—The State of the Country contemptible abroad—and on ye eve of Anarcy at home Anarchy will follow if it is not adopted—[Smith's Notes]

*Vote to Postpone Richard Henry Lee's Motion, 27 September*

On the question to postpone *Lee's motion* for the purpose above mentioned [for considering Abraham Clark's motion] the yeas & nays being required by Mr R H Lee [ten states yea; one state nay] [Journals of Congress, DNA; CDR, 334]

The motion from Mr. Lee was postponed, and then a motion was made by Mr. Carrington [Smith's Notes]

*Edward Carrington's Motion, 27 September*

On motion of Mr Carrington seconded by Mr Bingham the motion of Mr Clarke was postponed to take into consideration the following motion viz "Congress proceeded to the consideration of the Constitution for the United States by the late Convention held in the City of

Philadelphia & thereupon resolved That Congress do agree thereto and that it be recommended to the legislatures of the several states to cause conventions to be held as speedily as may be to the end that the same may be adopted ratified and confirmed.— [Journals of Congress, DNA]

*Debates, 27 September*

H. Lee. thinks the matter was to be taken up in its parts, but cannot agree to it in all its parts, witht. examination by paragraphs and propose such amendmts as are necessary—Cong. will subject themselves to disgrace by voting on a matter whh. yy have not exd. moves to postpone & taken up by Paragraph.

Goram—Thinks not necessary to take up by Paragraphs, every Gentn. may propose amendments—no necessity of a Bill of rights, because a Bill of rights in state Govts. was intended to retain certain powers, as ye Legis. had unlimd. powers—

Madison—The business is open to considn.—shd feel delicacy if he had not assented in Conv. though he did not approve it.—Gen have sd. this is in ye *situation* of a Bill agreed to by one house this prin. will oppose amends. becs. ye act if altered will not be ye act of both—it must be altered in all stages—it may be, but it cannot succeed, nor any other altern. if all are to agree in ys. manner. Confed. was proposed without alteration—no probaby. of Cong. agreeing in alts. those who disagree, differ in their opins—a Bill of rights unny.—because ye. powers are enumerated and only extend to certain cases—& the people who are to agree to it are to establish this—

R. H. Lee. It is admd. and fact yt. ys was to be sent to Cong—but surely it was to be consid. and altered, & not to be sent forward witht.—The bill of rights will be brot. forwd.—not necessary in conf. because it is expressly declared no power shd. be exercised, but such as is expressly given—and therefore no constructive power can be exercised—to prevent this ye great use of a Bill of rights—

Mr. King. The House cannot *constitutionally* make alterations—the Idea of Conv. originated in ye States, and ys led ye house to agree—they proposed the Conv. shd. propose alterations, which when agreed to here & confirmed by ye States—& therefore *Congress* are to agree or disagree to the alterations and cannot alter consistently with their own act—Cong. have taken their Line, but in conseqce. of ye. *decision* [— —] The maj. of ye people it is said may alter, and if they have manifested a desire to change, this house may advise it, as it is not obligatory—we may advise as any other body of men—to satisfy forms it was ordered to pass this house, yy. may agree or disagree if they do disagree it will not prevent them to accept, if they agree it will give weight—

R H Lee. Strangest doctrine he ever heard, that referring a matter of report, that no alterations shd be made—the Idea the common sense of Man—the States & Congress he thinks had the Idea. yt. congress was to amend if yy. thot. proper—He wishes to give it a candid enquiry, and proposes such alterations as are necessary—if the Gen. wishes it shd go forth witht. amendt.—let it go with all its imperfections on its head & ye amendments by themselves—to insist yt it should go as it is without amendments, is like preseng a hungry man 50 dishes and insisting he

Madison—a circumst. distinguishes ys. report from others—the Conv. was not appd. by Cong. but by ye people from whom Cong. derive their power—Cong. only to concur—admits Congress may alter—but if they do alter, it is not ye act of Conven but of Congress—and excludes Conv. entirely and confines ye house in ye trammels of the Confed—not unusual to propose things in ye Lump—so the confederation was presented—

R.H. Lee. A Report implies a right to consider on ye whole or part—the Confed. went in such way as to admit of objections—and most States proposed ym<sup>11</sup>—If it is amended, he thinks it will be more likely to succeed, as capital objections will probably be removed—The Idea seems to be, this must be agreed to or nothing else, why ys Idea, this supposes all wisdom centers in ye Convent

Goram—Why does not ye Gent. propose his amendments—then the question of the expediency of ye amendments will be consd.

Johnson—The term of Report, a general expression, not meant as in cases where report is made to Congress—the people and Congress agree ye alterations shall be made by Convention, and the nature of things forbids any alteration as it will make it no act of Conv—Cong. are not to judge in ye last resort, but the people, and therefore it must be appd. or disappd in ye whole

R H Lee. Is it the Idea of Conv. that not only Congress but the States must agree in ye whole, or else to reject it—and it seems all Idea of amendments are precluded—

Maddison. The proper question is whether any amendments shall be made and ys ye house should decide—suppose alters. *made by Congress* are sent to ye State, ye Acts of some states requires ye Delegates to the *Constitutional Convention* to report to them<sup>12</sup>—there will be two plans—some will accept one & some another ys. will create confusion and proves it was not the intent of the States—

R.H. Lee. Some admit ye. right but doubt ye expediency—and proposes amendments— [Smith's Notes]

*Richard Henry Lee's Amendments, 27 September*

It having been found from Universal experience that the most express declarations and reservations are necessary to protect the just

rights and liberty of mankind from the silent, powerful, and ever active conspiracy of those who govern—And it appearing to be the sense of the good people of America by the various Bills or Declarations of rights whereon the governments of the greater number of the States are founded, that such precautions are proper to restrain and regulate the exercise of the great powers necessarily given to Rulers—In conformity with these principles, and from respect for the public sentiment on this subject it is submitted

That the new Constitution proposed for the Government of the U. States be bottomed upon a declaration, or Bill of Rights, clearly and precisely stating the principles upon which this Social Compact is founded, to wit;

That the rights of Conscience in matters of Religion shall not be violated—That the freedom of the Press shall be secured—That the trial by Jury in Criminal and Civil cases, and the modes prescribed by the Common Law for safety of Life in Criminal prosecutions shall be held sacred—That standing Armies in times of peace are dangerous to liberty, and ought not to be permitted unless assented to by two thirds of the Members composing each House of the legislature under the new constitution—That Elections of the Members of the Legislature should be free and frequent—That the right administration of justice should be secured by the freedom and independency of the Judges—That excessive Bail, excessive Fines, or cruel and unusual punishments should not be demanded or inflicted—That the right of the people to assemble peaceably for the purpose of petitioning the Legislature shall not be prevented—That the Citizens shall not be exposed to unreasonable searches, seizures of their papers, houses, persons, or property. And whereas it is necessary for the good of Society that the administration of government be conducted with all possible maturity of judgement; for which reason it hath been the practise of civilized nations, and so determined by every State in this Union, that a Council of State or Privy Council should be appointed to advise and assist in the arduous business assigned to the Executive power—therefore, that the New Constitution be so amended as to admit the appointment of a Privy Council, to consist of Eleven Members chosen by the President, but responsible for the advise they may give—for which purpose the Advice given shall be entered in a Council Book and signed by the Giver in all affairs of great concern. and that the Counsellors act under an Oath of Office—In order to prevent the dangerous blending of the Legislative and Executive powers, and to secure responsibility—The Privy Council and not the Senate shall be joined with the President in the appointment of all Officers Civil and Military under the new Constitution—That it be further amended so as to omit the Creation of a Vice President, whose duties, as assigned by the Constitution, may be discharged by the Privy Council (except in the instance of presiding in the Senate, which may be

supplied by a Speaker chosen from the body of Senators by themselves as usual) and thus render unnecessary the establishment of a Great Officer of State who is sometimes to be joined with the Legislature and sometimes to administer the Executive power, rendering responsibility difficult, and adding unnecessarily to the Aristocratic influence; besides giving unjust and needless preeminence to that state from whence this Officer may come. That such parts of the new Constitution be amended as provide imperfectly for the trial of Criminals by a Jury of the Vicinage, and to supply the omission of a Jury trial in Civil causes or disputes about property between Individuals where by the Common law it is directed, and as generally it is secured by the several State Constitutions. That such other parts be amended as permit the vexatious and oppressive calling of Citizens from their own Country in all cases of controversy concerning property between Citizens of different States, and between Citizens and foreigners, to be tried in far distant Courts, and as it may be, without a Jury. Whereby in a multitude of Cases, the circumstances of distance and expence may compel men to submit to the most unjust and ill founded demands. That in order to secure the rights of the people more effectually from oppression, the power and respectability of the House of Representatives be increased, by increasing the number of Delegates to that House where the democratic interest will chiefly reside. That the New Constitution be so altered as to increase the number of Votes necessary to determine questions relative to the creation of new or the amendment of old Laws, as it is directed in the choice of a President where the Votes are equal from the States; it being certainly as necessary to secure the Community from oppressive Laws as it is to guard against the choice of an improper President. The plan now admitting of a bare majority to make Laws, by which it may happen that 5 States may Legislate for 13 States tho 8 of the 13 are absent—

That the new Constitution be so amended as to place the right of representation in the Senate on the same ground that it is placed in the House of Delegates thereby securing equality of representation in the Legislature so essentially necessary for good government. [RC, Enclosed in Lee to Elbridge Gerry, 29 September 1787, DNDAR]<sup>13</sup>

*Debates, 27 September*

Dane. The Gent. fm ye Conv. are pushing ye business by refinents. yt ye common sense of ye Country—if ye house mean to preclude amendmts. ye Gent. will stand excused to vote in ye negative

Carrington. When he made the motion supposed every man had a right to examine, he had consid. and made up his mind, if any Gentn. has not made up his mind, he ought to have a Liby of amending—for tho. he thinks it inexpedient to amend, as he fears it wd. defeat ye

whole—important amends. are offered by a member he ought to have a right to support them—

Clark—The motion by Mr Lee for amendments, will do injury by coming on ye Journal, and theref. ye house upon cool reflection, will think it best to agree to send it out without agreeing—

Grayson—Is in a curious situation, it is urged all alterations are precluded, has not made up his mind—and thinks it precipitous to urge a decision in two days on a subj. took 4 Months—If we have no right to amend, than we ought to give a silent passage—for if we cannot alter, why should we deliberate—his opinion they shd stand solely upon ye. opin. of Conv—the salus populi much talked off—ys Con. will not remove our diff—ye great defects a disinclin. to pay money—ys. removed our great dif wd be over—no necessity to urge to a hasty decision in 2 or 3 years we shd. get a good govern. [Smith's Notes]

*Resolution Transmitting Constitution to States, 28 September*

Congress assembled present Newhampshire Massachusetts Connecticut New York New Jersey Pensylvania Delaware Virginia North Carolina South Carolina and Georgia and from Maryland Mr Ross

Congress having received the report of the Convention lately assembled in Philadelphia

Resolved 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. [Journals of Congress, DNA]

*Charles Thomson, Circular Letter to the Executives of the States, 28 September*

In obedience to an unanimous resolution of the United States in Congress Assembled, a copy of which is annexed, I have the honor to transmit to Your Excellency, the Report of the Convention lately Assembled in Philadelphia, together with the resolutions and letter accompanying the same; And have to request that Your Excellency will be pleased to lay the same before the Legislature, in order that it may be submitted to a Convention of Delegates chosen in Your State by the people of the State in conformity to the resolves of the Convention, made & provided in that case.— [FC, PCC, Item 18, Letter Books of the Secretary of Congress, Letter Book B, 129, DNA]<sup>14</sup>

1. Dane's motion has been placed under 26 September because the rough Journals of the 27th begin with Richard Henry Lee's substitute motion and a statement indicating that consideration of the Constitution had been resumed. The document printed here is endorsed "Mr. Dane's Motion respectq New Constitution Oct. 1787."

2. It is not clear who spoke first on 27 September. The rough Journals of Congress indicate that Richard Henry Lee was the first speaker; they do not refer to comments made by Pierce Butler and Nathan Dane. Melancton Smith's notes are also unclear—much seems to hinge on the reading of the word that immediately precedes Smith's account of Butler's statement. The word, on a line by itself, can be read as either "reserved" or "renewed." If the word is "reserved," it would be a continuation of Smith's report of Dane's motion, i.e., "the motion of Mr Dane for sending forward/ye. Constit. with an opin-/reserved-." If, however, the word is "renewed," that might indicate that, after Dane's motion on the 26th, consideration was postponed and then "renewed" on the 27th.

3. For the Impost of 1781, see CDR, 140–41.

4. A draft of Lee's motion is in PCC, Item 36, Motions Made in Congress, 1777–88, DNA. With minor variations in punctuation and capitalization, Lee's draft and the version in the rough Journals are almost identical. In his draft, Lee crossed out the word "system" and inserted "Confederacy of Nine States."

5. In a letter written ten months later, Clark explained that he had had serious reservations about the Constitution, but that he had wanted it to be sent to the states "without any Censure or Commendation, hoping that . . . the States would soon amend it in the exceptionable parts" (to Thomas Sinnickson, 23 July 1788, Mfm:N.J. 37–A).

6. Dane refers to the supremacy clause as it appeared in Article VIII of the Committee of Detail report and as it finally appeared in Article VI of the Constitution. For the evolution of the clause, see CDR, 252–53, 257, 265, 277, 296, 316.

7. Article XIII of the Articles of Confederation states: ". . . And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state . . ." (CDR, 93). For the congressional resolution of 21 February 1787 calling the Convention, see CDR, 185–87 and CC:1.

8. For Johnson's opposition, see CDR, 189.

9. Perhaps a reference to the Impost of 1781 which gave Congress the power to tax (CDR, 140–41). Madison, however, might also be referring to the report of a three-man committee of Congress which recommended an amendment to the Articles of Confederation in March 1781 giving Congress coercive power over the states and their citizens. Between March and August 1781 other committees of Congress reported on the same matter, but Congress never took final action on their reports. (For these reports, see CDR, 141–45.)

10. Madison and Lee are referring to the ordinances of 1784, 1785, and 1787 for the Western Territory. Lee was a member of the committee which drafted the Northwest Ordinance of 1787. For the ordinances, Lee's role, and Virginia's interest in western lands, see CDR, 57–61, 150–53, 156–63, 168–74.

11. For the amendments proposed by the states in 1778 and 1779, see CDR, 96–135.

12. The congressional resolution of 21 February 1787 provided that the Constitutional Convention report its revision and amendment of the Articles of Confederation to Congress and the state legislatures (CC:1). In appointing Convention delegates, three state legislatures required their delegates to report to them (CDR, 201, 216, 222). Although not bound by such instructions, delegates from other states also reported to their state legislatures or executives. (For examples, see CC:227–A; RCS:Pa., 58; and RCS:Ga., 223.)

13. For the text of Lee's letter of 29 September to Gerry, see CDR, 342. In the letter, Lee indicates that Gerry had requested a copy of the amendments.

14. Endorsed: "transmitting the Report of the Convention."

### Editors' Note

#### Connecticut Convention Delegates to Governor Huntington New London, 26 September

This letter, signed by Roger Sherman and Oliver Ellsworth, was published in the *New Haven Gazette* on 25 October. The text appears as CC:192.

#### 96 A–B. Destiny and George Washington

##### 96–A. *Delaware Gazette*, 26 September<sup>1</sup>

On Wednesday last, his Excellency General Washington passed through Wilmington, on his return from this city to his seat in Mount Vernon—and on the same day, in crossing the bridge near the Head of Elk, the bridge gave way and his horse fell into the river. His Excellency had alighted in order to walk over the bridge, which fortunate circumstance probably saved a life so dear to his country.

##### 96–B. *Pennsylvania Gazette*, 10 October<sup>2</sup>

In consequence of the miraculous preservation of the life of GEORGE WASHINGTON, Esquire, in General Braddock's memorable defeat, a dissenting Clergyman in Virginia predicted that GOD had preserved his life, to be an eminent blessing to his country. This prophecy has been literally fulfilled. May not the providential preservation of the valuable life of this great and good man, on his way home from the Convention, be for the great and important purpose of establishing, by his name and future influence, a government, that will render safe and permanent the liberties of America, which he has acquired by his sword?

1. This item has been transcribed from the Philadelphia *Independent Gazetteer* of 2 October which reprinted it from the "*Wilmington Gazette*," i.e., probably the no longer extant *Delaware Gazette* of 26 September. Washington's description of the incident corroborates the newspaper account (Donald Jackson and Dorothy Twohig, eds., *The Diaries of George Washington* [6 vols., Charlottesville, Va., 1976–79], V, 186).

Reprints by 24 November (46): Vt. (2), N.H. (5), Mass. (7), R.I. (3), Conn. (6), N.Y. (7), N.J. (2), Pa. (10), Va. (1), S.C. (1), Ga. (2).

2. Reprints by 24 November (25): Vt. (2), N.H. (3), Mass. (3), R.I. (1), Conn. (1), N.Y. (4), N.J. (2), Pa. (5), Md. (1), Va. (1), S.C. (1), Ga. (1).

#### 97. Strictures on the Proposed Constitution Philadelphia Freeman's Journal, 26 September

This untitled article was the first public criticism of the Constitution published in the United States. It was reprinted in the *New York Morning Post* on 2 October and in excerpted form in the *Salem Mercury* on 9 October. The



writer was possibly George Turner of Philadelphia. The copy of the Philadelphia *Independent Gazetteer* for 29 September in the Rare Book Room of the Library of Congress contains an annotation to a reply to the article which identifies the writer as "Major T-rn-r." (For Turner, see CC:232 note 1.)

For attacks upon and defenses of this article which were published in the *Independent Gazetteer* between 28 September and 4 October, see RCS:Pa., 148–55. For the author's own defense, see "Tullius," *Freeman's Journal*, 10 October (Mfm:Pa. 120).

The writer of the following Remarks has the happiness and respectability of the United States much at heart—and it is with pleasure he has seen a system promulgated by the late Convention, which promises to ensure those blessings: But as perfection is not the lot of human nature, we are not to expect it in the new Federal Constitution. Candour must confess, however, that it is a well wrought piece of stuff, and claims, upon the whole, the approbation of all the States. Our situation is critical, and demands our immediate care. It is therefore to be hoped that every State will be speedy in calling a Convention—*speedy*; because the business is momentous, and merits the utmost deliberation.

The following strictures on the proposed Constitution, are submitted with diffidence. Excepting a single instance, they regard points of an inferior magnitude only;—and as the writer is not possessed of any of the reasons which influenced the Convention, he feels the more diffident in offering these.

#### REMARKS.

*Art. I. Sect. 2. (3d clause)* "The number of Representatives shall not exceed one for every 30,000."—If we consider the *vast* extent and *increasing* population of the United States, it will appear that a Representation upon this principle (though proper to *begin* with) cannot last very long. It must grow far too unwieldy for business—and the Constitution must therefore be mended, and patched with new work. Let your government be invariably fixed; so far, at least, as human foresight can go—and age will secure it respect and veneration from the multitude. In framing a government, we should consider a century to come as but a day, and leave the least possible for posterity to mend. Errors sanctified by long usage are not easily relinquished. Their age attaches the people, and renders a reform difficult. There is even danger in reforming the errors of a government, but there is more in letting them alone.—Hence we ought to aim at PERMANENCY in every part of a Constitution intended to endure. *In America Representation ought to be in a ratio with population*—and this should be provided for in the government of the United States.

*Sect. 4. (1st clause)* "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."—A general uniformity of acting in confederations (whenever it can be done with convenience) must tend to federalize (allow me the word) the sentiments of the people. The *time*, then, might as well have been fixed in Convention—not subject to *alteration* afterwards. Because a day may be chosen by Congress which the Constitution or laws of a State may have appropriated to *local* purposes, not to be subverted or suspended. Leaving the *places* subject to the alteration of Congress, may also lead to improper consequences, and (*humanum est errare*) tempt to sinister views.—Who in Pennsylvania would think it advisable to elect Representatives on the shore of Lake Erie; or even at Fort Pitt?

Second clause. "The Congress shall assemble *at least once* in every year, and such meeting shall be on the first Monday in *December*."—Here is a kind of solecism; as the late period of assembling hardly admits of a prorogation and re-assembling in the same year: But as probably a *Federal* year is meant, it should have been so expressed. *December* is an objectionable month, too, for the Representatives of so many distant States to meet in—the depth of winter forbids the convenience of water, and the communication by land is expensive, inconvenient, and often obstructed at this season: Much time would necessarily be lost in bringing the members together.

*Sect. 9.* (22d clause) "No *Capitation* or other direct tax shall be laid, unless" &c.—I confess here a great disappointment. When I began to read this clause, I did not doubt that the poll-tax would share the fate of *ex post facto* laws and bills of attainder. I am sorry to find myself mistaken: For a Capitation Tax is *impolitic* and *unjust*; it is a tax upon population, and falls indiscriminately upon the poor and the rich; the helpless, who cannot work, and the robust, who can. The poll-taxes of the Eastern States, have forced many thousands of their valuable citizens to emigrate, and made those disaffected who staid behind.

*Art. 3. Sect. 2.* (3d clause) "The trial of all crimes, except in cases of impeachment, shall be by *Jury*."—I sincerely wish the Convention had said, a "*Jury*" of THIRTEEN, a MAJORITY of whom shall determine the verdict. Is it not extravagantly absurd to expect that twelve men shall have but one opinion among them upon the most difficult case? Common sense revolts at the idea,—while conscience shudders at the prostitution of an oath thus sanctified by law! Starve, or be perjured! say our Courts. The monstrous attachment of the people to an English Jury shews how far the force of prejudice can go—and the encomiums which have been so incessantly lavished upon it should caution us against borrowing from others, without the previous conviction of our own minds.

**98. Philadelphia Independent Gazetteer, 26 September<sup>1</sup>**

The cloud which gathers in the European hemisphere, serves, as a foil, to set off the lustre of the prospect that opens upon America. While the ancient establishments of the world, are rent with civil discord, and national contention, this infant empire deliberately examines her present wants and weakness, in order to provide for her future strength and glory. Thus the dotage of our parent continent is stained with wild ambition and phantastic pride, while the vigorous youth of the confederated states, expands under the influence of reason and philosophy.

1. Reprints by 30 October (20): N.H. (3), Mass. (6), R.I. (1), Conn. (2), N.Y. (4), N.J. (1), Va. (2), S.C. (1).

**99. Philadelphia Independent Gazetteer, 26 September<sup>1</sup>**

Extract of a letter from a Member of Congress, dated New-York, September 23, 1787.

"I am extremely happy to find that the citizens of Philadelphia have so warmly expressed their approbation of the new Constitution and Form of Government for the United States.

"It would afford me additional pleasure if the Legislature could have an opportunity of giving the sanction of their assent, by calling a Convention of the people – but I am fearful this will not happen, as it cannot pass through the necessary formalities of Congress, previous to their [the Pennsylvania Assembly's] adjournment, which by some late accounts I find will be sooner than was expected.

"I am happy to discover no disposition in Congress to affect any alteration in the new Constitution, but to give it to the States as it was received from the Convention.

"There will be some difficulty in getting it adopted in New-York—the *government* has already discovered strong marks of disapprobation, and its adherents are constantly employed in disseminating opinions unfavorable to its reception—but all their attempts will be unavailing, as the **BODY OF THE PEOPLE** will clearly view their own interests, as intimately connected with the establishment of this new government.

"In several of the eastern States I am persuaded it will be received with a political, bordering on the warmth of a religious, enthusiasm.

"In short, I am convinced that a great majority of the people will believe it is the only remedy that can be offered to cure the numerous evils that they are politically afflicted with.

"Pennsylvania will derive great consequence and consideration from taking the lead in the affair, as being the first to call a Convention of the People."

1. Reprints by 20 October (26): Vt. (1), N.H. (1), Mass. (5), Conn. (5), N.Y. (4), Pa. (6), Md. (1), Va. (3).

### 100 A–C. An American Citizen: On the Federal Government

Tench Coxe's three essays, signed "An American Citizen," were printed in the Philadelphia *Independent Gazetteer* on 26, 28, and 29 September. A fourth essay was published, with reprints of the first three, in a Federalist broadside anthology on or before 21 October by Hall and Sellers of the *Pennsylvania Gazette* (see Editors' Note, 21 October). The broadside reprinting of the first three numbers was essentially a new "edition" of them. Textual changes were made, although only two materially affect meaning. More important, additional italicization was used and the title of each was expanded.

All four of the "American Citizen" essays circulated widely. Tench Coxe himself sent the first three essays to James Madison in New York City with a request that he consult with Alexander Hamilton about reprinting them in New York and Virginia (CC:100–B, C). A few days later Coxe asked Mathew Carey to publish them in the Philadelphia *American Museum* and to keep his authorship confidential (5 October, Lea and Febiger Papers, PHI). Carey printed the essays in the September issue of the *Museum*, but named Coxe as the author. In mid-December Augustine Davis, printer of the Richmond *Virginia Independent Chronicle*, published the four numbers, along with other Federalist and Antifederalist writings, in a sixty-four page pamphlet entitled *Various Extracts on the Federal Government . . .* (CC:350). Davis had apparently also printed the first three essays early in November in a "small pamphlet" (Rutland, *Madison*, X, 245, 246n). By 10 December the first essay was reprinted in twenty-four newspapers, the second in nineteen, the third in seventeen, and the fourth in eleven.

Despite wide circulation, relatively little response was made to the essays. The most pointed criticism was by "An Officer of the Late Continental Army" (6 November, RCS:Pa., 214) who declared that "An American Citizen" "does not tell us what the new Constitution IS, but what it IS NOT, and extols it on the sole ground that it does not contain ALL the principles of tyranny with which the European governments are disgraced." For other criticisms, see "One of the Late Army," Philadelphia *Freeman's Journal*, 14 November (Mfm:Pa. 225); "A Federal Republican," *A Review of the Constitution*, 28 November (CC:303); and "Philadelphensis" XII, *Freeman's Journal*, 9 April 1788. For praise, see "An Observer," *Lansingburgh Northern Centinel*, 22 October; and "Agricola," Philadelphia *Independent Gazetteer*, 1 November (Mfm:Pa. 183).

The "American Citizen" essays were the first of "near thirty lengthy publications" Coxe wrote in behalf of the Constitution (Coxe to James Madison, 9 September 1789, Rutland, *Madison*, XII, 396). Among these additional writings were: "An American" to Richard Henry Lee, Philadelphia *Independent Gazetteer*, 28 December 1787; "A Free-born American," *Pennsylvania Gazette*, 15 January 1788; "Philanthropos," *Independent Gazetteer and Pennsylvania Gazette*, 16 January; "A Freeman" I–III, to the Minority of the Pennsylvania Convention, *Pennsylvania Gazette*, 23, 30 January, 6 February; "A Pennsylvanian" I–IV, to the People of the United States, *ibid.*, 6, 13, 20, 27 February; "An American" to the Virginia Convention, *ibid.*, 21, 28 May; and "A Pennsylvanian" to the New York Convention, *ibid.*, 11 June.

#### 100–A. An American Citizen I: On the Federal Government *Philadelphia Independent Gazetteer*, 26 September<sup>1</sup>

It is impossible for an honest and feeling mind, of any nation or country whatever, to be insensible to the present circumstances of

America. Were I an East Indian, or a Turk, I should consider this singular situation of a part of my fellow creatures, as most curious and interesting. Intimately connected with the country, as a citizen of the union, I confess it entirely engrosses my mind and feelings.

To take a proper view of the ground on which we stand, it may be necessary to recollect the manner in which the United States were originally settled and established.—Want of charity in the religious systems of Europe and of justice in their political governments were the principal moving causes, which drove the emigrants of various countries to the American continent. The Congregationalists, Quakers, Presbyterians and other British dissenters, the Catholics of England and Ireland, the Hugonots of France, the German Lutherans, Calvinists, and Moravians, with several other societies, established themselves in the different colonies, thereby laying the ground of that catholicism in ecclesiastical affairs, which has been observable since the late revolution: Religious liberty naturally promotes corresponding dispositions in matters of government. The Constitution of England, as it stood on paper, was one of the freest at that time existing in the world, and the American colonies considered themselves as entitled to the fullest enjoyment of it. Thus when the ill-judged discussions of latter times in England brought into question the rights of this country, as it stood connected with the British crown, we were found more strongly impressed with their importance and accurately acquainted with their extent, than the wisest and most learned of our brethren beyond the Atlantic. When the greatest names in Parliament insisted on the power of that body over the commerce of the colonies, and even the right to bind us in all cases whatsoever, America, seeing that it was only another form of tyranny, insisted upon the immutable truth, that taxation and representation are inseparable, and while a desire of harmony and other considerations induced her into an acquiescence in the commercial regulations of Great Britain, it was done from the declared necessity of the case, and with a cautious, full and absolute saving of our voluntarily suspended rights. The Parliament was persevering, and America continued firm till hostilities and open war commenced, and finally the late revolution closed the contest forever.

'Tis evident from this short detail and the reflections which arise from it, that the quarrel between the United States and the Parliament of Great Britain did not arise so much from objections to the form of government, *though undoubtedly a better one by far is now within our reach*, as from a difference concerning certain important rights resulting from the essential principles of liberty, which the Constitution preserved to all the subjects actually residing within the realm. It was not asserted by America that the people of *the Island of Great Britain* were slaves, but that *we*, though possessed absolutely of the same rights, were not admitted to enjoy *an equal degree of freedom*.

When the declaration of independence completed the separation between the two countries, new governments were necessarily established. Many circumstances led to the adoption of the republican form, among which was the predilection of the people.—In devising the frames of government it may have been difficult to avoid extremes opposite to the vices of that we had just rejected; nevertheless many of the State constitutions, we have chosen, are truly excellent. Our misfortunes have been, *that in the first instance we adopted no national government at all, but were kept together by common danger only, and that in the confusions of a civil war we framed a Federal Constitution now universally admitted to be inadequate to the preservation of liberty, property, and the union.*—The question is not then how far our State Constitutions are good or otherwise—the object of our wishes is *to amend and supply the evident and allowed errors and defects of the Federal Government.*—Let us consider awhile, that which is now proposed to us—let us compare it with the so much boasted British form of government, and see how much more it favors the people and how completely it secures their rights, remembering at the same time that we did not dissolve our connexion with that country so much on account of its constitution as the perversion and mal-administration of it.

In the first place let us look at the nature and powers of the head of that country, and those of the ostensible head of ours.

The British King is the great Bishop or Supreme Head of an established church, with an immense patronage annexed. In this capacity he commands a number of votes in the House of Lords, by creating Bishops, who, besides their great incomes, have votes in that assembly, and are judges in the last resort. They have also many honorable and lucrative places to bestow, and thus from their wealth, learning, dignities, powers and patronage give a great lustre and an enormous influence to the crown.

In America our President will not only be *without* these influencing advantages, *but they will be in the possession of the people at large, to strengthen their hands in the event of a contest with him.* All religious funds, honors and powers, are in the gift of numberless, unconnected, disunited, and contending corporations, wherein the principle of perfect equality universally prevails. In short, danger from ecclesiastical tyranny, that long standing and still remaining curse of the people—that sacrilegious engine of royal power in some countries, can be feared by no man in the United States. In Britain their king is for life—In America our president will always be *one of the people* at the end of four years. In that country the king is hereditary and may be an idiot, a knave, or a tyrant by nature, or ignorant from neglect of his education, yet cannot be removed, for *“he can do no wrong.”*<sup>2</sup> In America, as the president is to be one of the people at the end of his short term, so will he and his fellow citizens remember, *that he was originally one of the people; and that he is*

*created by their breath*—Further, he cannot be an idiot, probably not a knave or a tyrant, for those whom nature makes so, discover it before the age of thirty-five, until which period he cannot be elected. It appears we have not admitted that he can do no wrong, but have rather pre-supposed he may and will sometimes do wrong, by providing for *his impeachment, his trial, and his peaceable and complete removal.*

In England the king has a power to create members of the upper house, who are judges in the highest court, as well as legislators. Our president not only cannot make members of the upper house, but their creation, like his own, is by *the people* through their representatives, and a member of assembly may and will be as certainly dismissed at the end of his year for electing a weak or wicked senator, as for any other blunder or misconduct.

The king of England has legislative power, while our president can only use it when the other servants of the people are divided. But in all great cases affecting the national interests or safety, his modified and restrained power must give way to the sense of two-thirds of the legislature. In fact it amounts to no more, than a serious duty imposed upon him to request both houses to reconsider any matter on which he entertains doubts or feels apprehensions; and here the people have a strong hold upon him *from his sole and personal responsibility.*

The president of the upper house (or the chancellor) in England is appointed by the king, while our vice-president, who is chosen by *the people* through the electors and the senate, *is not at all dependant on the president,* but may exercise equal powers on some occasions. In all royal governments an helpless infant or an unexperienced youth, may wear the crown. *Our president must be matured by the experience of years,* and being born among us, his character at thirty-five must be fully understood. Wisdom, virtue, and active qualities of mind and body can alone make him the first servant of a free and enlightened people.

Our president will fall very far short indeed of any prince in his annual income, which will not be hereditary, but *the absolute allowance of the people passing through the hands of their other servants from year to year as it becomes necessary.* There will be no burdens on the nation to provide for his heir or other branches of his family. 'Tis probable, from the state of property in America and other circumstances, that many citizens will *exceed* him in shew and expence, those dazzling trappings of kingly rank and power. He will have no authority to make a treaty without *two-thirds of the senate,* nor can he appoint ambassadors or other great officers *without their approbation,* which will remove the idea of *patronage and influence,* and of personal obligation and dependance. The appointment of even the inferior officers may be taken out of his hands by an act of Congress at any time; he can create no nobility or titles of honor,

nor take away offices during good behaviour. *His person is not so much protected as that of a member of the house of representatives; for he may be proceeded against like any other man in the ordinary course of law.* He appoints no officer of the separate states. He will have no influence from placemen in the legislature, nor can he prorogue or dissolve it. He will have no power over the treasures of the state; and lastly, as he is created through the electors by the people at large, *he must ever look up to the support of his creators.* From such a servant with powers so limited and transitory, there can be no danger, especially when we consider the solid foundations on which our national liberties are immovably fixed by the other provisions of this excellent constitution. Whatever of dignity or authority he possesses, *is a delegated part of their Majesty and their political omnipotence, transiently vested in him by the people themselves for their own happiness.*

100—B. *Tench Coxe to James Madison*  
*Philadelphia, 27 September (excerpt)*<sup>3</sup>

My anxiety in favor of the new federal Constitution has induced me to attempt some comments on it, that might render it more clear and agreeable to the people at large, than the concise manner, in which it was necessarily drawn up, would admit of—A friend, with whom I ventured to converse on the Subject, has pressed me to pass them thro the papers of Virginia and New York. This will apologize to you for the trouble I give you in enclosing to you copies of the first & second Numbers. I beg the favor of your perusing them with Col. Hamilton, to whom make my apology also for the liberty, and, if you and he think they will be of any Service be pleased to have them reprinted in the papers of those States. I would beg leave to suggest, that if they appear worthy of this, it would be most useful to have them inserted in such Virginia paper, as circulates most in your western Counties. By the next post I will forward the third Number, which treats of the house of Representatives. The good Effects of the government I have not spoken of, my Object has been to remove apprehensions & to obviate popular reasonings drawn from the public feelings. In doing this in a public Newspaper more attention to those feelings, in the language I have used, was necessary, than if I had addressed a philosophic mind. . . .

100—C. *James Madison to Tench Coxe*  
*New York, 1 October*<sup>4</sup>

I have received & perused with much pleasure the remarks on the proposed Constitution for the U. S. which you have been so good as to favor me with. They cannot fail I think to satisfy the most scrupulous & jealous citizens, that the Act of the Convention, whatever faults it may



have in other respects, is not chargeable with a dangerous similitude to real monarchy or Aristocracy. Col. Hamilton happens not to be in the City at present. As soon as he returns your commands with respect to him shall be executed. I take it for granted that the printers here will of themselves republish these pieces from the Philadelphia papers.<sup>5</sup> I think it not improbable that the Subject & execution of them will attract the notice of the printers in most of the States. To ensure their republication however in Virginia, I will forward the copies, as soon as I discover which of my correspondents will be the most willing agents in a communication with our printers.<sup>6</sup> At present I am a perfect stranger to the sentiments of all of them on the merits of the new System, and have reason to believe that a direct application to the printer from any member of the Convention, would be made use of to disparage the publication.

1. The title was expanded in the broadside reprinting on 21 October to "On the Federal Government, and first on the safety of the people, from the restraints imposed on the President." (For the broadside, see Editors' Note, 21 October.) Newspaper reprints by 6 December (24): N.H. (1), Mass. (5), Conn. (5), N.Y. (3), N.J. (1), Pa. (3), Del. (1), Md. (1), Va. (3), S.C. (1). Also reprinted in the Philadelphia *American Museum*, in a Philadelphia broadside, and in two Richmond pamphlet anthologies by the end of December.

2. In the broadside reprinting, this sentence was added: "These are the express words of their constitution."

3. RC, Madison Papers, DLC.

4. RC, Tench Coxe Papers, Series II, PHi.

5. The *New York Packet* published "An American Citizen" I–III on 5, 9, and 16 October, while the *New York Morning Post* published essay III on 8 October.

6. Madison sent "An American Citizen" I–III to Joseph Jones in Richmond, and on 7 November they were reprinted in the *Virginia Independent Chronicle* (Jones to Madison, 29 October, CC:209, and Jones to Madison, 22 November, Rutland, *Madison*, X, 256).

### 101. Pennsylvania Gazette, 26 September

The weekly *Pennsylvania Gazette*, a Federalist newspaper, was the most widely reprinted newspaper in the United States. The issue of 26 September illustrates the *Gazette's* popularity. Immediately under the Philadelphia date-line on page three, the *Gazette* printed eight short original paragraphs dealing with the Constitution. The eight paragraphs were reprinted together in nine newspapers: N.H. (1), Mass. (3), R.I. (1), Conn. (1), Pa. (1), Md. (1), Va. (1). More significantly, however, the individual paragraphs were each reprinted between eighteen and fifty times (see notes 1, 3–9).

We hear from Delaware and New-Jersey, that the foederal government has been received in each of those states with universal satisfaction. And it is said a majority of the citizens of New-York, where it was made public last Friday, expressed their hearty concurrence in it.<sup>1</sup>

In the city and neighbourhood of Philadelphia, a petition to our Assembly to call a Convention in order to adopt this government, has

been almost unanimously signed.<sup>2</sup> The zeal of our citizens in favor of this excellent constitution has never been equalled, but by their zeal for liberty in the year 1776. Republicans, Constitutionals, Friends, &c. have all united in signing this petition. It is expected the new government will abolish party, and make us, once more, Members of one great political Family.<sup>3</sup>

The inhabitants of the old world (says a correspondent) have long been looking at America, to see whether liberty and a republican form of government are worth contending for. The United States are at last about to try the experiment. They have formed a constitution, which has all the excellencies, without any of the defects, of the European governments. This constitution has been pronounced by able judges to be the *wisest, most free and most efficient*, of any form of government that ancient or modern times have produced. The gratitude of ages, only, can repay the enlightened and illustrious patriots, for the toil and time they have bestowed in framing it.—<sup>4</sup>

The nearer the American states can bring their constitutions to the form of the fœderal government, the more harmony they will always have with Congress, and the more happily will they be governed. Where this is not the case, comparisons will often be drawn to the disadvantage of the state government, which will lessen the principle of obligation and obedience in its citizens. For instance,—who will not prefer, by every art, a Court to try a cause, where the Judges are appointed during *good behaviour*, to *one*, in which the Judges are appointed for *three, five or seven years*.<sup>5</sup>

It is remarkable, that while the fœderal government lessens the power of the *states*, it increases the privileges of *individuals*. It holds out additional security for liberty, property and life, in no less than *five* different articles, which have no place in any one of the state constitutions. It moreover provides an effectual check to the African trade, in the course of one and twenty years. How honorable to America—to have been the first Christian power that has borne a testimony against a practice, that is alike disgraceful to religion, and repugnant to the true interests and happiness of Society.<sup>6</sup>

GEORGE WASHINGTON, Esq; has already been destined, by a thousand voices, to fill the place of the first President of the United States, under the new frame of government. While the deliverers of a nation in other countries have hewn out a way to power with the sword, or seized upon it by stratagems and fraud, our illustrious Hero peaceably retired to his farm after the war, from whence it is expected he will be called, by the suffrages of three millions of people, to govern that country by his wisdom (agreeably to fixed laws) which he had previously made free by his arms.—Can Europe boast of such a man?—or can the history of the world

shew an instance of such a voluntary compact between the *Deliverer* and the *delivered* of any country, as will probably soon take place in the United States.<sup>7</sup>

The Americans in Europe have been remarked for *loving* their country, and hating their *governments*. They will hereafter, we hope, be distinguished for loving their country, their government, and their rulers, with the same warm and supreme affection.<sup>8</sup>

Danger from the influence of GREAT MEN (concludes our Correspondent) is only to be feared in single governments, where a trifling weight often turns the scale of power. In a compound government, such as that now recommended by the Convention, the talents, ambition, and even avarice of great men, are so balanced, restrained and opposed, that they can only be employed in promoting the good of the community. Like a mill-race, it will convey off waters which would otherwise produce freshes and destruction, in such a manner as only to produce fruitfulness, beauty and plenty in the adjacent county.<sup>9</sup>

1. Reprints by 22 October (23): Vt. (1), N.H. (2), Mass. (6), R.I. (3), Conn. (3), N.Y. (3), Pa. (1), Md. (2), Va. (1), S.C. (1). For the publication of the Constitution in New York, see CC:93, note 2.

2. For petitions to the Pennsylvania Assembly, see CC:94, note 1.

3. Reprints by 15 October (24): Vt. (1), N.H. (1), Mass. (6), R.I. (3), Conn. (3), N.Y. (3), Pa. (2), Md. (2), Va. (2), S.C. (1).

4. Reprints by 25 October (37): Vt. (2), N.H. (3), Mass. (8), R.I. (2), Conn. (7), N.Y. (4), N.J. (2), Pa. (4), Md. (2), Va. (2), S.C. (1).

5. Reprints by 15 October (18): N.H. (1), Mass. (5), R.I. (2), Conn. (3), N.Y. (1), N.J. (1), Pa. (1), Md. (2), Va. (2).

6. Reprints by 18 October (27): Vt. (1), N.H. (2), Mass. (8), R.I. (3), Conn. (4), N.Y. (2), N.J. (1), Pa. (2), Md. (2), Va. (2).

7. Reprints by 25 October (44): Vt. (2), N.H. (4), Mass. (10), R.I. (3), Conn. (7), N.Y. (7), N.J. (1), Pa. (4), Md. (3), Va. (1), S.C. (1), Ga. (1). This item was the first public statement after the Constitutional Convention predicting that Washington would be elected the first President of the United States.

8. Reprints by 5 November (26): Vt. (1), N.H. (1), Mass. (9), R.I. (3), Conn. (7), N.Y. (1), N.J. (1), Pa. (1), Md. (1), Va. (1).

9. Reprints by 25 October (21): N.H. (1), Mass. (8), R.I. (2), Conn. (4), N.Y. (1), N.J. (1), Pa. (1), Md. (1), Va. (1), S.C. (1).

## 102. Virginia Independent Chronicle, 26 September

This item was the first original commentary on the Constitution published in Virginia. It was based upon an 18 September letter from Governor Edmund Randolph in which he enclosed a copy of the Constitution and stated that he would be detained in Philadelphia because of "the indisposition" of Mrs. Randolph (to Lieutenant Governor Beverley Randolph, Farrand, III, 83).

Reprints by 5 November (5): Vt. (1), N.H. (1), Mass. (1), Pa. (2). In reprinting this item on 6 October, the *Pennsylvania Journal* appended: "(But Randolph did not sign)." Three of the other four reprints also included this statement.

We learn, from good Authority, that the FÆDERAL CONSTITUTION was unanimously passed on the 17th Instant, when the Hon. Convention of the United States closed their deliberations:—We are sorry to add, from the same Authority, that his Excellency EDMUND RANDOLPH, Esq; our worthy CHIEF MAGISTRATE, will not return to this City as soon as might be expected, owing to the Indisposition of his Lady. But however anxious we may be for the Pleasure of beholding him among us, we cannot, without Exultation, reflect on the profitable Sacrifice, which we have made of it this some time past: What VIRGINIAN's breast glows not with the Expectation of the Boon, he is bearing towards us, when he considers, that its first Shoot sprung from this State;—that it has been reared to Maturity by Men, who give Dignity to human Nature;—that it is *the Tree of Life*, whose Fruit will enthrone this western Empire high among the Nations, and raise the firmest and fairest Temple to LIBERTY, that has ever yet dignified this Globe.

### 103. Cato I

#### New York Journal, 27 September<sup>1</sup>

Seven essays signed "Cato," the first of which was unnumbered, were published in the *New York Journal* between 27 September 1787 and 3 January 1788. The "Cato" essays were not widely reprinted. Only "Cato" I was reprinted in as many as five newspapers; and no newspaper reprinted the entire series.

Paul Leicester Ford ascribed the authorship to George Clinton on the basis of a copy of a letter to an unknown addressee, dated 18 October 1787 and signed "A. Hamilton," but supposed to be in the handwriting of New York Anti-federalist John Lamb. The letter states: "Since my last the chief of the state party [i.e., Clinton] has declared his opposition to the government proposed, both in private conversation and in print. That you may judge of the *reason* and *fairness* of his views, I send you the two essays, with a reply by Cæsar. On further consideration it was concluded to abandon this personal form, and to take up the principles of the whole subject. These will be sent you as published, and might with advantage be republished in your gazettes. . ." (Ford, *Essays*, 245).

Linda Grant De Pauw denies that Clinton was "Cato" and suggests that Abraham Yates, Jr. was the author (*The Eleventh Pillar: New York State and the Federal Constitution* [Ithaca, N.Y., 1966], 283–92).

Virtually all of the responses to "Cato" were by New York authors. Most criticisms were printed in the *New York Daily Advertiser*: "Cæsar" I–II, 1, 17 October (CC:121, 169); "Curtius" II–III, 18 October, 3 November (supplement); and "Americanus" I–VI, 2, 23, 30 November, 5–6, 12 December, and 12 January 1788. Other critics included: "Medium" and "Examiner" II–III, *New York Journal*, 21 November, 14, 19 December; and "The Syren's Songs," *Lansingburgh Northern Centinel*, 11, 18 December.

*To the CITIZENS of the STATE of NEW-YORK.*

The Convention, who sat at Philadelphia, have at last delivered to Congress that system of general government, which they have declared best calculated to promote your safety and happiness as citizens of the United States. This system, though not handed to you formally by the

authority of government, has obtained an introduction through divers channels; and the minds of you all, to whose observation it has come, have no doubt been contemplating it; and alternate joy, hope, or fear have preponderated, as it conformed to, or differed from, your various ideas of just government.

Government, to an American, is the science of his political safety—this then is a moment to you the most important—and that in various points—to your reputation as members of a great nation—to your immediate safety, and to that of your posterity. In your private concerns and affairs of life you deliberate with caution, and act with prudence; your public concerns require a caution and prudence, in a ratio, suited to the difference and dignity of the subject. The disposal of your reputation, and of your lives and property, is more momentous than a contract for a farm, or the sale of a bale of goods; in the former, if you are negligent or inattentive, the ambitious and despotic will entrap you in their toils, and bind you with the cord of power from which you, and your posterity, may never be freed; and if the possibility should exist, it carries along with it consequences that will make your community totter to its center: in the latter, it is a mere loss of a little property, which more circumspection, or assiduity, may repair.

Without directly engaging as an advocate for this new form of national government, or as an opponent—let me conjure you to consider this a very important crisis of your safety and character—You have already, in common with the rest of your countrymen, the citizens of the other states, given to the world astonishing evidences of your greatness—you have fought under peculiar circumstances, and was successful against a powerful nation on a speculative question—you have established an original compact between you and your governors, a fact heretofore unknown in the formation of the governments of the world—your experience has informed you, that there are defects in the fœderal system, and, to the astonishment of mankind, your legislatures have concerted measures for an alteration, with as much ease as an individual would make a disposition of his ordinary domestic affairs: this alteration now lies before you, for your consideration; but beware how you determine—do not, because you admit that something must be done, adopt any thing—teach the members of that convention, that you are capable of a supervision of their conduct. The same medium that gave you this system, if it is erroneous, while the door is now open, can make amendments, or give you another, if it is required.—Your fate, and that of your posterity, depends on your present conduct—do not give the latter reason to curse you, nor yourselves cause of reprehension; as individuals you are ambitious of leaving behind you a good name, and it is the reflection, that you have done right in this life, that blunts the sharpness of death; the same principles would be a consolation to you, as patriots, in the hour of dissolution, that you would leave to your children a fair

political inheritance, untouched by the vultures of power, which you had acquired by *an unshaken* perseverance in the cause of liberty—but how miserable the alternative—you would deprecate the ruin you had brought on yourselves—be the curse of posterity, and the scorn and scoff of nations.

Deliberate, therefore, on this new national government with coolness; analyze it with criticism; and reflect on it with candour: if you find that the influence of a powerful few, or the exercise of a standing army, will always be directed and exerted for your welfare alone, and not to the aggrandizement of themselves, and that it will secure to you and your posterity happiness at home, and national dignity and respect from abroad, adopt it—if it will not, reject it with indignation—better to be where you are, for the present, than insecure forever afterwards. Turn your eyes to the United Netherlands, at this moment, and view their situation; compare it with what yours may be, under a government substantially similar to theirs.

Beware of those who wish to influence your passions, and to make you dupes to their resentments and little interests—personal invectives can never persuade, but they always fix prejudices which candor might have removed—those who deal in them have not your happiness at heart. Attach yourselves to measures, not to men.

This form of government is handed to you by the recommendations of a man who merits the confidence of the public; but you ought to recollect, that the wisest and best of men may err, and their errors, if adopted, may be fatal to the community; therefore, in principles of *politics*, as well as in religious faith, every man ought to think for himself.

Hereafter, when it will be necessary, I shall make such observations, on this new constitution, as will tend to promote your welfare, and be justified by reason and truth.

Sept. 26, 1787.

1. Reprints: Philadelphia *Freeman's Journal*, 3 October; Philadelphia *Independent Gazetteer*, 3 October; Albany *Gazette*, 4 October; Boston *American Herald*, 8 October; and Pittsburgh *Gazette*, 10 November.

#### **104 A–B. Newport Herald and Providence United States Chronicle 27 September**

These two items were the first original commentaries on the Constitution published in Rhode Island. The *Herald* item was reprinted eleven times by 3 December: Vt. (1), N.H. (3), Mass. (4), N.Y. (1), Pa. (2). The *Chronicle* item was reprinted three times by 8 October: Mass. (1), Conn. (1), N.Y. (1).

#### *104–A. Newport Herald, 27 September*

A correspondent observes, that this is a period of momentous concern,—to be a united nation of importance, or petty anarchies is now

the question.—The inefficacy of our present government is fully proved by the incroachments on our commerce, the decline of national honour, and the confusion pervading *every* State. Thus matured in knowledge by painful experience we are called on to adopt a system, produced and organized by the deliberations of men whose virtues and abilities will be an immortal honour to America.—Should any state reject this salutary system, unbiassed posterity will consign their names to an infamous immortality,—should it be rejected by the union it will involve in consequences the most fatal—some bold usurpers will establish governments for us pregnant with all the evils of the most abject slavery.

*104—B. Providence United States Chronicle, 27 September*

The United States of America, says a Correspondent, now exhibit to the World a most unusual Spectacle—that of a great and numerous People, calmly and deliberately, in Time of Peace, unawed by Arms, and uninfluenced by Party Faction, appointing their wisest and best Men to form a Constitution of Government, adequate to the great Purposes of the general Confederacy, and most productive of the Prosperity, Felicity, Safety and Welfare of the Whole. It would hardly have been credible in Europe, or in any Part of the old World, that States so different in their Situation, Extent, Habits, and particular Interests, would have so far divested themselves of all Jealousy and Apprehensions of mischievous Consequences, as to have fallen in with a Measure, which Minds less enlarged than those of the Americans in general would have supposed tended to shake to Pieces the former Constitution, and to give Opportunity for Cabal and Faction, to enterprize their own Purposes.—But when it is seen that so far from this being the Case, or that any unjustifiable Measures are intended, that every Freeman in the United States is to be consulted and to give his Voice, by his Representative, on that very Constitution which it is proposed should be adopted, it must raise an exalted Idea of the Patriotism, Liberality of Sentiment, and mutual Confidence which pervade these States, and remove those groundless, anxious Fears with which some may have been impressed, that it is the Good only of a Part of the Community that is intended. At this important Period, when, if ever, it is easy to excite groundless Jealousy and Uneasiness, it is the Duty of *every Man*, and especially of *every Man of Influence*, to think for himself, coolly and deliberately—and not hastily to determine, before he has weighed and considered every Clause of the proposed Constitution—and the probable Consequences, on the one Hand, of its *Adoption*—on the other, of its *Rejection*. The People ought to be guarded against those who may at any Time endeavour to stir them up, under Pretence of Patriotism, to any Measures inconsistent with that peaceable Demeanour, prudent Conduct, and united Firmness so necessary for their Well-Being and Happiness.—Let them

conduct all their Affairs peaceably—prudently—firmly—jointly—considering the United States as one great Family, whose general Good being promoted, will augment and secure the Safety, Freedom and Happiness of every individual Member, and it is certain that the Result will be—“a Spirit of Amity, and of that mutual Deference and Concession which the Peculiarity of our political Situation renders indispensable.”<sup>1</sup>

1. Quoted from George Washington to the President of Congress, 17 September (CC:76).

**105. Antoine de la Forest to Comte de Montmorin  
New York, 28 September<sup>1</sup>**

I received the letter which you did me the honor of writing on the 22nd of July. You have asked me to inform you of what has happened in Philadelphia at the Consultations [Convention] that the American States have just had among themselves through their delegates; I can do no better, My Lord, than to send you the translation of the work of this assembly. It drafted a plan of general Government that seems contrived with Great Wisdom, if one considers that the problem was not to find the most absolutely perfect form of government, but the one most applicable to the times, the places and the individuals.

The Consultations lasted almost four months and the most pleasing harmony prevailed among the delegates during all that time. Convinced that it was important that the people not observe any divisions in their opinions, they had resolved from the start that the minority would acquiesce to the wishes of the Majority, and the report that they made was announced as *the unanimous opinion of the States present*. Two delegates from Virginia, two from New York and one from Massachusetts abstained from Signing under various pretexts,<sup>2</sup> but there has been no real opposition and it is Counted as the Vote of twelve delegations. Rhode island until the last refused to be represented.

The new general Government proposed to the People requires some large Sacrifices of Sovereignty on the part of the States. Some are painful at this time because the creation of Paper money, the laws that stay the operation of obligations and Contracts, those that authorize the payment of debts in property, or in depreciated paper, can no longer take place. Nothing remains to the states of their individual independence but their Judicial powers, the right to make their laws for inspection and police, and to attend to the details of their internal administration. Congress will no longer need their consent for any of its operations. It will solely and exclusively be able to maintain a navy, equip an army, coin money and collect taxes, duties, and excises to supply the needs of the Common treasury. In a word, Congress is to have the freest exercise of Sovereignty and rule in effect over the thirteen Confederated Sovereigns of which it is now only the voice.



In gathering so many powers in a Single Body all possible combinations have been exhausted to insure the liberty of the people. Congress is to be composed of two branches. In one, each State is to be represented in proportion to its population and the representatives are to be elected by the people; in it a majority of individuals, and no longer that of States, will decide all questions: In the other, each State will be represented by two Senators chosen by each legislature and will preserve the right of equal voting. All laws, resolutions and ordinances of Congress must be passed by the two houses and finally be approved by the executive power before being put into effect. This executive power is to be placed entirely in the hands of a *President of the United States* who will no longer be chosen as at present by Congress, but by the Vote of Electors chosen for this purpose by the people. The President is to be the Commander in chief of the land and naval forces and is to execute the laws of the union. He will make with the advice of the Senate all treaties with foreign powers, will appoint ambassadors, public ministers, Consuls, judges of the Supreme Court and all the other officers of the United States, and will recommend measures to Congress which seem suitable to him.

All the Judicial powers of Congress will be vested in a Supreme Court which will take Cognizance of all disputes arising over the law of nations, over the laws of the union, over treaties of peace, between the different States, between Foreigners and one of the States, between one of the States and the Citizens of another State.

If it were not too early to make some remarks on this plan of government before having seen it in operation, it could be observed that it does not contain any of the Clauses of the act of Confederation which prevents the delegates [Senators and Representatives] and the President from being Continually reelected.<sup>9</sup>

This work, My Lord, has been considered by Congress for eight days and has been debated at length. Many people think that there is no need for a strong government in the United States for the welfare of the people and objections are being made to the one proposed. But it [the Constitution] has just been agreed to by Congress today and this Body has recommended that all the legislatures submit it to the people in each State.

It was foreseen in the Consultations at Philadelphia that if the new Government were referred to the legislatures for their adoption, the latter would be astonished by the curtailments made in their powers and would reluctantly Consent to allow themselves to be stripped of their powers for the Common good. It was consequently preferred to ask for a Special assembly of the people in each State. These assemblies convened for one time, exercising no power, will not contain the jealousy of the legislatures. It is known that the people are fairly generally disaffected with the shadow of Government which now exists and

are everywhere disposed to adopt a more efficient one; one can rely much less on the patriotism of the principal officers of some of the States. Moreover, it was expected that a general Constitution which is to Subordinate all the Clauses contained in the individual state Constitutions, would be put into operation by those to whom [— —] belongs to alter them.

Article 7 of the proposed Constitution, states that the ratification of 9 states will be Sufficient to establish it among the States that will have ratified it. It is thought that those states that refuse it after the accession of 9 Others will Consequently be excluded from the laws and treaties [of the Union].

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 909, New York, ff. 284–85, Archives Nationales, Paris, France. Antoine René Charles Mathurin de la Forest (b. 1756) was French vice consul for the United States stationed in New York City. The Comte de Montmorin (1745–1792) was France's Minister of Foreign Affairs and Minister of Marine.

2. John Lansing and Robert Yates of New York had left the Convention on 10 July, while Edmund Randolph and George Mason of Virginia and Elbridge Gerry of Massachusetts refused to sign the Constitution on 17 September—the day the Convention adjourned.

3. Under the Articles of Confederation, delegates to Congress could serve only three years in six.

#### **106. David Humphreys to George Washington New Haven, 28 September (excerpts)<sup>1</sup>**

... We have been, a few days since, gratified with the publication of the Proceedings of the Convention.<sup>2</sup> I must acknowledge myself to have been favorably disappointed & highly pleased with the general tenor of them. Altho' it is impossible in so short a time to collect the sentiments of the Public with certainty, and altho attempts to prevent the adoption must be expected, yet, I cannot but hope, from what I hear, that the opposition will be less than was apprehended. All the different Classes in the liberal professions will be in favor of the proposed Constitution. The Clergy, Lawyers, Physicians & Merchants will have considerable influence on Society. Nor will the Officers of the late Army be backward in expressing their approbation. Indeed the well affected have not been wanting in efforts to prepare the minds of the Citizens for the favorable reception of whatever might be the result of your Proceedings. I have had no inconsiderable agency in the superintendence of two Presses, from which more News Papers are circulated, I imagine, than from any others in New England.<sup>3</sup> Judicious & well-timed publications have great efficacy in ripening the judgment of men in this quarter of the Continent. In case that every thing succeeds in the best manner, I shall certainly be the first to rejoice in finding that my apprehensions were not verified; as well as to felicitate you upon having contributed your assistance on so interesting & important an occasion.<sup>4</sup> Your good Angel, I

am persuaded, will not desert you. What will tend, perhaps, more than any thing to the adoption of the new System, will be an universal opinion of your being elected President of the United States, and an expectation that you will accept it for a while.

Since I had the honor of seeing you, in Philadelphia,<sup>5</sup> I have made the tour of the New England States, as far as Portsmouth. I was happy to find in Massachusetts the spirit of Insurrection pretty generally subsided, and an impression left on the minds of People, in most of the States, that some thing energetic must be adopted respecting the national Government or we shall be a ruined Nation. . . .

. . . Let the Ship of the Public float towards the harbour of tranquility & safety, or let her be in danger of being stranded on the rocks of discord & anarchy; we shall be conscious that some individuals have done their duty. . . .

1. RC, Washington Papers, DLC. Printed: Frank Landon Humphreys, *Life and Times of David Humphreys* . . . (2 vols., New York and London, 1917), I, 423–25. Humphreys (1752–1818) had been an aide to Washington during the War for Independence. In October 1786 he represented Derby in the Connecticut House of Representatives. At this time, the legislature appointed him to command the Connecticut troops raised to suppress Shays's Rebellion. In November 1787 Humphreys went to Mount Vernon where he remained until 1789, serving for a time as Washington's secretary.

2. The Constitution was published in the *Connecticut Journal* on 26 September and in the *New Haven Gazette* on the 27th.

3. One newspaper was probably the *New Haven Gazette*.

4. In March 1787 Humphreys had warned Washington not to attend the Convention because it would fail (RCS:Conn., 326).

5. Humphreys had been a delegate from the Connecticut Society of the Cincinnati to a national meeting of the Cincinnati in Philadelphia in May 1787. He was among those who escorted Washington from Chester to Philadelphia on 13 May.

### 107. Benjamin Rush to John Coakley Lettson Philadelphia, 28 September (excerpts)<sup>1</sup>

. . . To the influence of Pennsylvania chiefly is to be ascribed the prevalence of sentiments favorable to African liberty in every part of the United States.<sup>2</sup> You will see a proof of their operation in the new constitution of the United States. In the year one thousand seven [*sic*] hundred and eight there will be an end of the African trade in America. No mention was made of *negroes* or *slaves* in this constitution, only because it was thought the very words would contaminate the glorious fabric of American liberty and government. Thus you see the cloud which a few years ago was no larger than a man's hand, has descended in plentiful dews and at last cover'd every part of our land. . . .<sup>3</sup>

Our new fœderal government is very acceptable to a great majority of our citizens, and will certainly be adopted immediately by *nine*, and in the course of a year or 18 months by *all* the States. When this shall

happen, *then* to be a citizen of the United States *with all its consequences* will be to be a citizen of the freest, purest and happiest government upon the face of the earth. It contains all the theoretical and practical advantages of the British constitution without any of its defects or corruptions. While the nations of Europe have waded into order thro seas of *blood* you see we have travelled peaceably into order only thro' seas of *blunders*. . . .<sup>4</sup>

1. FC, Rush Papers, PPL. Printed: Butterfield, *Rush*, I, 441–44. Lettsom (1744–1815) was a London physician and, like Rush, was a prolific writer on medical subjects and on a wide range of reforms.

2. Pennsylvania had been a center of opposition to slavery since the colonial period. In 1774 Rush helped to found the first abolitionist society in America—the Pennsylvania Society for Promoting the Abolition of Slavery. Six years later, the state Assembly passed a law for the gradual emancipation of slaves.

3. For further examples of the concern over the Constitution and the slave trade, see Appendix, Volume II, *Commentaries on the Constitution*.

4. This statement is similar to one that Richard Price made in a letter to Rush on 26 January 1787 (CC:22).

#### 108. Maryland Journal, 28 September<sup>1</sup>

Mr. Goddard, You'll please to insert in your Paper, the following Extract of a Letter from a Gentleman of New-York, to his Friend in this Town. A.B.

*Baltimore, September 28, 1787.*

“I have the Happiness to assure you from good Authority, that the New System of Federal Government will be unquestionably adopted by New-Hampshire, Massachusetts, Connecticut, New-York and Jersey. The People of Pennsylvania, I presume, you well know, are almost universally for it—And I can easily conceive, that your State will have no Hesitation upon the Subject, as it is particularly favourable to it. It will have no Opposition here, unless from a few Demagogues of *desperate Fortunes*, who wish not to see a *regular permanent* Government established.

“There is one Person in the State of Massachusetts, of respectable popular Talents, who was *originally* opposed to the Convention at Philadelphia, and who, it is well known, though he does not avow it, will oppose the proposed Federal Government.<sup>2</sup> This Person's Politicks, however, will beyond a Doubt prevent his being in the Legislature. His Opposition to the New Government is attributed to a Wish to throw our Political Affairs in the utmost possible Confusion.—And, indeed, should this Government not obtain, a Scene of *Anarchy* will ensue, that will seriously threaten our Political Existence. It is, therefore, devoutly to be

wished, that the several States will send to their respective Legislatures Men, who are truly attached to their Country, and who, of course, will support and maintain this New System of Federal Government, which has been framed and *recommended* to us by our most distinguished Patriots and Statesmen."

"P.S. As this New System of Federal Government will have a Tendency to promote Manufactures of every Kind, our Tradesmen here discover the utmost Anxiety to have it established."

1. Reprints by 25 October (13): N.H. (2), Mass. (4), R.I. (1), N.Y. (1), N.J. (1), Pa. (2), S.C. (1), Ga. (1). By 9 November four newspapers had reprinted only the postscript: N.H. (2), Mass. (1), N.Y. (1).

2. The Massachusetts person of "respectable popular talents" was possibly Samuel Adams, who had originally opposed the Constitutional Convention. Nathaniel Gorham stated that Adams—chairman of a legislative committee to draft a bill for appointing delegates to the Convention—"is full of doubts & difficulties & finding he cannot obstruct the [committee's] report generally wishes to limit the Commission in such manner as I think will exceedingly injure the business" (to Henry Knox, 18 February 1787, Knox Papers, MHi). For the appointment of the Massachusetts delegates in March 1787, see CDR, 205–9n.

### 109. An American Citizen II: On the Federal Government Philadelphia Independent Gazetteer, 28 September<sup>1</sup>

We have seen that the late honorable Convention, in designating the nature of the chief executive office of the United States, *have deprived it of all the dangerous appendages of royalty*, and provided for *the frequent expiration of its limited powers*—As our President bears *no resemblance to a King*, so we shall see the Senate have *no similitude to nobles*.

First then not being hereditary, their *collective knowledge, wisdom and virtue* are not precarious, *for by these qualities alone are they to obtain their offices*; and they will have none of the *peculiar follies and vices* of those men, *who possess power merely because their fathers held it before them*, for they will be educated (under equal advantages and with equal prospects) among and on a footing with the other sons of a free people—If we recollect the characters, who have, at various periods, filled the seats of Congress, we shall find this expectation *perfectly reasonable*. Many young men of genius and *many characters of more matured abilities, without fortunes*, have been honored with that trust. *Wealth has had but few representatives there, and those have been generally possessed of respectable personal qualifications*. There have also been many instances of persons, not eminently endowed with mental qualities, who have been sent thither *from a reliance on their virtues, public and private*—As the Senators *are still to be elected by the legislatures of the states*, there can be no doubt of *equal safety and propriety* in their future appointment, especially as no further pecuniary qualification is required by the constitution.

They can hold *no other office* civil or military under the United States, nor can they join *in making provisions for themselves*, either by creating new places or encreasing the emoluments of old ones. As their sons are not to succeed them, they will not be induced to aim at an increase or perpetuity of their powers, at the expence of the liberties of the people of which those sons will be a part. They possess *a much smaller share of the judicial power* than the upper house in Britain, for they are not, as there, the highest court in civil affairs. Impeachments *alone* are the cases cognizable before them, and in what other place could matters of that nature be so properly and safely determined? The judges of the federal courts will owe their appointments to the president and senate, therefore may not feel so perfectly free *from favor, affection and influence*, as the upper house, who receive their power from the people, through their state representatives, and are immediately responsible to those assemblies, and finally to the nation at large—Thus we see when a daring or dangerous offender is brought to the bar of public justice, the people *who alone can impeach him by their immediate representatives*, will cause him to be tried, *not by judges appointed in the heat of the occasion*, but by two thirds of a *select body, chosen a long time before, for various purposes by the collected wisdom of their state legislatures*. From a pretence or affection of extraordinary purity and excellence of character *their word of honor* is the sanction, under which these high courts in other countries, have given their sentence—but with us, like the other judges of the union, like the rest of the people *of which they are never to forget they are a part* it is required, that they be on oath.

No ambitious, undeserving or unexperienced *youth* can acquire a seat in this house by means of the most enormous wealth or most powerful connections, *till thirty years have ripened his abilities and fully discovered his merits to his country*—a more rational ground of preference surely than mere property.

The senate though more independent of the people as to *the free exercise of their judgement and abilities*, than the house of representatives, by the longer term of their office, must be older and more experienced men and<sup>2</sup> the public treasures, *the sinews of the state*, cannot be called forth by their original motion. They may *restrain the profusion or errors* of the house of representatives, *but they cannot take the necessary measures to raise a national revenue*.

The people, through the electors, *prescribe* them such a president as shall be *best qualified to controul them*.

They can only, by conviction on impeachment, *remove and incapacitate a dangerous officer*, but the punishment of him as a criminal *remains within the province of the courts of law to be conducted under all the ordinary forms and precautions*, which exceedingly diminishes the importance of

their judicial powers. They are *detached*, as much as possible, from *local* prejudices in favour of their respective states, by having a *separate and independent vote*, for the sensible and conscientious use of which, every member will find *his person, honor and character* seriously bound—He cannot shelter himself, *under a vote in behalf of his state*, among his immediate colleagues. As there are only *two*, he cannot be voluntarily or involuntarily governed by *the majority of the deputation*—He will be obliged, by wholesome provisions, to *attend his public duty*, and thus in great national questions *must give a vote* of the honesty of which, he will find it necessary to convince his constituents.

The senate *must always receive the exceptions of the president* against any of their legislative acts, which, without *serious deliberation and sufficient reasons*, they will seldom disregard. They will also feel a considerable check from *the constitutional powers of the state legislatures*, whose rights they will not be disposed to infringe, since they are the bodies to which they owe their existence, and are moreover to remain *the immediate guardians of the people*.

And lastly the senate will feel *the mighty check of the house of representatives*—a body so pure in its election, so intimately connected, by its interests and feelings, with *the people at large*, so guarded against *corruption and influence*—so much, from its nature, *above all apprehensions*, that it *must ever be able to maintain the high ground assigned to it by the federal constitution*.

1. The title in the broadside reprinting of 21 October was expanded to include "On the safety of the people, from the restraints imposed upon the Senate." (For the broadside reprinting, see Editors' Note, 21 October.) Newspaper reprints by 7 December (19): N.H. (1), Mass. (5), Conn. (2), N.Y. (3), Pa. (3), Del. (1), Md. (1), Va. (2), S.C. (1). Also reprinted in the Philadelphia *American Museum*, in a Philadelphia broadside, and in two Richmond pamphlet anthologies by the end of December. For authorship, see CC:100.

2. At this point in the broadside reprinting of 21 October, these words appear: "vested with less effective power; for."

### 110 A–B. Massachusetts Centinel, 29 September

These two items were the first original commentaries on the Constitution published in Massachusetts.

110–A. A correspondent observes, that the proceedings of the continental convention, as published in our last, must receive the approbation of every man of independent sentiments; of every man who calculates not only for the honour of *individual States*, and the happiness and glory of *independent America*, but for those EMPIRES OF REPUBLICAN FREEDOM, which that NOBLE FABRICK, THE AMERICAN CONSTITUTION, may usher into existence.

In anticipating the acceptance of the AMERICAN CONSTITUTION every countenance brightens with the full glow of hope and animating expectation of publick honour, peace and lasting prosperity to our "DEAR COUNTRY."<sup>1</sup>

110-B. *A True American*<sup>2</sup>

Mr. RUSSELL, *The day—the important day—big with the fate of the States of America, is just at hand.*

The system of federal government agreed on by the Convention is announced—therefore nothing will be wanting to give it efficacy, but the sanction of the approbation of the people of the different States.

A war between France and England appears to be inevitable, if not already begun—in this war America has no need to involve herself, as when under the government of Great-Britain.

Never was it known since society has been established among men, that any country has had so fair a chance as this country has at this time of rising superiour to every difficulty—of paying off its national debts without distressing the industrious citizen—of supporting its publick credit and eventually of becoming the admiration of the surrounding universe.

Should the several States agree (and there appears but little doubt remaining that they will) to adopt the federal system, we shall at once be acknowledged our proper rank among the nations of the earth—our laws respecting trade will be such as will soon convince the British nation that unless she will consent to deal with us upon terms of reciprocal advantage, her vessels will not be admitted to our ports, and that the produce of these States is necessary to the very existence of her settlements in Nova-Scotia, New-Brunswick, and the West-Indies, every one is at length sufficiently convinced: By adopting the federal government, the value of the landed interest will immediately be increased—taxes will lessen—Commerce, Arts and every species of industry will rapidly increase—Emigrations from the old countries will instantly begin—the wilderness will be cultivated, and the fullest wishes of every true American will in a short time be realized.

Our government once established what a harvest would an European war be for our country—in a state of peace, with a waring world, our vessels would become the carriers to all Europe—hence the important branches of ship-building, and the many branches of business connected with it, would at once revive, and an American bottom would then be held in as much estimation by an European, as at present it is viewed with contempt.

My countrymen awake, and convince the foes of our country, that their malice is as ineffectual in peace, as their arms were in war.



N.B. In the expected war depend on it the sun of Britain will set to rise no more, we shall then have the pleasure of beholding our worthy allies enjoying the success we sincerely wish them.

1. By 8 November this item was reprinted eleven times: Vt. (1), Mass. (2), R.I. (2), N.Y. (2), Pa. (4). Five other newspapers reprinted only the first paragraph: N.J. (1), Pa. (1), Md. (2), Ga. (1).

2. Reprints by 11 October (4): Mass. (2), Conn. (1), Pa. (1).

### 111. Curtius

#### New York Daily Advertiser, 29 September

Three essays signed "Curtius" were published in the *Daily Advertiser* on 29 September, 18 October, and 3 November. The first essay, printed below, was unnumbered and is the only one printed in *Commentaries*. It was reprinted in full in the *State Gazette of South Carolina*, 29, 25 October, and in the October issue of the *Philadelphia American Museum*. The last three paragraphs, without the pseudonym, were reprinted seventeen times by 14 December: N.H. (1), Mass. (5), R.I. (1), Conn. (3), N.Y. (1), Pa. (4), Md. (1), Va. (1). On 5 June 1788 the *Boston Independent Chronicle* reprinted the same excerpt, which was reprinted eight more times by 7 August: N.H. (1), Mass. (1), R.I. (1), N.Y. (1), Pa. (1), Md. (1), Va. (1), S.C. (1).

#### ADDRESS TO all FEDERALISTS.

*Friends and Countrymen*, An individual, who never has been, nor has any ambition at present to be honored by marks of public distinction, presumes to address you. When Common Sense declared it to be the time to try men's souls, he engaged in your service; nor left it, till the Court of Britain declared you independent. In common with yourselves, he felt a noble enthusiasm warm his breast in the cause of Freedom; and, he trusts, the generous flame is still unextinguished. Animated in the hope of your prosperity, he beheld, without a sigh, the fair expectations of affluence, to which he was born, blasted by the wanton cruelty of an enemy, and by injustice and fraud, sanctified by law: And now, should you embrace the heaven-sent opportunity to secure to yourselves the invaluable blessings of Liberty and Independence, he shall still glory in every sacrifice.

The Constitution of Government proposed to your acceptance, reflects the highest honor upon its compilers; and adds a lustre, even to the names of Washington and Franklin! Whether it meets your approbation, or not, it will excite the plaudit of the world; and your enlightened posterity will mark it as an exalted instance of American genius. Here we view the sources of *energy*, *wisdom* and *virtue*, delicately combined. Here the *Legislative*, *Executive*, and *Judicial* powers are completely separated, exactly defined, and accurately balanced. Here are instituted the wisest checks to ambition in the rulers, and to licentiousness in the ruled. Here we find the most admirable fetters to self-interest, and the most indestructible securities of civil liberty. Here we behold the

greatest concessions made by the strongest; and, if any partiality is shewn, it is in favor of the weak.—Should it remind you of the Government of Poland, you will reflect, that the *mode* and *frequency* of electing our Executive Head, completely evade the confusion of an elective Monarchy. But, what is more probable, should it remind of a Government, once justly dear to us—then let us enquire, where, among foreign nations, are the people who may boast like Britons? In what country is justice more impartially administered, or the rights of the citizen more securely guarded? Had our situation been sufficiently contiguous; had we been justly represented in the Parliament of Great-Britain; to this day we should have gloried in the peculiar, the distinguished blessings of our political Constitution. But, even here, the Federal Government rises in the comparison. For in this we find the avenues of corruption and despotism completely closed. No Lords strut here with supercilious haughtiness; or swell with emptiness; but virtue, good sense and reputation alone ennoble the blood, and introduce the Plebeian to the highest offices of State. Our Executive Head is mediately dependent upon the People; he has no power to grant pensions, to purchase an undue influence, or to bribe in a fancied representation of the commons. All dignities flow from yourselves: those, indeed, of the Judicial kind, not so immediately, as your own experience must have convinced you is proper. That the people of a free Government mean right, when, frequently, they *think wrong*, is a truth which renders it indispensable, that certain of their servants should feel so independent, as to be unswayed by popular caprice and error. But, in forming this Constitution, your Delegates were not obliged to look abroad for assistance; many approved models were to be found at home, the excellencies and deficiencies of which experience had already discovered.

Perhaps, to point out such obvious advantages, some may deem affrontive to the good understanding of Americans, or unnecessary until attempts are made to deceive them. It is, moreover, beside the intention of this address; which was to exhort your most earnest attention to the present important crisis of public affairs. Never have you seen a period replete with more extensive consequences. Unbiassed and impartial, examine, then, for yourselves, how worthy that system of Government is, which the collected wisdom of the nation has recommended to your acceptance. Study and scrutinize its various parts; survey, with a jealous eye, the profound intelligence and policy it discloses. And, when once your minds are persuaded of its propriety, determine with unanimity, and with decided resolution to adopt, support, and perpetuate it.

Think not that such an eventful revolution, so great and so promising, should meet with no opposition. Nothing great or good, of the kind, ever commenced or ever existed without it. Opposition will arise from a variety of sources. A few will be actuated by a vain spirit of con-

tention, or affectation of singularity. Some will prattle of chimerical dangers, to shew their superior discernment, or to obtrude themselves into notice. Even low wit and buffoonery shall raise their silly weapons. Perhaps you will be told, among Anti-Federalists that, when the new Government is established, "money will grow upon the trees"—that "Washington has been duped"—that "Franklin has grown old"<sup>1</sup>—that "Pinckney and Hamilton are boys."—Thus far opposition merits your contempt. But the fears of the jealous, of the undiscerning, and of the ignorant, among each of which classes there may be men of integrity and principle; the obstinacy of prepossession and party spirit; the secret intrigues of the ambitious; and clamours of avarice and self interest; these will be exerted to undermine your prospects of national felicity, and of these you should be aware. To hear from them any thing like solid argument, or calm discussion, is scarcely to be expected. From popular rumor, I have not as yet been able to collect an attempt of this kind, that merits your slightest regard. The ground of controversy is now changed. Every objection, from the purse and the sword being entrusted to one body of men, is now removed, by the different organization of the Federal Head: objections which had weight with many of your real friends, and have had their full force granted in the construction of the present system. These objections were formerly answered by an appeal to necessity. For, better was it that the efficient powers of Government should be lodged any where than no where: better in one delegated Assembly, mutable in its members, and removable at your pleasure, than in no Assembly at all. For, certainly, rigid order, in society, is preferable to licentious disorder; and an absolute Monarchy, to an absolute Anarchy. (The people of Virginia, some time since, in instructions to their Representatives, speaking of Congress, declare, "that the melioration of a Constitution, founded upon such false and incompatible principles, seems in every view almost impossible; but expedients proposed, which require the unanimous concurrence of thirteen separate Legislatures, differing in interests, distinct in habits, and opposite in prejudices, have so repeatedly failed, that they no longer furnish a ray of hope:—We pray, therefore, for the day, when we shall see a national Convention sit, composed of the best and ablest men in the Union, a majority of whom shall be invested with the power of altering it. It is now so bad, as to defy the malice of fortune and ingenuity to make it worse.")<sup>2</sup>

If opposition is made in your public assemblies, which I have hope will not be the case, from the means of information time will give all classes of people, you will find ignorance and artifice endeavoring to shroud themselves from public contempt, under an affected silence; and perhaps not the shadow of an argument produced in support of a dead vote. For shame, electors! let not the good sense of Americans be

thus represented; but if men do appear in your legislative bodies in support of a bad cause, let them at least be able to gild its deformity.

But should you ratify the proceedings of your Convention, the happy event will form an epocha, more peculiar in its nature, more felicitating in its consequences, and more interesting to the philosophic mind, than ever the political history of man has displayed. Where is the country in which the principles of civil liberty and jurisprudence are so well understood as in this—and where has ever such an assembly of men been deputed for such a purpose? To see an assemblage of characters, most of them illustrious for their integrity, patriotism and abilities, representing many Sovereign States; framing a system of Government for the whole, in the midst of a profound peace; unembarrassed by any unfavorable circumstance abroad, uninfluenced by any selfish motive at home; but making the most generous concessions to each other for the common welfare, and directing their deliberations with the most perfect unanimity—to see a Constitution of Government thus formed, and fraught with wisdom, economy, and foresight, adapted to the political habits of their constituents, to the state of Society and civilization, to the peculiar circumstances of their country, and to those enlightened sentiments of freedom and toleration, so dear to all good men—and, finally, to see this Constitution ratified and adopted by several millions of people, inhabiting an extensive country, not from any coercion, but from mere principles of propriety, wisdom, and policy—these are objects too great, and too glorious, to be viewed with common admiration and delight—the idea alone is animating to every bosom, susceptible of the emotions of patriotism or philanthropy—the attempt alone reflects a dignity upon human nature, and the execution secures freedom and public happiness to remote posterity.

This great event will disclose the meaning of those many astonishing providences, which gave timely aid to American arms in the just struggle for independence. From this it will appear, that these were not intended to usher in, upon this recent theatre of cultivated humanity, the horrors of domestic jarring; but to establish, upon the firmest basis, Union, freedom, and tranquillity. The prerogative of the great Guardian of Nations, to educe good from evil, will become illustrious. Our reproach abroad, and disarrangement at home, will but shew us, in contrast, the magnitude and propriety of our change. The light of prosperity will but shine the brighter, as just bursting from the dissipated clouds of injustice, avarice, and ambition.

Let us then be of one heart, and of one mind. Let us seize the golden opportunity to secure a stable Government, and to become a respectable nation. Let us be open, decided, and resolute, in a good cause. Let us render our situation worthy the ashes of our slaughtered brethren, and our own sufferings. Let us remember our emblem, the twisted ser-

pent, and its emphatical motto, *Unite or Die*. This was once written in blood; but it is as emphatical now as then. A house divided against itself cannot stand. Our national existence depends as much as ever upon our Union; and its consolidation most assuredly involves our prosperity, felicity, and safety.

1. "Curtius" anticipated similar charges made in "Centinel" I (CC:133).

2. The material within angle brackets was reprinted as a separate item in the *Massachusetts Gazette* on 9 October 1787 and reprinted once each in Portsmouth, Albany, New York City, and Philadelphia by 23 November. The quotation is from instructions "To the Honourable the REPRESENTATIVES of the PEOPLE of VIRGINIA, in GENERAL ASSEMBLY convened" (*Maryland Journal*, 28 March 1786).

### 112. An American Citizen III: On the Federal Government Philadelphia Independent Gazetteer, 29 September<sup>1</sup>

In pursuing the consideration of the new federal constitution, it remains now to examine the nature and powers of the house of representatives—the *immediate delegates of the people*.

Each member of this truly popular assembly will be chosen by about six thousand electors, *by the poor as well as the rich*. No decayed and venal borough will have an *unjust* share in their determinations—No old *Sarum* will send thither a representative *by the voice of a single elector*<sup>(a)</sup>—As we shall have no royal ministries to purchase votes, so we shall have no votes for sale. *For the suffrages of six thousand enlightened and independent Freemen are above all price*—When the increasing population of the country shall render the body too large at the rate of one member for every thirty thousand persons, they will be returned at the greater rate of one for every forty or fifty thousand, which will render the electors still more incorruptible. For this regulation is only designed to prevent a *smaller number* than thirty thousand from having a representative. Thus we see a provision follows, that no state shall have less than one member; for if a new and greater number should hereafter be fixt on, which shall exceed the whole of the inhabitants of any state, such state, without this wholesome provision, would lose its voice in the house of representatives—A circumstance which the constitution renders *impossible*.

The people of England, whose house of commons is filled with military and civil officers and pensioners, say their liberties would be perfectly secured by triennial parliaments. *With us no placemen can sit among the representatives of the people, and two years are the constitutional term of their existence*. Here again, lest wealth, powerful connexions, or even *the unwariness of the people* should place in this important trust an undeserving, unqualified or inexperienced youth, the wisdom of the convention has proposed *an absolute incapacity till the age of twenty-five*. At twenty-one a young man is made the guardian of his *own* interests, *but he cannot for*

*a few years more be entrusted with the affairs of the nation. He must be an inhabitant of the state that elects him, that he may be intimately acquainted with their particular circumstances—The house of representatives is not, as the senate, to have a president chosen for them from without their body, but are to elect their speaker from their own number—They will also appoint all their other officers. In great state cases, they will be the grand inquest of the nation, for they possess the sole and uncontrollable power of impeachment. They are neither to wait the call nor abide the prorogations and dissolutions of a perverse or ambitious prince, for they are to meet at least once in every year, and sit on adjournments to be agreed on between themselves and the other servants of the people. Should they differ in opinion, the president who is a temporary fellow servant and not their hereditary master, has a mediatorial power to adjust it for them, but cannot prevent their constitutional meeting within the year. They can compel the attendance of their members, that their public duty may not be evaded in times of difficulty or danger—The vote of each representative can be always known, as well as the proceedings of the house, that so the people may be acquainted with the conduct of those in whom they repose so important a trust. As was observed of the senators, they cannot make new offices for themselves, nor increase, for their own benefit, the emoluments of old ones, by which the people will be exempted from needless additions to the public expences on such sordid and mercenary principles—They are not to be restrained from the firm and plain language, which becomes the independent representatives of freemen, for there is to be a perfect liberty of speech. Without their consent no monies can be obtained, no armies raised, no navies provided. They alone can originate bills for drawing forth the revenues of the union, and they will have a negative upon every legislative act of the other house—So far, in short, as the sphere of federal jurisdiction extends, they will be controulable only by the people, and in contentions with the other branch, so far as they shall be right, they must ever finally prevail.*

Such, my countrymen, are some of the cautionary provisions of the frame of government your faithful convention have submitted to your consideration—such the foundations of peace, liberty and safety, which have been laid by their unwearied labors—They have guarded you against all servants but those “whom choice and common good ordain,” against all masters “save preserving Heaven.”

(a) *This is the case with that British borough.*

1. The title of the broadside reprinting of 21 October was expanded to include “On the safety of the people, from the nature of the House of Representatives.” Newspaper reprints by 10 December (17): Mass. (5), Conn. (2), N.Y. (3), N.J. (1), Pa. (2), Md. (1), Va. (2), S.C. (1). Also reprinted in the Philadelphia *American Museum*, in a Philadelphia broadside, and in two Richmond pamphlet anthologies by the end of December. For authorship, see CC:100.

**113. Charles Cotesworth Pinckney to Sir Matthew White Ridley  
New York, 29 September (excerpt)<sup>1</sup>**

Yesterday Congress passed the Constitution agreed on by the Fœderal Convention, and resolved to transmitt it to the several States for the assent & Ratification of State Conventions to be chosen in each State. This is done that it may be paramount to all State Constitutions, & that all Laws made in pursuance thereof may be the supreme Law of the Land. A Gentleman who is going to London has promised to take charge of this Letter, and to put it into the post there; as I understand you pay no inland postage I shall enclose an authentic Copy of the Constitution, which both as a Philosopher & a Politician you may wish to peruse. I do not suppose it will meet your entire approbation, but when you consider the different Interests & Habits of the several States & that this plan of Government was the result of mutual concession & Amity, it will account for the introduction of some clauses that may appear to you exceptionable. You should read the Letter from the Convention to Congress before you read the Constitution, as we have there briefly stated our Reasons for having made it such as it is. I make no doubt but that it will be very soon adopted by a large Majority of the States; and I shall set out for Carolina tomorrow that I may be present when it is considered by our State. When you are at leisure be so obliging as to favour me with your remarks on it. . . .

1. RC, Ridley (Blagdon) MSS, Northumberland County Record Office, Newcastle-upon-Tyne, England. Pinckney (1746–1825), a Charleston lawyer-planter, had been appointed brevet brigadier general in the Continental Army in 1783. He represented South Carolina in the Constitutional Convention and Charleston in the state House of Representatives. In May 1788 he attended the state Convention, where he voted to ratify the Constitution. Sir Matthew White Ridley (1745–1813), a baronet, was a lawyer and a member of Parliament for Newcastle-upon-Tyne. Ridley and Pinckney had been classmates at Christ Church, Oxford.

Pinckney's letter to Ridley served as the basis for an "Extract of a letter from an eminent Member of the late Convention at Philadelphia, dated New-York, Sept. 29, 1787" published in the Charleston *Columbian Herald* on 14 February 1788: "Yesterday Congress passed the Constitution agreed on by the Fœderal Convention, and resolved to transmit it to the several States for the assent and ratification of State Conventions to be chosen in each State. I have no doubt but that it will be very soon adopted by a large majority of the States, and I shall set out for South Carolina tomorrow, that I may be present when it is considered by our State. I think it a good constitution; I am sure ever[y] person must think it an *honest* one, and all men of integrity must approve of those articles which declare, that 'all treaties made, or which shall be made by the authority of the United States shall be the supreme law of the land.'—and 'that no State shall emit bills of credit, make any thing but gold or silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contract.'—So that in future we shall be free from the apprehensions of paper money, pine barren acts, and instalment laws."

**114. James Madison to George Washington  
New York, 30 September<sup>1</sup>**

I found on my arrival here that certain ideas unfavorable to the Act of the Convention which had created difficulties in that body, had made their way into Congress.<sup>2</sup> They were patronised chiefly by Mr. R.H.L. [Richard Henry Lee] and Mr. Dane of Massts. It was first urged that as the new Constitution was more than an Alteration of the Articles of Confederation under which Congress acted, and even subverted these articles altogether, there was a Constitutional impropriety in their taking any positive agency in the work. The answer given was that the Resolution of Congress in Feby. had recommended the Convention as the best mean of obtaining a firm *national Government*;<sup>3</sup> that as the powers of the Convention were defined by their Commissions in nearly the same terms with the powers of Congress given by the Confederation on the subject of alterations, Congress were not more restrained from acceding to the new plan, than the Convention were from proposing it. If the plan was within the powers of the Convention it was within those of Congress; if beyond those powers, the same necessity which justified the Convention would justify Congress; and a failure of Congress to Concur in what was done, would imply either that the Convention had done wrong in ~~proposing a national Government~~ exceeding their powers, or that the Government proposed was in itself liable to insuperable objections; that such an inference would be the more natural, as Congress had never scrupled to recommend measures foreign to their constitutional functions, whenever the public good seemed to require it; and had in several instances, particularly in the establishment of the new Western Governments, exercised assumed powers of a very high & delicate nature, under motives infinitely less urgent than the present state of our affairs, if any faith were due to the representations made by Congress themselves, echoed by 12 States in the Union, and confirmed by the general voice of the people.—An attempt was made in the next place by R.H.L. to amend the Act of the Convention before it should go forth from Congress. He proposed a bill of Rights—provision for juries in civil cases & several other things corresponding with the ideas of Col. M[ason]<sup>4</sup>—He was supported by Mr. Me—Smith of this State. It was contended that Congress had an undoubted right to insert amendments, and that it was their duty to make use of it in a case where the essential guards of liberty had been omitted. On the other side the right of Congress was not denied, but the inexpediency of exerting it was urged on the following grounds. 1. that every circumstance indicated that the introduction of Congress as a party to the reform, was in-



tended by the States merely as a matter of form and respect. 2. that it was evident from the contradictory objections which had been expressed by the different members who had animadverted on the plan, that a discussion of its merits would consume much time, without producing agreement even among its adversaries. 3. that it was clearly the intention of the States that the plan to be proposed should be the *joint* act of the Convention with the assent of Congress, which could not be the case, if alterations were made, the Convention being no longer in existence to adopt them. 4. that as the Act of the Convention, when altered would instantly become the mere act of Congress, and must be proposed by them as such, and of course be addressed to the Legislatures, not conventions of the States, and require the ratification of thirteen instead of nine States, and as the unaltered act would go forth to the States directly from the Convention under the auspices of that Body—Some States might ratify one & some the other of the plans, and confusion & disappointment be the least evils that could ensue. These difficulties which at one time threatened a serious division in Congs. and popular alterations with the yeas & nays on the journals, were at length fortunately terminated by the following Resolution—“Congress having recd. the Report of the Convention lately assembled in Philada., Resold. *unanimously* that the said Report, with the Resolutions & 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 & provided in that case.” Eleven States were present, the absent ones R.I. & Maryland. A more direct approbation would have been of advantage in this & some other States, where stress will be laid on the agency of Congress in the matter, and a handle taken by adversaries of any ambiguity on the subject. With regard to Virginia & some other States, reserve on the part of Congress will do no injury. The circumstance of unanimity must be favorable every where.

The general voice of this City seems to espouse the new Constitution. It is supposed nevertheless that the party in power is strongly opposed to it. The Country must finally decide, the sense of which is as yet wholly unknown. As far as Boston & Connecticut has been heard from, the first impression seems to be auspicious. I am waiting with anxiety for the eccho from Virginia but with very faint hopes of its corresponding with my wishes.

P.S. a small packet of the size of 2 vol. 8o. addressed to you lately came to my hands with books of my own from France. Genl. Pinkney has been so good as to take charge of them. He set out yesterday for S. Carolina & means to call at Mount Vernon.

1. RC, Washington Papers, DLC.

2. See CC:95.

3. For the congressional resolution of 21 February 1787, see CC:1.

4. For Mason's objections to the Constitution, see CC:138 and 276.

### 115. Alexander Hamilton: Conjectures About the Constitution September<sup>1</sup>

The new constitution has in favour of its success these circumstances—a very great weight of influence of the persons who framed it, particularly in the universal popularity of General Washington,—the good will of the commercial interest throughout the states which will give all its efforts to the establishment of a **general** government capable of regulating protecting and extending the commerce of the Union—the good will of **all** most men of property in the several states who wish a government of the union able to protect them against domestic violence and the depredations which the democratic spirit is apt to make on property; and who are besides anxious for the respectability of the nation—the hopes of the Creditors of the United States that a general government possessing the means of doing it will pay the debt of the Union. a strong belief in the people at large of the insufficiency of the present confederation to preserve the existence of the Union and of the necessity of the union to their safety and prosperity; of course a strong desire of a change and a predisposition to receive well the propositions of the Convention.

Against its success is to be put, the dissent of two or three important men in the Convention;<sup>2</sup> who will think their characters pledged to defeat the plan—the influence of many *inconsiderable* men in possession of considerable offices under the state governments who will fear a diminution of their consequence power and emolument by the establishment of the general government and who can hope for nothing there—the influence of some *considerable* men in office possessed of talents and popularity who partly from the same motives and partly from a desire of *playing a part* in a convulsion for their own aggrandisement will oppose the quiet adoption of the new government—(some considerable men out of office, from motives of ambition may be disposed to act the same part)—add to these causes the disinclination of the people to taxes and of course to a strong government—the opposition of all men much in debt who will not wish to see a government established one object of which is to restrain this means of cheating Creditors—the democratical jealousy of the people which may be alarmed at the appearance of institutions that may seem calculated to place the power of the community in few hands and to raise a few individuals to stations of great preeminence—and the influence of some foreign powers who from different motives will not wish to see an energetic government established throughout the states.

In this view of the subject it is difficult to form any judgment whether the plan will be adopted or rejected. It must be essentially matter of conjecture. The present appearances and all other circumstances considered the probability seems to be on the side of its adoption.

But the causes operating against its adoption are powerful and there will be nothing astonishing in the Contrary—

If it do not finally obtain, it is probable the discussion of the question will beget such struggles animosities and heats in the community that this circumstance conspiring with the *real necessity* of an essential change in our present situation will produce civil war. Should this happen, whatever parties prevail it is probable governments very different from the present in their principles will be established—A dismemberment of the Union and monarchies in different portions of it may be expected. It may however happen that no civil war will take place; but several republican confederacies be established between different combinations of particular states.<sup>3</sup>

A reunion with Great Britain, from universal disgust at a state of commotion, is not impossible, though not much to be feared. The most plausible shape of such a business would be the establishment of a son of the present monarch in the supreme government of this country with a family compact.<sup>4</sup>

If the government is adopted, it is probable general Washington will be the President of the United States—This will ensure a wise choice of men to administer the government and a good administration. A good administration will conciliate the confidence and affection of the people and perhaps enable the government to acquire more consistency than the proposed constitution seems to promise for so great a Country—It may then triumph altogether over the state governments and reduce them to an entire subordination, dividing the large states into smaller districts. The *organs* of the general government may also acquire additional strength.

If this should not be the case, in the course of a few years, it is probable that the contests about the boundaries of power between the particular governments and the general government and the *momentum* of the larger states in such contests will produce a dissolution of the Union. This after all seems to be the most likely result.

But it is almost arrogance in so complicated a subject, depending so entirely on the incalculable fluctuations of the human passions, to attempt even a conjecture about the event.

It will be Eight or Nine months before any certain judgment can be formed respecting the adoption of the Plan.

1. MS, Hamilton Papers, DLC. Hamilton endorsed this undated item "Conjectures about the new Constitution." The "Conjectures," probably written during the last two weeks in September, were not published in any newspaper, nor were they contained in any extant Hamilton letter (Syrett, IV, 277n).

2. A reference to Elbridge Gerry, George Mason, and Edmund Randolph who refused to sign the Constitution.

3. For a discussion of separate confederacies, see CC:3.

4. For monarchical sentiment, see CC:51.

**116. From Henry Knox  
New York, September<sup>1</sup>**

The circumstance of a new constitution being proposed to the people of the United States occasions at this time my presentg myself confidentially to your remembrance—Conscious as I am of a solid friendship for you the result of a long acquaintaince I persuade myself of the possibility that you may entertain similar sentiments towards me—

The time has arrived, when the ~~well intentioned~~ well principled and independent minds of the United States are required by the high obligations of love to their Country, to declare themselves ~~unreservedly~~ freely on the most interestg points than can be submitted to their consideration—Whether they are to approximate to ~~good government~~ happiness by realizing all the blessings of a governmt of Laws ~~and not of men~~, or whether they are still to follow the misrule of anarchy or a government of convenience & caprise

The proposed Constitution has been the result of the ~~most laborious~~ deepest investgn and deliberations on government suited to the various interests of the States It is therefore an amicable compromise of the different parts of the Union—

If it should not perfectly correspond with the theory of the [closet?] ~~of some sufficiency~~ in every minutia, it ought ~~perhaps~~ to be considered as the only constitution which could be obtained in a peaceable manner—But a candid examination of it, will most probably produce a conviction that it is one of the best models of a republican government ever presented to the sons of men—

It is not for the constitution itself to detail its operations—explanations and Laws will naturally spring out of its administration—sufficient it is that it contains the great principles, by which liberty and property are to be secured—

If some points are not amply ~~explicit to minds which think darkly~~ clear now the first Legislature will enact such fundamental Laws, as will remove all doubts and apprehensions

But there are people who will oppose it—plausible and delusive reasons will be held out as grounds for an opposition—The state demagogues will declaim on the inroad on State power and sovereignty

~~Some~~ men in some of the southern states will harrangue on the subject of their being sacrificed to the commercial interest of the eastern States—

The orators of the small states will talk loudly on their being sacrificed to the large States in the house of representatives, and the opposers in the large states will bring forward the undue advantage of the small States in the Senate—

In short as the proposed constitution affects deeply the projects of the paper money, and convenient politicians, it will set in motion every

subelty and art they possess to retard its progress and frustrate its adoption

there may also be some well meaning people who will oppose it because it militates with some darling speculation they may have entertained—

However, it is to be hoped that a majority of the people of the respective States, will reflect maturely on their present situation—That they will see the contempt with which the american name is treated abroad—That the government at home is in the last gasp of a deadly consumption—without money & without credit—unable either to resist the smallest faction within [or] to chastise the despicable bands of murdering savages on the frontiers—

It is easily demonstrable that if the proposed constitution should be rejected with the visionary hope of obtaining some unimportant amendmets that such an event never can take place—There are influential men in almost every state who were a convention to be again chosen, would cause instructions to be given which would effectually prevent an agreement even of the majority of the States much less an unanimous assent—Indeed the dissensions on the Subject will beget heats and animosities, that would in case of another convention prevent a general acquiescence in any plan.

The present ship is unfit to encounter the rising storm, it will not answer even for the smooth surface of peace—it must sink—Let us then embark on board the new ship offered by the united wisdom of our country—If it should not on experiment work perfectly well, we shall have the means of repairing or altering it in our possession—But if we should decline embracing the present offer because some of the rigging or ornamental parts are not to our liking, we ought to apprehend the most fatal consequences—and posterity will execrate us for our folly—

On Friday [28 September] Congress unanimously decided eleven states being present to transmit the new constitution for the purposes and objects specified in the resolves of the convention Hitherto Heaven appears to smile on the honest labors of our country to amend their political constitution—Should the eastern States adopt it readily there can be no doubt but it will obtain generally every thing depends on Massachusetts Should she set the bright example, she will derive additional dignity from the circumstance—Pennsylvania is the only state whose Legislature is at present in session—Most probably it will direct a Convention to be called at some early day

I rely on your goodness to excuse my prolixity on this truly important Subject—Please to present me affectionately to the members of the Stone house Club.<sup>2</sup>

1. Dft, n.d., Knox Papers, MHi. This draft was evidently written shortly after Congress adopted the resolution of 28 September (CC:95). Knox (1750–1806), a former Boston bookseller, had been major general and chief of artillery during the Rev-

olution. In 1783 he conceived the idea for and led in the organization of the Society of the Cincinnati, and became its first secretary. In 1785 he became the Confederation Congress' Secretary at War. In 1787 and 1788 Knox was a clearinghouse of information on national and state politics. He wrote to correspondents throughout the United States about matters of national concern, and they, in turn, reported to him on state politics and the ratification debate.

2. The Stone House Club was "a junto of politicians who convene at a certain ancient Temple" and "acts as a sub branch of the Executive, and whose advice is the *dermier resorte* of the Council" (*Massachusetts Centinel*, 5 September 1787).

### 117. Richard Henry Lee to George Mason New York, 1 October<sup>1</sup>

I have waited until now to answer your favor of Sept. 18th from Philadelphia, that I might inform you how the Convention plan of Government was entertained by Congress. Your prediction of what would happen in Congress was exactly verified—It was with us, as with you, this or nothing; & this urged with a most extreme intemperance—The greatness of the powers given & the multitude of Places to be created, produces a coalition of Monarchy men, Military Men, Aristocrats, and Drones whose noise, impudence & zeal exceeds all belief—Whilst the Commercial plunder of the South stimulates the rapacious Trader. In this state of things, the Patriot voice is raised in vain for such changes and securities as Reason and Experience prove to be necessary against the encroachments of power upon the indispensable rights of human nature. Upon due consideration of the Constitution under which we now Act, some of us were clearly of opinion that the 13th article of the Confederation precluded us from giving an opinion concerning a plan subversive of the present system and eventually forming a New Confederacy of Nine instead of 13 States.<sup>2</sup> The contrary doctrine was asserted with great violence in expectation of the strong majority with which they might send it forward under terms of much approbation. Having procured an opinion that Congress was qualified to consider, to amend, to approve or disapprove—the next game was to determine that tho a right to amend existed, it would be highly inexpedient to exercise that right, but merely to transmit it with respectful marks of approbation—In this state of things I availed myself of the Right to amend, & moved the Amendments copy of which I send herewith & called the ayes & nays to fix them on the journal<sup>3</sup>—This greatly alarmed the Majority & vexed them extremely—for the plan is, to push the business on with great dispatch, & with as little opposition as possible; that it may be adopted before it has stood the test of Reflection & due examination—They found it most eligible at last to transmit it merely, without approving or disapproving; provided nothing but the transmission should appear on the Journal—This compromise was settled and they took the opportunity of inserting the word *Unanimously*, which ap-

plied only to simple transmission, hoping to have it mistaken for an Unanimous approbation of the thing—It states that Congress having Received the Constitution unanimously transmit it &c.—It is certain that no Approbation was given—This constitution has a great many excellent Regulations in it and if it could be reasonably amended would be a fine System—As it is, I think 'tis past doubt, that if it should be established, either a tyranny will result from it, or it will be prevented by a Civil war—I am clearly of opinion with you that it should be sent back with amendments Reasonable and Assent to it with held until such amendments are admitted—You are well acquainted with Mr. Stone & others of influence in Maryland<sup>4</sup>—I think it will be a great point to get Maryld. & Virginia to join in the plan of Amendments & return it with them—If you are in correspondence with our Chancelor Pendleton it will be of much use to furnish him with the objections, and if he approves our plan, his opinion will have great weight with our Convention, and I am told that his relation to Judge Pendleton of South Carolina<sup>5</sup> has decided weight in that State & that he is sensible & independent—How important will it be then to procure his union with our plan, which might probably be the case, if our Chancelor was to write largely & pressingly to him on the subject; that if possible it may be amended there also. It is certainly the most rash and violent proceeding in the world to cram thus suddenly into Men a business of such infinite Moment to the happiness of Millions. One of your letter[s] will go by the Packet, and one by a Merchant Ship. My compliments if you please to Your Lady & to the young Ladies & Gentlemen

[P.S.] Suppose when the Assembly recommended a Convention to consider this new Constitution they were to use some words like these—It is earnestly recommended to the good people of Virginia to send their most wise & honest Men to this Convention that it may undergo the most intense consideration before a plan shall be without amendments adopted that admits of abuses being practised by which the best interests of this Country may be injured and Civil Liberty greatly endanger'd.—This might perhaps give a decided Tone to the business—

Please to send my Son Ludwell<sup>6</sup> a Copy of the Amendments proposed by me to the new Constitution sent herewith—

1. RC, Mason Papers, Rare Book Room, DLC. The address page is postmarked "ALEX, NOV 2." Lee's letter was a reply to Mason's letter of 18 September, which has not been located, but which presumably outlined Mason's objections to the Constitution.

Richard Henry Lee (1732–1794), a Virginia planter, had been a leader of the movement for independence from Great Britain. In Congress, he moved on 7 June 1776 that the colonies declare themselves "free and independent States" and that "a plan of confederation be prepared." The next year he helped revise and arrange the final draft of the Articles of Confederation. Lee signed both the Declaration of Independence and the Articles of Confederation. During the 1780s, he advocated giving Congress additional powers, but he opposed the Impost of 1783, fearing that it

would give Congress both the powers of the purse and of the sword. In 1784–85 Lee served as President of Congress. He was appointed to the Constitutional Convention, but declined on the ground that such an appointment was incompatible with his membership in Congress. He was elected to the U.S. Senate as an Antifederalist and served from 1789 to 1792.

2. For Article XIII of the Articles of Confederation, see CC:95, note 7.

3. Mason was one of several people to whom Lee sent copies of the amendments which he had presented to Congress on 27 September (CC:95).

4. Probably Thomas Stone (1743–1787), a Maryland state senator from Charles County, who had been elected to the Constitutional Convention but declined to serve. Stone died on 5 October.

5. Henry Pendleton (1750–1788), a nephew of Edmund Pendleton of Virginia, was a justice of the South Carolina Court of Common Pleas. In May 1788 he was a delegate to the South Carolina Convention, where he voted to ratify the Constitution.

6. Ludwell Lee (1760–1836), a lawyer, represented Prince William County in the Virginia House of Delegates in October 1787.

## 118 A–B. Reverend James Madison on the Constitution

### 118–A. To Thomas Madison

*Williamsburg, 1 October (excerpt)*<sup>1</sup>

. . . I suppose you have seen, before this the new federal Constitution. I hope, & think, under certain Conditions, that it will be productive of good Effects. It will most probably be ye Means of restoring our national Credit, wch. certainly is now at a very low Ebb. It will also give more Stability & Vigour to our State Govts., & prevent most of those iniquitous Interferings in private Contracts, wch. destroy all Confidence amongst Individuals. But, on ye other Hand, it is a Constitution charged in my Opinion at least, with great Imperfections. It threatens, by blending Executive & Legislative Authority together, a total overthrow to every Thing like a democratic Govt.—& I think, must end if it be continued under its present Form in a certain Tyranny.—If it were to last only for 10 or 20 years, it probably wd. be productive of ye happiest Effects, but if much longer, of ye worst—What think you & your Part of ye World about it—

### 118–B. To James Madison

*n.p., ca. 1 October*<sup>2</sup>

I was greatly indebted to you for your Favour by Mr. [John] Blair.<sup>3</sup> I do not know whether I should be justifiable in making any observations upon what I suppose, may be considered as the Chef d'œuvre of continental Wisdom. Yet to you I will venture a few.—The general Plan for a federal Government, that is, ye Idea of a Division of ye Power of ye united States into three Branches, is certainly most wise & fortunately conceived. If any Circumstance can induce a ready Compliance amongst ye Bulk of ye People of America, with federal Measures, it will



be, that they flow from a Form of Govt. to wch. they are so strongly attached, and in wch. they will consider themselves as justly represented. This was a great Point gained, & I think may promise a Durability to the Union, wch. it's warmest Friends scarce hoped for. I doubt not also, but under the new Constitution, national Faith, a great & important Object certainly, will be effectually restored—I doubt not but it will be ye Means of giving Stability & Vigour to ye State Govts., & prevent those frequent Vacillations from one iniquitous or absurd Scheme to another, wch. has destroyed all Confidence amongst Individuals. It will create ye Habit of Obedience to the Laws, & give them that Energy wch. is unquestionably essential to a free Govt.—These & many other happy Effects, may reasonably be expected from a Govt. so wisely conceived in it's general Plan, & wch. must possess Vigour & Energy sufft. to execute the Measures adopted under it—With all these Advantages then, ought any one to raise Objections against it? Should we not, under the Consciousness, that it is impossible to form a Constitution agreeable to ye Minds of all, rest satisfied with this, wch. promises so many Advantages? I confess, under these Considerations, I feel myself as a Citizen, strongly inclined to add my Voice of Approbation to that of ye many who so highly extol ye Labours of ye Convention.—But, I must also declare that it appears to me to possess a Defect, wch. perhaps threatens Ruin to Republicanism itself. Is it not my Friend, received by all, as a political Axiom—that it is essential to every free Govt., that ye Legislative & executive Departments should be entirely distinct & independent? Upon what Principle was it, that this fundamental Axiom in Politics has been disregarded—since, it appears almost a Certainty, that where those Powers are united, Govt. must soon degenerate into a Tyranny.—A sole Executive, who may be for Life, with almost a Negative upon ye Legislature;—ye Senate, a principal Part of ye Legislature, wch. may also be for Life, occasionally a Part of ye Executive—these appear to me to be most unfortunate Features in the new Constn. I may be deceived, but they present to my Mind so strong a Stamp of Monarchy or Aristocracy, that, I think, many Generations would not pass before one or other wd. spring from the new Constn. provided, it were to continue in its present Form. It is true it may be amended—the only Danger is in permitting that to be received, wch. may never be amended—It is not ye Quantum of Power, proposed to be given to ye new Congress, of wch. I complain. I am persuaded, if it be wisely exercised, it must be most happy for ye States both individually & collectively, to have a Power equally restrictive & energetic lodged in ye supreme Council—I only complain & lament that that Power was not distributed in such a Manner as might preserve, instead of, threaten Destruction to ye Liberties of Am[eric]a.

Yet, after all, so greatly do I respect ye Framers of that Constitution, so beneficial must it's Effects be in many important Instances—that, I shd. rejoice to see it adopted,—*provided*, it's Continuance was limited to a

certain fixed Period—revivable or not, as ye States might determine. We shd. then feel it's good Effects, without running ye Risque of ye Dangers it seems to threaten.—But I fear I shall only tire you with my Observations—So Adieu.

1. RC, Draper Collection, Madison MSS, State Historical Society of Wisconsin. The Reverend Madison (1749–1812), a second cousin of James Madison, was President of the College of William and Mary. In 1790 he became the first Episcopal bishop of Virginia. Lawyer Thomas Madison (1746–1798), the Reverend Madison's brother, had represented Botetourt County in the Virginia House of Delegates in 1780–81 and 1782.

2. RC, Madison Papers, DLC. The letter is undated.

3. John Blair (1732–1800), a prominent Virginia jurist, signed the Constitution as a delegate to the Constitutional Convention. He voted to ratify it in the Virginia Convention in June 1788. Blair was an associate justice of the U.S. Supreme Court from 1789 to 1796.

### **119. Pieter Johann Van Berckel to the States General New York, 1 October (excerpt)<sup>1</sup>**

Since my last dispatch, dated September 6th, of which I have the honor to enclose a Copy, the Convention, which was meeting in Philadelphia since the Month of May, has adjourned after first having finished the business for which it had convened. I have the honor to enclose a copy of a new plan of Government, which was presented by that meeting to the Congress, in order that the latter would send it to the different States, where it has to be considered by the people, who have the power to adopt or reject it, and when nine States have given their Approval to this new Plan, it will immediately go into effect. This plan, which passed the Congress on the 30th [28th] of last Month, was dispatched immediately, and if any credence can be given to the feelings of many influential persons, it may be expected that most of the States will approve it without many difficulties, so that one can hope to see, within a short time, a Government being established through which America will be able to enjoy the advantages of her independence. . . .

1. RC (Tr), Staten-Generaal Liassen, No. 7130, America, 1782–1788, Dispatch No. 9, pp. 247–49, Algemeen Rijksarchief, The Hague, The Netherlands. Van Berckel (1725–1800) had been appointed Minister Plenipotentiary of the United Netherlands to the United States in January 1783 by the States-General. He served until the summer of 1788.

### **120. Boston American Herald, 1 October<sup>1</sup>**

The result of the Fœderal Convention has at length transpired, after a profound secrecy being observed by the members who composed it; which, at least, has done honor to their fidelity, as we believe, that scarcely another example can be adduced of the same caution among so large a number of persons.—This country, singular in every thing; in her rise, progress, extent of jurisdiction, in her emancipation and lib-

erty, we flatter ourselves, is going to exhibit a new instance of a government being firmly and indissolubly established, without the arts, violences and bloodshed, which have disgraced the annals of the Eastern hemisphere.—Its acceptance, will enroll the names of the WASHINGTONS and FRANKLINS, of the present age, with those of the SOLONS and NUMAS, of antiquity. The military virtues of the former; and the philosophic splendor of the latter, will be obscured by the new lustre they will acquire, as the Legislators of an immense continent.—Illustrious CHIEFTAIN! immortal SAGE!—ye will have the plaudit of the world for having twice saved your Country!—You have once preserved it against the dangers and misery of foreign domination; you will now save it from the more destructive influence of civil dissention. The unanimity you have secured in your deliberations, is an auspicious omen of our future concord and felicity.—We anticipate with pleasure the happy effects of your wisdom.—The narrow, contracted politics, the sordid envy, the mean jealousy of little minds; the partial views, and the local prejudices, which have so long retarded the growth of this people, will be now annihilated.—In their place, a more enlightned and dispassionate legislation, a more comprehensive wisdom, and a plain, manly system of national jurisprudence, will be happily substituted.—America, which has sunk in reputation from the operation of these causes, will arise with renewed splendors, when the clouds, which have so long obscured her fame, shall be thus dissipated.—By considering what we have already suffered by an opposite policy, we may the more easily conceive what we must necessarily obtain from the adoption of this new Constitution.—We shall, indeed, have but little to fear, and every thing to hope.—The true interests of the several parts of the Confederation are the same.—They only differ in points, which are fictitious and imaginary.—We shall distinguish our friends, and punish our enemies.—Our distance from the fatal vortex of European politics will secure us from the dangers of war:—The canvass of these States will whiten the ocean; instead of being any longer neglected, our friendship will be prized and courted by all.—A new æra will commence, and this Country will be said to be in existence, but from the moment, when the plan submitted to the people shall be generally adopted.—The distinctions of State councils will be lost in the stronger ties by which the citizens of America will be connected to one another.—As yet, every thing looks fair, and the voice of opposition is scarcely heard in whispers; may it then perish; and may peace, unanimity and happiness, become perpetual throughout America.

1. Reprints by 18 October (6): Mass. (1), R.I. (2), N.Y. (1), Pa. (2). The last three sentences alone were reprinted ten times by 22 November: Vt. (1), Pa. (3), Md. (3), Va. (1), S.C. (1), Ga. (1). For a similar item, see the *Boston American Herald*, 6 August (CC:60).

## 121. Cæsar I

## New York Daily Advertiser, 1 October

Two unnumbered essays signed "Cæsar" were published in the *Daily Advertiser* on 1 and 17 October. The first essay, which criticized "Cato" I (CC:103), was reprinted in the Philadelphia *Independent Gazetteer*, 6 October; *Albany Gazette*, 11 October; *Massachusetts Gazette*, 12 October; and *New York Journal*, 18 October (extraordinary).

Paul Leicester Ford attributed the "Cæsar" essays to Alexander Hamilton largely because of a copy of a letter said to have been written by Hamilton on 18 October (*Essays*, 245. For the text of the letter, see CC:103.). Jacob E. Cooke, however, doubts the authenticity of the letter and that Hamilton wrote the "Cæsar" essays ("Alexander Hamilton's Authorship of the 'Caesar' Letters," *WMQ*, 3rd series, XVII [1960], 78–85).

For articles praising "Cæsar," see "Curtius" II and "A Man of No Party," *Daily Advertiser*, 18, 19, 20 October. For criticisms, see "Cato" II (CC:153) and "A Countryman" IV (DeWitt Clinton), *New York Journal*, 10 January 1788.

The Citizens of the State of New-York have received yesterday, from Cato (an ally of *Pompey*, no doubt) an introductory discourse on the appearance of the New System for the Government of the United States: this, we are told, will be followed by such observations, on the constitution proposed to the Union, "as will promote our welfare and be justified by reason and truth." There is, in this preparatory lecture, little that is necessary to be dwelt on just now; and if Cato had not possessed his future investigations, in such terms as wore a *questionable shape*, they should have passed unheeded.

Cato tells us that he will not *directly engage as an advocate*, for this new form of Government—or as an *opponent*. Here Cato, without any dispute, acts prudently. It will be wise in him to rest a while; since he has given a *preface*, which, with small address, can easily be made to work on either side. When the sentiments of the Confederated States come to be generally known, it will be time enough to proceed—Cato will then *start fair*. A little caution, however, he thinks necessary to be given in the mean time. "Do not" says this prudent Censor, in addressing the Citizens, "because you admit that *something* must be done, adopt *any thing*." What, in the name of common sense, does this injunction import? I appeal to men of understanding, whether it is not obviously the language of distrust, calculated, as far as such a thing can influence, to prejudice the public opinion against the New Constitution; and, in effect, by a periphrastic mode of speech, recommending the rejection of it?—"Teach the Members of the Convention (Cato *very modestly* goes on) that you are capable of a supervision of their conduct; the same medium that gave you this system, if it is erroneous, while the door is now open, can make amendments, or give you another." O excellent thought, and happily advised! Be clamorous, my friends—be discontented—assert your prerogative—for ever assert the power and *Majesty of the People!!!*—I am not willing to suspect any man's intentions, when they aim at giving infor-

mation; but when they come abroad, couched in such *magisterial* terms, I own I feel some indignation. If this demagogue had talents to throw light on the subject of Legislation, why did he not offer them when the Convention was in session? If they had been judged useful, no doubt they would have been attended to. But *is this now a time* for such insinuations? Has not the wisdom of America been drawn, as it were, into a focus, and the proffered Constitution sent forth with an unanimity, that is unequalled in ancient or modern story? And shall we now wrangle and find fault with that *excellent Whole*, because, perhaps, some of its parts *might have been* more perfect?—There is neither virtue nor patriotism in such conduct. Besides, how can Cato say, “That the door is *now open* to receive any amendments, or to give us *another Constitution*, if required.” I believe he has advanced *this* without proper authority. I am inclined to believe that the *door of recommendation is shut, and cannot be opened by the same men*; that the Convention, in one word, is *dissolved*: if so, we must reject, *IN TOTO*, or *vice versa*; just take it as it is; and be thankful. I deny the similarity betwixt the present Constitution and that of the United Netherlands.—Cato would here draw a very melancholy picture, but it won't apply. In my humble opinion, it has a much greater affinity with a Government, which, in all human probability, will remain when the History of the Seven Provinces shall be forgotten.—Cato tells us (what all America knows by this time) that the New Constitution comes sanctioned with the approbation of General Washington; and, though he appears to have some reverence for that great patriot chief, yet he very sagaciously observes, that the **BEST AND WISEST MAN MAY ERR**; and thence asserts, that every man in *politics*, as well as in religion, ought to judge for himself. This paragraph needs no comment, and, for that reason, I shall not touch it; but, with all deference to Cato's penetration, I would recommend to him, instead of entering into fruitless discussion of what has come from so many *clear heads, and good hearts*, to join his Fellow Citizens, and endeavour to reconcile this *excellent Constitution* to the *weak, the suspicious, and the interested*, who will be chiefly opposed to it; that we may enjoy the blessings of it as soon as possible. I would also advise him to give his vote (as he will probably be one of the *Electors*) to the American Fabius: it will be more healthy for this country, and *this state*, that he should be induced to accept of the Presidency of the New Government, than that he should be solicited again to accept of the command of *an army*.

Cato, it appears, intends to adventure on perilous ground; it will therefore become him to be cautious on what terms he takes the field. “He advises us to attach ourselves to measures, and not to men.” In this instance he advises well; and I heartily recommend to *himself*, not to forget the force of that important admonition: for Cato, in his future *marches*, will very probably be *followed by CÆSAR*.

*Friday.*

**122. Richard Henry Lee to William Shippen, Jr.  
New York, 2 October (excerpt)<sup>1</sup>**

... I have considered the new Constitution with all the attention and candor that the thing and the times render necessary, & I find it impossible for me to doubt, that in its present State, unamended, the adoption of it will put Civil Liberty and the happiness of the people at the mercy of Rulers who may possess the great unguarded powers given—And I assure you that confidence in the moderation or benignity of power is not a plant of quick growth in a reflecting bosom—The necessary alterations will by no means interfere with the general nature of the plan, or limit the power of doing good; but they will restrain from oppression the wicked & Tyrannic—If all men were wise & good there would be no necessity for government or law—But the folly & the vice of human nature renders government & laws necessary for the Many, and restraints indispensable to prevent oppression from those who are entrusted with the administration of one & the dispensation of the other—You will see herewith the amendments that appeared to me necessary, they are submitted to you and my Excellent old friend at German Town<sup>2</sup>—Perhaps they may be submitted to the world at large. My good old friend has made himself better acquainted with Hippocrates than with Plato, and relying upon the goodness of his own heart, witht. reflecting upon the corrupting & encroaching nature of power, he is willing to trust to its fangs more than experience justifies—The malady of human nature in these States now, seems to be as it was in the years 1778 & 1779 with respect to the effect produced by a certain Combination—The Malady that I mean is a temporary Insanity—I wish that the present may subside with as little public injury as it formerly did, altho that was not small in all its branches.

1. RC, Autograph Collection, PHi. Shippen (1736–1808) was a Philadelphia physician and a member of Pennsylvania's Constitutionalist Party. He was married to Lee's sister. The omitted portion of Lee's letter reveals that Lee intended to leave New York City around 3 November and that he wanted to arrive in Philadelphia on 6 November.

2. A reference to William Shippen, Sr. (1712–1801), a Germantown physician, who had served with Lee in Congress in 1779. For the amendments that Lee sent both men, see CC:95.

**123. New Hampshire Spy, 2 October**

This item was the first original commentary on the Constitution published in New Hampshire. It was reprinted in twenty-three newspapers by 28 November: Vt. (1), N.H. (1), Mass. (5), R.I. (2), N.Y. (3), N.J. (2), Pa. (4), Md. (4), Ga. (1). Three of these newspapers reprinted the item a second time.

It is with real pleasure we announce, that the Report of the Federal Convention meets with the greatest approbation in this metropolis. All ranks are highly animated with the pleasing hope, that this glorious

structure, supported by thirteen pillars, will speedily be completed.—The patriots who have assisted in the above work, have deserved well of their country—their names shall brighten the annals of America, and their memory be forever revered, not as the lords and peers, but as the *fathers of America*.

#### 124. Foreign Spectator

##### Philadelphia Independent Gazetteer, 2 October

“Foreign Spectator” wrote twenty-nine unnumbered essays under the general title “An Essay on the Means of Promoting Federal Sentiments in the United States,” which were published in the *Independent Gazetteer* between 6 August and 2 October. “A Supplement to the Essay on Federal Sentiments,” which was unsigned, appeared in the *Gazetteer* on 23 October. The twenty-ninth essay is the only one printed in *Commentaries*. It is also the only one in which the writer indicated that he was a “Native of Sweden.” It was reprinted in the *New Haven Gazette* on 18 October and the *Poughkeepsie Country Journal* on 7 November. By 26 November excerpts were reprinted in nine other newspapers: N.H. (1), Mass. (4), R.I. (2), N.J. (1), Md. (1). For transcripts of the entire series, see Mfm:Pa., *passim*.

By his own admission, the “Foreign Spectator” was Nicholas Collin (1746–1831), a Swedish immigrant and the pastor of Old Swedes Church. Collin stated that “to avoid all suspicion of any collusion” he did not visit any members of the Constitutional Convention, “nor was the least of their proceedings known [to him]” (to Matthias Hultgren, 29 March 1788, in Amandus Johnson, *The Journal and Biography of Nicholas Collin 1746–1831* [Philadelphia, 1936], 123–24). Collin revived the “Foreign Spectator” series in late 1788, publishing twenty-eight numbers in the *Philadelphia Federal Gazette* between 21 October and 16 February 1789. In these essays, Collin argued that the Constitution did not have to be amended.

The fate of empires is an object of the first magnitude to the understanding and heart of man. The situation of America at this important crisis, does not only deeply interest every patriotic American, but draws the eyes of politicians throughout the civilized world. Sensible that a foreigner may hazard the imputation of impertinence by writing on national affairs with that freedom the subject may require, I was loth to take up the pen. But as no person seemed disposed to take a full federal view of the union, a matter at this time of very great consequence; I ventured to publish these reflections of mine, which are general political principles, applied to the well known situation of the United States, without the least influence whatever from persons or things. My residence here for 17 years, and a function, that in every feeling mind must animate the sentiments of humanity, intitles me to claim some knowledge of this country, and interest in its felicity. Steady and permanent federal sentiments cannot be procured merely by the warmest addresses to the passions, or the clearest conviction of the understanding, nor even the best devised federal government. Fixed principles and settled habits are necessary for the stability of Republics. I have therefore taken up a great part of this treatise with the subjects of education,

morals, religion, manners, laws, and learning. By the good sense of the people at large, and the beneficial influence of those who have their confidence, the federal constitution will no doubt be established; but its energy and stability will depend on the conduct of a free people. I repeat again the principles at first laid down, and so warmly urged, that the United States must be eminently virtuous; that integrity and goodness are the very elements of their political union; that mildness and generosity are not mere ornaments on the temple of federal liberty, but columns that support it—because it is impossible to fix all the punctilios of right, and reconcile all the varieties of interest, between the states; and because the federal government has no power to maintain the union against their will. Nothing but a great army could compel only one of the greater states to act its part in the confederation—How should it be raised? Would it in that unhappy necessity act with a federal spirit? and if, would not such a dreadful tumult spread to neighbouring states, and like an earthquake convulse the whole union. Again, should a majority of delegates in either house on important occasions act from political and local views, great evils will necessarily befall the union—The constituents must then be generous and federal, and far from censuring, applaud the liberal federal conduct of their representatives in Congress: The house of representatives will especially resemble the great body of the people; and the senate will also in a great measure speak popular sentiments; the whole fabric is truly republican, and depends on virtue, the vital principle of republics. It is then devoutly to be wished, that the states may cherish each other with a sisterly affection; not suspect one another or the common guardian of any sinister views; not wound each other for a cruel punctilio of honor; scan mutual infirmities with a sisters eye; and generously sacrifice particular advantages for the common glory and happiness. *Divine Providence has placed them together in this western hemisphere sequestered from a tumultuous world, to enjoy a felicity which nothing but their own perverseness can annoy—Their federal bond of union was wrought with toil and distress—by numberless endearing proofs of mutual fidelity in a severe trial of seven years—steeped in mingled tears and streams of blood—drawn close by many expiring heroes; let it then be kept sacred with a perpetual affection—may the sacrilegious hand wither, that would tear a thread of this precious bond, and annul the deed given by Heaven for the national happiness of millions.* I have clearly proved, that a fatal disunion would inevitably produce the horrid calamities of civil wars and foreign conquest: indeed it is almost self-evident, because this disunion can proceed from nothing else than a dreadful corruption, that hates all order, virtue and good government. The constitution now offered does not assume an inch of unnecessary power, perhaps it is rather *too free*; if it is not received the people are too bad to be happy—but I am confident that a great majority have sense and goodness enough to accept with joy *the only salvation from impending ruin.*



Ye votaries of religion, consider how necessary civil order is for the promotion of piety and every moral virtue? Ye teachers of whatever name, discharge conscientiously the sacred federal duty you owe to God and your country? let there not be one evil spirit of discord among you, who are *the messengers of peace*: exert all the influence of your office and characters for the good of a people that must be dear to you. Ye good of all denominations reflect, that the common interest of religion, and the honest predelection you have for your particular modes of worship, both require the independency, safety, and general welfare of your country—shudder at the impieties and outrages on humanity committed by monsters in human form in the scenes of general anarchy. *Ye friends of peace*, who more peculiarly detest violence and bloodshed, reflect how necessary public tranquility is to you! how precarious your situation would be in that dreadful tumult, when the sword is the last arbiter of right, of property and life! rejoice in the security of a peaceful constitution. Ye proprietors of land, do you wish to reap wheat you have sown, and to gather the fruit of your trees; remember that a firm constitution is the only effectual deed—if this is broke, foreign and domestic armies may change into a dreary waste the land that now flows with milk and honey—nay many of you may be forced to toil in your own fields as indigent laborers for an insolent landlord, who gained by his sword or infamous arts of party your fair patrimony, and the inheritance of your children—alas! the furrows you have so often moistened with your sweat, may be steeped with the vital blood of your valiant sons. Ye fair cities and towns reared as it were by a creative power in a country that was two centuries ago a howling wilderness! Ye seats of industry, plenty and elegance! embrace with rapture a federal government; it is your only fortification—without it, you are not only an easy prey to every powerful invader, but may be sacked and burnt by rude and desperate banditties of American name. Ye men of wealth! without the public protection you may be reduced to beggary. Ye poor with honest industry! under the security of just and wise laws you may become rich, at least you will obtain the real comforts of life. Ye men of distinguished virtues and abilities, whom Heaven has made the natural guardians of your fellow citizens! exult in a constitution, by which superior merit alone will procure the sublime glory and happiness of making millions blessed, of exerting that patriotic affection which is the first in exalted minds. Ye wise and good Americans in general, triumph in a constitution, that permits you, poor or rich, to entrust your dearest concerns with men of your own choice; men whose power ceases with your confidence—use this noble liberty with judgment, integrity, with a federal generosity that becomes freemen and brothers united in life and death. Ye mothers, wives, daughters and sisters of America! dear names to every manly heart—your influence in every civilized society is like the vernal sun, and the gentle rains of May. Your prudence, frugal-

ity and taste are of peculiar importance in the present exigency—*your hearts are naturally federal*, prone to friendship, pity, love, and generosity; exert all your federal influence with husbands, fathers, sons and brothers, as your happiness is wrapped in theirs, as you cannot live without them, and they would die for you. Ye parents, bequeath to your beloved children a federal constitution as the best inheritance—Ye hoary sires, who wish to descend in peace the vale of life, with the assistance and filial comfort of your dearest connexions, how bitter would civil broils be to you; how painful to be driven from your house and separated from your family! but what grief would bend your grey heads, if your sons should fall by fraternal wounds!—You who are surrounded with a blooming offspring, regard it with awful tenderness as a pledge of fidelity to your count[r]y: The innocent at the mother's breast; he that fondly strives to call you father; and the daughter whose youthful charms may in public disorders prove her ruin, tenderly implore you to be federal.—Hear then ye people of the United States! reason dictates, every feeling of the heart entreats, and Heaven commands, *be federal and happy for ever*.

### 125 A-B. The Pennsylvania General Assembly and the Constitution

The Pennsylvania Assembly received the Constitution on 18 September, the day after the Constitutional Convention adjourned. A prime concern facing the Assembly was whether or not to remain in session until after Congress acted on the Constitution. Assemblymen knew that Congress was considering the Constitution and that most congressmen supported it. Federalists, who controlled the Assembly, wanted to call a state convention by 29 September, the day the Assembly intended to adjourn *sine die*. Antifederalists wanted to await the election of a new Assembly.

On Friday morning, 28 September, Federalist George Clymer, who had been a delegate to the Constitutional Convention, presented resolutions providing for a state convention. The Assembly adopted the resolution calling a state convention, but adjourned to 4:00 P.M. before providing for the election of delegates and the place and date of the convention's meeting. Upon reconvening, the Assembly lacked a quorum; nineteen delegates, almost all Antifederalists, had absented themselves. The attending assemblymen thereupon adjourned to 9:30 the next morning.

Sometime before 7:00 A.M. on the 29th, Clymer received an unofficial copy of Congress' resolution of 28 September transmitting the Constitution to the states (CC:95). The Assembly convened at 9:30 A.M., and although still lacking a quorum, the congressional resolution was read. The Assembly then ordered two of its officers to "require" the return of the absent members. Aided by a mob, the officers returned two members and a quorum was declared. The Assembly adopted the remaining resolutions and adjourned *sine die*.

Most of the seceding assemblymen signed an address, dated 29 September, giving their version of the events of 28-29 September and outlining their objections to the Constitution. (Their objections are printed below as CC:125-A. For their account of the events of 28-29 September, see RCS:Pa., 112-14.) The authorship of the address cannot be determined. Two Pennsylvania

Federalists—"Foederal Constitution" and Hugh H. Brackenridge—charged that the seceding members did not write the address, while William Findley, a signer of the address, declared that the signers had named "some of their own number to prepare their address" (CC:150; Mfm:Pa. 166, 168, 196. See also CC:138 for the alleged influence that George Mason's objections had on the address.).

Despite pressure from Philadelphia Federalists, Eleazer Oswald of the *Philadelphia Independent Gazetteer* printed the address as a broadside on 2 October (CC:155). The broadside was entitled: *An Address of the Subscribers Members of the late House of Representatives of the Commonwealth of Pennsylvania to their Constituents* (Evans 45026). Oswald also printed the address in his newspaper on 3 October, and within a month it was reprinted twelve times in Pennsylvania, including once in the *American Museum* and once as a German broadside. By 8 November, the address was also reprinted sixteen times outside Pennsylvania: Vt. (1), Mass. (5), R.I. (2), N.Y. (5), Del. (1), Md. (1), Va. (1).

Federalists, especially those in Pennsylvania, reacted swiftly to the address. Six Pennsylvania assemblymen answered the seceding members in the *Pennsylvania Packet* on 8 October (RCS:Pa., 117–20), and by 26 November their reply was reprinted seven times in Pennsylvania and nine times outside the state. A Philadelphian declared that the seceding members "will render themselves infamous by their wicked & abominable lies" (William Lewis to Thomas Lee Shippen, 11 October, Mfm:Pa. 125). Another Philadelphian sent copies of the address and "Centinel" I (CC:133) to a friend, stating that "we are in fact like an untoward and fretful Child that refuses to receive the necessary Food by wh. it is to be nourished & comforted" (Francis Johnston to Josiah Harmar, 9 October, Mfm:Pa. 114).

For examples of newspaper replies to the address, see "The Protest of the Minority" and "One of the People," *Pennsylvania Gazette*, 3, 17 October (RCS:Pa., 155–56, 186–92n) and *Massachusetts Centinel*, 13 October. Although it did not explicitly refer to the address, James Wilson's speech of 6 October (CC:134) was in part a response to it.

The most comprehensive criticism of the address was a pamphlet written by Pelatiah Webster (1726–1795), a Philadelphia merchant, under the pseudonym "A Citizen of Philadelphia." (That part of this pamphlet which answers the address' objections to the Constitution is printed below as CC:125–B.) Webster's pamphlet, published and advertised for sale by Eleazer Oswald on 18 October, was entitled: *Remarks on the Address of Sixteen Members of the Assembly of Pennsylvania, To Their Constituents, Dated September 29, 1787. With some Strictures on their Objections to the Constitution, Recommended by the Late Federal Convention, Humbly offered to the Public* (Evans 20871).

The pamphlet circulated in Pennsylvania, New York, and Massachusetts (Tench Coxe to James Madison, 21 October, CC:183–B; John King to Benjamin Rush, 5–6 November, RCS:Pa., 208; and Pelatiah Webster to James Bowdoin, 16 November, Bowdoin-Temple Papers, MHi).

The published defenses of the address include: *Pennsylvania Herald*, 6 October (Mfm:Pa. 109); "An Assemblyman" (William Findley), *Pittsburgh Gazette*, 27 October (Mfm:Pa. 166); and "One of the Dissenting Assemblymen" (William Findley), *Philadelphia Freeman's Journal*, 14 November (Mfm:Pa. 224). The most spirited defense was made in a brief prefatory statement to the re-printing of the address in the *New York Morning Post* on 9 October: "Fair Statement of a political and outrageous FRACAS, that lately took place in Philadelphia, in consequence of a virtuous minority of the Legislature refusing to vote against their Conscience;—an Event perhaps unparalleled in any Age or Country."

For more on the Pennsylvania Assembly's call of a state convention, see RCS:Pa., 54-126.

*125-A. The Address of the Seceding Assemblymen  
Philadelphia, 2 October (excerpt)*

. . . We cannot conclude without requesting you to turn your serious attention to the government now offered to your consideration; "We are persuaded that a free and candid discussion of any subject tends greatly to the improvement of knowledge, and that a matter in which the public are so deeply interested cannot be too well understood." A good constitution and government is "a blessing from heaven, and the right of posterity and mankind; suffer then we intreat you, no interested motive, sinister view or improper influence to direct your determinations or bias your Judgments." Provide yourselves with the new constitution offered to you by the Convention, look it over with attention that you be enabled to think for yourselves. We confess when the Legislature appointed delegates to attend the Convention, our ideas extended no farther than a revision or amendment of the present confederation, nor were our delegates, by the acts of assembly appointing them, authorized to do more as will appear by referring to the said act, the second section of which describes their powers in the following words, viz.

*2. Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson and Gouverneur Morris, Esquires, are hereby appointed deputies from this state to meet in the Convention of the deputies of the respective states of North-America, to be held at the city of Philadelphia, on the second day of the month of May next. And the said Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson and Gouverneur Morris, Esquires, or any four of them are hereby constituted and appointed deputies from this state, with powers to meet such deputies as may be appointed and authorised by the other states to assemble in the said convention at the city aforesaid, and to join with them in devising, deliberating on, and discussing all such alterations and further provisions as may be necessary to render the fæderal constitution fully adequate to the exigencies of the Union; and in reporting such act or acts for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.<sup>1</sup>*

You will therefore perceive that they had no authority whatever from the Legislature, to annihilate the present confederation and form a constitution entirely new, and in doing which they have acted as mere individuals, not as the official deputies of this commonwealth. If however, after mature deliberation you are of opinion that the plan of gov-

ernment which they have offered for your consideration is best calculated to promote your political happiness and preserve those invaluable priviledges you at present enjoy, you will no doubt chose men to represent you in Convention who will adopt it; if you think otherwise you will, with your usual firmness, determine accordingly.

You have a right, and we have no doubt you will consider whether or not you are in a situation to support the expence of such a government as is now offered to you, as well as the expence of your state government? or whether a Legislature consisting of three branches, neither of them chosen annually, and that the Senate, the most powerful, the members of which are for six years, are likely to lessen your burthens or encrease your taxes? or whether in case your state government should be annihilated, which will probably be the case, or dwindle into a mere corporation, the continental government will be competent to attend to your local concerns? You can also best determine whether the power of levying and imposing internal taxes at pleasure, will be of real use to you or not? or whether a continental collector assisted by a few faithful soldiers will be more eligible than your present collectors of taxes? You will also in your deliberations on this important business judge, whether the liberty of the press may be considered as a blessing or a curse in a free government, and whether a declaration for the preservation of it is necessary? or whether in a plan of government any declaration of rights should be prefixed or inserted? You will be able likewise to determine, whether in a free government there ought or ought not to be any provision against a standing army in time of peace? or whether the trial by jury in civil causes is become dangerous and ought to be abolished? and whether the judiciary of the United States is not so constructed as to absorb and destroy the judiciaries of the several states? you will also be able to judge whether such inconveniences have been experienced by the present mode of tryal between citizen and citizen, of different states as to render a continental court necessary for that purpose? or whether there can be any real use in the appellate jurisdiction with respect to fact as well as law? we shall not dwell longer on the subject; one thing however, it is proper you should be informed of; the convention were not unanimous with respect to men though they were as states, several of those who have signed did not fully approve of the plan of government, and three of the members viz. Governor Randolph and Col. George Mason of Virginia, and Eldredge Gerry, Esq. of Massachusets, whose characters are very respectable, had such strong objections as to refuse signing. The confederation no doubt is defective and requires amendment and revision, and had the convention extended their plan to the enabling the United States to regulate commerce, equalize the impost, collect it throughout the United States and have the entire jurisdiction over maritime affairs, leaving the exer-

cise of internal taxation to the separate states, we apprehend there would have been no objection to the plan of government.

The matter will be before you, and you will be able to judge for yourselves. "Shew that you seek not yourselves, but the good of your country,—and may He who alone has dominion over the passions and understandings of men enlighten and direct you aright, that posterity may bless God for the Wisdom of their ancestors."

125-B. *A Citizen of Philadelphia*

*Remarks on the Address of Sixteen Members, 18 October (excerpt)*

. . . As a kind of preface to their objections, they complain . . . that our delegates in convention exceeded their powers, which were to make and report such *alterations* and *further provisions* in the federal constitution, as would render it fully adequate to the exigencies of the union, or in the language of the 16 complainants, to *revise and amend it*. I suppose the whole force of their meaning must rest on the word *amend*; for I imagine that to revise without amending it, would not have come up to their ideas. Now *an amendment* in the sense of legislative bodies, means either to strike out some words, clauses or paragraphs in a bill, without substituting any thing in the place of them, or to insert new words, clauses or paragraphs where nothing was inserted before; or to strike out some words, clauses or paragraphs, and insert others in their room, which will suit better: Now I challenge the whole sixteen members to shew that the convention have done an iota more than this; besides, the new constitution does not by any express words, repeal the old one; therefore I suppose every article of the old one stands good and valid, unless where they are changed or annulled by the alterations and provisions of the new one. But after all, if the constitution offered to us is either a good one or a bad one, I can't see that it is of any consequence to us, whether it is *the old one* revised and amended, or *a new one* fresh made; nor is it material whether the delegates of this state were competent to the business or not—'tis offered by the whole respectable body,—a body dignified by the general election of the states, and therefore ought to be received with respect, and treated with candid attention; but in the discussion of it for a rule of government for us all, the merits of it ought to be the sole consideration, and it is the acceptance of the states alone which can give it the stamp of authority; therefore any little bickerings about the qualities or views, or powers of this or that member, must be mere quibbles of no weight or consequence.

4. It is further objected with great parade, that three members of the convention refused to sign, and but 39 of them only did sign the constitution proposed to us; but I think that so large a majority in its favor

very far outweighs the negative of three members against it, neither of which has any pretensions of character superior to the 39 who signed it.

Further, 5, they object to the assembly's recommending the calling a convention, *'til they received the new constitution officially from Congress*. I answer, 1, The assembly meant to *pursue the recommendation of the Federal Convention*, which does not make the official directions of congress necessary to calling the state conventions, under the recommendation of their legislatures; and had Congress refused to issue any official directions at all to the assembly, I do not know that the holding the state convention, ought to have been prevented thereby. 2, The assembly had the *most certain information of the fact*, and had no doubt of *receiving all necessary official communications from Congress*, long before the convention could meet, or if they never came, could very well act without them. 3, Their not waiting for *official letters from Congress* did not proceed from *any want of respect to Congress*, but merely from their being *straitened for time*, as the end of the session drew very near.

I come now to consider the objections of our 16 members to the new constitution itself, which is much the most important part that lies on me.

1. Their first objection is, that the government proposed will be *too expensive*. I answer that if the appointments of offices are not more, and the compensations or emoluments of office not greater than is necessary, the expence will be by no means burdensome, and this must be left to the prudence of Congress; for I know of no way to controul supreme powers from extravagance in this respect. Doubtless many instances may be produced of many needless offices being created, and many inferior officers, who receive far greater emoluments of office than the first president of the state.

2. Their next objection is against a *legislature consisting of three branches*. This is so far from an objection, that I consider it as an advantage. The most weighty and important affairs of the union, must be transacted in Congress; the most essential councils must be there decided, which must all go through their several discussions in their different chambers (all equally competent to the subject and equally governed by the same motives and interests, viz. the good of the great commonwealth, and the approbation of the people) before any decision can be made; and when disputes are very high, five discussions are necessary, all of which afford time for all parties to cool and reconsider. This appears to me to be a very safe way, and a very likely method to prevent any sudden and undigested resolutions from passing; and though it may delay, or even destroy a good bill, will hardly admit the passing of a bad one, which is by far the worst evil of the two. But if all this cannot stop the course of a bad bill, the negative of the president will at least give it further embarrassment, will furnish all the new light which a most serious discussion in a third house can give, and will make a new

discussion necessary in each of the other two, where every member will have an opportunity to revise his opinion, to correct his arguments, and bring his judgment to the greatest maturity possible: If all this can't keep the public decision within the bounds of wisdom, natural fitness, right and convenience, it will be hard to find any efforts of human wisdom that can do it.

I believe it would be difficult to find a man in the union, who would not readily consent to have congress vested with all the vast powers proposed by the new constitution, if he could be sure that those powers would be exercised with wisdom, justice, and propriety, and not be abused; and I don't see that greater precautions and guards against abuses can well be devised, or more effectual methods used to throw every degree of light on every subject of debate, or more powerful motives to a reasonable and honest decision, can be set before the minds of congress, than are here proposed; and if this is the best that can be obtained, it ought in all prudence to be adopted till better appears, rather than to be rejected merely because it is human, not perfect, and may be abused. At any rate I think it very plain that our chance of a right decision in a congress of three branches, is much greater than in one of a single chamber: But however all this may be, I cant see the least tendency in a legislature of three branches to increase the burdens or taxes of the people. I think it very evident that any proposition of extravagant expence would be checked and embarrassed in such an assembly, more than in a single house.

Further, the two houses being by their election taken from the body of the state, and being themselves principal inhabitants, will naturally have the interest of the commonwealth sincerely at heart, their principle must be the same, their differences must be (if any) in the mode of pursuing it, or arise from local attachments; I say, the great interest of their country, and the esteem, confidence and approbation of their fellow citizens, must be strong governing principles in both houses, as well as in the president himself; "whilst at the same time the emulation naturally arising between them, will induce a very critical and sharp sighted inspection into the motions of each other. Their different opinions will bring on conferences between the two houses, in which the whole subject will be exhausted in arguments pro and con, and shame will be the portion of obstinate convicted error. Under these circumstances a man of ignorance or evil design will be afraid to impose on the credulity inattention or confidence of his house, by introducing any corrupt or indigested proposition which he knows he must be called on to defend, against the severe scrutiny, and poignant objections of the other house. I do not believe the many hurtful and foolish legislative acts which first or last have injured all the states on earth, have originated so much in corruption as indolence, ignorance, and a want of a full comprehension of the subject, which a full, prying and emulous discussion would tend



in a great measure to remove: This naturally rouses the lazy and idle, who hate the pain of close thinking, animates the ambitious to excel in policy and argument, and excites the whole to support the dignity of their house, and vindicate their own propositions. I am not of opinion that bodies of elective men, which usually compose parliaments, diets, assemblies, congresses, &c. are commonly dishonest; but I believe it rarely happens that there are not designing men among them, and I think it would be much more difficult for them to unite their partizans in two houses and corrupt or deceive them both, than to carry on their designs where there is but one unalarmed, unapprehensive house to be managed; and as there is no hope of making these bad men good, the best policy is to embarrass them, and make their work as difficult as possible—In these assemblies are frequently to be found sanguine men, upright enough indeed, but of strong wild projection, whose brains are always teeming with utopian, chimerical plans and political whims, very destructive to society. I hardly know a greater evil than to have the supreme councils of a nation played off on such mens wires; such baseless visions at best end in darkness, and the dance, though easy and merry enough at first, rarely fails to plunge the credulous simple followers into sloughs and bogs at last. Nothing can tend more effectually to obviate these evils, and to mortify and cure such maggotty brains, than to see the absurdity of their projects exposed, by the several arguments and keen satire which a full, emulous and spirited discussion of the subject will naturally produce: We have had enough of these geniuses in the short course of our politics, both in our national and provincial councils, and have felt enough of their evil effects to induce us to wish for any good method to keep ourselves clear of them in future.

“The consultations and decisions of national councils are so very important, that the fate of millions depends on them; therefore no man ought to speak in such assemblies, without considering that the fate of millions hangs on his tongue, and of course, a man can have no right in such august councils to utter indigested sentiments, or indulge himself in sudden unexamined flights of thought; his most tried and improved abilities are due to the states, who have trusted him with their most important interests. A man must therefore be most inexcusable, who is either *absent* during such debates, or sleeps, or whispers, or catches flies during the argument, and just rouses when the vote is called to give his yea or nay, to the weal or woe of a nation.—Therefore ’tis manifestly proper, that every natural motive that can operate on his understanding, or his passions, to engage his attention and utmost efforts should be put in practice, and that his present feelings should be raised by every motive of honor and shame, to stimulate him to every practicable degree of diligence and exertion, to be as far as possible useful in the great discussion. I appeal to the feelings of every reader, if he would

not (were he in either house) be much more strongly and naturally induced to exert his utmost abilities and attention to any question which was to pass through the ordeal of a spirited discussion of another house, than he would do, if the absolute decision depended on his own house, without any further enquiry or challenge on the subject."—Vide a Dissertation on the Political Union and Constitution of the Thirteen United States, published by a Citizen of Philadelphia, February 16, 1783, where the subject is taken up at large.<sup>2</sup>

3. Another objection is, that the constitution proposed will *annihilate the state governments, or reduce them to mere corporations*. I take it that this objection is thrown out (merely *invidia causa*) without the least ground for it; for I do not find one article of the constitution proposed, which vests congress, or any of their officers or courts, with a power to interfere in the least in the internal police or government of any one state, when the interests of some other state, or strangers or, the union in general, are not concerned; and in all such cases 'tis absolutely and manifestly necessary, that congress should have a controuling power, otherwise there would be no end of controversies and injuries between different states, nor any safety for individuals, or any possibility of supporting the union with any tolerable degree of honor, strength or security.

4. Another objection is against the *power of taxation vested in Congress*. But I answer this is absolutely unavoidable from the necessity of the case; I know 'tis a tender point, a vast power, and a terrible engine of oppression and tyranny when wantonly, injudiciously, or wickedly used, but must be admitted; for 'tis impossible to support the union, or indeed any government, without expence—the congress are the proper judges of that expence, the amount of it, and the best means of supplying it; the safety of the states absolutely requires that this power be lodged somewhere, and no other body can have the least pretensions to it; and no part of the resources of the state, can, with any safety, be exempt, when the exigencies of the union or government require their utmost exertion. The stronger we make our government, the greater protection it can afford us, and the greater will our safety be under it. It is easy enough here to harangue on the arts of a court, to create occasions for money, or the unbounded extravagance with which they can spend it; but all this notwithstanding, we must take our courts as we do our wives, for better or for worse. We hope the best of an American Congress, but if they disappoint us, we cannot help it; 'tis in vain to try to form any plan of avoiding the frailties of human nature—Would any man choose a lame horse least a sound one should run away with him; or will any man prefer a small tent to live in, before a large house, which may fall down and crush him in its ruins. No man has any right to find fault with this article, 'till he can substitute a better in its room.

The sixteen members attempt to aggravate the horrors of this devouring power, by suggesting the rigid severity with which congress, with their *faithful soldiers*, will exact and collect the taxes. This picture, stripped of its black drapery, amounts to just this, viz. That whatever taxes are laid, will be collected, without exception, from every person charged with them, which must look disagreeable I suppose to people who by one shift or another have avoided paying taxes all their lives. But it is a plain truth, and will be obvious to any body who duly considers it, that nothing can be more ruinous to a state or oppressive to individuals, than a partial and dilatory collection of taxes, especially where the tax is an impost or excise, because the man who avoids the tax, can undersell, and consequently ruin him who pays it, i.e. smuggling ruins the fair trader, and a remedy of this mischief, I can't suppose will be deemed by our people in general such a very awful judgement, as the 16 members would make us believe their constituents will consider it to be.

5. They object that the *liberty of the press is not asserted* in the constitution. I answer neither are any of the ten commandments, but I don't think that it follows that it was the design of the convention to sacrifice either the one or the other to contempt, or to leave them void of protection and effectual support.

6. 'Tis objected further that the constitution contains *no declaration of rights*. I answer this is not true,—the constitution contains a declaration of many rights, and very important ones, e.g. that people shall be obliged to fulfil their contracts, and not avoid them by tenders of any thing less than the value stipulated; that no *ex-post facto* laws shall be made &c. but it was no part of the business of their appointment to make a code of laws—it was sufficient to fix the constitution right, and that would pave the way for the most effectual security of the rights of the subject.

7. They further object that no provision is made against *a standing army in time of peace*. I answer that a standing army, i.e. regular troops are often necessary in time of peace, to prevent a war, to guard against sudden invasions, for garrison duty, to quell mobs and riots, as guards to congress and perhaps other courts, &c. &c. as military schools to keep up the knowledge and habits of military discipline and exercise, &c. &c. and as the power of raising troops is rightfully, and without objection, vested in congress, so they are the properest and best judges of the number requisite and of the occasion, time and manner of employing them, if they are not wanted on military duty, they may be employed in making public roads, fortifications, or any other public works—they need not be a useless burden to the states: And for all this the prudence of congress must be trusted, and no body can have a right to object to this, till they can point out some way of doing better.

8. Another objection is, that the new constitution *abolishes trials by jury in civil causes*. I answer, I don't see one word in the constitution, which by any candid construction can support even the remotest suspicion that this ever entered the heart of one member of the convention. I therefore set down the suggestion for sheer malice, and so dismiss it.

9. Another objection is that the federal judiciary is so constructed as to destroy the judiciaries of the several states, and that the appellate jurisdiction, with respect to law and fact, is unnecessary. I answer both the original and appellate jurisdiction of the federal judiciary, are manifestly necessary, where the cause of action affects the citizens of different states, the general interest of the union, or strangers; (and to cases of these descriptions only, does the jurisdiction of the federal judiciary extend) I say, these jurisdictions of the federal judiciary are manifestly necessary for the reasons just now given under the third objection, and I don't see how they can avoid trying any issues joined before them, whether the thing to be decided is law or fact; but I think no doubt can be made, that if the issue joined is on fact, it must be tried by a jury.

10. They object that the election of delegates for the house of representatives is for two years, and of senators for six years. I think this a manifest advantage rather than an objection. Very great inconveniences must necessarily arise from a too frequent change of the members of large legislative or executive bodies, where the revision of every past transaction must be taken up, explained and discussed anew for the information of the new members; where the settled rules of the house are little understood by them, &c. &c. all which ought to be avoided if it can be with safety. Further, 'tis plain that any man who serves in such bodies, is better qualified the second year than he could be the first, because experience adds qualifications for every business, &c. the only objection is that long continuance affords danger of corruption, but for this the constitution provides a remedy by impeachment and expulsion, which will be a sufficient restraint, unless a majority of the house and senate should become corrupt, which is not easily presumable: In fine, there is a certain mean between too long and too short continuances of members in congress, and I can't see but it is judicially fixed by the convention.

Upon the whole matter, I think the 16 members have employed an address-writer of great dexterity, who has given us a strong sample of ingenuous malignity and ill-nature—a masterpiece of high colouring in the scare-crow way, in his account of the conduct of the 16 members, by an unexpected openness and candor, he avows facts which he certainly can't expect to justify, or even hope that their constituents will patronize, or even approve, but he seems to lose all candor when he deals in sentiments; when he comes to point out the nature and operation of the new constitution, he appears to mistake the spirit and true princi-

ples of it very much, or which is worse, takes pleasure in shewing it in the worst light he can paint it in. I however agree with him in this, that this is the time for consideration and minute examination; and I think the great subject, when viewed seriously, without passion or prejudice, will bear and brighten under the severest examination of the rational enquirer. If the provisions of the law or constitution don't exceed the occasions, if the remedies are not extended beyond the mischiefs, the government can't be justly charged with severity; on the other hand, if the provisions are not adequate to the occasions, and the remedies not equal to the mischiefs, the government must be too lax and not sufficiently operative to give the necessary security to the subject: To form a right judgment, we must compare these two things well together, and not suffer our minds to dwell on one of them alone, without considering them in connexion with the other; by this means we shall easily see that the one makes the other necessary.

Were we to view only the gaols and dungeons, the gallows and pillories, the chains and wheelbarrows of any state, we might be induced to think the government severe; but when we turn our attention to the murders and parricides, the robberies, and burglaries, the piracies and thefts which merit these punishments, our idea of cruelty vanishes at once, and we admire the justice and perhaps clemency of that government, which before shocked us as too severe. So when we fix our attention only on the superlative authority and energetic force vested in congress and our federal executive powers by the new constitution, we may at first sight be induced to think that we yield more of the sovereignty of the states and of personal liberty, than is requisite to maintain the federal government; but when on the other hand, we consider with full survey the vast supports which the union requires, and the immense consequence of that union to us all, we shall probably soon be convinced that the powers aforesaid, extensive as they are, are not greater than is necessary for our benefit: For, 1, *No laws of any state, which do not carry in them a force which extends to their effectual and final execution, can afford a certain and sufficient security to the subject;* for, 2, *Laws of any kind which fail of execution, are worse than none,* because they weaken the government, expose it to contempt, destroy the confidence of all men, both subjects and strangers, in it, and disappoint all men who have confided in it; in fine, our union can never be supported without definite and effectual laws which are co-extensive with their occasions, and which are supported by authorities and laws which can give them execution with energy, if admitting such powers into our constitution can be called a sacrifice, 'tis a sacrifice to safety, and the only question is whether our union or federal government is worth this sacrifice: Our union I say, *under the protection of which every individual rests secure against foreign and domestic insult and oppression;* but *without it we can have no security against invasions, insults, and oppressions of for-*

eign powers, or against the inroads and wars of one state on another, or even against insurrections and rebellions arising within particular states, by which our wealth and strength, as well as ease, comfort, and safety, will be devoured and destroyed by enemies growing out of our own bowels. 'Tis *our union alone* which can give us respectability abroad in the eyes of foreign nations, and secure to us all the advantages both of trade and safety, which can be derived from treaties with them.

The Thirteen States all united and well cemented together, are a strong, rich, and formidable body, not of stationary maturated power, but increasing every day in riches, strength, and numbers; thus circumstanced, we can demand the attention and respect of all foreign nations, but they will give us both in exact proportion to the solidity of our union: For if they observe our union to be lax, from insufficient principles of cement in our constitution, or mutinies and insurrections of our own people (which are the direct consequence of an insufficient cement of union:) I say, when foreign nations see either of these, they will immediately abate of their attention and respect to us, and confidence in us.

And as it appears to me that the new constitution does not vest congress with more or greater powers than are necessary to support this important union, I wish it may be admitted in the most cordial and unanimous manner by all the states.

'Tis a human composition, and may have errors which future experience will enable us to discover and correct; but I think 'tis pretty plain, if it has faults, that the address-writer of the sixteen members has not been able to find them; for he has all along either hunted down phantoms of error, that have no real existence, or which is worse, tarnished real excellencies into blemishes.

I have dwelt the longer on these remarks on this writer, because I observe that all the scribblers in our papers against the new constitution, have taken their cue principally from him, all their lucubrations contain little more than his ideas dressed out in a great variety of forms; one of which colours so high as to make the new constitution strongly resemble the Turkish government (vide Gazetteer of 10th instant)<sup>3</sup> which I think comes about as near the truth as any of the rest, and brings to my mind a sentiment in polemical divinity, which I have somewhere read, that there were once great disputes and different opinions among divines about the mark which was set on Cain, when one of them very gravely thought it was a horn fully grown out on his forehead. 'Tis probable he could not think of a worse mark than that.

On the whole matter there is no end the extravagancies of the human fancy, which are commonly dictated by poignant feelings, disordered passions, or affecting interests; but I could wish my fellow citizens in the matter of vast importance before us, would divest themselves of bias, passion, and little personal or local interests, and

consider the great subject with that dignity of reason, and independence of sentiment, which national interests ever require. I have here given my sentiments with the most unbiassed freedom, and hope they will be received with the most candid attention and unbiassed discussion, by the states in which I live, and in which I expect to leave my children.

I will conclude with one observation, which I take to be very capital, viz. That the distresses and oppressions both of nations and individuals, often arise from the powers of government being too limited, in their principle, too indeterminate in their definition, or too lax in their execution, and of course the safety of the citizens depends much on full and definite powers of government, and an effectual execution of them.

*Philadelphia, October 12, 1787.*

1. This act was adopted by the Pennsylvania General Assembly on 30 December 1786. Benjamin Franklin was added to the list of delegates on 28 March 1787 (CDR, 199–200, 200n).

2. Webster is quoting from his own pamphlet—perhaps the first comprehensive public statement calling for the creation of a powerful central government that would protect and enhance the “*security, sovereignty, and even liberty*” of every state. He declared that the states should transfer to the central government “*so much of their own sovereignty, as is necessary to render the ends of the union effectual. . . .*” The central government, consisting of a two-house legislature and executive departments, would have coercive power over the states and individuals (Evans 18299).

3. “A Turk,” *Philadelphia Independent Gazetteer*, 10 October (Mfm:Pa. 122).

## 126. Henry Knox to George Washington New York, 3 October<sup>1</sup>

By this time my dear Sir, you will have again renewed your attention to your domestic affairs, after the long absence occasioned by the convention. I flatter myself with the hope that you found Mrs Washington and your family in perfect health.

Every point of view in which I have been able to place the subject induces me to believe, that the moment in which the convention assembled, and the result thereof, are to be estimated among those fortunate circumstances in the affairs of men, which give a decided influence to the happiness of society for a long period of time.

Hitherto every thing promises well. The new constitution is received with great joy by all the commercial part of the community. The people of Boston are in raptures with it as it is, but would have liked it still better had it been higher toned.

The people of Jersey and Connecticut who are not commercial embrace it with ardor. There has not yet elapsed sufficient time to hear

from the interior parts of the other States excepting this, which however does not seem to have decided on its plan of conduct. It will not probably however be among the first which shall adopt it, but I presume the powerful circumstance of interest will ultimately induce it to comply.

As the information now appears Virginia probably will give the new plan, the most formidable opposition.

The unanimous resolve of Congress to transmit it to the respective States will not lessen the general disposition to receive it.

But notwithstanding my strong persuasion that it will be adopted generally, and in a much shorter time than I some time ago beleived, yet it will be opposed more or less in most of the States.

The germ of opposition originated in the convention itself. The gentlemen who refused signing it will most probably conceive themselves obliged to state their reasons publicly.<sup>2</sup> The presses will groan with melancholy forebodings, and a party of some strength will be created. This is an evil, but it is an infinitely lesser evil than that we should have crumbled to peices by mere imbecillity.

I trust in God, that the foundation of a good national government is layed. A Way is opened to such alterations and amendments from time to time as shall be judged necessary, and the government being subjected to a revision by the people will not be so liable to abuse. The first Legislature ought to be the ablest & most disinterested men of the community—Every well founded objection which shall be started in the course of the discussions on the subject should be fairly considered, and such fundamental Laws enacted as would tend to obviate them.

1. RC, Washington Papers, DLC. For Washington's reply of 15 October, see CC:160.

2. Elbridge Gerry, George Mason, and Edmund Randolph had refused to sign the Constitution.

**127. Arthur Lee to John Adams**  
**New York, 3 October<sup>1</sup>**

I enclose you the long expected production of the Convention. I am inclin'd to think you will deem it somewhat too Aristocratic. An Oligarchy however I think will spring from it in the persons of the President & Vice President, who, if they understand one another, will easily govern the two Houses to their will. The omission of a Declaration of rights—the appointment of a vice President, whose sole business seems to be to intrigue—securing trial by Jury in criminal cases only—making the federal Court original instead of appellent, & that in the case of a Citizen of any State & one of another, & of a foreigner with the citizen of any State—the omission of a Council—& vesting legislative, executive



& judicial Powers in the Senate—the making this Senate Counsellors to the President, & Judges on his impeachment which may happen to be for the very thing they have advisd—are errors, if errors, gross as a Mountain. I say if errors, for I am very much inclined to beleive they were designd.

Congress, having three States represented by those who were members of Convention & three of the most influential each in three other States, resolvd to send it on without any recommendation, because its opponents insisted upon having their reasons on the Journals if they offerd to recommend it. The States present were—N.H. 2 Convention men—Mass: 2 Convention, one not. Connecticut one Convention one not. N. Y—N Jersey—Pens:—Delaware—Virg: 1 Convention 3 not—N. Car: one Convention one not—S.C. one Conv: 2 not. Georgia 2 Convention. Pennsylvania has orderd the State Convention to meet on the 3d Novr. to determine on its adoption. All the other Assemblies will direct Conventions when they meet. From the present appearance of things, it seems probable it will become our Constitution just as is. No opposition is declar'd to it, but in Virginia where it will be opposd, I imagine by the Govr.<sup>2</sup> R. H. Lee, Mr. Mason & Mr. Henry: & In this State, the Govern<sup>3</sup> & all his friends are in opposition.

I wish it may be amended & cannot see why it shoud not.

My Br. R. H. Lee is here & desires to be affectionately rememberd to you. Please to remember me to Mrs. Adams, Mr. & Mrs. [William S.] Smith & to my nephew [Thomas Lee Shippen], to whom I have not time to write.

1. RC, Adams Family Papers, MHi. The place of writing is not indicated, but the letter was evidently written in New York City. During the Revolution, Lee (1740–1792) and his brother Richard Henry Lee were close political allies of John and Samuel Adams. Arthur Lee had served as a wartime diplomat in France and in 1778 he signed the treaties of alliance and amity and commerce with France. He returned to Virginia in 1780 and served in Congress from 1782 to 1784. Lee was a member of the three-man Board of Treasury from 1785 to 1789. He opposed the Constitution and was possibly the author of the “Cincinnatus” essays (CC:222).

2. Edmund Randolph.

3. George Clinton.

### 128. Philadelphia Freeman's Journal, 3 October<sup>1</sup>

Extract of a letter from New-Hampshire, *Sept.* 20.

“How are the mighty fallen!—poor Shays is at this instant cracking chesnuts in the vicinity of lake Champlaine. The situation of Shattuck is not much better, only it is possible he may be cracking walnuts.—This man you must know was considered by the insurgents as a character quite as important as Shays himself. The insurgents in general have returned to their homes, and as far as we can learn behave with decency

and good order. As to those that are still lurking on the borders of Canada, they are literally

“So worn, so wasted, so despis’d a crew,  
As e’en Guy Carleton might with pity view.”

1. Reprints by 3 November (10): N.H. (3), Mass. (1), N.Y. (2), N.J. (1), Pa. (2), Ga. (1).

### 129. Poughkeepsie Country Journal, 3 October

This item, the first commentary on the Constitution written for an inland-town newspaper, may have been penned by James Kent (1763–1847), a Poughkeepsie lawyer, who later became a prominent American jurist. On 6 October Kent wrote a friend that “Nobody here agrees with me in politics or has as I conceive *just & liberal* Sentiments upon the government of America. . . . As to Politics I was determined to speak my Mind & not to be silenced by mere authority or Party—I therefore wrote a short approbation of the new system which I enclose—It is declamatory but it answered my purpose—& if any person attacks the new Government here in print, I intend to attack *him*” (to Nathaniel Lawrence, 6 October, Dreer Collection, PHi).

By 6 November this item was reprinted seven times: N.H. (1), Mass. (1), Conn. (1), N.Y. (2), Pa. (2).

*To the PRINTER of the POUGHKEEPSIE ADVERTISER.*

A customer of your’s would beg leave to remark, that every federal soul must feel at this moment, a persuasive impulse to congratulate his Countrymen on that fair and wise fabric of government which is now presented for the consideration of America. It discovers so much republican wisdom in the firm and equal balance of the powers of legislation—so much energy in the executive but so well guarded against excess—so much intelligence in the organization of the judicial department, and in removing every *local* impediment to the harmony of the *whole*; that he does not hesitate to yield it his ready and most unreserved admiration. It is armed to be sure, with all the customary powers of sovereignty, but those powers are no more than necessary to the uniformity of the plan, and to give the system its proper balance and beautiful proportion. They exist in full latitude in all our state constitutions.—They are indeed co-existent with every effective government on earth, and therefore our true and only ground of security in this as well as in every other representative republic, consists in the election, the rotation, and the responsibility of those men to whom the administration of that government is committed.

Every discerning friend to his country has long wished for a firmer cement to the rational<sup>1</sup> union—for a correct and vigorous administration to recall the violated laws of justice—for respect abroad, and tranquility at home—for protection to our commerce and concert to our resources; in short, for some delegated power that might be able to

defend our liberties from without, and to guard against the miseries of civil dissention. Those blessings are now presented to our hands. We ought to examine their nature and the foundations on which they are supported. But to examine with candour we presume is only to feel the instantaneous impressions of ardent gratitude and solid conviction. From the anxiety that lately vibrated through the breasts of every honest American, and from the warmth and congratulation that now attend the new system in its progress to every quarter, I will almost venture to say that *rubicun is passed*, and that the public reputation of America will be impressed for ages on the solid fabric.

Nor am I animated by intemperate zeal. My opinion is founded on a few plain political maxims. For it is the interest of the American states to *be united*;—if the only effective and durable bond of union among states, as well as among individuals be *a coercive government*;—if the *republican form* of government be the safest, and the most compatible with the liberty, the honor and the happiness of mankind; and if the *perfection of that form* consists in the accurate distribution of the legislature, executive and judiciary powers, and in their harmonious union in one coercive point;—if these positions be true (and I think they carry their own evidence along with them) the expediency of adopting the new constitution comes as strongly enforced as any thing which can be offered to the human mind.

1. Four reprints changed “rational” to “national.”

### 130. Social Compact New Haven Gazette, 4 October

This item was the first original commentary on the Constitution published in Connecticut. It was reprinted in the *Hartford American Mercury*, 8 October and the *Massachusetts Gazette*, 9 October. The second paragraph was reprinted fourteen times by 1 November: N.H. (2), Mass. (4), N.Y. (1), N.J. (1), Pa. (3), Md. (2), Ga. (1).

I cannot but congratulate you, as well as every real friend to the interest of the United-States, on the great and promising prospects which the new, and I may say, perfect system of government promises to the federal union. I call it perfect, because it is perfectly adapted to our national distress. It is calculated to deliver us from that impotent and ignominious state of political wretchedness to which we are reduced, by restoring to us the rights of a free people, as these rights respect our internal policy, or the claims we have upon foreign nations. We are totally destitute of the rights, which a free commercial and enterprising people ought to claim. View that indigent and begging situation to which our commerce is reduced in every part of the globe.—Where is the port

worth visiting, from whence we are not utterly excluded, or loaded with duties and customs sufficient to absorb the whole? Where is the port in the British dominions, which deigns to receive a wandering American? Wandering I say, because full of enterprize and yet unable to find an asylum from the storm of bankruptcy. Have we fought and bled, have we conquered and loaded ourselves with the trophies of this potent king, and yet shall we be by him condemned to beg our bread; while his subjects, in full sail, are entering every port, choosing their own market and carrying away the fat of the land? They are growing rich by our industry, and we poor, because unable to withstand their power. But why this depressed situation, so widely different from the promises of our former conquests? *Is it not because we have been divided*—Though weak when separate and jarring among ourselves, yet I trust we shall when united in this national plan, become a thirteen fold cord not easily to be broken. Did not Lord Sheffield,<sup>1</sup> long since say, that we were not and should not be, for a long time, either to be feared or regarded as a nation, I am sorry to say, that his prediction has proved too true—How have our enemies triumphed at our disappointment! How have they cast the fruits of exploits in our teeth! Have we not been obliged to bear it? Have we not been obliged to crouch under every burthen, and like the stupid ass, submit to the strokes of an insulting driver. But why so? Are those that conquer accustomed to bear the yoke?—Why then are we duped to the pleasure of every power, not half so mighty as we? Is it not because we have been divided in our national capacity? No doubt it is. But now in view of this rising star, we may hail the auspicious day—Welcome happy morn, auspicious to our national happiness and peace. Farewell to clashing interests, to jarring councils and impotence of laws—Farewell to the domineering brow of our conquered foes.—To the insults of sister States and the jealousy of all. Now we may shake hands in peace, and enjoy the rights which the God of nature hath given us. None have cause to fear, but the enemies of the United States, at home or abroad.—None have cause to fear, but those who trample on our rights, because we are incapable of defence.

Observe the caption of the constitution, every sentence is full of meaning, and of such import, that none but the violent and dishonest can oppose. It carries the marks of piety as well as policy. No good man will wish to oppose it, and I hope no wicked man will dare to do it. It is calculated to answer the exigencies of the times, and to unite in one federal body the interests of all. A mighty empire may be formed upon this basis, which shall make its enemies to tremble. While it gently detracts from the liberties of each, it provides for the security of all. If any imagine that it detracts from an individual State more than from another, let it be remembered, it is but to bestow the benefit upon a sis-

ter, or a brother, who have an equal claim to the benefit with themselves. Why should members of one and the same family clash, while the interests of the family are the same?

The plainest principles of right and wrong, justify and ensure a most cordial reception of the plan, and I hope none will be so abandoned and lost to every principle of social compact, as to militate against it.—This constitution stands upon its own bottom, and needs no encomiums: it justifies itself upon the surest, plainest, and most approved principles of unerring wisdom.—It ministers no fraud—it threatens no dangers, but promises ample and lasting reward to all its advocates—it holds out the olive branch—it is calculated to hush every hostile intention of designing men, and to secure to every honest man, the blessings and privileges of freedom and the rights of an independent nation.

The characters which devised the new empire of government add weight to its precepts—but in no degree is this system established as it is, by the authority of *Common Sense*.

1. Lord John Sheffield, *Observations on the Commerce of the American States . . .* (London, 1783). The book was reprinted in Philadelphia in 1783. It was widely condemned by Americans because of Sheffield's contempt for American commerce.

### 131 A–N. The Press and the Constitution

In the fall of 1787 the principles of open access to and impartiality of the press became important issues in New York, Boston, Philadelphia, Providence, and Hartford. On 4 October, Thomas Greenleaf of the Antifederalist *New York Journal* felt obliged to defend himself against charges of partiality—the first newspaper publisher to do so during the debate over the Constitution (CC:131–A). Greenleaf implied that he had been attacked for printing “Cato” I (CC:103) and defenses of Antifederalist Governor George Clinton (CC:40). Greenleaf, however, insisted that he was impartial and that he would publish both articles for and against the Constitution.

On 4 October a correspondent of the Boston *Independent Chronicle* claimed that every American had the right to publish his sentiments on the Constitution. But he believed that no writer should conceal his name and he asked the state's printers “whether it will be best to publish any production, where the author chooses to remain concealed” (CC:131–B).

Benjamin Russell of the Federalist *Massachusetts Centinel* was the first printer to heed this advice. On 10 October Russell, who had not published any Antifederalist material in his semiweekly newspaper, refused to print an Antifederalist essay signed “Lucius” until the author left his name to “be handed to the publick, if required.” Russell also admonished his fellow Boston printers not to publish any Antifederalist material. He declared that he would not print such material unless “the writers leave . . . their names to be made publick if desired” (CC:131–C. For a similar effort in Georgia, see “A Farmer,” *Gazette of the State of Georgia*, 29 November 1787, RCS:Ga., 248–51.).

Russell's policy caused an immediate uproar. On 15 October Edward E. Powers of the Antifederalist Boston *American Herald* denounced Russell's policy, stating that the Constitution did not require “the aid of any uncommon

expedient. . ." (CC:131–D). Despite this position, Powars published on the same day an essay by "Harrington" in which the author "applaud[ed] the manly resolution of some printers, in refusing to publish any thing on this important subject, but what the authors are ready to avow—"

On 16 October "A Citizen" stated that, in order to protect the public against "foreign and domestick enemies," "it seems necessary that every writer should leave his name with the Printer, that any one, who may be desirous of knowing the author, should be informed." Such a position, he maintained, was "perfectly consistent with the liberty of the press." In an editorial note to "A Citizen," the printer of the *Massachusetts Gazette* agreed to "adopt the rule referred to" by "A Citizen" (CC:131–E). The printer of the *Gazette*, however, refused to divulge the name of a correspondent who, in a series of paragraphs, had itemized several "very serious difficulties in the way of the new confederation." The correspondent wanted his name withheld because he sought to avoid "the treatment which has been so liberally bestowed" on other Antifederalists. The printer assured the public that the correspondent was not a state officeholder, and that "his only wish was for discussion and deliberation. . . ." Moreover, the correspondent promised not to submit "any more observations on the subject" (CC:131–F. For the correspondent's paragraphs, see *Massachusetts Gazette*, 9 October.).

Responding to Russell and his supporters, "Solon" in the *Boston Independent Chronicle* of 18 October accused them of trying "to damp a spirit of enquiry, and a freedom and independence of sentiments, which are so essential to the existance of free Governments." "Solon" believed that "A spirit of investigation, and a freedom, and independence of sentiments, should never be checked in a free country, on the most momentous occasions."

Boston Antifederalists also feared the effect of Russell's policy. "John De Witt" wrote that "The name of the man who but lisp[s] a sentiment in objection to it [i.e., the Constitution], is to be handed to the printer, by the printer to the publick, and by the publick he is to be led to execution" (*American Herald*, 22 October). George R. Minot (1758–1802), a Boston lawyer and clerk of the state House of Representatives, stated that it would have been dangerous for Antifederalist authors to have submitted their names "as ye. mechanicks had been worked up to such a degree of rage, that it was unsafe to be known to oppose it [i.e., the Constitution], in Boston" (Minot Journal, Sedgwick [Minot] Papers, MHi); while "One of the People" warned Antifederalists, in general, "to be cautious how they proceed, for the oppositions they make, or try to make at this time will soon produce their final downfall, and forever exclude them from any appointment of either honour or profit under its establishment" (*Massachusetts Centinel*, 17 October, CC:168).

On 24 October Benjamin Russell indirectly defended his policy in his preface to the *Centinel's* reprinting of James Wilson's speech of 6 October (CC:134): "How much to be preferred are the sentiments and observations of a gentleman, who comes forward with his name, and who is acquainted with the great principles of the subject on which he treats, to the envenomed suggestions, the dark surmises, and cabalistical inuendoes of secret plodders, the baseness of whose designs is equal only to their ignorance."

Russell, however, softened his attitude toward Antifederalist publicists almost immediately. On the same day that he reprinted Wilson's speech, Russell was in the Massachusetts House of Representatives taking notes of the debates on calling a state convention, when a member of that body denounced the "check . . . put to a free discussion of the new federal constitution, by the

Printers refusing to insert several pieces on the subject, presented to them. . . .” Russell replied that the legislator’s “suggestion,” as far as it respected him, “had not any foundation in truth.” To prove his point, “he readily” reprinted on 27 October “An Old Whig” I (CC:157)—the first Antifederalist essay to appear in the *Massachusetts Centinel*. (The complaint of the legislator and Russell’s reply were part of Russell’s preface to his reprinting of “An Old Whig” I.)

To counteract “An Old Whig” I, Russell printed three Federalist replies to it in his next issue of 31 October. Other Antifederalist pieces published by Russell were treated similarly.

In New York, Antifederalists were dismayed by Russell’s policy and the support it had received. On 25 October “Detector” indicated that the liberty of the press was essential to freedom and that “the greatest security of an absolute government is, ‘the ignorance of the people’” (CC:131–H). Richard Henry Lee declared that “The friends of just Liberty here [New York City] are astonished at the Occlusion of the Press in Boston at a season so momentous to Mankind. It is thought to augur ill of the New Government proposed, that on its being first ushered into the world, it should destroy the great Palladium of human rights—” (to Samuel Adams, 27 October, CC:199. See CC:239 for another New York comment.).

Russell’s policy caused the greatest furor in Philadelphia. On 24 October the Antifederalist *Freeman’s Journal* printed a letter allegedly from a Bostonian, who expressed alarm at “the endeavour of *certain characters* amongst us to insult the understanding of the public, by preventing that freedom of enquiry which truth and honour never dreads, but which tyrants and tyranny could never endure” (CC:131–G). Between 25 and 27 October, three Philadelphia newspapers reprinted “A Citizen” (see note 3). A few days later, “A Pennsylvania Mechanic,” and “Galba” supported Russell’s position (CC:131–I, J); “The Jewel,” a Federalist, also advocated this policy, but insisted that it also be applied to Federalists (CC:131–L). In turn, the *Freeman’s Journal* published another alleged letter from Boston condemning Russell’s policy (CC:131–K). The Philadelphia debate climaxed when “Philadelphensis” I attacked Russell and his supporters in the *Independent Gazetteer* and the *Freeman’s Journal* on 7 November. (For the text of “Philadelphensis” I, Benjamin Russell’s response, and “Philadelphensis” rejoinder, see CC:237 A–C.)

Another criticism of the Boston printers appeared in the Providence *United States Chronicle* on 8 November. In this attack, “Argus” asserted that the attempts by Boston’s “aristocratical Gentry” to limit the free access to the press in that city had “given many of us a just Alarm.” If the Constitution was such a good form of government, “Argus” could not understand why its supporters were “afraid to have any Thing said against it” (CC:131–M). A week later a correspondent answered “Argus” and asked why, if the Constitution was such a bad form of government, “are its opposers ashamed of their names” (CC:131–N).

While the debate over Russell’s publication policy spread, charges of partiality were levelled against the printers of the two Hartford newspapers—the *Connecticut Courant* and the *American Mercury*. These avowedly Federalist printers claimed that Antifederalists had accused them of being under the control “of certain men” who prohibited the publication of Antifederalist pieces. The printers denied that they had been under the influence of others and stated that they had not been offered any articles opposing the Constitution. They also expressed a willingness to assist those who were “diffident of their own skill in composition” (RCS:Conn., 492–94).

*131—A. New York Journal, 4 October*

The Editor of the New-York Journal, &c. having heard many ill-natured, and injudicious observations, on what the observers are pleased to stile HIS PARTIALITY, as a public printer, cannot refrain from remarking, that their suspicions are groundless—that their observations are puerile—and that *servile fetters* for the FREE PRESSES of this country would be the inevitable consequence, were printers easily terrified into a *rejection* of free and decent discussions upon public topics.—The Editor professes to print an *impartial* paper, and again declares, that, setting aside his private political sentiments, he will ever act AS A PRINTER, giving to every performance, that may be written with decency, free access to his Journal;—here is spacious ground for the rencounter of a CATO and a CÆSAR—FOR A REPUBLICAN and ANONIMOUS—FOR A SIDNEY and —, &c. &c. &c.—either of whose communications will be received with pleasure, and, to give greater satisfaction, if desired, be inserted opposite to each other, in the same paper. For such interesting political investigations the Editor will conceive himself much obliged as, by this means, he will be more effectually enabled to serve the national interest.—CATO was received at too late an hour for this day's publication, but shall be inserted in our next.

*131—B. Boston Independent Chronicle, 4 October<sup>1</sup>*

Mess'rs ADAMS & NOURSE, The plan offered by the Convention is of the greatest consideration to the United States. Without a national system of government, we shall soon become a prey to the nations of the earth; our commerce will become contemptible, and our boasted expectations terminate in disgrace. We cannot but have domestic and foreign enemies, who would most cordially rejoice at our misfortunes: Indeed it would be for the interest of the other nations, to keep us in our divided and distracted condition. The emissaries of these, by anonymous productions, will probably fill the press with objections against the report of the Convention. But as every American has a right to his own sentiments on the subject, so he must have liberty to publish them. The press ought to be free. Yet he cannot be a friend to his country, who upon a production on the subject, will conceal his name. Therefore, it is submitted to you, gentlemen, and the other Printers in the State, whether it will be best to publish any production, where the author chooses to remain concealed.

*131—C. Massachusetts Centinel, 10 October*

The Printer acknowledges the receipt of "Observations on the Constitution proposed by the Convention," under the signature of *Lucius*,



with the note accompanying, and wishes to inform the writer, that as every gentleman who has published observations on the Constitution in his paper, is willing his name should be handed to the publick, if required; he shall not publish his remarks until he gives him the same liberty—as notwithstanding the absurdity and falshood with which they are pregnant, they may, if published, have an influence to deceive some, who supposing them to be the result of an honest enquiry of some friend to our country, may give them attention.<sup>2</sup> The intimation in the note of this “hidden enemy,” that other Printers have published similar speculations, will not avail—the Printer is assured that meer inattention to the REAL designs of the writers of those remarks, occasioned their appearance:—And equally unavailing is the suggestion, that other Printers *will* insert them—he trusts their good sense will suggest to them the impropriety of permitting such casters of stumbling-blocks before the people, as dare not appear to defend their remarks, to impose on the publick, and also to refuse them a place;—but admitting the fact, the Printer has only to say, that “aiming thereby to be just,” he is determined not to give place to them, nor to like productions on the subject, except the writers leave with him their names, to be made publick if desired.

131—D. *Boston American Herald, 15 October*

The Printer of the HERALD, informs his correspondents, and the publick, that his paper shall be literally FREE and OPEN to all parties, and UNINFLUENCED by none; as he is satisfied, that the cause of TRUTH, and good government, will never be injured by the most perfect freedom of enquiry; and that the real merit of the Constitution lately offered to the people for their consideration requires not the aid of any uncommon expedient to secure their favour.

131—E. *A Citizen*

*Massachusetts Gazette, 16 October*<sup>3</sup>

As the New Constitution for the United States, now before the publick, is a concern of such vast importance to the freedom and happiness of our young nation, the people ought to bestow upon it the most serious attention, and also “ask wisdom of God who giveth to them who ask it,”—and as we are to expect some erroneous *friends*, as well as artful *enemies*, who will give their sentiments to the publick upon this great subject, in order to guard the people as much as possible from impositions, it seems necessary that every writer should leave his name with the Printer, that any one, who may be desirous of knowing the author, should be informed.

This appears perfectly reasonable, and is perfectly consistent with the liberty of the press. No honest man I conceive, can object to this

rule, in the present very interesting concern. Every man will admit, that this period is big with importance to our country—And if foreign and domestick enemies are allowed to publish their *dark and alarming fears*, while *they are concealed*, many honest people may suppose such fears were expressed by real friends and patriots, and therefore may receive an undue impression from them.—Enemies we certainly have, who wish to prevent our growth and prosperity; and shall we at this critical day suffer them to sow the seeds of our ruin, *in the dark?*

And as to real friends, no one can rationally object to have his name known, as the author of what he publishes—therefore it is expected that every Printer, who is a true patriot, will adhere to this rule.

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(As it is not the wish of an individual citizen only, but the desire of a great majority of them, that the Printers should adopt the rule referred to in the above,—the Publisher of the Massachusetts Gazette is determined to coincide with those wishes, so far as they respect pieces wrote on the most important of all subjects—the New Federal Constitution.)

131—F. *Massachusetts Gazette*, 16 October

The Editor begs his customers to postpone their inquiries after the name of the person who wrote the paragraphs in the Gazette of Tuesday last.<sup>4</sup> He assures them, that the remarks came from one who is not concerned in the present, and who appears neither to have the inclination nor prospect of being a sharer in any future administration. The writer's whole objections at present against being known, arise from the treatment which has been so liberally bestowed on mr. Gerry, governour Randolph, governour Clinton, and other most respectable characters, who appear to have objected to the plan of confederation. As he has no political views, and his only wish was for discussion and deliberation, but not for opposition, it gives him pain that so many citizens should have become uneasy at his remarks; and he assures them that he will not trouble them or himself with any more observations on the subject.<sup>5</sup>

131—G. *Philadelphia Freeman's Journal*, 24 October<sup>6</sup>

Extract of a letter from Boston, *Octob.* 14.

“You federalists in Pennsylvania have but secondary merit—you saw, read and approved the new form of government—we—to our honour be it spoken, were true, staunch, federal men almost before we saw it!—He must be a *bold Jonathan* here, that will dare to say a word against it now.—An *anti-federalist* and a *tory* are held to be one and the same, and curses in plenty are denounced on the heads of both; as the popular

breath allows no discrimination.—I must confess, nothing for a long time has so much alarmed me, as the endeavour of *certain characters* amongst us to insult the understanding of the public, by preventing that freedom of enquiry which truth and honour never dreads, but which tyrants and tyranny could never endure.—The merits of the New Constitution out of the question, the conduct of too many here respecting it is strikingly analogous to that of Lord Peter in the tale of a tub—“Look ye, brothers Martin and Jack, if ye do not believe this crust of bread to be as good a shoulder of mutton as ever was sold in Leadenhall market, I pronounce you both a couple of blind, positive, conceited sons of bitches, and may the devil roast you to all eternity!”

131—H. *Detector*

*New York Journal, 25 October*<sup>7</sup>

“*The LIBERTY OF THE PRESS is essential to the security of FREEDOM in a state; IT is not, therefore, to be restrained in this Commonwealth.*” MASSACHUSETTS CONS[TITUTION].

MR. GREENLEAF, The truth of the above *sentence* is universally acknowledged, and *one* similar to it, has been adopted by every state in North-America—How astonishing then, is it, that the printers in this very state (Massachusetts) should REVERSE the important doctrine of *the freedom of the press!*

By looking over several late Boston papers I discovered acknowledgements of the *receipt* of pieces on the new Constitution, refusing them a place, unless “the *writers* will hand their names to the public!” adding, “AIMING THEREBY TO BE JUST!” that they will not give them place upon any other conditions!—What an astonishing kind of JUSTICE is this!—Americans have ever been taught, that JUSTICE and FREEDOM went hand in hand—but now, if we may believe the immaculate Boston printers, SLAVERY must take place of the latter—THAT THE AMERICANS MAY BE HAPPY!—It is well known, that the greatest security of an absolute government is, “the ignorance of the people.” Tremble for your dear bought FREEDOM, ye Americans, at the introduction of this first trait of slavery into your country!—The printers of a free community are an important set of men—and, when *they* league to enslave it—it will be enslaved indeed.

Oct. 24, 1787.

131—I. *A Pennsylvania Mechanic*

*Philadelphia Independent Gazetteer, 29 October*

To the Printers of the United States.

GENTLEMEN, I have been delighted with the noble struggle which the brave and virtuous throughout America have been, and still are, mak-

ing to establish the new frame of government. I am charmed with the good sense and humanity of the people at large, who, though they are very generally warmly attached to it, yet they bear, with uncommon patience, all the insults hitherto thrown out against it, and the gentlemen of the late convention.

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

I know a gentleman in this city, high in office, who has written much against the new system, notwithstanding he has never, in company, uttered a syllable against it. Hence I conclude that the antifederal junto are conscious of the wickedness of their proceedings—that their cause is that of the devil—and of it they are truly ashamed. It appears by a late eastern paper, that the publisher of the Massachusetts Gazette is determined to publish no sentiments on this important subject, unless the writers leave their names with the printers, “that any one who may be desirous of knowing the author, may be informed.”<sup>8</sup> No honest man—no true friend to America—or to the liberty or happiness of mankind, can object to this.

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

26th October, 1787.

131–J. Galba

*Philadelphia Independent Gazetteer, 31 October*

MR. OSWALD, The hint in your paper of this morning,<sup>9</sup> that every one ought to leave his name with the Printer who writes for or against the new form of government proposed by the Honorable Convention, is only, in my opinion, right in part:—for, what reason is there that the patriotic gentlemen who write in favour of a scheme of government, that holds forth *peace*, happiness and prosperity to our distressed country, should, by leaving their names with the Printers, be exposed to the malevolence of those wretches who pretend to find fault with it. Indeed I think it perfectly right, that those who wantonly write against it should leave their names, that they may be justly exposed to the contempt and indignation of their fellow citizens, as enemies and traitors to their country;—and I hope every patriotic Printer in the union will for the future, pay proper attention to the justness and absolute propriety of this hint.

29th October, 1787.

131–K. *Philadelphia Freeman’s Journal, 31 October*<sup>10</sup>

A late letter from Boston to a gentleman in this town says, “Matters have been carried with a high hand here, in regard to the discussion of the new form of government—*Mum* is the word—I am sorry to say that the sentiment of a Roman poet may be applied with too much justice.

'Stranger to flattery and to fear  
 With pure unsullied honour bright  
 VIRTUE disdains to lend an ear  
 To the mad people's sense of right.'

Some of the Newsprinters in this city, to their eternal disgrace, have refused to publish any pieces tending to examine that new code, *unless the name of the author or authors be left with them*, which at present is as much as to say, Give me a stick, and I will break your head.—At the same time they, very impertinently, take upon them to style all *such productions* 'wicked, rascally, malicious,' &c.—I had hitherto supposed a printer ought to be above prejudices of this nature, and not capable of being so easily actuated by the *popular frenzy* of the hour.—One poor gentleman having attempted to discuss the matter in the Massachusetts Gazette, was glad to withdraw in time, assuring the public that *he would not trouble them or himself with any more observations on the subject*.<sup>11</sup>—My own idea is, that popular opinions, as being for the most part suddenly taken up, are not always the criterion of truth. A man of sense expects some other proof of a paper being *impious, heretical, or treasonable*, than merely that of its being burned by the hands of the common hangman.—How happy would it be for the honest part of mankind were the whole race of cowards, sycophants, and blockheads extirpated from this earth—farewell."

131—L. *The Jewel*

*Philadelphia Independent Gazetteer, 2 November*

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

131—M. *Argus*

*Providence United States Chronicle, 8 November*

*Rehoboth, November 1, 1787.*

MR. WHEELER, The Liberty of the Press, or the Liberty which *every Person* in the United States *at present* enjoys, of exhibiting his Sentiments

on all public Measures to his Fellow-Citizens, through the Medium of the News-Papers, is a Privilege of infinite Importance—a Privilege, for which (among others) we have fought and bled, and for which I would again shoulder my Musket. I confess the Attempt lately made in Boston, by some of our aristocratical Gentry, to have every Person's Name published who should write against the proposed Federal Constitution, has given many of us a just Alarm. Why, if the proposed Constitution is a good one are its Supporters afraid to have any Thing said against it? Why are they hurrying it down our Throats, before we have opened our Mouths? For what Purpose is it that the Names of its Opposers should be published? Why all this extraordinary Exertion? If it is *very good, very just, and wisely calculated* to make us respectable and happy, no Doubt it will be adopted—But pray, my good Friends, give us a Chance to read it once or twice over before we say whether we like it or not. I had written thus far, and intended to have gone on to state my Opinion on this important Subject, when my Son brought me in Mr. Powars' last Boston Paper—I laid down my Pen to read it, and I found a Piece, signed JOHN DE WITT, on the Subject I had proposed to write;<sup>12</sup> who the Author is I know not, but his Sentiments so exactly coincide with mine, that I concluded to write no more, at present, but to request you, Mr. Printer, to publish that Piece in your next Chronicle: By so doing you'll oblige at least one of your Readers.

*131—N. Providence United States Chronicle, 15 November*

*To the Printer of the United States Chronicle.*

Your correspondent, from Rehoboth, appears to be under violent apprehensions, that the liberty of the press is in danger—and his coadjutor, that the liberties of the people are struck at: But I think the press takes great liberties with the people, and the people with the press—I believe there is an even balance.—He has assumed a title (ARGUS) which implies clear and strong sight:—This may be true of his organs of vision, but not of his understanding.—He thinks he sees objects which have no existence—but does not appear at all to understand subjects which evidently exist, and are capable of the clearest demonstration.—He threatens “again to shoulder his musket.”—Shoulder your firelock!—If we may judge of your use of that by the manner of your handling a quill, I feel entirely safe. This alarm is taken from a request which appeared in the Boston Centinel,—“that any person who should send a piece to the Printer of it, against the Federal Constitution, would send his name;” and was this any crime? It was but a request, and binds no one.—He asks, “why, if the proposed Constitution is a good one, are its supporters afraid to have any thing said against it?”—And why, if it is a bad one, are its opposers ashamed of their names?—If they are honest in their opposition, and not governed by sordid motives, why do they not come out, and shew cause, if any there be, why it should not be

adopted?—He asks, “why are they for hurrying it down our throats before we have opened our mouths?”—To the first part I answer, because, “their throat is an open sepulchre; with their tongue they have used deceit; the poison of asps is under their lips.” The latter part I deny—for their mouths were opened against it before they saw it: This is a well known fact in this town;—therefore, Mr. *Argus*, though you have “a chance to read it, *not* once or twice only,” but an hundred times, it avails nothing—you have already made up your mind to oppose it—not for its defects and imperfections—but for that which is its perfection, and would be highly honourable to Americans in their adoption of it, viz. its being a plan of efficient government, wisely accommodated to the various interests of the United States—securing the liberties of the whole, protecting the property of the industrious against the fraudulent practices of the dishonest.

At the critical moment in which poor *Argus*, the strength of whose genius is forcibly represented by the poverty of Rehoboth soil, was trying to think of something to say, a very fortunate circumstance took place.—His son—probably a hopeful youth! came in and brought the means of supplying his own deficiencies—“Mr. *Powars*’ last paper,” containing “a piece signed JOHN DE WITT:”—This piece I read with attention, expecting from the signature to find something new and worth reading—but when I had gone over it with care, and found it a mere declamation on an hacknied subject, and seeing *John De Witt* at bottom, it reminded me of the following anecdote:—A gentleman of ingenuity having read a book, written by Mr. JOHN WISE, was asked how he liked the performance, replied—“If I had not seen *John Wise* at the bottom, I should have thought it had been written by TOM FOOL.”

1. Reprints: *Connecticut Journal*, 10 October, and *Portland Cumberland Gazette*, 18 October.

2. About two months later, Benjamin Russell replied to an attack upon him and his publication policy by quoting a paragraph from “Lucius” that contained “the essence of the piece.” Such a publication, “so replete with illiberal declamation,” Russell maintained, was “inadmissible” (*Philadelphia Independent Gazetteer*, 4 December, CC:237–B).

3. Reprints: *Pennsylvania Packet*, 25 October; *Philadelphia Independent Gazetteer*, 26 October; *Pennsylvania Journal*, 27 October; and *New Jersey Brunswick Gazette*, 6 November.

4. On 9 October the *Massachusetts Gazette* printed a nine-paragraph item “handed to us by a correspondent as being very serious difficulties in the way of the new confederation. . . .” By 31 December the item was reprinted nine times: Mass. (2), N.Y. (3), Pa. (2), Va. (1), S.C. (1).

5. For responses to this item, see “An American” and “W.X.,” *Massachusetts Centinel*, 17 and 24 October.

6. Reprints by 3 December (10): Vt. (1), Mass. (4), N.Y. (2), N.J. (1), Pa. (1), S.C. (1).

7. This item was reprinted in the *Pennsylvania Packet* on 31 October.

8. Quoted from “A Citizen,” *Massachusetts Gazette*, 16 October (CC:131–E). The *Gazette* had used the phrase “should be informed” instead of “may be informed.”

9. See CC:131–I above.

10. Reprints: *Virginia Herald*, 8 November; *Boston American Herald*, 12 November; *Trenton Mercury*, 13 November; and *Massachusetts Centinel*, 14 November.

11. See CC:131–F above.

12. “John De Witt” was published in the *Boston American Herald* on 29 October and was reprinted in the *United States Chronicle* on 8 November. “John De Witt” argued that the states should amend the Constitution before they ratified it because the constitutional provisions for amendments would make it very difficult to amend later. In particular, he wanted a bill of rights, a reduction in the powers of Congress, and a restoration of some of the powers of the states.

### 132. Richard Henry Lee to Samuel Adams New York, 5 October<sup>1</sup>

Having long toiled with you my dear friend in the Vineyard of liberty, I do with great pleasure submit to your wisdom and patriotism, the objections that prevail in my mind against the new Constitution proposed for federal government—Which objections I did propose to Congress in form of amendments to be discussed, and that such as were approved might be forwarded to the States with the Convention system. You will have been informed by other hands why these amendments were not considered and do not appear on the Journal, and the reasons that influenced a bare *transmission* of the Convention plan, without a syllable of approbation or disapprobation on the part of Congress. I suppose my dear Sir, that the good people of the U. States in their late generous contest, contended for free government in the fullest, clearest, and strongest sense. That they had no idea of being brought under despotic rule under the notion of “Strong government,” or in form of *elective despotism*: Chains being still Chains, whether made of gold or of iron.

The corrupting nature of power, and its insatiable appetite for increase, hath proved the necessity, and procured the adoption of the strongest and most express declarations of that *Residuum* of natural rights, which is not intended to be given up to Society; and which indeed is not necessary to be given for any good social purpose. In a government therefore, where the power of judging what shall be for the *general welfare*, which goes to every object of human legislation; and where the laws of such Judges shall be the *supreme Law of the Land*: it seems to be of the last consequence to declare in most explicit terms the reservations above alluded to. So much for the propriety of a Bill of Rights as a necessary bottom to this new system—It is in vain to say that the defects in this new Constitution may be remedied by the Legislature created by it. The remedy, as it may, as it may not be applied—And if it should, a subsequent Assembly may repeal the Acts of its predecessor for the parliamentary doctrine is ‘quod legis posteriores priores contrarias abrogant’ 4 Inst. 43.<sup>2</sup> Surely this is not a ground upon which a wise and good man would choose to rest the dearest rights of human nature—Indeed, some capital defects are not within the compass of leg-



islative redress—The Oligarchic tendency from the combination of President, V. President, & Senate, is a ruin not within legislative remedy. Nor is the partial right of voting in the Senate, or the defective numbers in the house of Representatives. It is of little consequence to say that the numbers in the last mentioned Assembly will increase with the population of these States, because what may happen in twenty five or 27 years hence is poor alleviation of evil, that the intermediate time is big with; for it often happens that abuse under the name of Use is rivetted upon Mankind. Nor can a good reason be assigned for establishing a bad, instead of a good government, in the first instance; because time may amend the bad—Men do not choose to be sick because it may happen that physic may cure them—Suppose that good men came first to the administration of this government; and that they should see, or think they see, a necessity for trying criminally a Man without giving him his Jury of the Vicinage; or that the freedom of the Press should be restrained because it disturbed the operations of the new government—the mutilation of the jury trial, and the restraint of the Press would then follow for good purposes as it should seem, and by good men—But these precedents will be followed by bad men to sacrifice honest and innocent men; and to suppress the exertions of the Press for wicked and tyrannic purposes—it being certainly true that ‘*Omnia mala exempla ex bonis orta sunt: sed ubi imperium ad ignaros aut minus bonos pervinit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos fertur.*’ In proof of this, we know that the wise and good Lord Holt, to support King William and Revolution principles, produced doctrines in a case of Libel (King against Bear) subversive both of law and sound sense; which his Successor Lord Mannsfield (in the case of Woodfall) would have availed himself of for the restraint of the Press and the ruin of liberty.<sup>3</sup> It would appear therefore, that the consideration of human perversity renders it necessary for human safety, that in the first place, power not requisite should not be given, and in the next place that necessary powers should be carefully guarded. How far this is done in the New Constitution I submit to your wise and attentive consideration. Whether, for the present, it may not be sufficient so to alter the Confederation as to allow Congress full liberty to make Treaties by removing the restraining clauses; by giving the Impost for a limited time, and the power of Regulating trade; is a question that deserves to be considered.

But I think the new Constitution (properly amended) as it contains many good regulations, may be admitted—And why may not such indispensable amendments be proposed by the Conventions and returned With the new plan to Congress that a new general Convention may so weave them into the proffer’d system as that a Web may be produced fit for freemen to wear? If such amendments were proposed by a Capital state or two, & a willingness expressed to agree with the plan so

amended; I cannot see why it may not be effected. It is a mere begging the question to suppose, as some do, that only this Moment and this Measure will do—But why so, there being no war external or internal to prevent due deliberation on this most momentous business—The public papers will inform you what violence has been practised by the Agitators of this new System in Philadelphia to drive on its immediate adoption—As if the subject of Government were a business of passion, instead of cool, sober, and intense consideration.<sup>4</sup> I shall not leave this place before the 4th of November—in the mean time I shall be happy to hear from you—My best compliments are presented to Mrs. Adams, and I pray to be remembered to Gen. [James] Warren, Mr. [James] Lovell & the good Doctor [Samuel] Holten when you see him.

1. RC, Samuel Adams Papers, NN. Lee enclosed a copy of the amendments to the Constitution which he had presented to Congress on 27 September (CC:95). The enclosure has not been located. On 27 October Lee wrote Adams again (CC:199) and sent him a copy of his 5 October letter, suspecting that Adams might not have received the original. Adams answered both of Lee's letters on 3 December and outlined his objections to the Constitution (CC:315).

Adams (1722–1803) had served in Congress from 1774 to 1781. He was a Massachusetts state senator from 1780 to 1788, serving as President of the Senate from 1787 to 1788. He opposed the Constitution, but voted for ratification in the Massachusetts Convention after that body agreed to propose amendments to the Constitution. In 1788 he was defeated for election to the first federal Congress. Adams was lieutenant governor of Massachusetts from 1789 to 1793 and governor from 1793 to 1797.

2. Lee quotes from the fourth of Sir Edward Coke's four *Institutes* (1628–44). Coke (1552–1634) was Lord Chief Justice of England and a staunch advocate of the common law. He was one of the principal defenders of the rights of Parliament and the people against the attempts of James I and Charles I to extend the royal prerogative. He also helped frame the Petition of Right (1628).

3. In *Rex v. Beare* (1698) and *Rex v. Woodfall* (1770), courts refused to abide by the verdict of juries in cases involving seditious libel against the Crown. A jury found Beare guilty *only* of collecting and copying libels, neither of which was considered a criminal act, and not guilty of composing libels, which was a criminal act. However, Lord John Holt (1642–1710), Chief Justice of King's Bench, ruled that the copying of a libel was the making of one. Despite the clear intent of the jury, Holt and his fellow judges found Beare guilty of libel and fined him.

Woodfall was one of several London printers charged with seditious libel for printing one of the letters of "Junius" which attacked the King. Lord Mansfield (William Murray, 1705–1793), Chief Justice of King's Bench, instructed the jury that it was to consider two points: whether Woodfall had published the letter and whether the innuendoes and blank spaces in the letter referred to the King and his ministers. The issue of whether or not the letter was a libel published with malicious intent, Mansfield reserved to the court. The jury found Woodfall guilty of printing and publishing *only*, implying that Woodfall was not guilty of libel. Since the jury's meaning was unclear and the court term was nearing an end, Mansfield and the other justices took the verdict under advisement. The next term, Mansfield, speaking for the court, set the verdict aside and ordered a new trial. Only when two other printers were acquitted outright for the same offense did the Crown decide against further prosecution.

4. For the violence in Philadelphia, see CC:125.

## 133. Centinel I

Philadelphia Independent Gazetteer, 5 October<sup>1</sup>

Between 5 October 1787 and 9 April 1788 eighteen Antifederalist essays signed "Centinel" were published in Philadelphia. The *Independent Gazetteer* printed all of the essays except II; the *Freeman's Journal* all but IV–VI and XII; the *Pennsylvania Herald* only III and IX; and the *Pennsylvania Packet* only VI.

Contemporaries attributed the "Centinel" essays to George Bryan (1731–1791), a justice of the Pennsylvania Supreme Court and one of the leaders of the state Constitutionalist Party. Bryan was first charged with writing the essays in an extract of a letter published in the *Pennsylvania Gazette* on 31 October 1787 (Mfm:Pa. 178). For the most part, this attribution was accepted throughout the United States in 1787 and 1788. However, William Shippen, Jr. believed that Bryan was part of "a club" that wrote the essays (RCS:Pa., 288), and George Turner denied a rumor that he was "Centinel" (*Independent Gazetteer* and *Freeman's Journal*, 2 April, Mfm:Pa. 597, 598). In essay XVIII, "Centinel" himself denied that Bryan was the author.

The "Centinel" essays, despite contemporary opinion, appear to have been written by Samuel Bryan. Bryan identified himself as "Centinel" in four letters written between 1790 and 1807 in which he attempted to obtain a federal or state office for himself or his father. In 1790 Bryan wrote to Governor George Clinton that "I have not the honor of being personally known to your Excellency, but . . . I flatter myself that in the character of Centinel I have been honored with your approbation and esteem" (McMaster and Stone, 7n). In the same year, Bryan spoke with Pennsylvania Governor Thomas Mifflin and learned that he had not offended the governor in one of the "Centinel" essays (to James Hutchinson, 18 December, Albert Gallatin Papers, NH). On 27 February 1801 Bryan wrote Thomas Jefferson that "I was the first person who under the signature of 'Centinel' pointed out the defects of the federal Constitution" (RG 59, General Records of the Department of State, Letters of Application and Recommendation during the Administration of Thomas Jefferson, 1801–1809, DNA. See also Bryan to Jefferson, 24 July 1807, *ibid.*).

Samuel Bryan (1759–1821) was born in Philadelphia, the eldest son of George Bryan. He served as secretary of the Council of Censors in 1784 and as clerk of the Pennsylvania General Assembly from 1784 to 1786. In December 1790 he was defeated for election as clerk of the Pennsylvania Senate, and in the same month he tried unsuccessfully to be appointed secretary of the Commonwealth. Five years later Governor Thomas Mifflin appointed him state register general, a position he held until 1801. In that year, he was appointed state comptroller general by Governor Thomas McKean. Bryan held that office until 1805, when he was removed by McKean, whom he had hoped to replace as governor. In 1807 Bryan failed to obtain the position of federal collector for the port of Philadelphia and the post of state treasurer. Two years later he became register of wills for Philadelphia, remaining in office until 1821.

The "Centinel" essays analyzed the nature and provisions of the Constitution and the motives and methods of its framers and supporters. "Centinel's" language was blunt, provocative, and vituperative. Perhaps the essence of the essays is in a statement found in the fourth essay: "The evil genius of darkness presided at its [the Constitution's] birth, it came forth under the veil of mystery, its true features being carefully concealed, and every deceptive art has been and is practising to have this spurious brat received as the genuine offspring of heaven-born liberty." "Centinel" also charged that the Constitution "is a most daring attempt to establish a despotic aristocracy among freemen, that the world has ever witnessed" (No. I).

"Centinel's" objections to the Constitution, found largely in the first five essays, presented many of the standard Antifederalist arguments. The Constitution would establish a consolidated government and would annihilate the sovereignty of the states. The powers of Congress were too vast, especially in the areas of taxation and the military. The Senate was an aristocratic body. The federal judiciary would destroy the state judiciaries. Most important, the Constitution lacked a bill of rights.

In the use of personal invective, "Centinel" was perhaps unequalled among both Antifederalists and Federalists. He considered the members of the Constitutional Convention to be "*conspirators*" (No. XII). The supporters of the Constitution were described as "crafty and aspiring despots," "avaricious office-hunters," and "false detestable patriots" (Nos. II, VI, and XVIII). "Centinel's" personal invective extended even to George Washington and Benjamin Franklin. He declared that Washington had been duped in the Convention and that Franklin was too old to know what he had been doing (No. I).

Pennsylvania Federalists reacted sharply to "Centinel," who had come to symbolize those individuals unequivocally opposed to the Constitution. To attack him was to attack all Antifederalists. Pennsylvania Federalists answered "Centinel's" substantive criticisms point-by-point and returned his personal vilifications. In particular, they expressed outrage over his comments on Washington and Franklin and they denied that the Constitution endangered the rights and liberties of the people. They also attacked "Centinel" because they believed him to be the influential George Bryan. "Gomez" referred to Bryan (i.e., "Centinel") as "a poisoned rat," while "X" called him "the indefatigable monster" (*Pennsylvania Gazette*, 26 December 1787 and 26 March 1788, Mfm:Pa. 291, 575).

For some of the principal Pennsylvania responses to "Centinel" in October and November 1787, see James Wilson's 6 October speech (CC:134); and *Pennsylvania Gazette*, 31 October, 14 November (CC:218, 258). See also RCS:Pa., 181-82, 201; and Mfm:Pa. 114, 152, 161, 178, 197. As "Centinel" published more essays, the attacks by Pennsylvania Federalists continued. For examples between December 1787 and March 1788, see Mfm:Pa. 345, 352, 366, 378, 397, 401, 445. See also editorial notes to succeeding numbers of "Centinel" published in *Commentaries*.

For comments on and criticisms of the "Centinel" essays outside Pennsylvania, see "A Man of No Party" and "Detector," *New York Daily Advertiser*, 20 October and 24 November; "Uncus," *Maryland Journal*, 9 November; Charleston *Columbian Herald*, 3 December; *Albany Gazette*, 20 December; "New England," *Connecticut Courant*, 24 December (CC:372); "A Spectator," *Lansingburgh Northern Centinel*, 1 January 1788; *Massachusetts Centinel*, 19 March; and "A Virginian," *Norfolk and Portsmouth Journal*, 2 April.

The defenses of "Centinel" were by no means as numerous as the attacks. For examples, see "Philadelphensis" I and "One of the Whigs of 1788," *Independent Gazetteer*, 7 November, 19, 25 January 1788 (CC:237-A; Mfm:Pa. 348, 369); "A Federal Republican," *A Review of the Constitution*, 28 November (CC:303); and "A Countryman" (Hugh Hughes) and an unsigned essay, *New York Journal*, 14 February, 29 March 1788.

The "Centinel" essays were distributed widely as newspaper reprints, broadsides, or parts of pamphlet anthologies. "Centinel" I was by far the most widely circulated essay in the series. It was printed in whole or in part in nineteen newspapers in sixteen towns, most of them north of Pennsylvania (see also notes 1 and 4 below). Besides "Centinel" I, a few other numbers also circulated widely. Number II was reprinted six times; III and VII five times each. The *New York Journal* reprinted every number save XVII, while the *New York Morning Post* and *Boston American Herald* each reprinted five numbers.

Newspaper circulation was lightest in the Southern States. "Centinel" I and II were reprinted in Baltimore, Richmond, and Charleston. The Charleston reprintings were apparently in the no longer extant issues of the daily *City Gazette*. A Charlestonian stated that "There have been some pieces in the Newspapers for these three days past against the new government. . . . These pieces are signed 'Centinel'" (Margaret Izard Manigault to Gabriel Manigault, 12 November, Manigault Family Papers, Schi). The essays also circulated in Georgia. On 17 December a Georgian declared that Elbridge Gerry's and "Centinel's" objections to the Constitution were "very weighty" (Lachlan McIntosh to John Wereat, RCS:Ga., 260. For Gerry, see CC:227-A.).

Several numbers of "Centinel" appeared as broadsides and in pamphlets in Philadelphia, New York City, and Richmond. "Centinel" I and II were reprinted as broadsides by Francis Bailey of the Philadelphia *Freeman's Journal*, while "Centinel" V was so done by Eleazer Oswald of the Philadelphia *Independent Gazetteer*. Bailey's broadside of "Centinel" I omitted the first two paragraphs. "Centinel" I was also struck as a German-language broadside, but without the derogatory passages about Washington and Franklin—deletions noted by the *Pennsylvania Gazette* on 24 and 31 October (RCS:Pa., 201; CC:218).

On 1 November "Centinel" II and "Timoleon" (CC:223) were published in an extraordinary issue of the *New York Journal*. Soon after, the printer of the *Journal* also published these two items and "Centinel" I in a two-page broadside. Antifederalists probably circulated this broadside, and the extraordinary issue of the *Journal*, in New York City, on Long Island, and in the Hudson River Valley as far north as Albany and Lansingburgh. Perhaps hundreds of broadsides were also sent into Connecticut, an action denounced by Connecticut Federalists (*New Haven Gazette*, 22 November and 13 December, CC:283-A, C, and RCS:Conn., 330, 458, 470-71, 495-96, 507, 514). In December "Centinel" I and II were printed in a Richmond pamphlet anthology entitled *Various Extracts on the Federal Government* . . . (CC:350). And finally in April 1788 New York Antifederalists distributed "Centinel" I to IX in a pamphlet anthology entitled *Observations on the Proposed Constitution* . . . (Evans 21344). The New York Antifederal committee forwarded 225 copies to local county committees throughout the state (see manuscript initialed "CT" [Charles Tillinghast], in Box 5 of the Lamb Papers, NHi).

The "Centinel" series was revived twice. "Centinel" XIX-XXIV, printed in the *Independent Gazetteer* from 7 October to 24 November 1788, advocated the election of men to the first federal Congress who would support amendments to the U.S. Constitution to protect the rights and property of the people and the integrity of the states. Numbers XXV-XXXVII, published in the *Gazetteer* from 27 August to 11 November 1789, opposed the revision of the Pennsylvania constitution of 1776 by a state convention and criticized the amendments to the U.S. Constitution proposed by the first federal Congress as "a further opiate to lull the awakened jealousies of the freemen of America."

MR. OSWALD, *As the Independent Gazetteer seems free for the discussion of all public matters, I expect you will give the following a place in your next.*

TO THE FREEMEN OF PENNSYLVANIA.

*Friends, Countrymen and Fellow Citizens*, Permit one of yourselves to put you in mind of certain *liberties* and *privileges* secured to you by the constitution of this commonwealth, and to beg your serious attention to

his uninterested opinion upon the plan of federal government submitted to your consideration, before you surrender these great and valuable privileges up forever. Your present frame of government, secures you to a right to hold yourselves, houses, papers and possessions free from search and seizure, and therefore warrants granted without oaths or affirmations first made, affording sufficient foundation for them, whereby any officer or messenger may be commanded or required to search your houses or seize your persons or property, not particularly described in such warrant, shall not be granted. Your constitution further provides "that in controversies respecting property, and in suits between man and man, the parties have a right to *trial by jury, which ought to be held sacred.*" It also provides and declares, "*that the people have a right of FREEDOM OF SPEECH, and of WRITING and PUBLISHING their sentiments, therefore THE FREEDOM OF THE PRESS OUGHT NOT TO BE RESTRAINED.*" The constitution of Pennsylvania is yet in existence, as yet you have the right to *freedom of speech*, and of *publishing your sentiments*. How long those rights will appertain to you, you yourselves are called upon to say, whether your *houses* shall continue to be your *castles*; whether your *papers*, your *persons* and your *property*, are to be held sacred and free from *general warrants*, you are now to determine. Whether the *trial by jury* is to continue as your birth-right, the freemen of Pennsylvania, nay, of all America, are now called upon to declare.

Without presuming upon my own judgement, I cannot think it an unwarrantable presumption to offer my private opinion, and call upon others for their's; and if I use my pen with the boldness of a freeman, it is because I know that *the liberty of the press yet remains unviolated, and juries yet are judges.*

The late Convention have submitted to your consideration a plan of a new federal government—The subject is highly interesting to your future welfare—Whether it be calculated to promote the great ends of civil society, *viz.* the happiness and prosperity of the community; it behoves you well to consider, uninfluenced by the authority of names. Instead of that frenzy of enthusiasm, that has actuated the citizens of Philadelphia, in their approbation of the proposed plan,<sup>2</sup> before it was possible that it could be the result of a rational investigation into its principles; it ought to be dispassionately and deliberately examined, and its own intrinsic merit the only criterion of your patronage. If ever free and unbiassed discussion was proper or necessary, it is on such an occasion.—All the blessings of liberty and the dearest privileges of freemen, are now at stake and dependent on your present conduct. Those who are competent to the task of developing the principles of government, ought to be encouraged to come forward, and thereby the better enable the people to make a proper judgment; for the science of government is so abstruse, that few are able to judge for themselves;

without such assistance the people are too apt to yield an implicit assent to the opinions of those characters, whose abilities are held in the highest esteem, and to those in whose integrity and patriotism they can confide; not considering that the love of domination is generally in proportion to talents, abilities, and superior acquirements; and that the men of the greatest purity of intention may be made instruments of despotism in the hands of the *artful and designing*. If it were not for the stability and attachment which time and habit gives to forms of government, it would be in the power of the enlightened and aspiring few, if they should combine, at any time to destroy the best establishments, and even make the people the instruments of their own subjugation.

The late revolution having effaced in a great measure all former habits, and the present institutions are so recent, that their exists not that great reluctance to innovation, so remarkable in old communities, and which accords with reason, for the most comprehensive mind cannot foresee the full operation of material changes on civil polity; it is the genius of the common law to resist innovation.

The wealthy and ambitious, who in every community think they have a right to lord it over their fellow creatures, have availed themselves, very successfully, of this favorable disposition; for the people thus unsettled in their sentiments, have been prepared to accede to any extreme of government; all the distresses and difficulties they experience, proceeding from various causes, have been ascribed to the impotency of the present confederation, and thence they have been led to expect full relief from the adoption of the proposed system of government; and in the other event, immediately ruin and annihilation as a nation. These characters flatter themselves that they have lulled all distrust and jealousy of their new plan, by gaining the concurrence of the two men in whom America has the highest confidence, and now triumphantly exult in the completion of their long meditated schemes of power and aggrandisement. I would be very far from insinuating that the two illustrious personages alluded to, have not the welfare of their country at heart; but that the unsuspecting goodness and zeal of the one, has been imposed on, in a subject of which he must be necessarily inexperienced, from his other arduous engagements; and that the weakness and indecision attendant on old age, has been practised on in the other.<sup>3</sup>

I am fearful that the principles of government inculcated in Mr. [John] Adams's treatise, and enforced in the numerous essays and paragraphs in the news-papers, have misled some well designing members of the late Convention.<sup>4</sup>—But it will appear in the sequel, that the construction of the proposed plan of government is infinitely more extravagant.

I have been anxiously expecting that some enlightened patriot would, ere this, have taken up the pen to expose the futility, and counteract the baneful tendency of such principles. Mr. Adams's *sine qua non*

of a good government is three balancing powers, whose repelling qualities are to produce an equilibrium of interests, and thereby promote the happiness of the whole community. He asserts that the administrators of every government, will ever be actuated by views of private interest and ambition, to the prejudice of the public good; that therefore the only effectual method to secure the rights of the people and promote their welfare, is to create an opposition of interests between the members of two distinct bodies, in the exercise of the powers of government, and balanced by those of a third. This hypothesis supposes human wisdom competent to the task of instituting three co-equal orders in government, and a corresponding weight in the community to enable them respectively to exercise their several parts, and whose views and interests should be so distinct as to prevent a coalition of any two of them for the destruction of the third. Mr. Adams, although he has traced the constitution of every form of government that ever existed, as far as history affords materials, has not been able to adduce a single instance of such a government; he indeed says that the British constitution is such in theory, but this is rather a confirmation that his principles are chimerical and not to be reduced to practice. If such an organization of power were practicable, how long would it continue? not a day—for there is so great a disparity in the talents, wisdom and industry of mankind, that the scale would presently preponderate to one or the other body, and with every accession of power the means of further increase would be greatly extended. The state of society in England is much more favorable to such a scheme of government than that of America. There they have a powerful hereditary nobility, and real distinctions of rank and interests; but even there, for want of that perfect equality of power and distinction of interests, in the three orders of government, they exist but in name; the only operative and efficient check, upon the conduct of administration, is the sense of the people at large.

Suppose a government could be formed and supported on such principles, would it answer the great purposes of civil society; If the administrators of every government are actuated by views of private interest and ambition, how is the welfare and happiness of the community to be the result of such jarring adverse interests?

Therefore, as different orders in government will not produce the good of the whole, we must recur to other principles. I believe it will be found that the form of government, which holds those entrusted with power, in the greatest responsibility to their constituents, the best calculated for freemen. A republican, or free government, can only exist where the body of the people are virtuous, and where property is pretty equally divided, in such a government the people are the sovereign and their sense or opinion is the criterion of every public measure; for when this ceases to be the case, the nature of the government is changed, and



an aristocracy, monarchy or despotism will rise on its ruin. The highest responsibility is to be attained, in a simple struction of government, for the great body of the people never steadily attend to the operations of government, and for want of due information are liable to be imposed on.—If you complicate the plan by various orders, the people will be perplexed and divided in their sentiments about the source of abuses or misconduct, some will impute it to the senate, others to the house of representatives, and so on, that the interposition of the people may be rendered imperfect or perhaps wholly abortive. But if, imitating the constitution of Pennsylvania, you vest all the legislative power in one body of men (separating the executive and judicial) elected for a short period, and necessarily excluded by rotation from permanency, and guarded from precipitancy and surprise by delays imposed on its proceedings, you will create the most perfect responsibility, for then, whenever the people feel a grievance they cannot mistake the authors, and will apply the remedy with certainty and effect, discarding them at the next election. This tie of responsibility will obviate all the dangers apprehended from a single legislature, and will the best secure the rights of the people.

Having premised thus much, I shall now proceed to the examination of the (proposed plan of government, and I trust, shall make it appear to the meanest capacity, that it has none of the essential requisites of a free government; that it is neither founded on those balancing restraining powers, recommended by Mr. Adams and attempted in the British constitution, or possessed of that responsibility to its constituents, which, in my opinion, is the only effectual security for the liberties and happiness of the people; but on the contrary, that it is a most daring attempt to establish a despotic aristocracy among freemen, that the world has ever witnessed.)<sup>5</sup>

I shall previously consider the extent of the powers intended to be vested in Congress, before I examine the construction of the general government.

It will not be controverted that the legislative is the highest delegated power in government, and that all others are subordinate to it. The celebrated *Montesquieu* establishes it as a maxim, that legislation necessarily follows the power of taxation.<sup>6</sup> By sect. 8, of the first article of the proposed plan of government, “the Congress are to 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.” Now what can be more comprehensive than these words; not content by other sections of this plan, to grant all the great executive powers of a confederation, and a STANDING ARMY IN TIME OF PEACE, that grand engine of oppression, and moreover the absolute controul over the commerce of the United States and all external objects of revenue,

such as unlimited imposts upon imports, &c.—they are to be vested with every species of *internal* taxation;—whatever taxes, duties and excises that they may deem requisite for the *general welfare*, may be imposed on the citizens of these states, levied by the officers of Congress, distributed through every district in America; and the collection would be enforced by the standing army, however grievous or improper they may be. The Congress may construe every purpose for which the state legislatures now lay taxes, to be for the *general welfare*, and thereby seize upon every object of revenue.

The judicial power by 1st sect. of article 3 “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.”

The judicial power to be vested in one Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish.

The objects of jurisdiction recited above, are so numerous, and the shades of distinction between civil causes are oftentimes so slight, that it is more than probable that the state judicatories would be wholly superseded; for in contests about jurisdiction, the federal court, as the most powerful, would ever prevail. Every person acquainted with the history of the courts in England, knows by what ingenious sophisms they have, at different periods, extended the sphere of their jurisdiction over objects out of the line of their institution, and contrary to their very nature; courts of a criminal jurisdiction obtaining cognizance in civil causes.

To put the omnipotency of Congress over the state government and judicatories out of all doubt, the 6th article ordains that “this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the *supreme law of the land*, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.”

By these sections the all-prevailing power of taxation, and such extensive legislative and judicial powers are vested in the general government, as must in their operation, necessarily absorb the state legislatures and judicatories; and that such was in the contemplation of the framers of it, will appear from the provision made for such event, in another part of it; (but that, fearful of alarming the people by so great

an innovation, they have suffered the forms of the separate governments to remain, as a blind.) By sect. 4th of the 1st article, "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 place of chusing senators.*" The plain construction of which is, that when the state legislatures drop out of sight, from the necessary operation of this government, then Congress are to provide for the election and appointment of representatives and senators.

If the foregoing be a just comment—if the United States are to be melted down into one empire, it becomes you to consider, whether such a government, however constructed, would be eligible in so extended a territory; and whether it would be practicable, consistent with freedom? It is the opinion of the greatest writers, that a very extensive country cannot be governed on democratical principles, on any other plan, than a confederation of a number of small republics, possessing all the powers of internal government, but united in the management of their foreign and general concerns.

It would not be difficult to prove, that any thing short of despotism, could not bind so great a country under one government; and that whatever plan you might, at the first setting out, establish, it would issue in a despotism.

If one general government could be instituted and maintained on principles of freedom, it would not be so competent to attend to the various local concerns and wants, of every particular district; as well as the peculiar governments, who are nearer the scene, and possessed of superior means of information, besides, if the business of the *whole* union is to be managed by one government, there would not be time. Do we not already see, that the inhabitants in a number of larger states, who are remote from the seat of government, are loudly complaining of the inconveniencies and disadvantages they are subjected to on this account, and that, to enjoy the comforts of local government, they are separating into smaller divisions.

Having taken a review of the powers, I shall now examine the construction of the proposed general government.

Art. I. sect. I. "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." By another section, the president (the principal executive officer) has a conditional controul over their proceedings.

Sect. 2. "The house of representatives shall be composed of members chosen every second year, by the people of the several states. The number of representatives shall not exceed one for every 30,000 inhabitants."

The senate, the other constituent branch of the legislature, is formed by the legislature of each state appointing two senators, for the term of six years.

The executive power by Art. 2, Sec. I. is to be vested in a president of the United States of America, elected for four years: Sec. 2. gives him "power, by and with the 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, &c." And by another section he has the absolute power of granting reprieves and pardons for treason and all other high crimes and misdemeanors, except in case of impeachment.

The foregoing are the outlines of the plan.

Thus we see, the house of representatives, are on the part of the people to balance the senate, who I suppose will be composed of the *better sort*, the *well born*, &c. The number of the representatives (being only one for every 30,000 inhabitants) appears to be too few, either to communicate the requisite information, of the wants, local circumstances and sentiments of so extensive an empire, or to prevent corruption and undue influence, in the exercise of such great powers; the term for which they are to be chosen, too long to preserve a due dependence and accountability to their constituents; and the mode and places of their election not sufficiently ascertained, for as Congress have the controul over both, they may govern the choice, by ordering the *representatives* of a *whole* state, to be *elected* in *one* place, and that too may be the most *inconvenient*.

The senate, the great efficient body in this plan of government, is constituted on the most unequal principles. The smallest state in the union has equal weight with the great states of Virginia, Massachusetts, or Pennsylvania.—The Senate, besides its legislative functions, has a very considerable share in the Executive; none of the principal appointments to office can be made without its advice and consent. The term and mode of its appointment, will lead to permanency; the members are chosen for six years, the mode is under the controul of Congress, and as there is no exclusion by rotation, they may be continued for life, which, from their extensive means of influence, would follow of course. The President, who would be a mere pageant of state, unless he coincides with the views of the Senate, would either become the head of the aristocratic junto in that body, or its minion; besides, their influence being the most predominant, could the best secure his re-election to office. And from his power of granting pardons, he might skreen from punishment the most treasonable attempts on the liberties of the people, when instigated by the Senate.

From this investigation into the organization of this government, it appears that it is devoid of all responsibility or accountability to the great body of the people, and that so far from being a regular balanced government, it would be in practice a *permanent* ARISTOCRACY.

The framers of it; actuated by the true spirit of such a government, which ever abominates and suppresses all free enquiry and discussion, have made no provision for the *liberty of the press*, that grand *palladium of freedom*, and *scourge of tyrants*; but observed a total silence on that head. It is the opinion of some great writers, that if the liberty of the press, by an institution of religion, or otherwise, could be rendered *sacred*, even in *Turkey*, that despotism would fly before it. And it is worthy of remark, that there is no declaration of personal rights, premised in most free constitutions; and that trial by *jury* in *civil* cases is taken away; for what other construction can be put on the following, viz. Article III. Sect. 2d. "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 above mentioned, the Supreme Court shall have *appellate* jurisdiction, both as to *law and fact*?" It would be a novelty in jurisprudence, as well as evidently improper to allow an appeal from the verdict of a jury, on the matter of fact; therefore, it implies and allows of a dismissal of the jury in civil cases, and especially when it is considered, that jury trial in criminal cases is expressly stipulated for, but not in civil cases.

But our situation is represented to be so *critically* dreadful, that, however reprehensible and exceptionable the proposed plan of government may be, there is no alternative, between the adoption of it and absolute ruin.—My fellow citizens, things are not at that crisis, it is the argument of tyrants; the present distracted state of Europe secures us from injury on that quarter, and as to domestic dissensions, we have not so much to fear from them, as to precipitate us into this form of government, without it is a safe and a proper one. For remember, of all *possible* evils, that of *despotism* is the *worst* and the most to be *dreaded*.

Besides, it cannot be supposed, that the first essay on so difficult a subject, is so well digested, as it ought to be;—if the proposed plan, after a mature deliberation, should meet the approbation of the respective States, the matter will end; but if it should be found to be fraught with dangers and inconveniencies, a future general Convention being in possession of the objections, will be the better enabled to plan a suitable government.

"WHO'S HERE SO BASE, THAT WOULD A BONDMAN BE?"

"IF ANY, SPEAK; FOR HIM HAVE I OFFEN[D]ED.

"WHO'S HERE SO VILE, THAT WILL NOT LOVE HIS COUNTRY?"

"IF ANY, SPEAK; FOR HIM HAVE I OFFENDED."

1. Reprints by 3 January 1788 (13): Mass. (2), R.I. (1), N.Y. (4), Pa. (2), Del. (1), Md. (1), Va. (2). See also note 5 below. Also reprinted as a broadside twice in Philadelphia and once in New York City; and in pamphlet anthologies in New York City and Richmond.

2. Probably a reference to the thousands of Philadelphians who attended public meetings and signed petitions supporting the Constitution in late September 1787 (CC:94, note 1).

3. The “two illustrious personages” were George Washington and Benjamin Franklin. The second half of this paragraph, beginning “These characters . . .,” was omitted from the German broadside.

4. For Adams’s treatise, see CC:16.

5. On 16 October the *Maryland Journal* printed the material in angle brackets almost verbatim, italicizing the last two clauses. By 1 December the *Journal* excerpt was reprinted once each in Vt., Mass., R.I., N.Y., Pa., and Ga.

6. In 1748 Charles Louis de Secondat, Baron de Montesquieu (1689–1755), published in French a two-volume work entitled: *The Spirit of Laws*. In 1750 it was translated into English, and by 1773 five editions of this translation had appeared. No American edition was published until 1802. Nevertheless, *The Spirit of Laws* circulated widely in America, and it was quoted often by Federalists and Antifederalists in the debate over ratification of the Constitution. For example, “Centinel” referred to Montesquieu in five of his first six essays. For Montesquieu’s influence, see Paul Merrill Spurlin, *Montesquieu in America 1760–1801* (Baton Rouge, La., 1940).

### 134. James Wilson: Speech at a Public Meeting in Philadelphia 6 October<sup>1</sup>

James Wilson (1742–1798), a Philadelphia lawyer, served in Congress, 1775–77, 1783, and 1785–86, and signed the Declaration of Independence. Throughout the 1780s, he advocated strengthening the powers of the central government and was a principal spokesman for Pennsylvania’s Republican Party.

Wilson played a major role in the Constitutional Convention. He delivered 168 speeches, second only to Gouverneur Morris’ 173, and was a member of the Committee of Detail, which prepared the first draft of the Constitution. Wilson also assisted Morris, a member of the Committee of Style, in putting the Constitution into its final form. He was a leader of the Convention delegates who wanted a national government that would be able to control the states and their citizens. Wilson supported, as essential, a congressional veto of state legislation, but he did not want to “swallow up the State Govts.,” believing that they could “live in harmony” with the central government. He thought that the state governments “were absolutely necessary for certain purposes” which the central government “could not reach” (Farrand, I, 322–23, 330; II, 391). After the Constitution was promulgated, Wilson led the Federalist forces and voted for ratification in the Pennsylvania Convention in December 1787. He was appointed an associate justice of the U.S. Supreme Court in 1789, serving until his death.

After the Constitutional Convention adjourned, Wilson was the first Convention delegate to defend the Constitution publicly. On Saturday evening, 6 October, he delivered a speech before “a very great concourse of people” at a public meeting in the Pennsylvania State House Yard to nominate candidates to represent the city of Philadelphia in the Pennsylvania General Assembly.

On 9 October Wilson’s speech was published in an “extra” issue of the *Pennsylvania Herald*. Alexander J. Dallas, the editor of the *Herald*, described the speech as “*excellent*” and declared that “It is the first authoritative explanation of the principles of the NEW FEDERAL CONSTITUTION, and as it may serve to obviate some objections, which have been raised to that system, we consider it sufficiently interesting for publication in the present form.” To meet an “extensive demand,” Dallas reprinted the speech in the *Herald* on the 10th.

Wilson’s speech circulated from Portland, Me., to Augusta, Ga. By 29 December, it was reprinted in thirty-four newspapers in twenty-seven towns (see also note 1 below). Hall and Sellers of the *Pennsylvania Gazette* published it in a

four-page broadside anthology (Editors' Note, 21 October), and Mathew Carey printed it in the October issue of the *Philadelphia American Museum*. In mid-December Augustine Davis of the *Virginia Independent Chronicle*, published the speech with other Federalist and Antifederalist writings in a sixty-four page pamphlet entitled *Various Extracts on the Fæderal Government* . . . (CC:350).

Wilson's speech answered some of the major criticisms made against the Constitution. The most controversial part of his address concerned his concept of reserved powers, which he used to answer the charge that the Constitution lacked a bill of rights. Wilson declared that "in delegating federal powers . . . the congressional authority is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of union. Hence it is evident, that . . . every thing which is not given, is reserved." Wilson used this idea to demonstrate that a bill of rights was unnecessary. As an example, he declared that Congress could not violate the freedom of the press because it had not been given any power over the press.

Wilson's assurance that a bill of rights was unnecessary was rejected by Antifederalists because the Constitution, unlike the Articles of Confederation, did not explicitly enunciate his concept of reserved powers. They also dismissed his answers to their other charges, and in the next few months newspapers were inundated with replies to his speech. For examples of answers published in Philadelphia, see "A Democratic Federalist," *Pennsylvania Herald*, 17 October (CC:167); "An Old Whig" II-III, "An Officer of the Late Continental Army," and "Plain Truth," *Independent Gazetteer*, 17, 20 October, 6, 24 November (CC:170, 181; RCS:Pa., 210-16, 293); "Centinel" II, *Freeman's Journal*, 24 October (CC:190); and "A Federal Republican," *A Review of the Constitution*, 28 November (CC:303).

Antifederal replies were also numerous in New York, Virginia, and Massachusetts. In New York, they included: "A Republican" I, "Brutus" II, "Cincinnatus" I-VI, "Timoleon," and "Brutus, Junior," *New York Journal*, 25 October, 1, 8, 15, 22, 29 November and 6 December (CC:196, 221-23, 239, 241, 265, 287, 307, 324).

The Virginia newspaper responses were: an unsigned essay, "A True Friend," and "Impartial Examiner," *Virginia Independent Chronicle*, 31 October, 12 December, and 20 February 1788. For private commentaries by Virginians, see Richard Henry Lee to Samuel Adams, 27 October (CC:199); George Lee Turberville to Arthur Lee, 28 October (CC:207); and Thomas Jefferson to James Madison, 20 December (Boyd, XII, 440).

In Massachusetts, Wilson was attacked by: "John De Witt," *Boston American Herald*, 3 December; "Republican Federalist," II, V, and "Hampden," *Massachusetts Centinel*, 2, 19 January and 2 February 1788; and "Junius" and "Agrippa" XV, *Massachusetts Gazette*, 22, 25, 29 January. (See also Thomas B. Wait to George Thacher, 8 January, CC:422.)

In addition to criticizing his ideas, Antifederalists also attacked Wilson personally. "Centinel" declared that Wilson had the "transcendent merit" of "Revelation" (CC:190). "Cincinnatus" accused Wilson of supporting the Constitution because he wanted to be either attorney general or chief justice of the United States (CC:324). "An Officer of the Late Continental Army" attacked Wilson for his lack of patriotism during the Revolution and for being "strongly tainted with the spirit of *high aristocracy*" (RCS:Pa., 213).

In general, Federalists did not come to Wilson's defense, but they did incorporate his arguments into their own writings, often without acknowledging their source. However, several essayists praised both Wilson and his constitutional principles. For example, see an unsigned essay, *Massachusetts Centinel*,

31 October; "Plain Truth," *Philadelphia Independent Gazetteer*, 10 November (RCS:Pa., 216–23); *New Haven Gazette*, 13 December (CC:283–C); and "Anti-Cincinnatus," *Northampton Hampshire Gazette*, 19 December (CC:354).

For praise of Wilson in private correspondence, see George Washington to David Stuart, 17 October (CC:165) and David Ramsay to Benjamin Rush, 10 November (CC:249). Washington was particularly pleased to see the text of Wilson's speech published because he believed that it answered George Mason's objections to the Constitution (CC:138).

Mr. Wilson then rose, and delivered a long and eloquent speech upon the principles of the Fœderal Constitution proposed by the late convention. The outlines of this speech we shall endeavour to lay before the public, as tending to reflect great light upon the interesting subject now in general discussion.

Mr. Chairman and Fellow Citizens, Having received the honor of an appointment to represent you in the late convention, it is perhaps, my duty to comply with the request of many gentlemen whose characters and judgments I sincerely respect, and who have urged, that this would be a proper occasion to lay before you any information which will serve to explain and elucidate the principles and arrangements of the constitution, that has been submitted to the consideration of the United States. I confess that I am unprepared for so extensive and so important a disquisition; but the insidious attempts which are clandestinely and industriously made to pervert and destroy the new plan, induce me the more readily to engage in its defence; and the impressions of four months constant attention to the subject, have not been so easily effaced as to leave me without an answer to the objections which have been raised.

It will be proper however, before I enter into the refutation of the charges that are alledged, to mark the leading discrimination between the state constitutions, and the constitution of the United States. When the people established the powers of legislation under their separate governments, they invested their representatives with every right and authority which they did not in explicit terms reserve; and therefore upon every question, respecting the jurisdiction of the house of assembly, if the frame of government is silent, the jurisdiction is efficient and complete. But in delegating fœderal powers, another criterion was necessarily introduced, and the congressional authority is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of union. Hence it is evident, that in the former case every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given, is reserved. This distinction being recognized, will furnish an answer to those who think the omission of a bill of rights, a defect in the proposed constitution: for it would have been superfluous and absurd to have



stipulated with a fœderal body of our own creation, that we should enjoy those privileges, of which we are not divested either by the intention or the act, that has brought that body into existence. For instance, the liberty of the press, which has been a copious source of declamation and opposition, what controul can proceed from the fœderal government to shackle or destroy that sacred palladium of national freedom? If indeed, a power similar to that which has been granted for the regulation of commerce, had been granted to regulate literary publications, it would have been as necessary to stipulate that the liberty of the press should be preserved inviolate, as that the impost should be general in its operation. With respect likewise to the particular district of ten miles, which is to be made the seat of fœderal government, it will undoubtedly be proper to observe this salutary precaution, as there the legislative power will be exclusively lodged in the president, senate, and house of representatives of the United States. But this could not be an object with the convention, for it must naturally depend upon a future compact, to which the citizens immediately interested will, and ought to be parties; and there is no reason to suspect that so popular a privilege will in that case be neglected. In truth then, the proposed system possesses no influence whatever upon the press, and it would have been merely nugatory to have introduced a formal declaration upon the subject—nay, that very declaration might have been construed to imply that some degree of power was given, since we undertook to define its extent.

Another objection that has been fabricated against the new constitution, is expressed in this disingenuous form—"the trial by jury is abolished in civil cases." I must be excused, my fellow citizens, if upon this point, I take advantage of my professional experience to detect the futility of the assertion. Let it be remembered then, that the business of the Fœderal Convention was not local, but general; not limited to the views and establishments of a single state, but co-extensive with the continent, and comprehending the views and establishments of thirteen independent sovereignties. When therefore, this subject was in discussion, we were involved in difficulties which pressed on all sides, and no precedent could be discovered to direct our course. The cases open to a trial by jury differed in the different states, it was therefore impracticable on that ground to have made a general rule. The want of uniformity would have rendered any reference to the practice of the states idle and useless; and it could not, with any propriety, be said that "the trial by jury shall be as heretofore," since there has never existed any fœderal system of jurisprudence to which the declaration could relate. Besides, it is not in all cases that the trial by jury is adopted in civil questions, for causes depending in courts of admiralty, such as relate to maritime captures, and such as are agitated in courts of equity, do not require the intervention of that tribunal. How then, was the line of dis-

crimination to be drawn? The convention found the task too difficult for them, and they left the business as it stands, in the fullest confidence that no danger could possibly ensue, since the proceedings of the supreme court, are to be regulated by the congress, which is a faithful representation of the people; and the oppression of government is effectually barred, by declaring that in all criminal cases the trial by jury shall be preserved.

This constitution, it has been further urged, is of a pernicious tendency, because it tolerates a standing army in the time of peace.—This has always been a topic of popular declamation; and yet, I do not know a nation in the world, which has not found it necessary and useful to maintain the appearance of strength in a season of the most profound tranquility. Nor is it a novelty with us; for under the present articles of confederation, congress certainly possesses this reprobated power, and the exercise of that power is proved at this moment by her cantonments along the banks of the Ohio. But what would be our national situation were it otherwise? Every principle of policy must be subverted, and the government must declare war, before they are prepared to carry it on. Whatever may be the provocation, however important the object in view, and however necessary dispatch and secrecy may be, still the declaration must precede the preparation, and the enemy will be informed of your intention, not only before you are equipped for an attack, but even before you are fortified for a defence. The consequence is too obvious to require any further delineation, and no man, who regards the dignity and safety of his country, can deny the necessity of a military force, under the controul and with the restrictions which the new constitution provides.

Perhaps there never was a charge made with less reasons than that which predicts the institution of a baneful aristocracy in the fœderal senate. This body branches into two characters, the one legislative, and the other executive. In its legislative character it can effect no purpose, without the co-operation of the house of representatives, and in its executive character, it can accomplish no object, without the concurrence of the president. Thus fettered, I do not know any act which the senate can of itself perform, and such dependance necessarily precludes every idea of influence and superiority. But I will confess that in the organization of this body, a compromise between contending interests is discernible; and when we reflect how various are the laws, commerce, habits, population, and extent of the confederated states, this evidence of mutual concession and accommodation ought rather to command a generous applause, than to excite jealousy and reproach. For my part, my admiration can only be equalled by my astonishment, in beholding so perfect a system, formed from such heterogeneous materials.

The next accusation I shall consider, is that which represents the fœderal constitution as not only calculated, but designedly framed, to

reduce the state governments to mere corporations, and eventually to annihilate them. Those who have employed the term corporation upon this occasion, are not perhaps aware of its extent. In common parlance, indeed, it is generally applied to petty associations for the ease and convenience of a few individuals; but in its enlarged sense, it will comprehend the government of Pennsylvania, the existing union of the states, and even this projected system is nothing more than a formal act of incorporation. But upon what pretence can it be alledged that it was designed to annihilate the state governments? For, I will undertake to prove that upon their existence, depends the existence of the fœderal plan. For this purpose, permit me to call your attention to the manner in which the president, senate, and house of representatives, are proposed to be appointed. The president is to be chosen by electors, nominated in such manner as the legislature of each state may direct; so that if there is no legislature, there can be no electors, and consequently the office of president cannot be supplied. The senate is to be composed of two senators from each state, chosen by the legislature; and therefore if there is no legislature, there can be no senate. The house of representatives, is to 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,—unless therefore, there is a state legislature, that qualification cannot be ascertained, and the popular branch of the fœderal constitution must likewise be extinct. From this view, then it is evidently absurd to suppose, that the annihilation of the separate governments will result from their union; or, that having that intention, the authors of the new system would have bound their connection with such indissoluble ties. Let me here advert to an arrangement highly advantageous, for you will perceive, without prejudice to the powers of the legislature in the election of senators, the people at large will acquire an additional privilege in returning members to the house of representatives—whereas, by the present confederation, it is the legislature alone that appoints the delegates to Congress.

The power of direct taxation has likewise been treated as an improper delegation to the fœderal government; but when we consider it as the duty of that body to provide for the national safety, to support the dignity of the union, and to discharge the debts contracted upon the collective faith of the states for their common benefit, it must be acknowledged, that those upon whom such important obligations are imposed, ought in justice and in policy to possess every means requisite for a faithful performance of their trust. But why should we be alarmed with visionary evils? I will venture to predict, that the great revenue of the United States must, and always will be raised by impost, for, being at once less obnoxious, and more productive, the interest of the govern-

ment will be best promoted by the accommodation of the people. Still however, the objects of direct taxation should be within reach in all cases of emergency; and there is no more reason to apprehend oppression in the mode of collecting a revenue from this resource, than in the form of an impost, which, by universal assent, is left to the authority of the fœderal government. In either case, the force of civil institutions will be adequate to the purpose; and the dread of military violence, which has been assiduously disseminated, must eventually prove the mere effusion of a wild imagination, or a factious spirit. But the salutary consequences that must flow from thus enabling the government to receive and support the credit of the union, will afford another answer to the objections upon this ground. The State of Pennsylvania particularly, which has encumbered itself with the assumption of a great proportion of the public debt, will derive considerable relief and advantage; for, as it was the imbecility of the present confederation, which gave rise to the funding law, that law must naturally expire, when a competent and energetic fœderal system shall be substituted—the state will then be discharged from an extraordinary burthen, and the national creditor will find it to be his interest to return to his original security.

After all, my fellow citizens, it is neither extraordinary or unexpected, that the constitution offered to your consideration, should meet with opposition. It is the nature of man to pursue his own interest, in preference to the public good; and I do not mean to make any personal reflection, when I add, that it is the interest of a very numerous, powerful, and respectable body to counteract and destroy the excellent work produced by the late convention. All the offices of government, and all the appointments for the administration of justice and the collection of the public revenue, which are transferred from the individual to the aggregate sovereignty of the states, will necessarily turn the stream of influence and emolument into a new channel. Every person therefore, who either enjoys, or expects to enjoy, a place of profit under the present establishment, will object to the proposed innovation; not, in truth, because it is injurious to the liberties of his country, but because it affects his schemes of wealth and consequence. I will confess indeed, that I am not a blind admirer of this plan of government, and that there are some parts of it, which if my wish had prevailed, would certainly have been altered. But, when I reflect how widely men differ in their opinions, and that every man (and the observation applies likewise to every state) has an equal pretension to assert his own, I am satisfied that any thing nearer to perfection could not have been accomplished. If there are errors, it should be remembered, that the seeds of reformation are sown in the work itself, and the concurrence of two thirds of the congress may at any time introduce alterations and amendments.

Regarding it then, in every point of view, with a candid and disinterested mind, I am bold to assert, that it is the best form of government which has ever been offered to the world.

Mr. Wilson's speech was frequently interrupted with loud and unanimous testimonies of approbation, and the applause which was reiterated at the conclusion, evinced the general sense of its excellence, and the conviction which it had impressed upon every mind.

1. Newspaper reprints by 29 December (34): Vt. (1), N.H. (1), Mass. (6), R.I. (3), Conn. (4), N.Y. (3), N.J. (1), Pa. (9), Md. (2), Va. (2), S.C. (1), Ga. (1).

### 135. The Grand Constitution Massachusetts Centinel, 6 October<sup>1</sup>

THE  
GRAND CONSTITUTION:  
Or, *The PALLADIUM of COLUMBIA:*  
A NEW FEDERAL SONG.  
Tune—"Our Freedom we've won," &c.

From scenes of affliction—Columbia opprest—  
Of credit expiring—and commerce distrest,  
Of nothing to do—and of nothing to pay—  
From such dismal scenes let us hasten away.  
*Our Freedom we've won, and the prize let's maintain*  
*Our hearts are all right—*  
*Unite, Boys, Unite,*  
*And our EMPIRE in glory shall ever remain.*

The Muses no longer the cypress shall wear—  
For we turn our glad eyes to a prospect more fair:  
The soldier return'd to his small cultur'd farm,  
Enjoys the reward of his conquering arm.  
*"Our Freedom we've won," &c.*

Our trade and our commerce shall reach far and wide,  
And riches and honour flow in with each tide,  
*Kamschatka and China with wonder shall stare,*  
That the *Federal Stripes* should wave gracefully there.  
*"Our Freedom we've won," &c.*

With gratitude let us acknowledge the worth,  
Of what the CONVENTION has call'd into birth,  
And the Continent wisely confirm what is done  
By FRANKLIN the sage, and by brave WASHINGTON.  
*"Our Freedom we've won," &c.*

The wise CONSTITUTION let's truly revere,  
It points out the course for our EMPIRE to steer,  
For oceans of bliss do they hoist the broad sail,  
And *peace* is the current, and *plenty* the gale.

"Our Freedom we've won," &c.

With gratitude fill'd—let the great Commonweal  
Pass round the full glass to Republican zeal—  
From ruin—their judgment and wisdom well aim'd,  
Our liberties, laws, and our credit reclaim'd.

"Our Freedom we've won," &c.

Here Plenty and Order and Freedom shall dwell,  
And your *Shayses* and *Dayses* won't dare to rebel—  
Independence and culture shall graciously smile,  
And the *Husbandman* reap the full fruit of his toil.

"Our Freedom we've won," &c.

That these are the blessings, Columbia knows—  
The blessings the Fed'ral CONVENTION bestows.  
O! then let the People confirm what is done  
By FRANKLIN the sage, and by brave WASHINGTON.  
*Our freedom we've won, and the prize will maintain*

*By Jove we'll Unite,  
Approve and Unite—*

*And huzza for Convention again and again.*

1. Reprints by 13 December (14): N.H. (3), R.I. (1), Conn. (1), N.Y. (3), N.J. (1), Pa. (3), Va. (1), S.C. (1).

### 136. Blessings of the New Government Philadelphia Independent Gazetteer, 6 October

This item was reprinted twelve times by 4 December: Vt. (1), N.H. (1), Mass. (3), N.Y. (2), Md. (2), Va. (1), S.C. (1), Ga. (1). It was answered by "A Slave" in the *New York Journal* on 25 October (CC:197-A). On 31 October the *Massachusetts Centinel* reprinted "Blessings of the New Government" under the heading "ANTIFEDERALISM" followed by an excerpt from "A Slave" under the heading "FEDERALISM." Four of the eleven other newspapers that reprinted "Blessings" followed the *Centinel's* example.

Another correspondent observes, that although the tide seems to run so high at present in favor of the new constitution, there is no doubt but the people will soon change their minds, when they have had time to examine it with coolness and impartiality.

Among the *blessings* of the new-proposed government our correspondent enumerates the following:—1. The *Liberty of the Press* abolished. 2. A standing army. 3. A Prussian militia. 4. No annual elections. 5. Five-fold taxes. 6. No trial by jury in civil cases. 7. General search warrants. 8. Excise laws, custom-house officers, tide and land waiters,

cellar rats, &c. 9. A Free importation of negroes for one and twenty years. 10. Appeals to the supreme continental court, where the rich may drag the poor from the furthestmost parts of the continent. 11. Elections for Pennsylvania held at Pittsburg, or perhaps Wyoming. 12. Poll taxes for our heads, if we chuse to wear them. 13. And *death* if we dare to complain.

### 137. James Madison to Edmund Randolph New York, 7 October (excerpt)<sup>1</sup>

... We hear nothing decisive as yet concerning the general reception given to the Act of the Convention. The Advocates for it come forward more promptly than the Adversaries. The Sea Coast seems every where fond of it. The party in Boston which was thought most likely to make opposition, are warm in espousing it. It is said that Mr. S. Adams objects to one point only, viz. the prohibition of a Religious test.<sup>2</sup> Mr. Bowdoin's objections are said to be agst. the great number of members composing the Legislature, and the intricate election of the President.<sup>3</sup> You will no doubt have heard of the fermentation in the Assembly of Penna. . . .

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, X, 185–86.

2. For Adams's opposition to the Constitution, see his letter of 3 December to Richard Henry Lee (CC:315).

3. James Bowdoin was governor of Massachusetts from 27 May 1785 to 1 June 1787. He represented Boston in the Massachusetts Convention and voted to ratify the Constitution.

### 138 A–B. George Mason: Objections to the Constitution, 7 October

In the Constitutional Convention, George Mason of Virginia advocated a strong central government, but insisted that the rights and liberties of the people be protected. When the Committee of Style presented the second draft constitution on 12 September, Mason (along with Elbridge Gerry and Edmund Randolph) demanded that a bill of rights be appended to the Constitution because of the extensive powers that had been given to the central government (CC:75). The Convention refused on 15 September, and two days later the three men refused to sign the Constitution.

Before the Convention adjourned, Mason wrote his objections to the Constitution on the verso of his printed copy of the Committee of Style report. He had "intended to offer" these objections "by Way of Protest; but was discouraged from doing so, by the precipitate, & intemperate, not to say indecent Manner, in which the Business was conducted, during the last Week of the Convention, after the Patrons of this new plan found they had a decided Majority in their Favour . . ." (Mason to Thomas Jefferson, 26 May 1788, Rutland, *Mason*, III, 1045. Mason's annotated copy of the Committee of Style report is in the Chapin Library, Williams College, Williamstown, Mass.)

Manuscript copies of Mason's objections are known to have circulated in Pennsylvania, New York, and Virginia. According to George Washington, Mason "rendered himself obnoxious in Philadelphia by the pains he took to disseminate his objections amongst some [of] the leaders of the seceding mem-

bers" of the Pennsylvania General Assembly. Washington believed that Mason's objections were "detailed in the address of the seceding members" (to James Madison, 10 October, CC:146. For the address, see CC:125-A. For Mason's alleged meeting with Robert Whitehill of Cumberland County, one of the leaders of the seceding assemblymen, see RCS:Pa., 156. A copy of Mason's objections in Whitehill's handwriting, the text of which is similar to that on Mason's Committee of Style report, is in the Whitehill Papers, Hamilton Library, Cumberland County Historical Society.).

On 18 September Mason, then in Philadelphia, wrote to Richard Henry Lee in New York City, probably enclosing a copy of his objections. (See Lee to Mason, 1 October, CC:117. For Lee's objections to the Constitution, see CC:95.) Mason also allowed Elbridge Gerry to copy his objections before Gerry left for New York City around 18 September. (Gerry's transcript, written on his copy of the Committee of Style report, is in the Gerry Papers, Massachusetts Historical Society.) Perhaps it was Gerry's copy of the objections that New York Antifederalist John Lamb read at Governor George Clinton's house in mid-October, since Gerry was in New York until late October (CC:155, 227).

By the end of September, Mason had returned to Virginia, where he revised and enlarged his objections. Copies of the revised objections were sent to George Washington on 7 October and to Elbridge Gerry on 20 October. (See CC:138 for the letter and copy sent to Washington, and CC:179 for the letter to Gerry.) On 10 October Washington forwarded a copy of the objections to James Madison in New York City, and Madison replied on 18 October with an extended critique (CC:146, 176. For a copy with an attribution to Mason in Madison's hand, see Mason Papers, DLC.).

To offset Mason's expected influence in Virginia, George Washington on 17 October forwarded a copy of James Wilson's 6 October speech (CC:134) to David Stuart, who, like Mason, represented Fairfax County in the Virginia House of Delegates sitting in Richmond. Washington asked that the speech be reprinted because he hoped that "it will place the most of Colo. Mason's objections in their true point of light" (CC:165). Wilson's speech appeared in the Richmond *Virginia Independent Chronicle* on 24 October.

Washington's fears about Mason's influence in Virginia were justified. News of the objections had already reached Richmond before Mason took his seat in the House on 24 October. On 21 October John Peirce, a member of the House of Delegates, stated that "Mr. Mayson has taken the utmost pains to disseminate the reasons of his dissent, in which he has condemned every part of the constitution, and undertaken to proving the destruction of the liberty of the people in consequence of it" (to Henry Knox, Knox Papers, MHi). Even though his objections were circulating, Mason did not present them to the House during the debates on calling a state convention. He stated that he would communicate them to his "countrymen" "at a proper season" (*Petersburg Virginia Gazette*, 1 November).

In November Mason's objections were reported to be circulating in and around Alexandria, not far from his home. On 20 November James Hughes, writing from Alexandria, stated that "I have seen Col. Mason's objections: only a few of them are even plausible" (to Horatio Gates, Emmet Collection, NN). This continued circulation of the objections worried "Brutus," who had seen a copy of the revised objections. "Brutus" believed that the objections should be submitted to "the test of a public investigation," where it could be shown "how effectually his [Mason's] sentiments may be controverted, or how far his arguments may be invalidated." Consequently, "Brutus" turned over a copy of the objections to the Alexandria *Virginia Journal*, which published them on 22 November.



The next day Mason's unrevised objections were printed in the *Winchester Virginia Gazette*, the only newspaper to print this version. The text published in the *Gazette* is similar to that found on the verso of Mason's printed copy of the Committee of Style report, except for some minor changes in organization.

At about the same time, Mason's objections were also published in Massachusetts. On 21 November the *Massachusetts Centinel* printed an incomplete version of Mason's revised objections, allegedly obtained from a New York City correspondent. On 19 December the *Centinel* published the paragraph which had been omitted on 21 November.

In the month and a half after 21 November, Mason's objections were reprinted in twenty-five newspapers from Maine to South Carolina. With this expanded circulation, the objections received the full attention of Federalists and Antifederalists who printed dozens of responses to and commentaries on them. For a more complete account of the publication of and response to Mason's objections, see CC:276.

*138–A. George Mason to George Washington  
Gunston Hall, 7 October (excerpt)<sup>1</sup>*

... I take the Liberty to enclose You my Objections to the new Constitution of Government; which a little Moderation & Temper, in the latter End of the Convention, might have removed. I am however most decidedly of Opinion, that it ought to be submitted to a Convention chosen by the People, for that special Purpose; and shou'd any Attempt be made to prevent the calling such a Convention here, such a Measure shall have every Opposition in my Power to give it—You will readily observe, that my Objections are not numerous (the greater Part of the inclosed paper containing Reasonings upon the probable Effects of the exceptionable Parts) tho' in my Mind, some of them are capital ones.—

*138–B. Mason's Objections to the Constitution of  
Government formed by the Convention<sup>2</sup>*

There is no Declaration of Rights; and the Laws of the general Government being paramount to the Laws & Constitutions of the several States, the Declarations of Rights in the separate States are no Security. Nor are the People secured even in the Enjoyment of the Benefits of the common-Law; (which stands here upon no other Foundation than it's having been adopted by the respective Acts forming the Constitutions of the several States.—)<sup>3</sup>

In the House of Representatives there is not the Substance, but the Shadow only of Representation; which can never produce proper Information in the Legislature, or inspire Confidence in the People: the Laws will therefore be generally made by Men little concern'd in, and unacquainted with their Effects & Consequences.—<sup>(a)</sup>

The Senate have the Power of altering all Money-Bills, and of originating Appropriations of Money, & the Sallerys of the Officers of their own Appointment in Conjunction with the President of the

United States; altho' they are not the Representatives of the People, or amenable to them.—

These with their other great Powers (vizt. their Power in the Appointment of Ambassadors & all public Officers, in making Treaties, & in trying all Impeachments) their Influence upon & Connection with the supreme Executive from these Causes, their Duration of Office, and their being a constant existing Body almost continually sitting, join'd with their being one compleat Branch of the Legislature, will destroy any Balance in the Government, and enable them to accomplish what Usurpations they please upon the Rights & Libertys of the People.—

The Judiciary of the United States is so constructed & extended, as to absorb & destroy the Judiciarys of the several States; thereby rendering Law as tedious intricate & expensive, and Justice as unattainable, by a great Part of the Community, as in England, and enabling the Rich to oppress & ruin the Poor.—

The President of the United States has no constitutional Council (a thing unknown in any safe & regular Government) he will therefore be unsupported by proper Information & Advice; and will generally be directed by Minions & Favourites—or He will become a Tool to the Senate—or a Council of State will grow out of the principal Officers of the great Departments; the worst & most dangerous of all Ingredients for such a Council, in a free Country; (for they may be induced to join in any dangerous or oppressive Measures, to shelter themselves and prevent an Inquiry into their own Misconduct in Office; whereas had a constitutional Council been formed (as was proposed) of six Members; vizt. two from the Eastern, two from the Middle, and two from the Southern States, to be appointed by Vote of the States in the House of Representatives, with the same Duration & Rotation of Office as the Senate, the Executive wou'd always have had safe & proper Information & Advice, the President of such a Council might have acted as Vice President of the United States, pro tempore, upon any Vacancy or Disability of the chief Magistrate; and long continued Sessions of the Senate wou'd in a great Measure have been prevented.—)<sup>4</sup>

From this fatal Defect of a constitutional Council has arisen the improper Power of the Senate, in the Appointment of public Officers, and the alarming Dependance & Connection between that Branch of the Legislature, and the supreme Executive.—Hence also sprung that unnecessary & dangerous<sup>5</sup> Officer the Vice President; who for want of other Employment, is made President of the Senate; thereby dangerously blending the executive & legislative Powers; besides always giving to some one of the States an unnecessary & unjust Pre-eminence over the others.—

The President of the United States has the unrestrained Power of granting Pardons for Treason; which may be sometimes exercis'd to screen from Punishment those whom he had secretly instigated to com-

mit the Crime, & thereby prevent a Discovery of his own Guilt.—

By declaring all Treaties supreme Laws of the Land, the Executive & the Senate have, in many Cases, an exclusive Power of Legislation; which might have been avoided, by proper Distinctions with Respect to Treaties, and requiring the Assent of the House of Representatives, where it cou'd be done with Safety.—

By requiring only a Majority to make all Commercial & Navigation Laws, the five Southern States (whose Produce & Circumstances are totally different from that of the eight Northern & Eastern States) will be ruined; for such rigid & premature Regulations may be made as will enable the Merchants of the Northern & Eastern States not only to demand an exorbitant Freight, but to monopolize the Purchase of the Commodities at their own Price, for many Years: to the great Injury of the landed Interest, & Impoverishment of the People: and the Danger is the greater, as the Gain on one Side will be in Proportion to the Loss on the other. Whereas requiring two thirds of the Members present in both Houses wou'd have produced mutual Moderation, promoted the general Interest, and removed an insuperable Objection to the Adoption of the Government.—

Under their own Construction of the general Clause at the End of the enumerated Powers, the Congress may grant Monopolies in Trade & Commerce, constitute new Crimes, inflict unusual & severe Punishments, and extend their Power as far as they shall think proper; so that the State Legislatures have no Security for the Powers now presumed to remain to them; or the People for their Rights.—

There is no Declaration of any kind for preserving the Liberty of the Press, the Tryal by jury in civil Causes; nor against the Danger of standing Armys in time of Peace.

The State Legislatures are restrained from laying Export-Duties on their own Produce.—

The general Legislature is restrained from prohibiting the further Importation of Slaves for twenty odd Years; tho' such Importations render the United States weaker, more vulnerable, and less capable of Defence.—

Both the general Legislature & the State Legislatures are expressly prohibited making ex post facto Laws; tho' there never was or can be a Legislature but must & will make such Laws, when Necessity & the public Safety require them; which will hereafter be a Breach of all the Constitutions in the Union, and afford Precedents for other Innovations.—

This Government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will, in it's Operation, produce a Monarchy, or a corrupt oppressive Aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.—

(a) This Objection has been in some Degree lessened by an Amendment, often before refused, and at last made by an Erasure, after the Engrossment upon Parchment, of the word *forty*, and inserting *thirty*, in the 3d. Clause of the 2d. Section of the 1st. Article.—<sup>6</sup>

1. RC, Washington Papers, DLC. Printed: Rutland, *Mason*, III, 1001–2.
2. MS, Washington Papers, DLC. The original or earlier draft was headed: “Objections to this Constitution of Government.”
3. The text in angle brackets is not in Mason’s original draft.
4. See note 3 above.
5. The words “& dangerous” are not in Mason’s original draft.
6. This note is not in Mason’s original draft.

### 139. Pierce Butler to Weeden Butler New York, 8 October (excerpt)<sup>1</sup>

... After four Months close Confinement We closed, on the 17th of last Month, the business Committed to Us. If it meets with the approbation of the States, I shall feel myself fully recompensed for my share of the trouble, and a Summer’s Confinement, which injured my health much. As yet, the System We had the honor of submitting to the States, meets with general approbation. A few designing, Intrigueing, Men, of desparate Circumstances, may be opposed to; but the bulk of the People, I am of opinion, like it—The Change, in my judgement, was well timed—A Body so Constituted as Congress, are quite unequal to govern so Extensive a Country, as the thirteen States—All Ranks of Men saw the Necessity of a Change—they wisely had recourse to Reason, and not Arms, for the Accomplishment of it—In this Instance America has sett a laudable Example to Civilized Europe. It might be well for the United Provinces, and perhaps, France, to follow it; for I think the latter appears to be verging towards a Change—If Our publick Prints speak truth, the former is like to experience the miseries attendant on the very worst of Wars—The hour of their greatness, & perhaps, wealth in my Judgement, is past; they will probably, sooner, or later, be swallowd up by the great Empires—If I can hear of any person going to London, I will send You a Copy of the result of Our deliberations; it is not worth the expence of postage, or I woud now inclose it to You—We, in many instances, took the Constitution of Britain, when in its purity, for a model and surely We cou’d not have a better—We tried to avoid, what appeared to Us, the weak parts of Antient, as well as modern Republicks—How well We have succeeded, is left for You, and other Letterd Men to determine—It is some what singular, yet so the fact is, that I have never met with any Dutch Man, who understood the Constitution of his own Country—It is, certainly a very complex, unwieldy piece of business—I have read different Histories of it, with attention, and to this hour, I have but a very inadequate idea of it—Pray give me

Your opinion, freely of the One I had some small hand in framing; after You have read it—In passing judgement on it, You must call to mind, that We had Clashing Interests to reconcile—some strong prejudices to encounter, for the same spirit that brought settlers to a certain Quarter of this Country, is still alive in it—View the System then, as resulting from a spirit of Accommodation to different Interests, and not the most perfect One that the Deputies cou'd devise for a Country better adapted to the reception of it, than America is at this day, or perhaps ever will be—It is a great Extent of Territory to be under One free Government: the manners and modes of thinking, of the Inhabitants, differing nearly as much, as in different Nations of Europe—If We can secure tranquility at Home, and respect from abroad, they will be great points gain'd—

We have, as You will see, taken a portion of power from the Individual States, to form a General Government for the whole, to preserve the Union—The General Government, to Consist of two Branches of Legislature and an Executive, to be Vested in One person, for four Years, but Elligible again—the first Branch of the Legislature, to be Elected by the People, of the different States, agreeable to a ratio of Numbers & wealth; to serve for two Years—the Second to Consist of two Members from each state, to be appointed by the Legislatures of the States, to serve for six Years, One third to go out every two Years, but to be Elligible again, if their state thinks proper to appoint them. A Judiciary to be Supreme in all matters relating to the General Government, and Appellate in State Controversies—The powers of the General Government are so defined, as not to destroy the Sovereignty of the Individual States—These are the Outlines, if I was to be more minute, I should test your patience—

1. RC, Additional Manuscripts, 16603, Letters of Major Pierce Butler of South Carolina, Department of Manuscripts, British Library, London, England. Pierce Butler (1744–1822), born in Ireland, was a South Carolina planter. He was a delegate to Congress and to the Constitutional Convention, where he led the fight for the fugitive-slave clause of the Constitution (Farrand, II, 443, 453–54). In 1789 and 1792 he was elected to the U.S. Senate and resigned in October 1796. Butler also served in the Senate from 1802 to 1806. The Reverend Weeden Butler (1742–1823) was master of a classical school in Chelsea, England, where Pierce Butler's son, Thomas, was a student.

#### 140. Lambert Cadwalader to George Mitchell New York, 8 October (excerpt)<sup>1</sup>

... You have no Doubt seen the proposed new federal Constitution—it is in my Opinion & that of almost all those with whom I have conversed a very excellent one & will make us if adopted happy at Home & respectable abroad & when I reflect that the smaller States are admitted to an equal Representation in the Senate with the larger it appears to me a Circumstance much more favorable than I could have ex-

pected and ought to satisfy your State in particular—N England from the Accounts recd. from thence will readily adopt it—even the Insurgents in Massachusetts are for it and all Parties there are pleased with it—N York will be divided but it is thought will come into it—N Jersey I expect will be unanimous—Pennsylva notwithstanding the late Fracas<sup>2</sup> will adopt it—There may be some Difficulty in Maryld & Virginia but the three Southern States I am assured from very good Authority will come into the Measure.

I cannot help flattering myself with ye Prospect of better Times wh will certainly happen if we are wise enough to take the Boon that is offered us—The immense Sums that may be raised by Duties upon our Imports will ease the Farmer & Landholder & make the Burthen light—particularly when we consider that immense Sums will be sunk of our domestick Debts by the Sales of the western Territory. A Company from N England has purchased a Tract on the Ohio p[aya]ble in public Securities—it is supposed that 3 or 4 Mills of Dollars will be sunk in this way—another is forming for the Purchase of a second Tract—these in Addition to the Lands already surveyed & now selling at Vendue must lessen our domestick Debt considerably—It is said a third Company will come forward ere long—

Added to these Expectations we shall derive prodigious Advantages from the Regulation of our Trade with foreign Powers who have taken the Opportunity of our feeble State to turn everything to their own Benefit—by playing off one Nation against another we may bring them one after the other to some Consideration for us, wh they have not had for some Years past—They have sacrificed our Interest in every Instance to their own in full Expectation of our Inability to counteract them—

You have heard that there were three Members of the Convention who did not sign the Constitution, Randolph, Mason, & Geary—it is said and believed here that the County of Fairfax in Virginia wh Mason represents in the Legislature of that State will instruct him to vote for the Calling of a Convention in Virginia to take into their Consideration the new Constitution & I make no Doubt as Genl Washington lives in the same County that Mason will either not be chosen a Member of the State Convention or, if he is, that he will be instructed to agree to the Adoption of it. . . .<sup>3</sup>

1. RC, Emmet Collection, NN. Cadwalader (1743–1823) was a New Jersey delegate to Congress. He served in the U.S. House of Representatives from 1789 to 1791 and from 1793 to 1795. Mitchell (d. 1799) was a delegate to the Delaware House of Assembly from Sussex County.

2. See CC:125.

3. On 2 October the freeholders of Fairfax County voted to support the Constitution and instructed their delegates—George Mason and David Stuart—to vote for calling a state convention (*Virginia Journal*, 11 October). For the circulation of the news report of this action, see Appendix III. Mason represented Stafford County, not Fairfax, in the Virginia Convention and he voted against ratification.

**141. Oliver Wolcott, Sr. to Oliver Wolcott, Jr.  
Litchfield, 8 October (excerpt)<sup>1</sup>**

. . . I have examined the Constitution proposed by the Convention—And I find that they have Attended to the great Objects of rendering Government efficient, yet capable of having its errors corrected without publick Disturbance, and to guard it both in the Constitution of its Officers, and in its Operations, against the Impressions of Faction—These important Objects have never yet been effectually combined in any System of national Government which I have ever had the Knowledge of—if these Points have been fully Obtained, by this System it may be considered as a high Improvement upon all former Constitutions of Government—Upon the whole, I think that there is much to be admired in this Constitution, and that perhaps it is as perfect as could be devised—It is the Production of the wisest and the best of Men,—and I hope that it will be so considered—So farr as the pecuniary Part of the Plan can affect this State, I mean relative to Commerce and its Consequences, it is altogether in our Favour—yet what will be its Fate can be only a Subject of doubtful Conjecture—The Genl. Assembly of this State will I Apprehend Submit the Subject to a Convention chosen by the State at large, in some proper manner—The Subject as it is of the highest Importance, I hope it will therefore receive the most candid Discussion.

I have heard that it has been proposed to send out Subscription Papers to be signed by those who may be for and against the Constitution<sup>2</sup>—I hope such a Measure will not be carryed into Execution—I am Very sure that this is no Time, for those who wish to have our affairs properly established, to excite the human Passions—There are a Class of Men, however deserving, *whose Zeal* will not be of any Service in this Affair—

I shall probably go to N Haven on Wednesday—and shall hope to see you there in the Course of the Sessions—

1. RC, Oliver Wolcott Papers, Connecticut Historical Society. Wolcott, Sr. (1726–1797), lieutenant governor of Connecticut, represented Litchfield in the state Convention and voted to ratify the Constitution. His son (1760–1833), a Hartford lawyer, had been appointed in May 1787 as state commissioner to settle accounts with the United States.

2. No petitions have been located, although “Brutus, Junior” (CC:239) charged that “papers” were circulated for the people of Connecticut to sign in support of the Constitution and that those who refused were put on a “black list.”

**142. Edmund Pendleton to James Madison  
Edmundsbury, 8 October (excerpt)<sup>1</sup>**

. . . A Republic was inevitably the American form, and its Natural danger Pop. Tumults & Convulsions. With these in view I read over the Constitution accurately; do not find a Trait of any Violation of the great Principles of the form, all Power being derived mediately or im-

mediately from the People. No Title or Powers that are either hereditary or of long duration so as to become Inveterate; and the Laws & not the arbitrary will of any man, or body of men made the rule of Government. The People, the Origin of Power, cannot act personally, & can only exercise their Power by representation. The great bodies of both Federal & State Legislatures are to consist of their immediate choice, and from that choice all other Powers are derived; the secretions required in the choice of the Federal Senate and President, seem admirably contrived to prevent Popular Tumults, as well as to preserve that Equilibrium to be expected from the Ballancing Power of the three branches. In the President's Power of Negation to the laws, the modification strikes out a happy medium between an Absolute Negative in a single person, & having no stop, or cheque upon laws too harshly, or the Offspring of Party or Faction such as upon a reconsideration, are approved by 2/3rds of Each House, ought to pass independent of any other power.

The President is indeed to be a great man, but it is only in shew to represent the Federal dignity & Power, having no latent Prerogatives, nor any Powers but such as are defined and given him by law. He is to be Commander-in-Chief of the Army & Navy, but Congress are to raise & provide for them, & that not for above two years at a time. He is to nominate all officers, but Congress must first create the offices & fix the Emoluments, and may discontinue them at pleasure & he must have the consent of 2/3rds of the Senate to his nomination. Above all his tenure of Office is short, & the Danger of Impeachment a powerful restraint against abuse of Office. A Political Head and that adorned with powder'd hair, seems as necessary & useful in Governments as that member so adorned in the natural body, and I have observed in the history of the United Netherlands, that their affairs always succeeded best, when they allowed their Stadtholder to exercise his Constitutional powers. . . .

1. Printed: Stan V. Henkels Catalogue No. 694 (1892), 94–95. At the end of the excerpt, Henkels noted: "He [Pendleton] continues on, commenting on all the important points in that great masterwork of the founders of this great republic." For Madison's reply of 28 October, see CC:205. The reply comments on parts of Pendleton's letter which Henkels did not publish.

### 143. A Federal Centinel

#### South Carolina Weekly Chronicle, 9 October

This item was the first original commentary on the Constitution published in South Carolina. It was reprinted in the *Newport Herald*, 15 November, and the *New Hampshire Spy*, 23 November.

To the Printer of the Weekly Chronicle.

Sir, Conceiving it to be my duty as a citizen of these states, to admonish the people in general of certain combinations which are now hatching, against the establishment of the federal constitution; and being



impressed with a just abhorrence of such atrocious proceedings, silence would be unpardonable at so perilous a juncture,—for on the adoption of this admirable system of government the national existence of America depends. A swarm of paltry scribblers, possessing posts of high emolument, under the legislatures of individual states,—the confirmed tools and pensioners of foreign courts,—and a certain description of men interested in securing a monopoly of our markets and carrying trade, are uniformly conspiring against the majesty of the people, and are at this moment fabricating the most traitorous productions which human depravity can devise. Presuming that certain clauses of the federal constitution (how salutary soever such clauses may really be, in the security and extension of civil liberty to the person and property of every citizen) will militate against their respective interests and designs, they have formed the diabolical intention of effecting their sinister purposes in scurrilous, colloquial invectives,—in desultory gazette publications,—and in pamphlets deceptively written, to decry the wisdom of that august body, and the plan of government they have so judiciously arranged for the tranquility, happiness and glory of this country.

Many of those latent incendiaries fill honorable departments, to which they are conscious the impartiality and superior discernment of the federal head will deem them unequal; they are therefore determined to frustrate the best measures which the wisdom of the united councils of America could suggest. The true American,—the sagacious and enlightened federal citizen, will easily see through the selfishness and designs of such productions. He will perhaps, from circumstances of unequivocal designation, discover those very scribblers of interestedness and self exaltation; he will guard his fellow citizens by liberal arguments and writings, against the pestilent tendency of those publications; and he will (instead of consigning them to the hands of a hangman) nail them up to the more opprobrious gibbet of popular execration, odium and infamy.

**144. Nathan Dane to Caleb Strong**  
**New York, 10 October<sup>1</sup>**

Your's of the 7th Ulto. came safe to me—I think the New Constitution Stands a fair chance to be accepted in all the States—tho many sensible men have several objections to it—they thinking however that it is the best thing which can, probably, be obtained at present, are of opinion it should be adopted—many parts which, on examination, appear to be rather undefined and some parts unguarded may be amended by attention in organizing the system—if the departments of the New Government, especially in the first instance, shall be filled with men of abilities and honest views, I think it may work very well and make the people of these States happy—and was the probability of having such men in the

administration greater than it is, our prospects would be more pleasant—You have seen, I suppose the resolution of Congress relative to the New Constitution—it was considered as an entire New System, on its passage from the Convention to the people, and altogether extraneous to the powers of Congress—the warmest friends of it appeared to be extremely impatient to get it thro Congress, even the first day that it was taken up—they wanted Congress to approve of it, but objected to any examination of it by paragraphs in the usual mode of doing business—very few members wanted any alterations and after two days debates Congress unanimously agreed the proper measure was to transmit it to the States to be laid before Conventions of the people—had Congress been of opinion that it was a subject within their Cognizance, and taken time to examine it as so respectable a body ought always to do [in] such important Cases—I think it is highly probable that Congress would have very fully approved of the plan proposed and on the principles which actuated the Convention—the zeal with which the adoption of this Constitution is hurried especially in some Seaport towns, may give it a temporary currency—but this to me is very questionable policy—I think the parties in Pennsylvania by their intemperate conduct on both sides are in a fair way to throw the State into the greatest disorder and confusion<sup>2</sup>—I need not add as I hope to see you in Massa. in a few weeks—

1. RC, Strong Manuscripts, Forbes Library, Northampton, Mass. Dane (1752–1835) was a Massachusetts delegate to Congress who took part in the debates on transmitting the Constitution to the states (CC:95). In 1788 he was an unsuccessful candidate for the U.S. Senate and the House of Representatives. Strong (1745–1819) represented Massachusetts in the Constitutional Convention until mid-August and was a member of the Massachusetts Convention, where he voted to ratify the Constitution. He was a U.S. Senator from 1789 to 1796.

2. See CC:125.

#### Editors' Note

#### Governor Edmund Randolph to the Speaker of the Virginia House of Delegates, Richmond, 10 October

Randolph had refused to sign the Constitution on 17 September (CC:75) and by the end of October he had “prepared a letter” of “explanation” (Randolph to James Madison, 23 [29?] October, Rutland, *Madison*, X, 230). The letter, dated 10 October and addressed to the Speaker of the Virginia House of Delegates, was published as a pamphlet late in December 1787. For the letter, see CC:385.

#### 145. Edmund Pendleton to Nathaniel Pendleton, Jr. Edmundsbury, 10 October (excerpt)<sup>1</sup>

... We have seen and generally approve the Fœdral Constitution. It has some infirmities, but fewer than I expected. It preserves all the Fundamental principles of the Republican Form, wth. some proper

cautions to guard against the natural dangers annexed to that Form, to wit, Popular tumults & convulsions: And tho' we have to regret the want of signature of two respectable names in Our Delegation, the Govr.<sup>2</sup> & Colo. Mason, (For what reason I have not yet learnt) I think it will meet the Ratification of this State.

Those who expect Perfection in any System, have not reflectd. on the imbecility of human Powers, in nature & experience of all Forms & modifications of Forms in Government, which in their turns have been Found to Possess great défauts. "An Absolute Monarchy ruins the People; one limited injures the Prince: An Aristocracy creates intrigues amongst the great & oppressions of the Poor, & a Democracy produces tumults & convulsions. Nay the Speculative Ideas of it, have met the same Fate, since the Republic of Plato, the Principality of Hobbes, & the Rotation of Oceana have all been Indicted & convicted of great Infirmities: so that the search for that Perfection is as vain as that for the Universal Medicine or Philosopher's Stone," and we must be content with the best our weak Powers can Frame. . . .

1. RC, Pendleton Family Papers, Manuscripts and Archives, CtY. Endorsed "Answd. 2 Decemr 1787." Nathaniel Pendleton, Jr. (1756–1821), Edmund's nephew, was attorney general of Georgia in 1786. He was elected to the Constitutional Convention but did not attend. He served as U.S. district judge for Georgia from 1789 to 1796.

2. Edmund Randolph.

#### **146. George Washington to James Madison Mount Vernon, 10 October<sup>1</sup>**

I thank you for your letter of the 30th Ult.<sup>2</sup>—It came by the last Post.—I am better pleased that the proceedings of the Convention is handed from Congress by a unanimous vote (feeble as it is) than if it had appeared under stronger marks of approbation without it.—This apparent unanimity will have its effect.—Not every one has opportunities to peep behind the curtain; and as the multitude often judge from externals, the appearance of unanimity in that body, on this occasn., will be of great importance.—

The political tenets of Colo. Mason & Colo. R. H. L. [Richard Henry Lee] are always in unison—It may be asked which of them gives the tone?—Without hesitation, I answer the latter [i.e., former]; because the latter [i.e., former], I believe, will receive it from no one.<sup>3</sup>—He [Mason] has, I am informed, rendered himself obnoxious in Philadelphia by the pains he took to dissiminate his objections amongst some [of] the leaders of the seceding members of the legislature of that State.—His conduct is not less reprobated in this County [Fairfax].—How it will be relished, *generally*, is yet to be learnt, by me.—As far as accts. have been received from the Southern & Western Counties, the Sentiment with respect to the proceedings of the Convention is favourable—Whether

the knowledge of this, or conviction of the impropriety of withholding the Constitution from State Conventions has worked most in the breast of Col. M I will not decide; but the fact is, he has declared unequivocally (in a letter to me) for its going to the people.<sup>4</sup>—Had his sentiments however been opposed to the measure, Instructions which are given by the freeholders of this County to their representatives, would have secured his vote for it.<sup>5</sup>—Yet, I have no doubt but that this assent will be accompanied by the most tremendous apprehensions, and highest colouring, to his objections.—To alarm the people, seems to be the ground work of his plan.—The want of a qualified Navigation Act, is already declared to be a mean by which the produce of the Southern States will be reduced to nothing, & will become a monopoly of the Northern & Eastern States.—To enumerate all his objections, is unnecessary, because they are detailed in the address of the seceding members of the Assembly of Pennsylvania; which, no doubt you have seen.<sup>6</sup>—

I scarcely think that any powerful opposition will be made to the Constitution's being submitted to a Convention of the people of this State.—If it is given, it will be at that meeting—In which I hope you will make it convenient to attend;—explanations will be wanting—none can give them with more precision and accuracy than yourself.—

The Sentiments of Mr. Henry with respect to the Constitution which is submitted are not known in these parts.—Mr. Jos'h Jones (who it seems was in Alexanda. a few days before my return home) was of opinion that they would not be inimical to it—others however conceive, that as the advocate of a paper emission, he cannot be friendly to a Constn. wch. is an effectual bar.

From circumstances which have been related, it is conjectured that the Governor<sup>7</sup> wishes he had been among the subscribing members, but time will disclose more than we know at present with respect to the whole of this business; and when I hear more, I will write to you again.—

P.S. Having received (in a letter) from Colo. Mason, a detail ~~in writing~~ of his objections to the proposed Constitution I enclose you a copy of them.<sup>8</sup>

1. RC, Special Collections, Signers of the Declaration of Independence, Amherst College.

2. See CC:114.

3. Washington obviously meant to write "former" rather than "latter" since his references are all to George Mason. Madison apparently recognized the mistake, noting the fact at the bottom of the first page. Madison's note, however, is crossed out, leaving only a few words legible.

4. See CC:138.

5. See CC:140, note 3.

6. See CC:125.

7. Edmund Randolph.

8. See CC:138.

**147. Tench Coxe to Andrew Allen  
Philadelphia, 10 October (excerpt)<sup>1</sup>**

I wrote you by the Mediator. This Evening I have fixt with Messrs. Hart for receiving your childrens papers &ca. I hope from their assiduity as much as can be done in affairs of difficult nature, in a country whose business is much deranged. The relaxation of government that attends revolutions on popular principles must ever be very great and has been so in America. Hence many things which appear, and others which appear extraordinary to persons at a distance are really otherwise. . . .

I suppose you have seen our new federal Constitution. The property and Virtue of the Country are clear in favor of it. A great Majority of our Men of knowlege & Abilities are also for the adoption of it, and I am persuaded it will become our real Government in the Course of 1788. Will you remark frankly to me the exceptions against it which strike you I wod. send you a copy, but I presume it is in you[r] publick prints

1. FC, Tench Coxe Papers, Series I, Volumes and Printed Material, PHi. Allen (1740–1825) was a Pennsylvania delegate to Congress in 1775 and 1776. He opposed independence and in 1776 went over to the British lines. Two years later he was attainted for treason. In 1787 he was living in London.

**148. "A"  
Newburyport Essex Journal, 10 October<sup>1</sup>**

MR. PRINTER, So evident are the traces of wisdom and sound judgment in the Constitution lately formed by some of the best characters in the United States, that I cannot avoid anticipating our future happiness, should it be adopted.

I have neither leisure nor abilities to display the harmony of all its parts in their various connexions: I would only just observe, that we are all feelingly sensible that several European nations, particularly Great Britain, not only can, but have enacted such laws, as not only shut *their* ports against us, but, which is intolerably humiliating and distressing, have, in a sense, confined our shipping to our own harbours, refusing to take any of our produce, however necessary to themselves, but what they are the carriers of, which is the cause of an almost universal stagnation of business among all classes of men; and as this town depends principally on *Ship-building* for its subsistence, there is not a town in the Union, perhaps, which suffers more severely on this account.

The British are sensible of our national difficulties, and undoubtedly rejoice at them, well knowing we have no government, which has sufficient energy to counteract their measures, or redress our own grievances—for it is true enough, we now lie at the mercy of those whose tender mercies we have experimentally found to be cruelty in the

extreme—I only mean to say, they make use of the advantage which our want of government gives them, whereas, should this frame of government (which is a General Court of the United States, and of the same nature, nearly, with that of this state) be adopted, it will set all the springs of action in motion. The government will be able to counteract the oppressive acts of other nations respecting our trade, our own ships and seamen will be employed in exporting our own produce—This will revive ship-building; and we may soon expect to see our rivers lined, as heretofore, with new ships; this gives employment to carpenters, joiners, black-smiths, and even to every species of tradesmen—and not only so, but timber and lumber of every kind, as well as every other produce of the country will find a free vent—to which I may add this happy and agreeable circumstance, that we shall be one people, and governed by the same general laws from New-Hampshire to Georgia.

Time would fail to enumerate all the advantages of an energetic government, such an one as would raise us from the lowest degree of contempt, into which we are now plunged, to an honorable, and consequently equal station among the nations. I shall therefore close, by cautioning my countrymen to be on their guard against a certain class of men, whose only hopes of subsistence are founded on a distracted government, and universal confusion—such men there are, and they will spare no pains to influence those honest well-minded persons, who have not leisure to read and think for themselves.

*Newbury-port, Sept. [sic] 10.*

1. Reprints by 30 November (8): N.H. (1), Mass. (1), R.I. (1), Conn. (1), N.Y. (1), Pa. (2), Md. (1).

#### 149. Philadelphia Freeman's Journal, 10 October<sup>1</sup>

After all that has been spoken and written relative to the new code of government, (observes a N. York writer) it is generally allowed, that with a very few alterations, that have been already hastily suggested by anonymous writers on the subject, it will gratify the most sanguine wishes of the public. Perfection, it has been often said, is not the lot of human nature, why then must this *Magna Charta* of American liberty be supposed to come at once into the world, like Minerva out of the head of Jupiter, in every respect finished and perfect?—Be the matter as it may, no friend to the liberties of this country and the rights of the people can object to a liberal and decent discussion of a form of government which the public are yet to choose or reject, as their united wisdom shall hereafter determine, and not to saddle themselves with, merely because it may be agreeable to the men of great name and property amongst us.—I am convinced, also, that very few men of knowledge and reflection, unless interested, have already so fully made up their minds on the matter as to say that the plan proposed ought to be

adopted as it stands, without any alteration or amendment. The subject is momentous, and involves the greatest consequences.

1. Reprints by 29 October (4): Mass. (1), N.J. (1), Pa. (1), S.C. (1).

### 150. Foederal Constitution Pennsylvania Gazette, 10 October<sup>1</sup>

*To the FREEMEN of PENNSYLVANIA.*

A publication has lately appeared in several of our papers, said to be signed by *sixteen* Members of the late Assembly of Pennsylvania, which challenges a few remarks.<sup>2</sup>

The first remark that occurs is, that the paper was neither written by any *one* of them, nor signed by *all* of them. They are too illiterate to compose such an Address, and it can be proved that several of the persons whose names are subscribed to it left the city on Saturday, before there was time to collect the materials of the address, or to receive it from the *person* who is well known to have written it.<sup>3</sup>

A second remark that occurs in this place is, that there was a fixed resolution of the antifœderal junto to oppose the foederal government, *long before* it made its appearance. In the month of July last, at a meeting of this junto,<sup>4</sup> it was agreed, "that if the new constitution of Congress interfered in the least with the constitution of Pennsylvania, it ought to be opposed and rejected, and that even the name of a WASHINGTON should not carry it down." Happily it requires a reduction of the enormous expences, and some other alterations of our constitution. Hence the reason of their opposition. Had it been much more perfect, or had it, like the Jewish theocracy, been framed by the hand of the SUPREME BEING himself, it would have been equally unpopular among them, since it interferes with their expensive hobby-horse, the Constitution of Pennsylvania.

The Address, and all the opposition to the new government, originate from the officers of government, who are afraid of losing their salaries or places. This will not surprize those of us, who remember the opposition which our Independence received from a few officers of government in the years 1775 and 1776. Recollect the FRIENDLY ADDRESSES and the CATOS, which appeared in those years in all our newspapers. Remember too, that these publications came from men of as great understandings, and of more extensive influence, than Randolph, Mason or Gerry. Which of them is fit to be named with Hutchinson, Bernard, Tryon or Kemp?

The Address begins with two palpable falshoods. "We lamented (it says) at the time, that a majority of our legislature appointed men to represent this state, who were all citizens of Philadelphia, and none of them calculated to represent the landed interest of Pennsylvania."

It is a well known fact, that a seat in the Convention was offered to William Findley, and that he objected to it, because no wages were to be

connected with it.<sup>5</sup> It became, therefore, a matter of œconomy, as well as convenience, to fill up the delegation with members from Philadelphia. If this was a crime, the sixteen concurred in it, for they *all* voted for five of the delegation, and for three other men who were at that time citizens of Philadelphia, viz. Thomas M'Kean, Charles Pettit and John Bayard, Esquires.<sup>6</sup>

The story of the delegates from Pennsylvania having no interest in the landed property of the state is equally groundless with the foregoing. They are all land holders, and one<sup>7</sup> of them alone owns a greater landed estate than the whole sixteen absconders; and has for many years past punctually and justly paid more taxes on it, than are paid by the whole antifœderal junto—and, unfortunately, for the support of the men who compose this junto.

The address confesses that the sixteen absconded, to prevent the majority of the House from calling a Convention, to consider the new form of government. Is this right, Freeman of Pennsylvania?—Is it agreeable to democratic principles, that the *Minority* should govern the *Majority*?—Is not this aristocracy in good earnest?—Is it not tyranny, that a *few* should govern the *many*?—By absconding, and thereby obstructing the public business, they dissolved the constitution. They annihilated the first principles of government, and threw the commonwealth into a *state of nature*. Under these circumstances, the citizens of Philadelphia appealed to the *first* of nature's laws, viz. self-preservation. They seized two of the sixteen absconders, and compelled them to form a House by their attendance. In this they acted wisely and justly—as much so as the man who seizes a highwayman, who is about to rob him. If they were wrong in this action, then the men who drove Galloway, Skinner, Delancey, and other miscreants, from our states, by force, in the year 1776, were wrong likewise. What justified all the outrages that were committed against the tories in the beginning of the war? Nothing but the dissolution of our governments.—What was the foundation of the dissolution of these governments? Nothing but a resolution of Congress.—What determined us to establish new governments on the ruins of the old? Nothing but a recommendation of Congress.—Why, then, do these men fly in the faces of the Convention and Congress?—It was from similar bodies of men, similarly constituted, that their present form of government derived its independence. It cannot exist without a Congress—it is meet, therefore, that it should harmonize with it.

The objections to the fœderal government are weak, false and absurd. The neglect of the Convention to mention the *Liberty of the Press* arose from a respect to the state constitutions, in each of which this palladium of liberty is secured, and which is guaranteed to them as an essential part of their republican forms of government. But supposing this had not been done, the *Liberty of the Press* would have been an inherent and political right, as long as nothing was said *against* it. The Convention have said nothing to secure the privilege of eating and



drinking, and yet no man supposes that right of nature to be endangered by their silence about it.

Considering the variety of interests to be consulted, and the diversity of human opinions upon all subjects, and especially the subject of government, it is a matter of astonishment, that the government formed by the Convention has so few faults. With these faults, it is a phenomenon of human wisdom and virtue, such as the world never saw before. It unites in its different parts all the advantages, without any of the disadvantages of the three well known forms of government, and yet it preserves the attributes of a republic. And lastly, if it should be found to be faulty in any particular, it provides an easy and constitutional method of curing its faults.

I anticipate the praise with which this government will be viewed by the friends of liberty and mankind in Europe. The philosophers will no longer consider a republic as an impracticable form of government; and pious men of all denominations will thank God for having provided, in our foederal constitution, an Ark, for the preservation of the remains of the justice and liberties of the world.

Freemen of Pennsylvania, consider the characters and services of the men who made this government. Behold the venerable FRANKLIN, in the 70th year of his age, cooped up in the cabin of a small vessel, and exposing himself to the dangers of a passage on the ocean, crowded with British cruisers, in a winter month, in order to solicit from the court of France that aid, which finally enabled America to close the war with so much success and glory—and then say, is it possible that this man would set his hand to a constitution that would endanger your liberties?—From this aged servant of the public, turn your eyes to the illustrious American hero, whose name has ennobled human nature—I mean our beloved WASHINGTON.—Behold him, in the year 1775, taking leave of his happy family and peaceful retreat, and flying to the relief of a distant, and at that time an unknown part of the American continent.—See him uniting and cementing an army, composed of the citizens of thirteen states, into a band of brothers.—Follow him into the field of battle, and behold him the *first* in danger, and the *last* out of it.—Follow him into his winter quarters, and see him sharing in the hunger, cold and fatigues of every soldier in his army.—Behold his fortitude in adversity, his moderation in victory, and his tenderness and respect upon all occasions for the civil power of his country.—But above all, turn your eyes to that illustrious scene he exhibited at Annapolis in 1782 [1783], when he resigned his commission, and laid his sword at the feet of Congress, and afterwards resumed the toils of an American farmer on the banks of Potowmack.—Survey, my countrymen, these illustrious exploits of patriotism and virtue,—and then say, is it possible that the deliverer of our country would have recommended an unsafe form of government for that liberty, for which he had for eight long years contended with such unexampled firmness, constancy and magnanimity?

Pardon me, if I here ask—where were the sixteen absconders and their advisers, while these illustrious framers of our fœderal constitution were exposing their lives, and exerting their talents for your safety and happiness?—Some of them took sanctuary in offices, under the constitution of Pennsylvania, from the dangers of the year 1776, and the rest of them were either inactive, or known only on the muster-rolls of the militia during the war.

Look around you, my fellow citizens, and behold the confusion and distresses which prevail in every part of our country. Behold, from the weakness of the government of Massachusetts, the leaders of rebellion making laws to exempt *themselves* from punishment. See, in Rhode-Island, the bonds of society and the obligations of morality dissolved by paper money and tender laws.—See the flames of court-houses in Virginia, kindled by debtors to stop the course of justice.—Hear the complaints of our farmers, whose unequal and oppressive taxes in every part of the country amount to nearly the rent of their farms.—Hear too the complaints of every class of public creditors.—Look at the records of bankruptcies, that fill every news-paper.—Look at the melancholy countenances of our mechanics, who now wander up and down the streets of our cities without employment.—See our ships rotting in our harbours, or excluded from nearly all the ports in the world.—Listen to the insults that are offered to the American name and character in every court of Europe.—See order and honor every where prostrate in the dust, and religion, with all her attending train of virtues, about to quit our continent for ever.—View these things, my fellow citizens, and then say that we do not require a new, a protecting, and efficient fœderal government, if you can. The picture I have given you of the situation of our country is not an exaggerated one. I challenge the boldest enemy of the fœderal constitution to disprove any one part of it.

It is not to be wondered at, that *some* of the rulers and officers of the government of Pennsylvania are opposed to the new constitution of the United States. It will lessen their power, number and influence—for it will necessarily reduce the expences of our government from nearly 50,000l. to 10,000l. or, at most, 15,000l. a year.—I am very happy in being able to except many worthy officers of our government from concurring in this opposition. Their names, their conduct, and their characters, are well known to their Fellow Citizens, and I hope they will all be rewarded by a continuance and accumulation of public favour and confidence.

The design of this Address is not to inflame the passions of my fellow citizens. I know the feelings of the people of Pennsylvania are sufficiently keen. It becomes me not, therefore (to use the words of the Address of the sixteen absconders) to add to them, by dwelling longer “upon the distresses and dangers of our country.—I have laid a real state of facts before you. It becomes you, therefore, to judge for yourselves.”

The absconders have endeavoured to sanctify their false and seditious publication by a solemn address to the Supreme Being.—I shall conclude the truths I have written, by adopting some of their own words, with a short addition to them.—

“May He, who alone has dominion over the passions and understandings of men, preserve you from the influence of rulers, who have upon many occasions *held fellowship with iniquity, and established mischief by law.*”

The author of this Address is one of the FOUR THOUSAND Citizens of Philadelphia, and its neighbourhood, who subscribed the petition to the late Assembly, immediately to call a Convention, in order to adopt the proposed FOEDERAL CONSTITUTION.

1. Reprinted: *Philadelphia Independent Gazetteer*, 15 October; *Philadelphische Correspondenz*, 16 October; *New Jersey Brunswick Gazette*, 16 October; and the October issue of the *Philadelphia American Museum*. Excerpts, primarily of paragraphs nine through fourteen, were reprinted in twenty-five other newspapers by 6 December: N.H. (2), Mass. (7), R.I. (3), Conn. (4), N.Y. (2), Pa. (2), Md. (1), Va. (2), S.C. (2).

2. See CC:125.

3. The “person” was perhaps George Bryan. See also the headnote to CC:125 for more on the authorship of the address.

4. For this meeting and the reaction to it, see headnote to CC:40.

5. In an autobiographic letter, dated 27 February 1812, Findley corroborated this statement (*Pennsylvania Magazine of History and Biography*, V [1881], 444). Findley voted against ratification in the Pennsylvania Convention in December 1787.

6. For the votes on the election of delegates, see RCS:Pa., 117–20.

7. Probably Robert Morris.

### 151 A–C. Henry Laurens and the Constitution 11 October–29 November

#### 151–A. *Henry Laurens to William Bell*

*Mepkin Plantation, 11 October (excerpt)*<sup>1</sup>

... I have one capital objection to the System of our late convention, they have given the intended President no coercive power in the passing of Laws, therefore they had better have left his name entirely out, upon that point, the Shadow of Authority which he is at present vested with may at times produce bickerings & animosity, but can never answer any good end, they should either have given power, or entirely have omitted his name on that Subject. all the rest of the Articles amount to a great improvmt. ...

#### 151–B. *Pennsylvania Gazette, 31 October*<sup>2</sup>

A letter from Henry Laurens, Esq; of South-Carolina, an old, modest and inflexible friend of the people, speaks in the most exalted terms of the new foederal government, and laments, only, that the President General has not greater powers given to him in it.

151—C. Henry Laurens to William Bell  
*Mepkin Plantation, 29 November (excerpt)*<sup>3</sup>

. . . Is it you my friend who have paid me an unmerited Compliment in the News paper respecting my Sentiments of the new federal System? It would not have been so if I had added a few words which were upon the point of my Pen, "*but the whole requires a serious Revision.*"

According to that System, two houses are necessary to pass a Law, & the President is authorized to interpose his objections, why should We rashly embrace the System itself, the operation only of one House? None of your writers I think have remarked that the Delegates are exempt from being amenable for their conduct, at their respective Courts, this in my humble opinion is a great Blemish. I have much more to say on the Subject, but won't trouble you; don't advertise me again—Little harm or little good can the System do to me as an Individual, I am hastening out of its reach, my wishes are for posterity, yet I acknowledge the System is an "*Improvement,*" upon the present Confœderation, I do not see all the Bugbears in it which some of your writers have depicted, nevertheless in a work of such vast Importance, 'tis our duty to proceed with cautious & wise deliberation. . . .

1. FC, Laurens Papers, Letterbook, 16 July 1785–7 December 1787, ScHi. Laurens (1724–1792), a South Carolina planter and merchant, was President of Congress from 1 November 1777 to 10 December 1778. He was elected to the Constitutional Convention but refused to attend. In May 1788 he voted for ratification in the South Carolina Convention. Bell (c. 1739–1816) was a Philadelphia merchant.

2. Reprints by 29 November (12): N.H. (1), Mass. (4), Conn. (2), N.Y. (1), N.J. (1), Md. (2), S.C. (1). The Philadelphia *Independent Gazetteer*, 22 April 1788, printed an "Extract of a letter from a gentleman in Charleston, South-Carolina. . . ." which questioned the authenticity of this newspaper item and insinuated that Benjamin Rush was responsible for the "forgery."

3. FC, Laurens Papers, Letterbook, 16 July 1785–7 December 1787, ScHi.

152. Richard Henry Lee to George Washington  
 New York, 11 October<sup>1</sup>

I was unwilling to interrupt your attention to more important affairs at Phila. by sending there an acknowledgement of the letter that you were pleased to honor me with from that City;<sup>2</sup> especially as this place afforded nothing worthy of your notice. We have the pleasure to see the first Act of Congress for selling federal lands N.W of Ohio becoming productive very fast—A large sum of public securities being already paid in upon the first sales: and a new Contract is ordered to be made with a company in N. Jersey for the lands between the two Miamis that will rid us of at least 2 millions more of the public debt. There is good reason to suppose that by the next spring we shall have reduced the domestic debt near six millions of dollars. And it seems clear that the lands yet to be disposed of, if well managed, will sink the whole 30 Mil-

lions that are due. The assiduity with which the Court of London is soli[cit]ing that of Spain for the conclusion of a Commercial treaty between those powers, renders it a signal misfortune that we have not been able to get a sufficient number of the States together to produce a conclusion of the Spanish Treaty.<sup>3</sup> The state of Europe, with respect to the continuance of peace, still hangs in doubtful ballance. The finance weakness of France as G. Britain most strongly opposes war, yet the state of things is such as renders it very questionable, whether even that difficulty, great as it is, will secure the continuance of peace—It is under the strongest impressions of your goodness and candor that I venture to make the observations that follow in this letter, assuring you that I feel it among the first distresses that have happened to me in my life, that I find myself compelled by irresistible conviction of mind to doubt about the new System for federal government recommended by the late Convention.

It is Sir, in consequence of long reflection upon the nature of Man and of government, that I am led to fear the danger that will ensue to Civil Liberty from the adoption of the new system in its present form. I am fully sensible of the propriety of change in the present plan of confederation, and altho there may be difficulties, not inconsiderable, in procuring an adoption of such amendments to the Convention System as will give security to the just rights of human nature, and better secure from injury the discordant interests of the different parts of this Union; yet I hope that these difficulties are not insurmountable. Because we are happily uninterrupted by external war, or by such internal discords as can prevent peaceable and fair discussion, in another Convention, of those objections that are fundamentally strong against the new Constitution which abounds with useful regulations. As there is so great a part of the business well done already, I think that such alterations as must give very general content, could not long employ another Convention when provided with the sense of the different States upon those alterations.

I am much inclined to believe that the amendments generally thought to be necessary, will be found to be of such a nature, as tho they do not oppose the exercise of a very competent federal power; are yet such as the best Theories on Government and the best practise upon those theories have found necessary. At the same time that they are such as the opinions of our people have for ages been fixed on. It would be unnecessary for me here to enumerate particulars as I expect the honor of waiting on you at Mount Vernon in my way home early in November.<sup>4</sup>

[P.S.] If the next Packets should bring us any important advices from Europe I will communicate them to you immediately—

1. RC, Washington Papers, DLC.

2. Washington to Lee, 19 July (Fitzpatrick, XXIX, 249–50).

3. For the treaty negotiations with Spain, see CC:46.

4. Lee did not enclose a copy of his proposed amendments as he had in letters to several prominent Antifederalists, nor is there any evidence that he gave Washington a copy when he visited Mount Vernon on 11–12 November.

### 153. Cato II

#### New York Journal, 11 October

This essay answers “Cæsar” I (CC:121) who had attacked “Cato” I (CC:103). For replies to “Cato” II, see “Cæsar” II (CC:169) and “Curtius” II, *New York Daily Advertiser*, 18 October.

“Cato” II was reprinted in the *Philadelphia Freeman’s Journal*, 17 October; *Boston American Herald*, 22 October; and *Albany Gazette*, 25 October. For authorship, see CC:103.

To the CITIZENS of the STATE of NEW-YORK.

“Remember, O my friends! the laws, the rights,  
 “The generous plan of power deliver’d down,  
 “By your renown’d Forefathers;  
 “So dearly bought, the price of so much blood!  
 “O let it never perish in your hands!  
 “But piously transmit it to your children.”

The object of my last address to you was to engage your dispassionate consideration of the new Fœderal government; to caution you against precipitancy in the adoption of it; to recommend a correction of its errors, if it contained any; to hint to you the danger of an easy perversion of some of its powers; to solicit you to separate yourselves from party, and to be independent of and uninfluenced by any in your principles of politics: and, that address was closed with a promise of future observations on the same subject which should be justified by reason and truth. Here I intended to have rested the introduction, but a writer under the signature of CÆSAR, in Mr. Childs’s paper of the 1st instant, who treats you with passion, insult, and threat has anticipated those observations which would otherwise have remained in silence until a future period. It would be criminal in me to hesitate a moment to appear as your advocate in so interesting a cause, and to resist the influence of such doctrines as this Cæsar holds.—I shall take no other cognizance of his remarks on the *questionable* shape of my future, or the *equivocal* appearance of my past reflections, than to declare, that in my past I did not mean to be misunderstood (for Cæsar himself declares, that it is obviously the language of distrust) and that in my future there will not be the semblance of doubt. But, what is the language of Cæsar—he ridicules your prerogative, power, and majesty—he talks of this *proffered constitution* as the tender mercy of a benevolent sovereign to deluded subjects, or, as his tyrant name-sake, of his proffered grace to the virtuous Cato:—he shuts the door of free deliberation and discussion, and declares, that you must receive this government in manner and form as

it is *proffered*—that you cannot revise nor amend it, and lastly, to close the scene, he insinuates, that it will be more healthy for you that the American Fabius should be induced to accept of the presidency of this new government than that, in case you do not acquiesce, he should be solicited to command an army to impose it on you. Is not your indignation roused at this absolute, imperious stile?—For what did you open the veins of your citizens and expend their treasure?—For what did you throw off the yoke of Britain and call yourselves independent?—Was it from a disposition fond of change, or to procure new masters?—if those were your motives, you have your reward before you—go,—retire into silent obscurity, and kiss the rod that scourges you—bury the prospects you had in store, that you and your posterity would participate in the blessings of freedom, and the employments of your country—let the rich and insolent alone be your rulers—perhaps you are designed by providence as an emphatic evidence of the mutability of human affairs, to have the shew of happiness only, that your misery may seem the sharper, and if so, you must submit. But, if you had nobler views, and you are not designed by heaven as an example—are you now to be derided and insulted?—is the power of thinking, on the only subject important to you, to be taken away? and if per chance you should happen to dissent from Cæsar, are you to have Cæsar’s principles crammed down your throats with an army?—God forbid!

In democratic republics the people collectively are considered as the sovereign—all legislative, judicial, and executive power, is inherent in and derived from them. As a people, your power and authority have sanctioned and established the present government—your executive, legislative, and judicial acknowledge it by their public acts—you are again solicited to sanction and establish the future one—yet this Cæsar mocks your dignity and laughs at the majesty of the people. Cæsar, with his usual dogmatism, enquires, if I had talents to throw light on the subject of legislation, why did I not offer them when the Convention was in session?—he is answered in a moment—I thought with him and you, that the wisdom of America, in that Convention, was drawn as it were to a Focus—I placed an unbounded confidence in some of the characters who were members of it, from the services they had rendered their country, without adverting to the ambitious and interested views of others. I was willingly led to expect a model of perfection and security that would have astonished the world. Therefore, to have offered observation, on the subject of legislation, under these impressions, would have discovered no less arrogance than Cæsar. The Convention too, when in session, shut their doors to the observations of the community, and their members were under an obligation of secrecy—Nothing transpired—to have suggested remarks on unknown and anticipated principles would have been like a man groping in the dark, and folly in the extreme. I confess, however, I have been disap-

pointed, and Cæsar is candid enough to make the same declaration, for he thinks it *might* have been more perfect.

But to call in dispute, at this time, and in the manner Cæsar does, the right of free deliberation on this subject, is like a man's propounding a question to another, and telling him, at the same time, that if he does not answer agreeable to the opinion of the propounder, he will exert force to make him of the same sentiment:—to exemplify this, it will be necessary to give you a short history of the rise and progress of the Convention, and the conduct of Congress thereon. The states in Congress suggested, that the articles of confederation had provided for making alterations in the confederation—that there were defects therein, and as a mean to remedy which, a Convention of delegates, appointed by the different states, was resolved expedient to be held for the sole and express purpose of revising it, and reporting to Congress and the different legislatures such alterations and provisions therein as should (when agreed to in Congress and confirmed by the several states) render the foederal constitution adequate to the exigencies of government.<sup>1</sup> This resolution is sent to the different states, and the legislature of this state, with others, appoint, in conformity thereto, delegates for the purpose, and in the words mentioned in that resolve, as by the resolution of Congress, and the concurrent resolutions of the senate and assembly of this state, subjoined, will appear.<sup>2</sup> For the sole and express purpose aforesaid a Convention of delegates is formed at Philadelphia:—what have they done? have they revised the confederation, and has Congress agreed to their report?—neither is the fact.—This Convention have exceeded the authority given to them, and have transmitted to Congress a new political fabric, essentially and fundamentally distinct and different from it, in which the different states do not retain separately their sovereignty and independency, united by a confederated league—but one entire sovereignty—a consolidation of them into one government—in which new provisions and powers are not made and vested in Congress, but in an assembly, senate, and president, who are not known in the articles of confederation.—Congress, without agreeing to, or approving of, this system *proffered* by the Convention, have sent it to the different legislatures, not for their confirmation, but to submit it to the people; not in conformity to their own resolution, but in conformity to the resolution of the Convention made and provided in that case. Was it then, from the face of the foregoing facts, the intention of Congress, and of this and the other states, that the essence of our present national government should be annihilated, or that it should be retained and only had an increase of substantial necessary power? Congress, sensible of this latter principle, and that the Convention had taken on themselves a power which neither they nor the other states had a right to delegate to them, and that they could not agree to, and approve of this consolidated system, nor the states confirm it—have



been silent on its character; and though many have dwelt on their unanimity, it is no less than the unanimity of opinion that it originated in an assumption of power, which your voice alone can sanctify. This new government, therefore, founded in usurpation, is referred to your opinion as the origin of power not heretofore delegated, and, to this end, the exercise of the prerogative of free examination is essentially necessary; and yet you are unhesitatingly to acquiesce, and if you do not, the American Fabius, if we may believe Cæsar, is to command an army to impose it. It is not my view to rouse your passions, I only wish to excite you to, and assist you in, a cool and deliberate discussion of the subject, to urge you to behave like sensible freemen. Think, speak, act, and assert your opinions and rights—let the same good sense govern you with respect to the adoption of a future system for the administration of your public affairs that influenced you in the formation of the present.—Hereafter I do not intend to be diverted by either Cæsar, or any other—My object is to take up this new form of national government—compare it with the experience and the opinions of the most sensible and approved political authors—and to shew, that its principles, and the exercise of them, will be dangerous to your liberty and happiness.

1. See CC:1.

2. See CDR, 209–13.

#### 154. *Virginia Herald*, 11 October<sup>1</sup>

A correspondent observes, that there cannot be a greater proof of the virtue of our countrymen in the late Federal Convention, than the constitution which they have exhibited to the states, as the result of their deliberations. The expediency of the plan of government which they have proposed arises from the provisions which they have so judiciously made for preventing insurrections against the laws, and for procuring obedience to the federal constitution. We have seen with how much contempt the resolutions of our Congress have been treated, when they have laid before the states, in the most expressive terms, the necessity of adopting certain measures which they have proposed. We have seen their propositions laughed at, and their plans totally disregarded. Even the treaties which they solemnly entered into, have been infringed by the positive and deliberate acts of a state legislature. The consequence of which was, that our credit in Europe began so rapidly to decline, that our ministers were viewed with the utmost contempt by the foreign courts. To remedy all these evils has been the object of the Federal Convention. They appear to have proposed a plan which will have a certain tendency to effect it, if it be adopted by all the states.

1. Reprints by 17 January 1788 (5): Conn. (2), Pa. (2), S.C. (1).

**155. Charles Tillinghast to Hugh Hughes**  
**New York, 12 October (excerpt)<sup>1</sup>**

... You will no doubt observe a Paragraph, under the Philadelphia Head, informing that a certain John Franklin &c—The writer has artfully linked the 19 seceding Members with Franklin. The truth is, that Franklin was apprehended by order of the supreme executive Council, for treasonable practices against the State—but the manner in which the information is ushered to the Public, holds up an idea that the 19 members are also to be impeached.<sup>2</sup>—Such is the effect of the *conventional party spirit*.—

Oswald, was the only Printer who *dare* print the address of the seceding Members to their Constituents:—some of the *new Constitution* Gentry waited on him, and told him, that if he published *such pieces*, they would with draw their subscriptions; He replied, that they were very welcome, if they would first be pleased to discharge arrearages; for that whatever might be his *own sentiments*, yet his *Press was Free*, and he would *support its Freedom*—They knew him too well not to be convinced that he would not be frightened by any Threats which they might make use of, or it is highly probable, they would have held out to him some kind of Punishment.<sup>3</sup>

A Mr. Mason, who was a delegate to the Convention, from Virginia, has, since the Convention broke up, been through the back Counties of that State, haranguing the Inhabitants, and pointing out the dangerous effects or consequences which would inevitably flow from the new Constitution—He is now, it is said, gone into North Carolina, on the same Business, and means to sound the Alarm through the southern States—I am told by the General,<sup>4</sup> that he has seen his, (Mason's) objections to the new Constitution, in Manuscript, (I suppose at the CHIEF'S<sup>5</sup>)—he says, that his objections discover him to be a Man of the first rate Understanding<sup>6</sup>—It is said that he is very popular in Virginia, and, in point of Wealth, equal to any in that State.—

I wish that I could write in *Cyphers* as many things daily occur, and I frequently have some information, which I wish to communicate to you, that I dare not commit to *common* Writing.

One Piece of information more, before I close, I must give you, which is, that the executive Council have ordered the Persons who broke into the Lodgings of two of the seceding Members, to be prosecuted.<sup>7</sup> The *Morrissonian Party*,<sup>8</sup> have gone so far as to threaten the *executive*, if they should persist in the prosecution—this information is true you may depend, and I would, if it was safe, tell you by whom it was given.

The quantity of news, must excuse for the badness of the writing, as I have not time, at present, to be particular as to the Penmanship of this Letter, and I wanted to give you all the information, with respect to Pol-

iticks, that I could, I have been obliged to write as fast as my Fingers would move—

I have been so deeply engaged in writing the Politicks or news of the Day, that I did not observe, until looking back, that I have not said all I intended, in answer to your very affectionate interrogations respecting my Health— [The remainder of the letter is missing.]

1. RC (incomplete), Hughes Papers, DLC. Tillinghast (c. 1748–1795), a New York City merchant and distiller, was John Lamb's son-in-law. Hughes (1727–1802), a Dutchess County, N.Y., landholder, had served as Continental deputy quartermaster general during the Revolution. Tillinghast had been his assistant. In 1787 Hughes was also serving as tutor for Lamb's sons.

2. A paragraph in the New York *Daily Advertiser*, 11 October (reprinted from the Philadelphia *Independent Gazetteer*, 6 October, Mfm:Pa. 108), stated that John Franklin, a Pennsylvania assemblyman from Luzerne County, had been arrested and was to be “impeached with the infamous nineteen members, who had the audacity to attempt the breaking up of the late House of Assembly, at the last session. . . .” For Franklin and the violence in Pennsylvania's Wyoming Valley, see CC:94. For the address of the seceding assemblymen, see CC:125–A.

3. For a similar incident on 3 November, see “Philadelphiensis” I (CC:237–A).

4. John Lamb, a leader of New York's Antifederalists.

5. Governor George Clinton.

6. For Mason's objections to the Constitution, see CC:138.

7. For the Supreme Executive Council's actions, see RCS:Pa., 111 and Mfm: Pa. 91.

8. The Republican Party led by Robert Morris.

## 156 A–B. Baptists and the Constitution

The Philadelphia Baptist Association, comprising churches in the Middle States, met in New York City from 2 to 5 October. After transacting its regular business, the Association adopted a circular letter endorsing the Constitution. This letter and the Association's minutes were printed for distribution to Baptist congregations (Evans 20218).

The Baptist ministers were both praised and attacked for their stance. “Curtius” III applauded them for “their public and warmest commendations” (New York *Daily Advertiser*, 3 November, supplement), while a Connecticut correspondent praised them for “their love of order and government. . . . Call them no longer Enthusiasts!” (*Connecticut Courant*, 5 November). Others believed that the circular letter demonstrated that all Baptist churches in the Eastern and Middle states “are much in favour of the new Federal Constitution” (*Worcester Magazine*, last week October 1787. See also “Extract of a Rhode Island letter,” *Pennsylvania Gazette*, 21 November, CC:279–B.).

“A Baptist” criticized the Association for expressing an opinion on a political question (*New York Journal*, 30 November). Another writer, also styling himself “A Baptist,” doubted that the circular letter represented the opinion of all Baptists (Philadelphia *Freeman's Journal*, 6 February 1788, Mfma:Pa. 404).

### 156–A. Meeting of Philadelphia Association of Baptist Churches New York Packet, 12 October<sup>1</sup>

FROM A CORRESPONDENT.

Last week the BAPTIST Churches belonging to the middle States, convened in association in this city. After finishing the particular business

on which they met as a *religious* body, it was agreed to incorporate with their general circular letter, the following recommendation to their people of the proposed plan of the *Fœderal Government*—which has been handed to the Printers by a correspondent, and redounds much to their honor as a society.

After congratulating their brethren on the great increase of their churches the year past—they proceed, “we also congratulate you on the kind interposition of Divine Providence visible in that happy unanimity which obtained among the members of the late Fœderal Convention, to agree upon, and report to the States in this union, a form of Fœderal Government, which promises, on its adoption, to rescue our dear country from that national dishonor, injustice, anarchy, confusion and bloodshed, which have already resulted from the weakness and inefficiency of the *present* form, and which we have the greatest reason to fear is but the beginning of sorrows, unless the people lay hold on this favourable opportunity offered to establish an EFFICIENT government; which, we hope may, under God, secure our invaluable rights, both civil and religious, and which it will be in the power of the great body of the people, if hereafter found necessary, to controul and amend.”

156-B. *James Manning to Isaac Backus*  
*Providence, 31 October (excerpts)*<sup>2</sup>

Lordsday last I returned from New York and have had a most agreeable tour—We had a very agreeable Association, as you will learn by the minutes, which I herewith inclose you. . . . It is my request & that of other friends that the Minutes should be read publicly in all the Congregations, not only that the people at large may be acquainted with this design; but that by the notice taken of the new form of the federal Governmt.; recommended by the Convention, our friends in New England may see the remarkable Unanimity of our western Brethren in the Adoption of it—It is the general opinion wt: our friends westrd that the Sword will soon be again Stained with Civil blood, if it is not adopted—Probably your interest may place one, at least in the Convention who may be for it. . . .

1. Reprints, in whole or in part, by 1 December (32): N.H. (1), Mass. (5), R.I. (3), Conn. (5), N.Y. (4), N.J. (2), Pa. (6), Del. (1), Md. (2), Va. (1), S.C. (1), Ga. (1).

2. RC, Backus Papers, Andover Newton Theological School, Newton Centre, Mass. Manning (1738–1791) was the first president of Rhode Island College (Brown University) and was pastor of the First Baptist Church of Providence. He was moderator of the meeting of the Philadelphia Association of Baptist Churches in New York mentioned in the preceding newspaper report. Backus (1724–1806), a Baptist minister at Middleborough, Mass., was a leader in the fight for religious liberty. He represented Middleborough in the state Convention, where he voted to ratify the Constitution in February 1788.

### 157. An Old Whig I Philadelphia Independent Gazetteer, 12 October<sup>1</sup>

Eight essays signed "An Old Whig" were published in the *Philadelphia Independent Gazetteer* between 12 October 1787 and 6 February 1788. Only the last two essays were numbered. Numbers IV and V were published as broadsides by Eleazer Oswald of the *Independent Gazetteer*. "An Old Whig" was not widely reprinted. Only number IV was reprinted in as many as four newspapers; no newspaper reprinted all eight essays, although the *New York Journal* published the first seven.

William Shippen, Jr. believed that both "An Old Whig" and "Centinel" were written "by a club"—George Bryan, John Smilie, James Hutchinson, and others (to Thomas Lee Shippen, 22 November, RCS:Pa., 288), but an unidentified Pennsylvanian claimed that Bryan alone wrote both series (*Pennsylvania Gazette*, 31 October, Mfm:Pa. 178).

Pennsylvania Federalists did not publish a single substantive criticism of "An Old Whig." For examples of replies, see a satire signed "An Old Whig," *Independent Gazetteer*, 15 October (Mfm:Pa. 133), and "Gomez," *Pennsylvania Gazette*, 26 December (Mfm:Pa. 291).

Pennsylvania Antifederalists praised the essays. Francis Murray stated that "An Old Whig" II–III and other Antifederalist essays "greatly changed" his sentiments about the Constitution (to John Nicholson, 1 November, RCS:Pa., 207). "Philadelphensis" I and "Aristocrotis" (William Petrikin) admired "An Old Whig's" courage for speaking out as a freeman (*Independent Gazetteer*, 7 November, CC:237–A, and c. April 1788, Mfm:Pa. 661).

Outside Pennsylvania, criticism of "An Old Whig" was confined almost entirely to the *Massachusetts Centinel*. On 27 October Benjamin Russell, the *Centinel's* publisher, reprinted "An Old Whig" I in an effort to refute criticism that he was boycotting Antifederalist material. (See CC:131.) To counteract this reprinting, Russell published three Federalist answers to "An Old Whig" in his next issue on 31 October—"Poplicola," "Examiner," and a short unsigned statement. Another brief unsigned reply appeared in the *Centinel* on 12 December.

MR. PRINTER, I am one of those who have long wished for a federal government, which should have power to protect our trade and provide for the general security of the United States. Accordingly, when the constitution proposed by the late convention made its appearance, I was disposed to embrace it almost without examination; I was determined not to be offended with trifles or to scan it too critically. "We want something: let us try this; experience is the best teacher: if it does not answer our purpose we can alter it: at all events it will serve for a beginning." Such were my reasonings;—but, upon further reflection, I may say that I am shaken with very considerable doubts and scruples, I want a federal constitution; and yet I am afraid to concur in giving my consent to the establishment of that which is proposed. At the same time I really wish to have my doubts removed, if they are not well founded. I shall therefore take the liberty of laying some of them before the public, through the channel of your paper.

In the first place, it appears to me that I was mistaken in supposing that we could so very easily make trial of this constitution and again change it at our pleasure. The conventions of the several states cannot

propose any alterations—they are only to give their *assent and ratification*. And after the constitution is once ratified, it must remain fixed until two thirds of both the houses of Congress shall deem it necessary to propose amendments; or the legislatures of two thirds of the several states shall make application to Congress for the calling a convention for proposing amendments, which amendments shall not be valid till they are ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as one or the other mode of ratification may be proposed by Congress.—This appears to me to be only a cunning way of saying that no alteration shall ever be made; so that whether it is a good constitution or a bad constitution, it will remain forever unamended. Lycurgus, when he promulgated his laws to the Spartans, made them swear that they would make no alterations in them until he should return from a journey which he was then about to undertake:—He chose never to return, and therefore no alterations could be made in his laws. The people were made to believe that they could make trial of his laws for a few months or years, during his absence, and as soon as he returned they could continue to observe them or reject at pleasure. Thus this celebrated Republic was in reality established by a trick. In like manner the proposed constitution holds out a prospect of being subject to be changed if it be found necessary or convenient to change it; but the conditions upon which an alteration can take place, are such as in all probability will never exist. The consequence will be that, when the constitution is once established, it never can be altered or amended without some violent convulsion or civil war.

The conditions, I say, upon which any alterations can take place, appear to me to be such as never will exist—two thirds of both houses of Congress or the legislatures of two thirds of the states, must agree in desiring a convention to be called. This will probably never happen; but if it should happen, then the convention may agree to the amendments or not as they think right; and after all, three fourths of the states must ratify the amendments.—Before all this labyrinth can be traced to a conclusion, ages will revolve, and perhaps the great principles upon which our late glorious revolution was founded, will be totally forgotten. If the principles of liberty are not firmly fixed and established in the present constitution, in vain may we hope for retrieving them hereafter. People once possessed of power are always loth to part with it; and we shall never find two thirds of a Congress voting or proposing any thing which shall derogate from their own authority and importance, or agreeing to give back to the people any part of those privileges which they have once parted with—so far from it; that the greater occasion there may be for a reformation, the less likelihood will there be of accomplishing it. The greater the abuse of power, the more obstinately is it always persisted in. As to any expectation of two thirds of the legislatures concurring in such a request, it is if possible, still more remote. The legislatures of the states will be but forms and shadows, and it will

be the height of arrogance and presumption in them, to turn their thoughts to such high subjects. After this constitution is once established, it is too evident that we shall be obliged to fill up the offices of assemblymen and councillors, as we do those of constables, by appointing men to serve whether they will or not, and fining them if they refuse. The members thus appointed, as soon as they can hurry through a law or two for repairing highways or impounding cattle, will conclude the business of their sessions as suddenly as possible; that they may return to their own business.—Their heads will not be perplexed with the great affairs of state—We need not expect two thirds of them ever to interfere in so momentous a question as that of calling a Continental convention.—The different legislatures will have no communication with one another from the time of the new constitution being ratified, to the end of the world. Congress will be the great focus of power as well as the great and only medium of communication from one state to another. The great, and the wise, and the mighty will be in possession of places and offices; they will oppose all changes in favor of liberty; they will steadily pursue the acquisition of more and more power to themselves and their adherents. The cause of liberty, if it be now forgotten, will be forgotten forever.—Even the press which has so long been employed in the cause of liberty, and to which perhaps the greatest part of the liberty which exists in the world is owing at this moment; the press may possibly be restrained of its freedom, and our children may possibly not be suffered to enjoy this most invaluable blessing of a free communication of each others sentiments on political subjects—Such at least appear to be some men's fears, and I cannot find in the proposed constitution any thing expressly calculated to obviate these fears; so that they may or may not be realized according to the principles and dispositions of the men who may happen to govern us hereafter. One thing however is calculated to alarm our fears on this head;—I mean the fashionable language which now prevails so much and is so frequent in the mouths of some who formerly held very different opinions;—**THAT COMMON PEOPLE HAVE NO BUSINESS TO TROUBLE THEMSELVES ABOUT GOVERNMENT.** If this principle is just the consequence is plain that the common people need no information on the subject of politics. Newspapers, pamphlets and essays are calculated only to mislead and inflame them by holding forth to them doctrines which they have no business or right to meddle with, which they ought to leave to their superiors. Should the freedom of the press be restrained on the subject of politics, there is no doubt it will soon after be restrained on all other subjects, religious as well as civil. And if the freedom of the press shall be restrained, it will be another reason to despair of any amendments being made in favor of liberty, after the proposed constitution shall be once established. Add to this, that under the proposed constitution, it will be in the power of the Congress to raise

and maintain a standing army for their support, and when they are supported by an army, it will depend on themselves to say whether any amendments shall be made in favor of liberty.

If these reflections are just it becomes us to pause, and reflect previously before we establish a system of government which cannot be amended; which will entail happiness or misery on ourselves and our children. We ought I say to reflect carefully, we ought not by any means to be in haste; but rather to suffer a little temporary inconvenience, than by any precipitation to establish a constitution without knowing whether it is right or wrong, and which if wrong, no length of time will ever mend. Scarce any people ever deliberately gave up their liberties; but many instances occur in history of their losing them forever by a rash and sudden act, to avoid a pressing inconvenience or gratify some violent passion of revenge or fear. It was a celebrated observation of one of our Assemblies before the revolution, during their struggles with the proprietaries, that "those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

For the present I shall conclude with recommending to my countrymen not to be in haste, to consider carefully what we are doing. It is our own concern; it is our own business; let us give ourselves a little time at least to read the proposed constitution and know what it contains; for I fear that many, even of those who talk most about it have not even read it, and many others, who are as much concerned as any of us, have had no opportunity to read it. And it is certainly a suspicious circumstance that some people who are presumed to know most about the new constitution seem bent upon forcing it on their countrymen without giving them time to know what they are doing.

Hereafter I may trouble you further on some other parts of this important subject; but I fear this letter is already too long.

1. Reprinted: *Massachusetts Centinel*, 27 October and *New York Journal*, 27 November.

### 158. Philadelphia Independent Gazetteer, 13 October<sup>1</sup>

A correspondent observes that, the opposers of the federal constitution are secretly affecting delay in order to prevent its adoption—In the mean time, they are moving heaven and earth to prejudice the public mind against it—They do not reason, but abuse—General *Washington*, they (in effect) say, is a dupe, and Doctor *Franklin*, an old fool—vide the *Centinel*.<sup>2</sup>—They will doubtless in their next publications, assert that *Daniel Shays* is the best patriot in the United States, and that *John Franklin* should be king of Pennsylvania.

He further observes, that as delay is the means by which they are contriving to carry their point—They are about sending deputies to find out *Lycurgus*, the antient law-giver of the Spartans, whose death has



never been clearly ascertained—Their errand is to invite him among us, that he may form another federal constitution—That until *Lycurgus shall come*, it will not be proper to adopt the constitution proposed by the convention, as he having lived two thousand years, will be able to frame a better one<sup>3</sup>—They have agreed that *when he shall come*, they will renounce their offices as too profitable for his frugal plan of government, or will at least take their fees and salaries in iron, instead of gold and silver, pound for pound—But *until Lycurgus come*, they will hold their present offices and take their fees and salaries in gold and silver, as will be very convenient.

He further asks, whether any man of common sense, believes we shall have another federal convention if the present plan is not adopted? Whether the complying states can believe Pennsylvania to be serious in her federal professions, if she rejects a plan recommended by men so experienced, able and upright, as the late convention, especially after so full a consideration of the subject.

He is curious to know what men will be named who are likely to form a better plan—and whether the nineteen seceding members, the *Centinel* and the *Old Whig*, are to be of the number<sup>4</sup>—lastly, if they are, whether they are prepared to give security to their constituents that they will not desert their duty and make another secession when the salvation of their country depends on their keeping their posts.

1. Reprints by 1 December (6): Mass. (2), N.Y. (2), S.C. (1), Ga. (1).

2. "Centinel" I, 5 October, CC:133.

3. Perhaps an answer to the manner in which "An Old Whig" I (CC:157) referred to Lycurgus.

4. CC:125–A, 133, and 157, respectively.

### 159. James Madison to George Washington New York, 14 October (excerpt)<sup>1</sup>

The letter herewith inclosed was put into my hands yesterday by Mr. de Crœvecuœr who belongs to the Consular establishment of France in this Country. I add to it a pamphlet which Mr. Pinkney has submitted to the public, or rather as he professes, to the perusal of his friends; and a printed sheet containing his ideas on a very delicate subject; too delicate in my opinion to have been properly confided to the press.<sup>2</sup> He conceives that his precautions against any farther circulation of the piece than he himself authorises, are so effectual as to justify the step. I wish he may not be disappointed. In communicating a copy to you I fulfil his wishes only.

No decisive indications of the public mind in the Northn. & Middle States can yet be collected. The Reports continue to be rather favorable to the Act of the Convention from every quarter; but its adversaries will naturally be latest in shewing themselves. Boston is certainly friendly. An opposition is known to be in petto in Connecticut; but it is said not

to be much dreaded by the other side. Rhode Island will be divided on this subject in the same manner as it has been on the question of paper money. The Newspapers here have contained sundry publications animadverting on the proposed Constitution & it is known that the Government party are hostile to it. There are on the other side so many able & weighty advocates, and the conduct of the Eastern States if favorable, will add so much force to their arguments, that there is at least as much ground for hope as for apprehension. I do not learn that any opposition is likely to be made in N. Jersey. The temper of Pennsylvania will be best known to you from the direct information which you cannot fail to receive through the Newspapers & other channels. . . .

1. RC, Washington Papers, DLC. Printed: Rutland, *Madison*, X, 194–95.

2. The pamphlet was South Carolinian Charles Pinckney's *Observations on the Plan of Government Submitted to the Federal Convention . . .* (New York, [1787], Evans 20649). It was advertised for sale in the New York *Daily Advertiser* on 16 October and was reprinted in whole or in part in seven newspapers. (For a text of the plan Pinckney presented to the Convention on 29 May, see CDR, 246–47.)

The "printed sheet," enclosed by Madison, was a four-page broadside entitled *Mr. Charles Pinckney's Speech, in Answer to Mr. Jay, Secretary for Foreign Affairs, on the Question of a Treaty with Spain, Delivered in Congress, August 16, 1786* (n.p., n.d., Evans 19926). Madison also sent copies of the pamphlet and the broadside to Thomas Jefferson (Rutland, *Madison*, X, 218).

### 160. George Washington to Henry Knox Mount Vernon, 15 October<sup>1</sup>

Your favor of the 3d. inst. came duly to hand.—

The fourth day after leaving Phila. I arrived at home, and found Mrs. Washington and the family tolerably well, but the fruits of the Earth almost entirely destroyed by one of the severest droughts (in this neighbourhood) that ever was experienced.—The Crops generally, below the Mountains are injured; but not to the degree that mine, & some of my neighbours, are here.

The Constitution is now before the judgment seat.—It has, as was expected, its advisaries, and its supporters, which will preponderate is yet to be decided.—The former, it is probable, will be most active, because the Major part of them it is to be feared will be governed by sinister and self important considerations on which no arguments will work conviction—the opposition from another class of them (if they are men of reflection, information and candour) may perhaps subside on the solution of the following plain, but important questions. 1. Is the Constitution which is submitted by the Convention preferable to the government (if it can be called one) under which we now live?—2. Is it probable that more confidence will, at this time, be placed in another Convention (should the experiment be tried) than was given to the last? and is it likely that there would be a better agreement in it? [3.] Is there not a Constitutional door open for alterations and amendments; & is it not

probable that real defects will be as readily discovered after, as before, trial? and will not posterity be as ready to apply the remedy as ourselves, if there is occasion for it, when the mode is provided?—To think otherwise will, in my judgment, be ascribing more of the *amor patriæ*—more wisdom—and more foresight to ourselves, than I conceive we are entitled to.—

It is highly probable that the refusal of our Govr.<sup>3</sup> & Colo. Mason to subscribe to the proceedings of the Convention will have a bad effect in this State; for as you well observe, they *must* not only assign reasons for the justification of their conduct, but it is highly probable these reasons will appear in terrific array, with a view to alarm the people—Some things are already addressed to their fears and will have their effect.—As far however as the sense of *this* part of the Country has been taken it is strongly in favor of the proposed Constitution.—further I cannot speak with precision.—If a powerful opposition is given to it the weight there-of will, I apprehend, come from the Southward of James River, & from the Western Counties.

1. RC (photostat), Washington Papers, DLC. The letter is a reply to Knox's letter of 3 October (CC:126).

2. At this point in his letterbook copy, Washington wrote "what would be the consequences if these should not happen, or even from the delay which must inevitably follow such an experiment?" (Washington Papers, DLC).

3. Edmund Randolph.

### 161. Boston Gazette, 15 October<sup>1</sup>

A correspondent observes,—there are no objections that may be raised against the *federal Constitution*, proposed by the late Honorable Convention, but what may be urged against any form of government whatever—and to reject this constitution, is little short of reverting to a state of nature, and every man's saying, "*to your tents O Israel.*"

The *husbandman*, the *mechanick*, the *sailor*, the *labourer*, the *trader*, the *merchant* and the *man of independent fortune* are all equally concerned in forwarding the American Constitution; for nothing short of a firm efficient continental government can dissipate the gloom that involves every man's present prospect, and give permanence to any plans of business or pursuit that can be laid.—The *husbandman* finds no encouragement to encrease his stock and produce, for he finds no vent for them—the *mechanick* stands idle half his time, or gets nothing for his work but truck—half our *sailors* are out of business—the *labourer* can find no employ—our *traders* involved in debt, while they can command nothing that is due to them—our *merchants* have been sinking money ever since the peace, for want of a commercial treaty, and the wealth of those few individuals who have large sums in cash by them, lies dormant for want of encouragement to loan it, under the security of just

and equal laws.—All these evils will gradually subside, till they finally disappear, if we have but wisdom and firmness speedily to adopt the New Federal Constitution.

1. Reprints by 7 January 1788 (22): N.H. (3), Mass. (3), R.I. (2), Conn. (1), N.Y. (3), N.J. (2), Pa. (4), Md. (2), Va. (1), S.C. (1).

## 162. Marcus

New York Daily Advertiser, 15 October<sup>1</sup>

*The INTERESTS of this STATE.*

It is the Interest of the Merchants to encourage the New Constitution, because Commerce may then be a national object, and nations will form treaties with us.

It is the Interest of the Mechanics to join the mercantile interest; because it is not their interest to quarrel with their *bread and butter*.

It is the Interest of the Farmer, because the prosperity of Commerce gives vent to his produce, raises the value of his lands, and commercial duties will alleviate the burthen of his taxes.

It is the Interest of the Landholder, because thousands in Europe, with moderate fortunes, will migrate to this country, if an efficient Government gives them a prospect of tranquillity.

It is the Interest of all Gentlemen and Men of Property, because they will see many low Demagogues reduced to their *tools*, whose upstart dominion insults their feelings, and whose passion for popularity will dictate laws,<sup>(a)</sup> which ruin the minority of the Creditors, and please the majority of Debtors.

It is the Interest of all Public Creditors, because they will see the credit of the States<sup>2</sup> rise, and their Securities appreciate.

It is the Interest of the American Soldier, as the military profession will then be respectable, and the Floridas may be conquered in a campaign. The spoils of the West-Indies and South-America may enrich the next generation of Cincinnati.

It is the Interest of the Lawyers who have ability and genius, because the dignities in the Supreme Court will interest professional ambition, and create emulation which is not felt now. The dignities of the State Court, a Notary or the prosecutor of a bond will not aspire to, which has cheapened their value. Men also have enjoyed them without professional knowledge, and who are only versed in the abstract and learned science of the *plough*.

It is the Interest of the Clergy, as civil tumults excite every bad passion—the soul is neglected, and the Clergy starve.

It is the interest of all men, whose education has been liberal and extensive; because there will be a theatre for the display of talents, which have no influence in State Assemblies, where eloquence is treated with contempt, and reason overpowered by a *silent vote*.

It is *not* the Interest of those who enjoy State consequence, which would be lost in the Assemblies of the States. These insects and worms are only seen on their own dunghill. There are minds whose narrow vision can look over the concerns of a State or Town, but cannot extend their short vision to Continental concerns. Manners are essential in such a Government, and where the Union is represented, care should be taken to impress the other States with respectable opinions, and if this becomes a principle they must remain at home, and not presume to these national dignities.

(a) *Citation Laws*.<sup>3</sup>

New-York, Oct. 13.

1. Reprints by 26 December (11): N.H. (1), Mass. (3), Conn. (2), N.Y. (1), N.J. (3), Pa. (1). On 19 October "A Man of No Party" in the *Daily Advertiser* wrote that "Marcus is so full of his *interest* that I suspect him to be an *usurer*. His pride seems hurt, and his disposition cynical. He would not have found fault, I imagine, with the old *batch*, if a loaf had come to his share."

2. Eight of the eleven reprints substituted "creditors of the states" for "credit of the states."

3. Perhaps a reference to the Roman law of citations adopted in 426 A.D. The law provided that the writings of only five named jurists should be cited as authorities and that a judge was bound by the majority of these five.

### 163. William Ellery to Ebenezer Hazard

Newport, 16 October (excerpt)<sup>1</sup>

... I hope the affairs of the United States will be soon on a more respectable footing than they are at present.—The Majority in this State wear long faces.—The prospect of an abridgment of their power to do mischief, is extremely painful to them.—Massachusetts from the best information I can obtain will assent to the Conventional Constitution, and New-Hampshire will follow Massachusetts.—Connecticut will embrace it.—The State of Rhode-Island &c will stand out as long as it can; but if nine States agree to it they will be compelled to come in.—The conduct of Newyork will have great influence upon this State.—How that State will behave on this occasion you know much better than I do, and also what probably will be the determination of the Southern States.—Our Genl. Assembly will meet the last monday in this month.—I wish the Deputies of this town might be able then to tell the Majority that they have good authority to say that nine States will assent to the new Constitution.—

Any information you may be pleased to give me on this important subject will add to the obligation with which I am Sir Your very hble servt.

1. FC, Ellery Letterbook, 1786–1794, Newport Historical Society. Ellery (1727–1820), a Newport lawyer, was commissioner of the Continental Loan Office for Rhode Island. He was one of the two Rhode Island signers of the Declaration of Independence. Hazard (1744–1817) was postmaster general of the United States from 1782 to 1789.

**164. John Jay to John Adams**  
**Office for Foreign Affairs, 16 October (excerpt)<sup>1</sup>**

... The public Mind is much occupied by the Plan of foederal Government recommended by the late Convention—many expect much Good from its Institution, and others will oppose its Adoption—The Majority seems at present to be in its Favor. For my part I think it much better than the one we have, and therefore that we shall be Gainers by the Exchange; especially as there is Reason to hope that Experience and the good Sense of the People, will correct what may prove to be inexpedient in it. A Compact like this, which is the Result of Accommodation and Compromise, cannot be supposed to be perfectly consonant to the Wishes and Opinions of any of the Parties. It corresponds a good Deal with your favorite and I think just Principles of Government, whereas the present Confederation seems to have been formed without the least Attention to them. . . .

1. RC, Adams Family Papers, MHi. Printed: Johnston, *Jay*, III, 257–59. Jay (1745–1829), a New York City lawyer, was a New York delegate to Congress, 1774–76, 1778–79, and 1784, serving as President from 10 December 1778 to 28 September 1779. Jay helped draft the New York constitution of 1777 and was chief justice of the state Supreme Court from 1777 to 1779. He was appointed U.S. minister to Spain in 1779 and was one of the commissioners who negotiated the treaty of peace with Great Britain from 1781 to 1783. He served as Secretary for Foreign Affairs from 1784 to 1790. He wrote five numbers of *The Federalist Papers* (CC:201) and voted to ratify the Constitution in the New York Convention in July 1788. Jay was appointed Chief Justice of the United States in 1789 and served until 1795. He was governor of New York from 1795 to 1801.

**Editors' Note**

**Richard Henry Lee to Governor Edmund Randolph**  
**New York, 16 October**

Lee's letter to Governor Randolph, outlining his objections to the Constitution and enclosing the amendments he had proposed in Congress on 27 September (CC:95), was printed in the Petersburg *Virginia Gazette* on 6 December. Lee's amendments had been printed in the Winchester *Virginia Gazette* on 16 November, but they did not gain widespread public attention until they were printed in the Petersburg newspaper and reprinted in the *Pennsylvania Packet* on 20 December.

For Lee's letter and amendments and their circulation, see CC:325.

**165. George Washington to David Stuart**  
**Mount Vernon, 17 October<sup>1</sup>**

As the enclosed Advertiser contains a speech of Mr. Wilson's (as able, candid, & honest a member as any in Convention) which will place the most of Colo. Mason's objections in their true point of light, I send it to you.—The re-publication (if you can get it done) will be of service at this

junction.<sup>2</sup>—His ipso facto objection does not, I believe, require an answer—every mind must recoil at the idea.—And with respect to the Navigation Act, I am mistaken if any three men, bodies of Men, or Countries, will enter into any compact or treaty if *one* of the three is to have a negative controul over the other two—There must be reciprocity or no Union; which is preferable will not become a question in the mind of any true patriot.—But granting it to be an evil it will infallibly work its own cure, and an ultimate advantage to the Southern States.<sup>3</sup>

1. RC (photostat), Washington Papers, DLC. Stuart (1753–c. 1814), an Alexandria physician, represented Fairfax County in the Virginia House of Delegates and in the Virginia Convention of June 1788, where he voted to ratify the Constitution. Whenever in Richmond, Stuart kept Washington—his friend and neighbor—informed about legislative matters.

2. James Wilson's 6 October speech (CC:134) was reprinted in the *Richmond Virginia Independent Chronicle* on 24 October and in the *Alexandria Virginia Journal* on 25 October. For Mason's objections to the Constitution, see CC:138.

3. The last clause of this sentence does not appear in Washington's letterbook copy.

### 166. Philadelphia Freeman's Journal, 17 October<sup>1</sup>

"People in general here (says a letter from Portsmouth) are amazingly taken with the New Constitution, and it is allowed by good judges to be one of the best forms of free government ever promulgated. Two of our well-informed men are now preparing speeches the more effectually to recommend it.—I have advised several of my friends, however, to examine this Magna Charta with their own eyes, and not trust too much to the flow of rhetoric that may be expected.—Oratory can do wonderful things—one of the Athenian sages is reported to have made so moving a speech upon the miseries of human life, that more than half his audience rose from their benches, and went home with a determined resolution to hang themselves before night."

1. Reprints by 1 November (7): N.Y. (1), Pa. (3), Md. (3).

### 167. A Democratic Federalist Pennsylvania Herald, 17 October

"A Democratic Federalist" was the first major reply to James Wilson's speech of 6 October (CC:134). It was reprinted in the *New York Morning Post*, 22 October; *Pennsylvania Packet*, 23 October; and Baltimore *Maryland Gazette*, 26 October. The *Maryland Gazette* prefaced its publication with a statement by "A Customer" who requested that, since it had reprinted Wilson's speech, the *Gazette* might prove its impartiality and publish an answer to it. "A Customer" continued: "The subject now before the people of America, is of the most important nature, *the happiness of millions* depends on their present determination.—Let them, therefore, enjoy every light a free press can afford, that they may judge for themselves, like rational creatures and freemen—Truth will shine the brighter when brought to the test."

"Hickory" stated that "A Democratic Federalist" was filled with "many good, solid arguments" (*Pennsylvania Herald*, 24 October, Mfm:Pa. 157), while "A Federal Republican" asserted that it was "more than equal" to Wilson (*A Review of the Constitution*, 28 November, CC:303). "A Friend to Order," however, wrote a point-by-point rebuttal and declared that "A Democratic Federalist's" "merit, if it can be called merit, lays in ingenious misrepresentation of the powers of the proposed Constitution" (*Baltimore Maryland Gazette*, 30 October).

The arguments of the Honorable Mr. Wilson, expressed in the speech he made at the state-house on the Saturday preceding the general election (as stated in the *Pennsylvania Herald*,) although extremely *ingenious* and the best that could be adduced in support of so bad a cause, are yet extremely *futile*, and will not stand the test of investigation.

In the first place, Mr. Wilson pretends to point out a leading discrimination between the State Constitutions, and the Constitution of the United States.—In the former, he says, every power which is not *reserved* is *given*, and in the latter, every power which is not *given* is *reserved*: And this may furnish an answer, he adds, to those who object, that a bill of rights has not been introduced in the proposed Federal Constitution. If this doctrine is true, and since it is the only security that we are to have for our natural rights, it ought at least to have been clearly expressed in the plan of government. The 2d. section of the present articles of confederation says: *Each State retains its sovereignty, freedom and independance, AND EVERY POWER, JURISDICTION AND RIGHT WHICH IS NOT BY THIS CONFEDERATION EXPRESSLY, DELEGATED TO THE UNITED STATES IN CONGRESS ASSEMBLED.*—This declaration (for what purpose I know not) is entirely omitted in the proposed Constitution. And yet there is a material difference between this Constitution and the present confederation, for Congress in the latter are merely an executive body; it has no power to raise money, it has no *judicial jurisdiction*. In the other, on the contrary, the federal rulers are vested with each of the three essential powers of government—their laws are to be *paramount* to the laws of the different States, what then will there be to oppose to their encroachments? Should they ever pretend to tyrannize over the people, their *standing army*, will silence every popular effort, it will be theirs to explain the powers which have been granted to them; Mr. Wilson's distinction will be forgot, denied or explained away, and the liberty of the people will be no more.

It is said in the 2d. section of the 3d. article of the Federal Plan: "The judicial power shall extend to ALL CASES in *law* and *equity*, arising under this constitution." It is very clear that under this clause, the tribunal of the United States, may claim a right to the cognizance of all offences against the *general government*, and *libels* will not probably be excluded. Nay, those offences may be by them construed, or by law declared, *mis-*



*prison of treason*, an offence which comes literally under their express jurisdiction.—Where is then the safety of our boasted liberty of the press? And in case of a *conflict of jurisdiction* between the courts of the United States, and those of the several Commonwealths, is it not easy to foresee which of the two will obtain the advantage?

Under the enormous power of the new confederation, which extends to the *individuals* as well as to the *States* of America, a thousand means may be devised to destroy effectually the liberty of the press—There is no knowing what corrupt and wicked judges may do in process of time, when they are not restrained by express laws. The case of *John Peter Zenger* of New-York, ought still to be present to our minds, to convince us how displeasing the liberty of the press is to men in high power<sup>1</sup>—At any rate, I lay it down as a general rule, that wherever the powers of a government extend to the lives, the persons, and properties of the subject, all their rights ought to be clearly and expressly defined—otherwise they have but a poor security for their liberties.

The second and most important objection to the federal plan, which Mr. Wilson pretends to be made *in a disingenuous form*, is the entire *abolition of the trial by jury in civil cases*. It seems to me that Mr. Wilson's pretended answer, is much more *disingenuous* than the objection itself, which I maintain to be strictly founded in fact. He says “that the cases open to trial by jury differing in the different States, it was therefore impracticable to have made a general rule.” This answer is extremely futile, because a reference might easily have been made to the *common law of England*, which obtains through every State, and cases in the maritime and civil law courts would of course have been excepted. I must also directly contradict Mr. Wilson when he asserts that there is no trial by jury in the courts of chancery—It cannot be unknown to a man of his high professional learning, that whenever a difference arises about a matter of fact in the courts of equity in America or England, the fact is sent down to the courts of common law to be tried by a jury, and it is what the lawyers call a *feigned issue*. This method will be impracticable under the proposed form of judicial jurisdiction for the United States.

But setting aside the equivocal answers of Mr. Wilson, I have it in my power to prove that under the proposed Federal Constitution, *the trial of facts in civil cases by a jury of the Vicinage* is entirely and effectually abolished, and will be absolutely impracticable. I wish the learned gentleman had explained to us what is meant by the *appellate* jurisdiction as to law and *fact* which is vested in the superior court of the United States? As he has not thought proper to do it, I shall endeavour to explain it to my fellow citizens, regretting at the same time that it has not been done by a man whose abilities are so much superior to mine. The word *appeal*, if I understand it right, in its proper legal signification includes the *fact* as well as the *law*, and precludes every idea of a trial by jury—It is a

word of *foreign growth*, and is only known in England and America in those courts which are governed by the civil or ecclesiastical law of the *Romans*. Those courts have always been considered in England as a grievance, and have all been established by the usurpations of the *ecclesiastical* over the *civil* power. It is well known that the courts of chancery in England were formerly entirely in the hands of *ecclesiastics*, who took advantage of the strict forms of the common law, to introduce a foreign mode of jurisprudence under the specious name of *Equity*. Pennsylvania, the freest of the American States has wisely rejected this establishment, and knows not even the name of a court of chancery—And in fact, there can not be any thing more absurd than a distinction between LAW and EQUITY. It might perhaps have suited those barbarous times when the law of England, like almost every other science, was perplexed with quibbles and *Aristotelian* distinctions, but it would be shameful to keep it up in these more enlightened days. At any rate, it seems to me that there is much more *equity* in a trial by jury, than in an appellate jurisdiction from the fact.

An *appeal* therefore is a thing unknown to the common law. Instead of an appeal from facts, it admits of a second, or even third trial by different juries, and mistakes in points of *law*, are rectified by superior courts in the form of a *writ of error*—and to a mere common lawyer, unskilled in the forms of the *civil law* courts, the words *appeal from law and fact*, are mere nonsense, and unintelligible absurdity.

But even supposing that the superior court of the United States had the authority to try facts by *juries of the vicinage*, it would be impossible for them to carry it into execution. It is well known that the supreme courts of the different states, at stated times in every year, go round the different counties of their respective states to try issues of fact, which is called *riding the circuits*. Now, how is it possible that the supreme continental court, which we will suppose to consist at most of five or six judges, can travel at least twice in every year, through the different counties of America, from New-Hampshire to Kentuckey, and from Kentuckey to Georgia, to try facts by juries of the vicinage. Common sense will not admit of such a supposition. I am therefore right in my assertion, that *trial by jury in civil cases, is, by the proposed constitution entirely done away, and effectually abolished*.

Let us now attend to the consequences of this enormous innovation, and daring encroachment, on the liberties of the citizens. Setting aside the oppression, injustice, and partiality that may take place in the trial of questions of property between man and man, we will attend to one single case, which is well worth our consideration. Let us remember that all cases arising under the new constitution, and all matters between *citizens of different states*, are to be submitted to the new jurisdiction. Suppose therefore, that the military officers of congress, by a wanton abuse of power, imprison the free citizens of America, suppose the

excise or revenue officers (as we find in Clayton's Reports, page 44 Ward's case)<sup>2</sup>—that a constable, having a warrant to search for stolen goods, pulled down the clothes of a bed in which there was a woman, and searched under her shift,—suppose, I say, that they commit similar, or greater indignities, in such cases a trial by jury would be our safest resource, heavy damages would at once punish the offender, and deter others from committing the same: but what satisfaction can we expect from a lordly court of justice, always ready to protect the officers of government against the weak and helpless citizen, and who will perhaps sit at the distance of many hundred miles from the place where the outrage was committed?—What refuge shall we then have to shelter us from the iron hand of arbitrary power?—O! my fellow citizens, think of this while it is yet time, and never consent to part with the glorious privilege of trial by jury, but with your lives.

But Mr. Wilson has not stopped here—he has told us that a *STANDING ARMY*, that *great support of tyrants*, not only was not dangerous, but that it was *absolutely necessary*.—O! my much respected fellow citizens! and are you then reduced to such a degree of insensibility, that assertions like these will not rouse your warmest resentment and indignation? Are we then, after the experience of past ages, and the result of the enquiries of the best and most celebrated patriots have taught us to dread a standing army above all earthly evils, are we then to go over all the thread-bare common place arguments that have been used without success by the advocates of tyranny, and which have been for a long time past so gloriously refuted! Read the excellent *Burgh* in his political disquisitions, on this hackneyed subject, and then say, whether you think that a standing army is necessary in a free country?<sup>3</sup> Even Mr. Hume, an *aristocratical* writer, has candidly confessed, that *an army is a mortal distemper in a government, of which it must at last inevitably perish* (2d *Burgh* 349) and the Earl of Oxford (*Oxford* the friend of France, and the *pretender*, the attainted *Oxford*) said in the British parliament, in a speech on the mutiny bill; that “while he had breath, he would speak for the liberties of his country, and against courts martial and a standing army in peace as dangerous to the constitution,” (*Ibid* page 455). Such were the speeches even of the enemies to liberty, when Britain had yet a right to be called free. But, says Mr. Wilson, “It is necessary to maintain the appearance of strength even in times of the most profound tranquillity.” And what is this more than a thread-bare hackneyed argument, which has been answered over and over in different ages, and does not deserve even the smallest consideration?—Had we a standing army, when the British invaded our peaceful shores? Was it a standing army that gained the battles of Lexington, and Bunker's Hill, and took the ill fated Burgoyne? Is not a well regulated militia sufficient for every purpose of internal defence? And which of you, my fellow citizens, is afraid of any invasion from foreign powers, that our brave militia would not be able immediately to repel?

Mr. Wilson says that *he does not know of any nation in the world which has not found it necessary to maintain the appearance of strength in the season of the most profound tranquility*; if by this *equivocal* assertion, he has meant to say that there is no nation in the world without a *standing army in time of peace*, he has been mistaken. I need only adduce the example of Switzerland, which, like us, is a *republic*, whose *thirteen* cantons, like our thirteen States, are under a *federal government*, and which besides is surrounded by the most powerful nations in Europe, all jealous of its liberty and prosperity: And yet that nation has preserved its freedom for many ages, with the sole help of a militia, and has never been known to have a standing army, except when in actual war.—Why should we not follow so glorious an example, and are we less able to defend our liberty without an army, than that brave but small nation, which with its militia alone has hitherto defied all Europe?

It is said likewise, that *a standing army is not a new thing in America—Congress even at this moment have a standing army on foot.*—I answer, that *precedent* is not *principle*—Congress have no right to keep up a standing army in time of peace:—If they do, it is an infringement of the liberties of the people—*wrong* can never be justified by *wrong*—but it is well known that the assertion is groundless, the few troops that are on the banks of the Ohio, were sent for the express purpose of repelling the invasion of the savages, and protecting the inhabitants of the frontiers.—It is our misfortune that we are never at peace with those inhuman butchers of their species, and while they remain in our neighbourhood, we are always, with respect to them, in a state of war—as soon as the danger is over, there is no doubt but Congress will disband their handful of soldiers:—it is therefore not true, that Congress keep up a standing army in a time of peace and profound security.

The objection to the enormous powers of the President and Senate is not the least important of all, but it requires a full discussion and ample investigation—I shall take another opportunity of laying before the public my observations upon this subject, as well as upon every other part of the new constitution. At present I shall only observe, that it is an established principle in America, which pervades every one of our State Constitutions, that *the legislative and executive powers ought to be kept forever separate and distinct from each other*, and yet in this new constitution we find there are TWO EXECUTIVE BRANCHES, each of which has *more or less controul over the proceedings of the legislature*. This is an innovation of the most dangerous kind upon every known principle of government, and it will be easy for me to convince my fellow citizens that it will, in the first place, create a *Venetian* aristocracy, and, in the end, produce an *absolute monarchy*.

Thus I have endeavoured to answer to the best of my abilities, the principal arguments of Mr. Wilson—I have written this in haste, in a

short interval of leisure from my usual avocations. I have only traced the outlines of the subject, and I hope some abler hand will second my honest endeavours.

1. In November 1734 Zenger (1697–1746), the printer of the *New York Weekly Journal*, was arrested for seditious libel against the royal governor William Cosby. Bail was set very high, and Zenger remained in prison until after he was acquitted the following summer. His defense was based upon the freedom of the press and the role of the jury.

2. A reference to J. Clayton's *Reports and Pleas of Assises at Yorke . . .*, published in London in 1651.

3. James Burgh (1714–1775), an English political and religious reformer, published his three-volume *Political Disquisitions* in 1774 and 1775. Book II of his second volume supported the American colonists' opposition to Parliamentary taxation and criticized England for "greatly" oppressing the colonies. In 1775 Burgh's volumes were published in Philadelphia.

### 168. One of the People Massachusetts Centinel, 17 October<sup>1</sup>

As I think it of the last consequence to the character and future happiness of this and the other states of America, that the federal constitution should be adopted as unanimously and speedily as possible, and as I know the dæmon of discord is now abroad, permit me through your paper to convey to the publick a few hints which I think may not be unseasonable.

That there ever was a party in this State inimical to the revolution is a well known fact. Had a real love of government, and regard for the welfare of this country been the principles on which their conduct was founded, and by which it was regulated, great allowance would readily have been made by every candid mind for any appearance of error of judgment, or difference in the mode of conduct which such principles might have inspired. Had this party been sincere in their pretensions, though averse to take a part against the British government, while they thought themselves its lawful subjects; they could not hesitate now (the separation from the English government is compleated) as decidedly to take a part with those who are now endeavouring to establish a system on which every thing dear to America depends, as they formerly did with those, who at that time declared a love of their country, and a wish to support what they then called a just government, were their only motives.

Thank Heaven! this party has at last discovered its cloven foot. I have devoted a great part of my time since the proceedings of convention have been published, to collect the sentiments of this class of gentry, and as I think I have fully and clearly possessed myself of them, I shall lay them before the publick, with a view not only to establish the marks by which the members of this faction may be known, but at the same time to put my countrymen on their guard against their artful,

false and diabolical attempts to deceive and mislead the unwary, and as far as in their power to prepossess the minds of the good people of this state against that most excellent constitution for a federal government which is about to be proposed for our acceptance.

I shall proceed to their observations—In the first place I have heard many of them freely acknowledge (thinking all friends present) their fears lest the Americans should be wise enough to accept the constitution, for should this be the case, say they, our hopes of ever seeing this country again under a British government, will be forever at an end—they readily allow that should it be adopted, this country will have it in its power to compel the British to accede to an equitable commercial connection—That Congress will be empowered effectually to blunt the edge of the famous British Navigation Act, at least as far as it respects this country.—They add, that the credit of America will be greatly increased in the opinion of all the commercial world; and what, say they, will be of all the most mortifying circumstance, it will blast all the hopes which in the course of the last winter we so fondly and gladly entertained.

Such are the sentiments of the more open and daring enemies of this country at this time—others of the same party, who possess more art, as much ignorance, but not less malice, inform you when you ask their opinion of the new constitution, either that they have not yet read it with sufficient attention—that they are not proper judges—or that it appears to them, such a system of perfection is more than we ought to aim at, at present; and that it is their opinion, such noble regulations are rather calculated for a country that has had a long career of glory and greatness, than for one which is but wishing to make a beginning—and many of them add they do not believe it will go down, as they doubt whether there is yet virtue enough in America to support so good a government.

Another class of the same set are constantly endeavouring to point out what they pretend to conceive to be the defects of the new government—one tells you the President is to have too much power—another adds that the senatorial influence of the different States is too equal—and a third that the members of the house are not properly proportioned to the property and numbers of the States, with numberless other remarks of a similar nature, in which, though involuntarily they pay the greatest of compliments to the whole system.—Would those malignant, ignorant, and short-sighted triflers, for a moment but compare the acknowledged abilities, and well-tried integrity of the late members of Convention, with their own characters, either for knowledge or political honesty, modesty alone (if they had any) would compel them to silence, and prevent their thus exposing the weakness of their heads, and the badness of their hearts.—There is no doubt in Convention every possible objectionable clause was removed by the august

body who had the management of the business, as far as was any way compatible with the good of the great whole, that being the leading object of all their deliberations. I suspect the writer whose seditious scrawls you so judiciously excluded from your paper on Wednesday last, was a tool of this party. The Printers of this town and State have given repeated evidence of their patriotism, and I am not without hopes you will all unite at this critical moment, in refusing to publish the productions of any one on the federal government, unless he will leave with you his name, that so any one may, if he wishes, convince himself, from the known character of the man, whether he writes from conviction, or to vent his malice, and injure this country.<sup>2</sup>

Let him who has any rational objections to urge, stand forth like a man; he will be heard with attention, and his arguments will be allowed their full force. But at this time it is necessary we should not only hear but see the speaker. The reasons are obvious.

Having lately been through great part of this State, I can assure the publick, that at least nine tenths of its inhabitants are now ready and willing to receive the new government:—Many express the greatest impatience to have the General Court meet together, that so they may proceed upon the business with such speed as may give this State an opportunity to do themselves the honour of being the first in the union to accept it, as they were first to repel the unconstitutional attempts of a British parliament. All eyes are now placed on our patriotick Chief Magistrate; should he warmly take the right side on this important occasion, (and none doubt but he will) he will rear to himself a name next only to a *Washington*<sup>3</sup>—Let it but appear that a HANCOCK, a WASHINGTON, and a FRANKLIN approve the new government, and who will not embrace it?

I would earnestly beg my countrymen when they listen to any one who harangues on the subject before us, that they carefully endeavour to find out what his character was during the war with Great-Britain—what his sentiments were last winter, and what his general thoughts are upon the subjects of paper money, tender acts, &c. From an acquaintance with these particulars, they will be enabled to determine with sufficient accuracy what credit is due to his assertions; what reliance ought to be placed on his opinions; and from these circumstances they may at once determine whether a love of his country, and a wish for its prosperity; or a desire to see us divided among ourselves, that so we may become an easy prey to our enemies, are the motives of his conduct.

I have conversed much with all classes of people on the subject of the federal government, and find that all throughout the State agree in the opinion, that if we do not adopt it, our credit, our character, nay our existence as a nation, is at an end:—But that on the contrary, if we are wise enough to know in this our day the things which make for our

peace, we shall at once ratify and confirm it—we shall then behold America with extended arms, inviting the numerous, oppressed and distressed inhabitants of Europe; we shall see them flocking to America; our woods and waste lands will become at once valuable, and in great demand, the present proprietors would of course be greatly benefitted thereby; every European ship which should enter our ports, would, by properly laid duties, assist in paying off our debts;—our taxes will consequently diminish—our national character will rise—arts and sciences will be cultivated with redoubled ardour—every kind of business will increase—and in a word, this continent will soon become, under the new government, the delight and envy of the European world.

The disaffected to the federal constitution may depend on it, they had more attention paid at this time, to their remarks, prophesies and invectives, than they are aware of;—they have now a hint to be cautious how they proceed, for the oppositions they make, or try to make at this time will soon produce their final downfall, and forever exclude them from any appointment of either honour or profit under its establishment. The writer has no view but to serve his country, to that end he is determined to continue his observations, and as occasion may offer, will lay them before the publick.

1. Reprints by 26 November (8): Mass. (1), Conn. (1), N.Y. (1), N.J. (1), Pa. (3), Md. (1).

2. See CC:131 B, C, E.

3. For Hancock's speech on the Constitution, see CC:177.

## 169. Cæsar II

### New York Daily Advertiser, 17 October<sup>1</sup>

“The great source of all the evils which afflict Republics, is, that the People are too apt to make choice of Rulers, who are either Politicians without being Patriots, or Patriots without being Politicians.”

Mr. CHILDS, When I took notice of Cato's prefatory Address to the Citizens of the State of New-York, in your paper of the first instant, I had no serious intention of becoming a controversial defendant of the New Constitution. Indeed, if the system required defence, I was neither so weak, nor so vain, as to suppose myself competent to the task.—To obviate difficulties which may arise, when such weighty affairs as the principles of legislation are under discussion; I am sensible requires talents far beyond my limited abilities. When I offered a few remarks on Cato's introduction, I was strongly impressed with the idea, that even the most substantial criticisms, promulgated by the most influential and *avowed Citizens*, could have no good tendency at *this time*. I viewed the public mind as wound up to a great pitch of dissatisfaction, by the inadequacy of the powers of the present Congress, to the general



good and conservation of the Union—I believed then, as I do now, that the people were determined and prepared for a *change*: I conceived, therefore, that the wish of every good man would be, that *this change might be peaceably effected*. With this view, I opposed myself to Cato. I asserted, in my last, that *the door of recommendation was shut, and cannot be opened by the same men, that the Convention was dissolved*. If I am wrong, it will be of great importance to Cato's future remarks, that he make it appear. If he will declare, from sufficient authority, that the Members of the late Convention have only adjourned, to give time to hear the sentiments of every political disputant, that, after the numerous presses of America have groaned with the heavy productions of speculative politicians, they will *again meet*—weigh their respective merits, and accommodate accordingly:—I say, if Cato can do this, I make no hesitation in acknowledging the utility of his plan. In the mean time, I positively deny having any, the most distant desire of shutting the door of free discussion, on any subject, which may benefit the people; but I maintain (until Cato's better information refutes me) that the door, as far as relates to *this subject*, is already shut—not by me, but by the highest possible authority which the case admits—even by those great Patriots who were delegated by the people of the United States, to *open such a door*, as might enable them to escape from impending calamities, and political shipwreck. This distinction is clear, I conceive, and ought to have some weight even with Cato, as well as those for whom he writes.—I am not one of those who gain an influence by cajoling the unthinking mass (tho' I pity their delusions) and ringing in their ears the gracious sound of their *absolute Sovereignty*. I despise the trick of such dirty policy. I know there are Citizens, who, to gain their own private ends, enflame the minds of the well meaning, tho' less intelligent parts of the community, by sating their vanity with that cordial and unfailing specific, that *all power is seated in the People*. For my part, I am not much attached to the *Majesty of the multitude*, and therefore wave all pretensions (founded on such conduct) to their countenance. I consider them in general as very ill qualified to *judge* for themselves what government will best suit their peculiar situations; nor is this to be wondered at:—The science of Government is not easily understood.—Cato will admit, I presume, that men of good education and deep reflection, only, are judges of the *form* of a Government; whether it is calculated to promote the happiness of society; whether it is constituted on such principles as will restrain arbitrary power, on the one hand, and equal to the exclusion of corruption, and the destruction of licentiousness, on the other. Whether the New Constitution, if adopted, will prove adequate to such desirable ends, time, the mother of events must shew. For my own part, I sincerely esteem it a system, which, without the *finger of God*, never could have been suggested and agreed upon by such a diversity of interests. I will not presume to say, that a more perfect system might not have been

fabricated;—but who expects perfection at once?—And it may be asked, *who are judges of it?* Few, I believe, who have leisure to study the nature of Government scientifically, but will frequently disagree about the quantum of power to be delegated to Rulers, and the different modifications of it. Ingenious men will give very plausible, and, it may be, pretty substantial reasons, for the adoption of two plans of Government, which shall be fundamentally different in their construction, and not less so in their operation:—yet both, if honestly administered, might operate with safety and advantage. When a new form of Government is fabricated, it lies with the people at large to receive or reject it:—this is their *inherent right*. Now, I would ask, (without intending to triumph over the weaknesses or follies of any men) how are the people to profit by this inherent right? By what conduct do they discover, that they are sensible of their own interest in this situation? Is it by the exercise of a well disciplined reason, and a correspondent education? I believe not. How then? As I humbly conceive, by a tractable and docile disposition, and by honest men endeavoring to keep their minds easy; while others, of the same disposition, with the advantages of genius and learning, are constructing the bark that may, by the blessing of Heaven, carry them to the port of rest and happiness; if they will embark without diffidence, and proceed without mutiny. I know this is blunt and ungracious reasoning: it is the best, however, which I am prepared to offer on this momentous business; and, since my own heart does not reproach me, I shall not be very solicitous about its reception. If truth, then, is permitted to speak, the mass of the people of America (any more than the mass of other countries) cannot judge with any degree of precision, concerning the fitness of this New Constitution to the peculiar situation of America:—they have, however, done wisely in delegating the power of framing a Government to those every way worthy and well qualified; and, if this Government is snatched, untasted, from them, it may not be amiss to enquire into the causes which will probably occasion their disappointment. Out of several, which present to my mind, I shall venture to select *One*, baneful enough, in my opinion, to work this dreadful evil. There are always men in society of some talents, but more ambition, in quest of *that* which it would be impossible for them to obtain in any other way than by working on the passions and prejudices of the less discerning classes of citizens and yeomanry.—It is the plan of men of this stamp to frighten the people with ideal bugbears, in order to mould them to their own purposes. The unceasing cry of these designing croakers is, my friends, your liberty is invaded! Have you thrown off the yoke of one tyrant, to invest yourselves with that of another! Have you fought, bled, and conquered, for *such a change!* If you have—go—retire into silent obscurity, and kiss the rod that scourges you.

To be serious: These state empirics leave no species of deceit untried to convince the unthinking people that they have power to do—what?

Why truly to do much mischief, and to occasion anarchy and wild uproar. And for what reason do these political jugglers incite the peaceably disposed to such extravagant commotions? Because until the people really discover that they have *power*, by some outrageous act, they never can become of any importance. The misguided people never reflect during this frenzy, that the moment they become riotous, they renounce, from that moment, their independence, and commence vassals to their ambitious leaders, who instantly, and with a high hand, rob them of their consequence, and apply it to their own present, or future aggrandisement; nor will these tyrants over the people stick at sacrificing *their good*, if an advantageous compromise can be affected for *themselves*.

Before I conclude, I cannot refrain from observing, that Cato states very disingenuously the manner in which the Federal System came abroad. He tells us, Congress were sensible that the late Convention exercised a power which no authority could delegate to them. The Convention, says Cato, have taken upon them to make a perfectly new system, which, by its operation, will absorb the sovereignties of the individual States; this new government founded on *usurpation*, (Cato, this expression is very indecent—but I will rouse no passions against you) this consolidated system Congress did not approve, and *therefore* have been *silent* on its character. That Congress was silent on its character is true, but, could Cato find no other reason for their silence than that of disapprobation.—I believe Congress were by no means dissatisfied with the freedom the Convention took with the Articles of the Confederation; I believe further, that with very few exceptions, that honorable body approved of the New Constitution; and, that they did not accompany it to the States with a recommendatory capitulation or circular letter, proceeded from a delicate attention to the Members of the late Convention, to a few of their own body, and to the people of America at large. That the Convention went so earnestly into the business committed to their care, ought, instead of being matter of chagrin, to occasion the liveliest expressions of approbation and gratitude.—As matters stand just now, I think it may be fairly said, that no *generous plan of government* for the *United States* has ever been constructed, (the plan only excepted which is under consideration) so that it seems quite unnecessary in Cato to disturb the peace of society by a bombast appeal to their feelings, on the *generous plan of power delivered down by their renowned forefathers*. I venerate the memory of the slaughtered patriots of America, and rejoice as much as Cato, that they did not bleed in vain, but I would have America profit by their death in a different manner from him. I believe they fought to obtain liberty for no particular State, but for the whole Union, indissolubly connected under one controlling and supreme head.

Cato complains of my anticipating parts of his subject which he intended for future periods. I shall break in no more upon his *arrangements*; all he can say against the New Constitution has been already disseminated in a neighbouring State, by the glorious defenders of *Shayism*. I shall therefore leave Cato to the wicked influences of his own heart, in the fullest persuasion that all good men, and good citizens, will combine their influence to establish the fair fabrick of American liberty, beyond the reach of suspicion, violence, anarchy, and tyranny. When this glorious work is accomplished, what may America not hope to arrive at! I will venture to prophecy that the day on which the Union under the new government shall be ratified by the American States, that *that day* will begin an era which will be recorded and observed by future ages, as a day which the Americans had marked by their wisdom in circumscribing the *power*, and ascertaining the *decline* of the ancient nations in Christendom.

Oct. 15.

1. Reprinted: *Albany Gazette*, 1 November. For authorship, see CC:121; and for the newspaper exchange between "Cato" and "Cæsar," see CC:103, 121, 153, 195.

## 170. An Old Whig II

### Philadelphia Independent Gazetteer, 17 October<sup>1</sup>

MR. PRINTER, Since writing my last, in which I stated some doubts respecting the new federal constitution and expressed a wish that those doubts might be removed, I have met with the printed speech of *James Wilson*, Esquire.—This speech I find was made for the express purpose of removing objections from the minds of those who doubted, like myself, and wished to be satisfied; and except one or two hard names that have escaped the speaker, it bears the marks of more candor than is to be found in most of the production[s], which have been ushered into the world in support of the same measure. This speech also deserves the more attention as coming from a man of abilities fresh from "*the impressions of four months constant attention to the subject.*" The subject however is one of those which it imports us all very carefully to examine. I have therefore paid very considerable attention to his arguments, at the same time that I have examined with some care the foundation upon which they are built. Still I remain unsatisfied; and the more unsatisfied, as I have been disappointed in my hope of conviction, from a quarter, from which so much was to be expected—You will give me leave therefore to state shortly in your paper, some of those difficulties which still remain with me.

The first principle which the gentleman endeavours to establish in his speech is a very important one, if true; and lays a sure foundation to reason upon, in answer to the objection which is made to the new con-

stitution, from the want of a bill of rights. The principle is this: that “in *delegating federal powers*, the congressional authority is to be collected, *not from tacit implication*, but from *the positive grant* expressed in the instrument of union,” “*that every thing which is not given is reserved.*” If this be a just representation of the matter, the authority of the several states will be sufficient to protect our liberties from the encroachments of Congress, without any continental bill of rights; *unless the powers which are expressly given to Congress are too large.*

Without examining particularly at present, whether the powers *expressly* given to Congress are too large or too small, I shall beg leave to consider, whether the author of this speech is sufficiently accurate in his statement of the proposition above referred to.—To strip it of unnecessary words, the position may be reduced to this short sentence, “that every thing which is not *expressly* given to Congress is reserved;” or in other words “that Congress cannot exercise any power or authority that is not in express words delegated to them.”—This certainly is the case under the first articles of confederation which hitherto have been the rule and standard of the powers of Congress; for in the second of those articles “each state retains its sovereignty freedom and independence and every power, jurisdiction and right which is not by this confederation *expressly* delegated to the United States in Congress assembled.” It was the misfortune of these articles of confederation that they did not by express words give to Congress power sufficient for the purposes of the union; for Congress could not go beyond those powers so expressly given. The position of the speech, therefore is strictly true if applied to the first articles of confederation; “that every thing which is not expressly given is reserved.” We are not however to suppose that the speaker meant insidiously to argue from an article in the old confederation in favor of the new constitution, unless the same thing was also in the new constitution. Let us then fairly examine whether in the proposed new constitution there be any thing from which the gentleman can be justified in his opinion, “that every thing which is not expressly given to Congress is reserved.”

In the first place then it is most certain that we find no such clause or article in the new constitution. There is nothing in the new constitution which either in form or substance bears the least resemblance to the second article of the confederation. It might nevertheless be a fair argument to insist upon from the nature of delegated powers, that no more power is given in such cases than is expressly given. Whether or not this ground of argument would be such as we might safely rest our liberties upon; or whether it would be more prudent to stipulate expressly as is done in the present confederation for the reservation of all such powers as are not expressly given, it is hardly necessary to determine at present. It strikes me that by the proposed constitution, so far from the reservation of all powers that are not expressly given, *the fu-*

ture Congress will be fully authorised to assume all such powers as they in their wisdom or wickedness, according as the one or the other may happen to prevail, shall from time to time think proper to assume.

Let us weigh this matter carefully; for it is certainly of the utmost importance, and, if I am right in my opinion, the new constitution vests Congress with such unlimited powers as ought never to be entrusted to any men or body of men. It is justly observed that the possession of sovereign power is a temptation too great for human nature to resist; and although we have read in history of one or two illustrious characters who have refused to enslave their country when it was in their power;—although we have seen one illustrious character in our own times resisting the possession of power when set in competition with his duty to his country, yet these instances are so very rare, that it would be worse than madness to trust to the chance of their being often repeated.

To proceed then with the enquiry, whether the future Congress will be restricted to those powers which are expressly given to them. I would observe that in the opinion of *Montesquieu*, and of most other writers, ancient as well as modern, the legislature is the sovereign power. It is certainly the most important. If any one doubts this, let him reflect upon the frequent inroads which the legislature of Pennsylvania has made upon the other branches of government: Inroads which it is much to be feared, if the powers of government in Pennsylvania should ever in time to come be an object worth contending about, no council of censors will ever be able to check or restrain.<sup>2</sup> Let us then see what are the powers expressly given to the legislature of Congress, and what checks are interposed in the way of the continental legislature's assuming what further power they shall think proper to assume.

To this end let us look to the first article of the proposed new constitution, which treats of the legislative powers of Congress; and to the eighth section which *pretends* to define those powers. We find here that the congress, in its legislative capacity, shall have the power "to lay and collect taxes, duties and excises; to borrow money; to regulate commerce; to fix the rule for naturalization and the laws of bankruptcy; to coin money; to punish counterfeiters; establish post offices and post roads; to secure copy rights to authors; to constitute tribunals; to define and punish piracies; to declare war; to raise and support armies; to provide and support a navy; to make rules for the army and navy; to call forth the militia; to organize, arm and discipline the militia; to exercise absolute power over a district of ten miles square, independant of all the state legislatures, and to be alike absolute over all forts, magazines, arsenals, dockyards and other needful buildings thereunto belonging." This is a short abstract of the powers expressly given to Congress. These powers are very extensive, but I shall not stay at present to inquire whether these *express* powers were necessary to be given to Con-

gress? whether they are too great or too small? My object is to consider that *undefined, unbounded and immense power* which is comprised in the following clause;—"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 offices thereof." Under such a clause as this can any thing be said to be reserved and kept back from Congress? Can it be said that the Congress have no power but what *is expressed*? "To make all laws which shall be necessary and proper" is in other words to make all such laws which *the Congress shall think necessary and proper*,—for who shall judge for the legislature what is necessary and proper?—Who shall set themselves above the sovereign?—What inferior legislature shall set itself above the supreme legislature?—To me it appears that no other power on earth can dictate to them or controul them, unless by force; and force either internal or external is one of those calamities which every good man would wish his country at all times to be delivered from.—This generation in America have seen enough of war and its usual concomitants to prevent all of us from wishing to see any more of it;—all except those who make a trade of war. But to the question;—without force what can restrain the Congress from making such laws as they please? What limits are there to their authority?—I fear none at all; for surely it cannot justly be said that they have no power but what is expressly given to them, whereby the very terms of their creation they are vested with the powers of making laws in all cases necessary and proper; when from the nature of their power they must necessarily be the judges, what laws are necessary and proper. The British act of Parliament, declaring the power of Parliament to make laws to bind America in all cases whatsoever, was not more extensive;<sup>3</sup> for it is as true as a maxim, that even the British Parliament neither could nor would pass any law in any case in which they did not either deem it necessary and proper to make such law or pretend to deem it so. And in such cases it is not of a farthing consequence whether they really are of opinion that the law is necessary and proper, or only *pretend to think so*; for who can overrule their pretensions?—No one, unless we had a bill of rights to which we might appeal, and under which we might contend against any assumption of undue power and appeal to the judicial branch of the government to protect us by their judgements. This reasoning I fear Mr. Printer is but too just; and yet, if any man should doubt the truth of it; let me ask him one other question, what is the meaning of the latter part of the clause which vests the Congress with the authority of making all laws which shall be necessary and proper for carrying into execution **ALL OTHER POWERS**;—besides the foregoing powers vested, &c. &c. Was it thought that the foregoing powers might perhaps admit of some restraint in *their* construction as to what was necessary and proper to carry them into execution? Or was it

deemed right to add still further that they should not be restrained to the powers already named?—besides the powers already mentioned, other powers may be assumed hereafter as contained by implication in this constitution. The Congress shall judge of what is necessary and proper in all these cases and in all other cases;—in short in all cases whatsoever.

Where then is the restraint? How are Congress bound down to the powers expressly given? what is reserved or can be reserved?

Yet even this is not all—as if it were determined that no doubt should remain, by the sixth article of the constitution it is declared that, “this constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, *any thing in the constitutions or laws of any state to the contrary notwithstanding.*” The Congress are therefore vested with the supreme legislative power, without controul. In giving such immense, such unlimited powers, was there no necessity of a bill of rights to secure to the people their liberties? Is it not evident that we are left wholly dependent on the wisdom and virtue of the men who shall from time to time be the members of Congress? and who shall be able to say seven years hence, the members of Congress will be wise and good men, or of the contrary character.

As I mean to pursue this subject in some other letters, I shall conclude for the present; and am, Yours, AN OLD WHIG.

1. Reprinted: *Carlisle Gazette*, 31 October; *Baltimore Maryland Gazette*, 2 November (excerpt); and *New York Journal*, 28 November. For authorship, see CC:157.

2. Under the Pennsylvania constitution of 1776, the Council of Censors was elected every seven years and had power for one year after its election. It was to determine whether the constitution had been violated, i.e., “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 intitled to by the constitution. . . .” The Council had the “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.” It could also call a convention to amend the constitution (Thorpe, V, 3091–92).

3. The Declaratory Act of 1766, which was passed when the Stamp Act was repealed.

### 171 A–C. The Attack on the Non-signers of the Constitution Philadelphia, 17 October

The items below, printed on 17 October in three Philadelphia newspapers, inaugurated a barrage of newspaper attacks on Elbridge Gerry, George Mason, and Edmund Randolph for their refusal to sign the Constitution. Newspaper criticism, particularly of Gerry and Mason, was widespread but was especially intense in Boston, New York, and Philadelphia.



171—A. *Pennsylvania Journal*, 17 October<sup>1</sup>

Letters are received by the last post from Boston, which say, that Mr. Gerry, a Member of the late Fœderal Convention, is not only censured by the public in general, but by his best friends, for not signing the Constitution proposed by that august body.

We hear from Virginia, that on the arrival of Mr. Mason (one of their Delegates in Convention) at Alexandria, he was waited on by the Mayor and Corporation of that Town, who told him, they were *not* come to return him their thanks for his conduct in refusing to sign the Fœderal Constitution; but to express their abhorrence to it, and to advise him to withdraw from that town within an hour, for they could not answer for his personal safety, from an enraged populace, should he exceed that time.<sup>2</sup>

171—B. *Pennsylvania Gazette*, 17 October<sup>3</sup>

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, and that PATRICK HENRY, Esq; is using his influence in the state, in promoting its adoption.

171—C. *Pennsylvania Herald*, 17 October<sup>4</sup>

It is reported, that the citizens of Virginia have expressed the most pointed disapprobation of the conduct of those delegates to the convention who have refused to concur in the new plan of government. Notwithstanding the popular clamour however, we find that in many of the states persons avowedly inimical to that work, have been chosen members of the different legislatures. In New-York the prevailing politics support the principles of the governor,<sup>5</sup> and in Maryland Mr. Chase has surmounted every opposition to his election.<sup>6</sup>

1. Both paragraphs were reprinted in sixteen newspapers by 19 November: Vt. (1), N.H. (1), Mass. (3), Conn. (2), N.Y. (5), N.J. (1), Pa. (3). The first paragraph was also reprinted once in Maryland; the second paragraph in eleven other newspapers: N.H. (2), Mass. (3), R.I. (1), Conn. (4), Pa. (1).

2. This paragraph was reprinted and refuted by "A Lover of Truth," who stated "that the above *hear-say is not true*. The laws of the country, the decency of the people of Alexandria, and the very great *respectability* of Mr. Mason forbidding such a *foolish outrage* to have been committed. But the fabricators of this falsehood are evidently among the number of those who are for *cramming down the New Constitution by force, fraud and falsehood*. . . . These persons will do well to recollect, that they are not doing much honor to the New Constitution by practices like these. . . ." (*New York Packet*, 30 October). This refutation was summarized in the *Philadelphia Freeman's Journal*, 7 November; the *Philadelphia Evening Chronicle*, 7 November; the *Boston American Herald*, 26 November; and the *State Gazette of South Carolina*, 20 December.

3. Reprints by 3 November (12): N.H. (1), Mass. (4), R.I. (1), Conn. (1), N.Y. (1), Pa. (2), Md. (2).

4. Reprinted: *Gazette of the State of Georgia*, 1 November, and the October issue of the *Philadelphia Columbian Magazine*.

5. George Clinton.

6. In early October Samuel Chase, an opponent of the Constitution, had been elected a Baltimore representative to the Maryland House of Delegates, following a campaign in which the Constitution was an issue.

## 172. A View of the Proposed Constitution Philadelphia, 17 October

On 17 October the *Philadelphia Freeman's Journal* announced that Robert Aitken, a Philadelphia printer and bookseller, had just published and would sell a pamphlet entitled *A View of the Proposed Constitution of the United States, as Agreed to by the Convention of Delegates from Several States at Philadelphia, the 17th Day of September 1787—Compared with the Present Confederation. With Sundry Notes and Observations* (Evans 20591). The pamphlet was written by Pennsylvania's comptroller general John Nicholson (1757–1800) and appears to have circulated only in Pennsylvania.

The pamphlet compares the Constitution with the Articles of Confederation in a debit-credit balance-sheet format. On each page passages from the Constitution are printed in the left-hand debit column and passages from the Articles in the right-hand credit column. The balance is drawn at the bottom of each page in the form of notes by Nicholson. In these notes, Nicholson attacked the Constitution on several grounds. The Constitution created a President, Congress, and the federal judiciary with excessive powers; lacked provisions for annual elections, jury trials in civil cases and guarantees of freedom of the press and conscience; protected the slave trade; and endangered the sovereignty of the states. Nicholson also denounced the Constitutional Convention for exceeding its powers.

On 20 October, three days after Nicholson's pamphlet was printed, the *Philadelphia Independent Gazetteer* published two articles condemning it. "A Fœderalist" declared that the author was "but little removed from idiocy," while "A Watchman" told "John the Paper Maker" that the pamphlet was a "disgrace" and an "insult" to the literature and common sense of Pennsylvania.

[For a microfiche copy of the original pamphlet and for associated documents, which discuss authorship and circulation, see Mfm:Pa. 141 and RCS:Pa., 207–8, 256–57.]

## 173. A Citizen of America: An Examination into the Constitution Philadelphia, 17 October

On 15 September Thomas FitzSimons (1741–1811), a Pennsylvania delegate to the Constitutional Convention, informed Noah Webster that the Convention was about to adjourn and asked him to write in support of the new Constitution (Mfm:Pa. 142). FitzSimons' choice of Webster (1758–1843), a Connecticut native who had lived in Philadelphia since 1786, was understandable: in 1785 Webster had published a tract advocating the establishment of a powerful central government (Evans 19366).

Webster agreed to FitzSimons' request and on 8 and 9 October wrote a fifty-five page pamphlet, which was published on 17 October by Prichard and Hall of Philadelphia (*Pennsylvania Packet*, 18 October). Dated 10 October and

inscribed to Benjamin Franklin, the pamphlet was entitled *An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia. With Answers to the Principal Objections that Have Been Raised Against the System. By A Citizen of America* (Evans 20865). Sales of the pamphlet were brisk in Philadelphia, for on 27 November William Prichard announced in the *Pennsylvania Packet* that he had only "a very few copies" left.

The pamphlet also circulated outside Philadelphia. Soon after publication, it was advertised in New York City and Lancaster, Pa. (New York *Daily Advertiser*, 22 October; *Lancaster Zeitung*, 24 October). Webster sent copies to George Washington in Virginia and to David Ramsay in South Carolina (Washington to Webster, 4 November, Mfm:Pa. 142, and Ramsay to Webster, 10 November, Webster Collection, NN). On 30 April 1788 the pamphlet was advertised in the *Norfolk and Portsmouth Journal*.

Three newspapers printed long extracts. The *New Haven Gazette* on 29 November and the Springfield, Mass., *Hampshire Chronicle* on 11 December reprinted "A Citizen of America's" answers to nine Antifederalist objections to the Constitution. The *Providence Gazette* on 22 and 29 December published the last twenty-seven pages of the pamphlet, which provoked a newspaper exchange with Federalist printer John Carter ("Cid Hamet" and "J. Carter," *Providence Gazette*, 22, 29 December, and "A Pamphlet-Monger" and "One of the Pamphlet-Mongers," *Providence United States Chronicle*, 27 December).

The pamphlet is comprised of: (1) a defense of two-house legislatures, (2) a comparison of the Constitution with the Roman and British constitutions, (3) a delineation of the powers of the central government vis-a-vis the powers of the state governments, (4) specific answers to nine Antifederalist objections to the Constitution, (5) a discussion of the nature of government and freedom, and (6) a statement praising the Constitution and the men who drafted it.

"A Citizen of America" objected to only one paragraph in the Constitution—Article I, section 4—in which Congress was given power over the times, places, and manner of holding elections for Senators and Representatives. He wanted the states to control the election of congressmen and recommended that the section be rejected. (For Virginia Federalist James McClurg's agreement with this objection, see his letter to James Madison, 31 October, Rutland, *Madison*, X, 233–34.)

Some Antifederalists ridiculed "A Citizen of America" for his numerous references to classical antiquity and the works of European political theorists ("Merlin," *Philadelphia Independent Gazetteer*, 22 October and "Hickory," *Pennsylvania Herald*, 24 October, Mfm:Pa. 142, 157). "Veritas Politica" declared that "A Citizen of America" "has woven a web, which the least stir would entangle or dissolve" (*Pennsylvania Herald*, 27 October, Mfm:Pa. 165). "A Federal Republican" accused "A Citizen of America" of heaping "encomiums on those parts [of the Constitution] which are unexceptionable" and attacked him for defending the slave trade and general welfare clauses (*A Review of the Constitution*, 28 November, CC:303).

On the other hand, Federalists praised the pamphlet. David Ramsay of South Carolina declared that all of his friends who had read it had expressed "high approbation" (to Noah Webster, 10 November, Webster Collection, NN). "A Pamphlet-Monger" described the pamphlet as an "ingenious, honest, well-done performance" (*Providence United States Chronicle*, 27 December). An advertisement in the *Norfolk and Portsmouth Journal*, 30 April 1788, described "A Citizen of America" as "a fit companion to the Federalist" (CC:201).

[For a microfiche copy of the original pamphlet annotated by Webster and for associated documents dealing with authorship and publication, see Mfm:Pa. 142.]

**174. Don Diego de Gardoqui to Conde de Floridablanca**  
**New York, 18 October (excerpt)<sup>1</sup>**

... I will limit myself to informing Y[our] E[xcellency] that the paper war in the Newspapers over the new System of Government proposed by the Convention is growing; so that each day it becomes more clear that its establishment will be delayed a long time, and that according to some respectable opinions it would not be surprising if they were to find it necessary to call another Convention next year.

Meanwhile the Congress is continuing to break up, and in such a way that it will not be able to reconvene until the new [federal] year, which will be at the beginning of the year, or perhaps in the Spring. . . .

1. RC (Tr), Estado, Legajo 3893 bis, Letter 215, Archivo Histórico Nacional, Madrid, Spain.

**175. Elbridge Gerry to James Warren**  
**New York, 18 October<sup>1</sup>**

I expected e'er this to have been in Massachusetts but am detained here longer than I expected—I inclose some papers on the subject of the Constitution to be reprinted if you think it convenient. I know not who the authors are of the anonymous peices & it is a Matter of no consequence to the public, the Sentiments are in many respects just. my opinion with respect to the proposed constitution, is, that if adopted it will lay the foundation of a Government of *force & fraud*, that the people will bleed with taxes [at every] pore, & that the existence of their liberties will soon be terminated. the wealth of the Continent will be collected in pennsylvania, where the Seat of the foederal Government is proposed to be, & those who will use the greatest address in obtaining an acceptance of this despotic System, will hereafter scourge the people for their folly in adopting it.

I shall submit on my return, or by Letter, if I should not leave this City in a few Days, my Reasons to the legislature for dissenting from the Convention, & shall write them by post a short Letter to this effect<sup>2</sup>—

P.S. As the object of the Supporters of the Constitution, is to carry it thro by Surprize, it is hoped that the Legislature of Massachusetts will not propose a Convention till the next Session, & thus give to the people an oppirtunity to consider of the Constitution before they are called on to adopt it—Colo R H Lee informs me, the Judges, all the Bar, & many of the principal Gentlemen of Virginia are high against this System—

1. RC, Sang Collection, Southern Illinois University. On 30 June 1981 this letter was offered for sale by Daniel F. Kelleher Co., Inc., of Boston. The name of the addressee is missing, but the verso of the letter is endorsed: "Mr Gerry's Lettr/18 Oct 87" in James Warren's handwriting. Warren (1726–1808), a Plymouth merchant-farmer, was Speaker of the Massachusetts House of Representatives.

2. On this day, Gerry sent the Massachusetts General Court a letter which included some of his reasons of dissent (CC:227-A).

**Editors' Note**  
**Elbridge Gerry to the Massachusetts General Court**  
**New York, 18 October**

This letter, outlining Gerry's objections to the Constitution, was read in the Senate on 31 October and in the House of Representatives on 2 November. It was published in the *Massachusetts Centinel* on 3 November. For the text, circulation, and impact of the letter, see CC:227.

**176. James Madison to George Washington**  
**New York, 18 October<sup>1</sup>**

I have been this day honoured with your favor of the 10th instant, under the same cover with which is a copy of Col. Mason's objections to the Work of the Convention.<sup>2</sup> As he persists in the temper which produced his dissent it is no small satisfaction to find him reduced to such distress for a proper gloss on it; for no other consideration surely could have led him to dwell on an objection which he acknowledged to have been in some degree removed by the Convention themselves—on the paltry right of the Senate to propose alterations in money bills—on the appointment of the vice President—President of the Senate instead of making the President of the Senate the vice President, which seemed to be the alternative—and on the *possibility*, that the Congress may misconstrue their powers & betray their trust so far as to grant monopolies in trade &c. If I do not forget too some of his other reasons were either not at all or very faintly urged at the time when alone they ought to have been urged; such as the power of the Senate in the case of treaties & of impeachments; and their duration in office. With respect to the latter point I recollect well that he more than once disclaimed opposition to it. My memory fails me also if he did not acquiesce in if not vote for, the term allowed for the further importation of slaves; and the prohibition of duties on exports by the States. What he means by the dangerous tendency of the Judiciary I am at some loss to comprehend. It never was intended, nor can it be supposed that in ordinary cases the inferior tribunals will not have final jurisdiction in order to prevent the evils of which he complains. The great mass of suits in every State lie between Citizen & Citizen, and relate to matters not of federal cognizance. Notwithstanding the stress laid on the necessity of a Council to the President I strongly suspect, tho I was a friend to the thing, that if such an one as Col. Mason proposed, had been established, and the power of the Senate in appointments to offices transferred to it, that as great a clamour would have been heard from some quarters which in

general eccho his Objections. What can he mean by saying that the Common law is not secured by the new Constitution, though it has been adopted by the State Constitutions. The Common law is nothing more than the unwritten law, and is left by all the Constitutions equally liable to legislative alterations. I am not sure that any notice is particularly taken of it in the Constitutions of the States. If there is, nothing more is provided than a general declaration that it shall continue along with other branches of law to be in force till legally changed. The Constitution of Virga. drawn up by Col. Mason himself, is absolutely silent on the subject. An *ordinance* passed during the same Session, declared the Common law as heretofore & all Statutes of prior date to the 4 of James I. to be still the law of the land, merely to obviate pretexts that the separation from G. Britain threw us into a State of nature, and abolished all civil rights and obligations. Since the Revolution every State has made great inroads & with great propriety in many instances on this *monarchical* code. The "revisal of the laws" by a Com̄itte of wch. Col. Mason was a member, though not an acting one, abounds with such innovations. The abolition of the *right of primogeniture*, which I am sure Col. Mason does not disapprove, falls under this head. What could the Convention have done? If they had in general terms declared the Common law to be in force, they would have broken in upon the legal Code of every State in the most material points: they wd. have done more, they would have brought over from G. B. a thousand heterogeneous & antirepublican doctrines, and even the *ecclesiastical Hierarchy itself*, for that is a part of the Common law. If they had undertaken a discrimination, they must have formed a digest of laws, instead of a Constitution. This objection surely was not brought forward in the Convention, or it wd. have been placed in such a light that a repetition of it out of doors would scarcely have been hazarded. Were it allowed the weight which Col. M. may suppose it deserves, it would remain to be decided whether it be candid to arraign the Convention for omissions which were never suggested to them—or prudent to vindicate the dissent by reasons which either were not previously thought of, or must have been wilfully concealed—But I am running into a comment as prolix, as it is out of place.

I find by a letter from the Chancellor (Mr. Pendleton)<sup>3</sup> that he views the act of the Convention in its true light, and gives it his unequivocal approbation. His support will have great effect. The accounts we have here of some other respectable characters vary considerably. Much will depend on Mr. Henry, and I am glad to find by your letter that his favorable decision on the subject may yet be hoped for.—The Newspapers here begin to teem with vehement & virulent calumniations of the proposed Govt. As they are chiefly borrowed from the Pennsylvania papers, you see them of course. The reports however from different quarters continue to be rather flattering.

1. RC, Washington Papers, DLC.
2. For Washington's letter of 10 October, see CC:146. For Mason's objections, see CC:138.
3. CC:142.

### 177. Governor John Hancock: Speech to the Massachusetts General Court, Boston, 18 October (excerpt)

The two houses of the Massachusetts General Court attained a quorum on 17 October. The next day Governor John Hancock addressed a joint session of the Court and turned over to it a number of papers, including the Constitution. On 20 October a joint committee of the two houses reported resolutions calling a state convention, which the Court adopted five days later.

The excerpt printed below, from the *Massachusetts Gazette* of 19 October, is the only comment that Hancock made on the Constitution in his speech. The manuscript version of the speech is in Miscellaneous Legislative Papers, House Files, no. 2572, Massachusetts Archives. There are no significant differences between the *Massachusetts Gazette* version and the manuscript.

The speech was printed in its entirety in nineteen newspapers and in the *Philadelphia American Museum* by early December: Mass. (10), R.I. (2), Conn. (4), N.Y. (1), Pa. (3). Seven other newspapers reprinted the portion on the Constitution: N.H. (1), R.I. (1), Conn. (1), N.Y. (1), N.J. (1), Pa. (1), Md. (1).

Hancock's speech received a generally favorable reaction. On 20 October the *Massachusetts Centinel* referred to "the very handsome manner in which our worthy Governour speaks of the new Constitution." Two days later the *Boston American Herald* stated that the speech, "in general, [had] given the utmost satisfaction to persons of all sentiments." The *Herald* also indicated that Hancock had not considered the merits of the Constitution, but that "it must be apparent, that our worthy and patriotick Governour has no predeliction against it; on the other hand, some few have doubted, whether his observations do not imply too decided a partiality in its favor." James Madison declared that "Hancock has ushered it [the Constitution] to them in as propitious a manner as could have been required" (to George Washington, 28 October, Rutland, *Madison*, X, 225). But "Simon the Tanner" and "Examiner" both criticized Hancock for his reluctance to endorse the Constitution openly (*Northampton Hampshire Gazette*, 7, 21 November).

John Hancock (1737–1793), a Boston merchant, served in Congress from 1775 to 1778 and was President from 24 May 1775 to 29 October 1777. He signed the Declaration of Independence. Hancock was governor of Massachusetts, 1780–85, 1787–93. He was President of the Massachusetts Convention, where he voted to ratify the Constitution in February 1788.

... The general convention having completed the business of their appointment, and having reported to Congress, "a constitution for the United States of America," I have received the same from that honourable body, and have directed the secretary to lay it, together with the letter accompanying it, before the legislature, that measures may be adopted for calling a convention in this commonwealth, to take the same into consideration. It not being within the duties of my office to decide upon this momentous affair, I shall only say, that the characters of the gentlemen who have compiled this system, are so truly respectable, and the object of their deliberations so vastly important, that I conceive every mark of attention will be paid to the report. Their una-

nimity in deciding those questions wherein the general prosperity of the nation is so deeply involved, and the complicated rights of each separate state are so intimately concerned, is very remarkable; and I persuade myself that the delegates of this state when assembled in convention, will be able to discern that, which will tend to the future happiness and security of all the people in this extensive country. . . .

## 178. Brutus I

### New York Journal, 18 October<sup>1</sup>

Sixteen essays signed "Brutus" were published in the *New York Journal* between 18 October 1787 and 10 April 1788. The "Brutus" essays were not widely reprinted, appearing in the newspapers of just five towns. Only number IV appeared in as many as four newspapers; and no newspaper reprinted more than six of the essays. In the case of "Brutus," however, newspaper reprinting does not adequately illustrate the extent of circulation. "Brutus" was criticized or defended by newspaper writers in such towns as Exeter, N.H., Albany, N.Y., and New Haven, Conn., where the essays are not known to have been published (see criticisms and defenses below).

The authorship of the "Brutus" essays is uncertain; contemporaries and scholars since then have suggested different authors. Hugh Hughes, a New York Antifederalist publicist, believed that Abraham Yates, Jr., a New York delegate to Congress, wrote the essays (to Charles Tillinghast, 28 November, CC:298). William Shippen, Jr., a Philadelphia Antifederalist, heard that "Brutus" was either Richard Henry Lee or John Jay (to Thomas Lee Shippen, 22 November, RCS:Pa., 288). An anonymous writer in the *Massachusetts Gazette* of 4 January 1788 declared that George Clinton was "Brutus."

In the late nineteenth century Paul Leicester Ford first concluded that "Brutus" was Thomas Treadwell of Suffolk County, N.Y., but he later favored Robert Yates, a New York delegate to the Constitutional Convention. Although Ford offered no concrete evidence (*Pamphlets*, 117, 424), most scholars have accepted Yates as the author.

In 1965, however, Morton Borden argued that Yates was not "Brutus," but Borden did not suggest another author (*The Antifederalist Papers* [n.p., 1965], 42). Six years later William Jeffrey, Jr. published the sixteen "Brutus" essays and suggested that the author was possibly Melancton Smith, a New York delegate to Congress. Jeffrey saw certain similarities between the essays and a pamphlet (Evans 21465) known to have been written by Smith which was published shortly after the appearance of the last "Brutus" essay ("The Letters of 'Brutus'—a Neglected Element in the Ratification Campaign of 1787–88," *University of Cincinnati Law Review*, XL [1971], 644–46, and for the essays, 665–777).

Throughout his essays, "Brutus" attacked the Constitution for: creating a dangerous consolidated government that would destroy the state governments (I, V, VI, XV); omitting a bill of rights that was needed to protect civil liberties (II, IX); providing inadequate representation in Congress (III–IV); giving Congress excessive powers, particularly over taxation and the military (V–X); creating an uncontrollable federal judiciary (XI–XV); and failing to separate the legislative, executive, and judicial branches of government (XVI).

Federalists reacted quickly and sharply to "Brutus," largely because his essays were among the best Antifederalist material published. James Madison, soon after "Brutus" I appeared, declared that "a new Combatant, . . . with considerable address & plausibility, strikes at the foundation [of the new government]" (to Edmund Randolph, 21 October, CC:182). Although he did not



name "Brutus," "Publius" (Alexander Hamilton) evidently had him in mind in his first essay, which was printed on 27 October (CC:201). "Publius" charged that certain Antifederalists advocated the idea of separate confederacies. The charge was unfair because "Brutus" supported the notion of thirteen republican states under the direction of a central government having specific powers. He opposed a consolidated republic, as established by the Constitution, which, he believed, would degenerate into despotism. "Examiner" III, another New York writer, criticized "Brutus" "for giving sophistry, the air of logical justness and argumentative precision" (*New York Journal*, 19 December 1787). For other New York attacks, see "A Man of No Party," "Curtius" III, and "Curtiopolis," *New York Daily Advertiser*, 20 October, 3 November (supplement), and 18 January 1788; and "Examiner" IV, *New York Journal*, 24 December 1787.

The principal Federalist criticism was published in Philadelphia on 8 November by Pelatiah Webster, writing as "A Citizen of Philadelphia" (CC:244). For other criticisms, see an unsigned essay, *Pennsylvania Gazette*, 31 October (CC:218); "A Countryman" II, *New Haven Gazette*, 22 November (CC:284); "Candidus," "Atticus," and "Mark Anthony," *Boston Independent Chronicle*, 20, 27 December and 10 January 1788; "A.B.," *Northampton Hampshire Gazette*, 2, 9 January; and "Alfredus," *Exeter Freeman's Oracle*, 8 February.

The praises of "Brutus" were also widespread. For example, see "Centinel" III, *Philadelphia Independent Gazetteer*, 8 November (CC:243); "Cato" V, *New York Journal*, 22 November (CC:286); an unsigned essay, *Albany Gazette*, 20 December; and "A Farmer," *Exeter Freeman's Oracle*, 1 February 1788.

#### *To the CITIZENS of the STATE of NEW-YORK.*

When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result.

In this situation, I trust the feeble efforts of an individual, to lead the minds of the people to a wise and prudent determination, cannot fail of being acceptable to the candid and dispassionate part of the community. Encouraged by this consideration, I have been induced to offer my thoughts upon the present important crisis of our public affairs.

Perhaps this country never saw so critical a period in their political concerns. We have felt the feebleness of the ties by which these United-States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded. At length a Convention of the states has been assembled, they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the

constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.

With these few introductory remarks, I shall proceed to a consideration of this constitution.

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul of a supreme federal head for certain defined national purposes only?

This enquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends for by, the last clause of section 8th, article 1st, it is declared "that the Congress shall have power 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 office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the 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 law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States.—The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the states, but a little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given. The legislative power is competent to lay taxes, duties, imposts, and excises;—there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes, and duties shall be applied, may be said to be a limitation: but this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defence and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defence, and they only are to determine what is for the general welfare; this power therefore is neither more nor less, than a power to lay and collect taxes, imposts, and excises, at their pleasure; not only the power to lay taxes unlimited, as to the amount they may require, but it is perfect and

absolute to raise them in any mode they please. No state legislature, or any power in the state governments, have any more to do in carrying this into effect, than the authority of one state has to do with that of another. In the business therefore of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defence, in a good government, and the great engine of oppression and tyranny in a bad one. This cannot fail of being the case, if we consider the contracted limits which are set by this constitution, to the late governments, on this article of raising money. No state can emit paper money—lay any duties, or imposts, on imports, or exports, but by consent of the Congress; and then the net produce shall be for the benefit of the United States: the only mean therefore left, for any state to support its government and discharge its debts, is by direct taxation; and the United States have also power to lay and collect taxes, in any way they please. Every one who has thought on the subject, must be convinced that but small sums of money can be collected in any country, by direct taxes, when the foederal government begins to exercise the right of taxation in all its parts, the legislatures of the several states will find it impossible to raise monies to support their governments. Without money they cannot be supported, and they must dwindle away, and, as before observed, their powers absorbed in that of the general government.

It might be here shewn, that the power in the federal legislative, to raise and support armies at pleasure, as well in peace as in war, and their controul over the militia, tend, not only to a consolidation of the government, but the destruction of liberty.—I shall not, however, dwell upon these, as a few observations upon the judicial power of this government, in addition to the preceding, will fully evince the truth of the position.

The judicial power of the United States is to be vested in a supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The powers of these courts are very extensive; their jurisdiction comprehends all civil causes, except such as arise between citizens of the same state; and it extends to all cases in law and equity arising under the constitution. One inferior court must be established, I presume, in each state, at least, with the necessary executive officers appendant thereto. It is easy to see, that in the common course of things, these courts will eclipse the dignity, and take away from the respectability, of the state courts. These courts will be, in themselves, totally independent of the states, deriving their authority from the United States, and receiving from them fixed salaries; and in the course

of human events it is to be expected, that they will swallow up all the powers of the courts in the respective states.

How far the clause in the 8th section of the 1st article may operate to do away all idea of confederated states, and to effect an entire consolidation of the whole into one general government, it is impossible to say. The powers given by this article are very general and comprehensive, and it may receive a construction to justify the passing almost any law. A power to make all laws, which shall be *necessary and proper*, for carrying into execution, all powers vested by the constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite, and may, for ought I know, be exercised in such manner as entirely to abolish the state legislatures. Suppose the legislature of a state should pass a law to raise money to support their government and pay the state debt, may the Congress repeal this law, because it may prevent the collection of a tax which they may think proper and necessary to lay, to provide for the general welfare of the United States? For all laws made, in pursuance of this constitution, are the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of the different states to the contrary notwithstanding.—By such a law, the government of a particular state might be overturned at one stroke, and thereby be deprived of every means of its support.

It is not meant, by stating this case, to insinuate that the constitution would warrant a law of this kind; or unnecessarily to alarm the fears of the people, by suggesting, that the federal legislature would be more likely to pass the limits assigned them by the constitution, than that of an individual state, further than they are less responsible to the people. But what is meant is, that the legislature of the United States are vested with the great and uncontrollable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers. And are by this clause invested with the power of making all laws, *proper and necessary*, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way. This disposition, which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority, and having such advantages, will

most certainly succeed, if the federal government succeeds at all. It must be very evident then, that what this constitution wants of being a complete consolidation of the several parts of the union into one complete government, possessed of perfect legislative, judicial, and executive powers, to all intents and purposes, it will necessarily acquire in its exercise and operation.

Let us now proceed to enquire, as I at first proposed, whether it be best the thirteen United States should be reduced to one great republic, or not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encreasing in such rapid progression as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron de Montesquieu, *spirit of laws*, chap. xvi. vol. 1. "It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the *marquis Beccarari*.

History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.

Not only the opinion of the greatest men, and the experience of mankind, are against the idea of an extensive republic, but a variety of reasons may be drawn from the reason and nature of things, against it.

In every government, the will of the sovereign is the law. In despotic governments, the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few. If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the union are very variant, and their interests, of consequence, diverse. Their manners and habits differ as much as their

climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other.

The laws cannot be executed in a republic, of an extent equal to that of the United States, with promptitude.

The magistrates in every government must be supported in the execution of the laws, either by an armed force, maintained at the public expence for that purpose; or by the people turning out to aid the magistrate upon his command, in case of resistance.

In despotic governments, as well as in all the monarchies of Europe, standing armies are kept up to execute the commands of the prince or the magistrate, and are employed for this purpose when occasion requires: But they have always proved the destruction of liberty, and is abhorrent to the spirit of a free republic. In England, where they depend upon the parliament for their annual support, they have always been complained of as oppressive and unconstitutional, and are seldom employed in executing of the laws; never except on extraordinary occasions, and then under the direction of a civil magistrate.

A free republic will never keep a standing army to execute its laws. It must depend upon the support of its citizens. But when a government is to receive its support from the aid of the citizens, it must be so constructed as to have the confidence, respect, and affection of the people. Men who, upon the call of the magistrate, offer themselves to execute the laws, are influenced to do it either by affection to the government, or from fear; where a standing army is at hand to punish offenders, every man is actuated by the latter principle, and therefore, when the magistrate calls, will obey: but, where this is not the case, the government must rest for its support upon the confidence and respect which the people have for their government and laws. The body of the people being attached, the government will always be sufficient to support and execute its laws, and to operate upon the fears of any faction which may be opposed to it, not only to prevent an opposition to the execution of the laws themselves, but also to compel the most of them to aid the magistrate; but the people will not be likely to have such confidence in their rulers, in a republic so extensive as the United States, as necessary for these purposes. The confidence which the people have in their rulers, in a free republic, arises from their knowing them, from their being responsible to them for their conduct, and from the power they have of displacing them when they misbehave: but in a republic of the extent of this continent, the people in general would be acquainted with very few



of their rulers: the people at large would know little of their proceedings, and it would be extremely difficult to change them. The people in Georgia and New-Hampshire would not know one another's mind, and therefore could not act in concert to enable them to effect a general change of representatives. The different parts of so extensive a country could not possibly be made acquainted with the conduct of their representatives, nor be informed of the reasons upon which measures were founded. The consequence will be, they will have no confidence in their legislature, suspect them of ambitious views, be jealous of every measure they adopt, and will not support the laws they pass. Hence the government will be nerveless and inefficient, and no way will be left to render it otherwise, but by establishing an armed force to execute the laws at the point of the bayonet—a government of all others the most to be dreaded.

In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising.

In so extensive a republic, the great officers of government would soon become above the controul of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. The trust committed to the executive offices, in a country of the extent of the United-States, must be various and of magnitude. The command of all the troops and navy of the republic, the appointment of officers, the power of pardoning offences, the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state, in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

Though I am of opinion, that it is a sufficient objection to this government, to reject it, that it creates the whole union into one government, [un]der the form of a republic, yet if this objection was obviated, there are exceptions to it, which are so material and fundamental, that

they ought to determine every man, who is a friend to the liberty and happiness of mankind, not to adopt it. I beg the candid and dispassionate attention of my countrymen while I state these objections—they are such as have obtruded themselves upon my mind upon a careful attention to the matter, and such as I sincerely believe are well founded. There are many objections, of small moment, of which I shall take no notice—perfection is not to be expected in any thing that is the production of man—and if I did not in my conscience believe that this scheme was defective in the fundamental principles—in the foundation upon which a free and equal government must rest—I would hold my peace.

1. Reprinted: *Pennsylvania Packet*, 26 October; *Boston Independent Chronicle*, 22 November; and *Northampton Hampshire Gazette*, 19, 26 December.

**179. George Mason to Elbridge Gerry**  
**Virginia Fairfax County, Gunston Hall, 20 October (excerpt)<sup>1</sup>**

... There is great Contrariety of Opinion in Virginia upon the new Constitution of Government, & tho' in general it seems to be approved, Yet even its Advocates can not deny that there are in it some very exceptionable & unsafe Articles. I have no Doubt of our Legislatures referring it to a Convention of the People; where it will probably undergo some Alterations. It wou'd be fortunate for America, if the Conventions in the different States cou'd meet upon this important Business about the same time: by a regular & cordial Communication of Sentiments, confining themselves to a few necessary amendments, & determining to join heartily in the System so amended, they might, without Danger of public Convulsion or Confusion, procure a general Adoption of the new Government; but shou'd many of the States pursue such intemperate & violent Measures as the Legislature of Pennsylvania has done,<sup>2</sup> it requires no great Degree of Penetration to foresee the Consequences—a federal System will be defeated by the rash & improper means taken to support it, & the People of these United States involved in all the Evils of Civil War.—Indeed the precipitation with which the City of Philadelphia, & that party in their Legislature, are attempting to force the new Government upon the People, betrays their Consciousness of it's not bearing the Test of impartial examination—they dread a thorough Knowledge & public Discussion of the Subject, & wish to hurry it down, during the short & raging hour of Approbation.—

I beg You will inform me what are the Sentiments of the wise & disinterested part of Your State, & what will probably be the Fate of the new System there; for there is no trusting to public reports or common News Paper Intelligence.

As my Objections, which I shewed You to the new Government, were written in a Hurry, & very incorrect, I take the Liberty of inclosing You a more correct Copy.<sup>3</sup>

1. RC, Americana Room, Daughters of the American Revolution, National Headquarters, Washington, D.C. Printed: Rutland, *Mason*, III, 1005–6. Endorsed by Gerry: “Virginia Letter/Honble Mr. Mason/Octo 20th. ansd/Decr 8th 1787.”

2. For the “intemperate and violent measures” in Pennsylvania, see CC:125.

3. For the various manuscript versions of Mason’s objections to the Constitution, see Mason to George Washington, 7 October, CC:138.

**180. Louis Guillaume Otto to Comte de Montmorin**  
New York, 20 October<sup>1</sup>

When I had the honor of sending You the translation of the new System of Government proposed by the Philadelphia Convention<sup>2</sup> I could not permit myself without being presumptuous the slightest remark about an act the drafting of which had occupied the most enlightened and skillful men on the Continent for many months. Today I will take on the difficult task of discussing the perfections and the disadvantages of this new plan, of which I already had the honor to give You a summary in my Dispatch No. 91. before the Convention began its sessions.<sup>3</sup> The newspapers which I have the honor to send You will sufficiently inform You of the party spirit developing daily on both sides in order to spread alarm or in order to solicit public praise. It is my duty to present You with the true State of things from an unbiased point of view.

On one hand, *energy and national reputation*, on the other, *civil and political liberty*, give the new Constitution either a favorable or alarming aspect.

A President, vested with the most extensive executive powers, Commander in chief of the land and naval forces, disposing of the most important Affairs civil as well as military, with the consent of the Senate, elected for four years and capable of being reelected for life—a Congress composed of two Houses, possessing the *exclusive* right to levy taxes, excises, to contract loans, to establish Courts of Appeal and even inferior tribunals in the various States, to call out the militia and to have it march from one end of the Continent to the other, to raise an Army, fit out Fleets—a Government that can effectively control the irregular proceedings of inferior [state] Legislatures, prevent the creation of paper money and the legal injustices of debtor States [to their creditors], centralize the interests and the power of this great empire, regulate Commerce with foreign nations as well as that between individual states, restore national honor abroad, pay the public creditors, and reestablish good faith, justice, and integrity throughout the united States—This Government ought to arouse the enthusiasm of all those who desire the aggrandizement and prosperity of their country. In effect the Congress will be able, without exacting great sacrifices from

the people, to pay the public debts and to become formidable in America and in Europe; it will be able to conclude extremely advantageous treaties with foreign nations and above all protect the property of individuals, which it has never been able to do since the revolution, and if liberty consists of not only obeying the law, but of obeying just and equitable laws the proposed Government appears to lead more immediately to liberty. All those who have some property, and this is a very considerable number in America, ardently desire the establishment of the new Constitution; they consider it the only way to remedy the present anarchy; they appear to have no doubt that it will be adopted by the people and they already speak of Gnl. Washington as the only man capable of filling the important position of President of the united States with dignity.

In admiring the wisdom, foresight and talents of those who have designed this new plan, and even agreeing with them that nothing could at this moment be more glorious for the united States, I cannot refrain, My Lord, from submitting to You the reflections of those who consider this plan only from the point of view of *public liberty*.

"They believe to have sufficiently balanced, they say, the powers between the President, the Senate and the House of Representatives in comparing them to the King of England, to the House of Lords and to the Commons; but the latter are political personages essentially different by their birth, their rights, their riches and above all by public opinion, whereas in America the difference will always be nominal and, instead of being balanced, the three bodies will unite in a short time whether to conserve their places, to place their friends there, to enrich themselves at the public expense, to encroach upon the liberty of their Fellow Citizens. To govern an immense country it will be necessary for them to have immense powers and what will become of these powers when they turn out to be concentrated in a single body?—It is true that the President will be elected for only four years, the Senators for only six, the Representatives for only two, but they will always be *eligible*; will not the elections be for sale as in England, especially when they will be able to command the public treasury at will?—The salaries of the President, the Senate, the lower House will be fixed by themselves; who can stop them from raising them endlessly?—The Congress will have the right to determine the place of elections; will it not give preference to a city which is particularly devoted to it?—The lower House has the right to impeach a public Officer before the Senate, that is to say before his equals, before men equally interested in destroying all those who are opposed to usurpation! still another poor imitation of the English Constitution. In Great Britain a coalition between the Lords and the Commons is almost impossible; in America it will be completely natural between Senators and Representatives.—Each House will judge the qualifications of its Members and elections; it will therefore be able to

reject all those who will not side with their views; will it want to admit a Doria?<sup>4</sup>—The Congress will be able to raise Armies and fit out fleets; will it not be as concerned as the Roman Senate was with instigating wars in order to maintain many troops and afterwards to employ them in the destruction of liberty?—The Congress will impose whatever taxes it judges appropriate, it will levy imposts, borrow money; will not the Sums raised be used to corrupt the elections? to whom will it be accountable for the Sums raised?—to the people? they will not know how to judge; to the President? he will have a good share of the spoils.—The Congress will suspend the writ of *habeas corpus* in case of rebellion; but if this rebellion was only a resistance to usurpation, who will be the Judge? the usurper.—The Constitution is not even accompanied by a *Declaration of rights*, so that no recourse remains for the Citizen against oppression. It is the same with the States; since the Constitution does not permit them to conclude treaties, to combine among themselves, to emit paper money, to raise troops or taxes without the consent of Congress. In England the right of resistance is part of the Constitution, here it is not even mentioned.—All civil cases will be decided in the supreme Court without benefit of Juries; but Judges will be named by Congress; what an unjust way of applying unjust laws!—The Congress will have an independent territory of ten miles square, it will be able to erect forts, magazines, dockyards there; it will be able to buy neighboring territories to construct other forts, &c there. the President will have there all the trappings of a Sovereign; at the end of four years it will be difficult for him to descend into the crowd, to abandon the Command of a fleet and of an army, all the Officers of which will have been named by him, commissioned by him and who consequently will be considered personally attached to him. He will receive and appoint Ambassadors, he will conclude treaties with the consent of two thirds of the Senate, he will convene the Congress at least once a year; but if he does not convene it, if like Cromwell he chooses a certain number of his creatures to govern tyrannically; where is the remedy?”

Many of these objections, My Lord, obviously contradict themselves, some suppose a coalition among the three branches, others a decided preponderance of the President or of Congress. As for the two Houses the balance is in reality ideal and their interests must always be the same unless it is believed that the Senate will side more with the President with whom it is more directly related. But what will give surprising vigor to the new Government, is that Congress reserves the right to establish supreme Courts of appeal, which will have cognizance in the first instance of all cases respecting the law of nations or the laws of the united States and in general of *all the cases which will be brought under this Constitution*; they will even have the right to void laws made in the several States. The power of individual state Legislatures will be limited therefore to regulating their internal police; they will resemble cor-

porations rather than Sovereign assemblies. Many people are even of the opinion that they still have been left with too much authority and that the people will not be able to be prevented from viewing them [the state legislators] as more direct and more faithful representatives than those who will be found in Congress.

It will perhaps be interesting to examine, if in the midst of peace and without any urgent necessity it is prudent for confederated republics to unite in one body all their authority and their powers and to elect an Officer as powerful as the President of the united States will be? I must leave this task, which is foreign to me, to more skillful pens.

1. RC (Tr), Correspondance Politique, États-Unis, Vol. 32, ff. 375–80, Archives du Ministère des Affaires Étrangères, Paris, France. Otto (1754–1817) had been France's chargé d'affaires since 1785 and continued to be its principal diplomat in America until the Comte de Moustier arrived in early 1788.

2. On 30 September Otto sent Montmorin a translation of the Constitution.

3. In his dispatch no. 91 on 10 June 1787, Otto discussed the major weaknesses of the Confederation, mentioned the wide variety of suggested changes, and concluded that the Constitutional Convention, then in session, would have great difficulty in trying to resolve the country's problems (Farrand, III, 39–45).

4. Andrea Doria (1466–1560), Genoese admiral and *condottiere*, restored the republic in Genoa, although the constitution established by him was aristocratic in nature.

### 181. An Old Whig III

#### Philadelphia Independent Gazetteer, 20 October<sup>1</sup>

“Great men are not always wise,” they have their seasons of inattention, and their moments of frailty and error, in which it is too evident, they are not wholly exempted from the infirmity of human nature. We ought not therefore implicitly to approve and admire, without examination, every act that proceeds even from the best and wisest of mankind. The proposed new plan of federal government, is undoubtedly the work of some of the ablest and best men in this country; but yet we are not, for that reason only, to believe that it is free from imperfection. The convention themselves inform us that the constitution which they offer to us, is the effect of mutual accommodations and concessions, in which mode it is certain that the best and wisest propositions are not always those which are adopted. Indeed it appears to me that, after all the time which has been spent in this business, the convention at the close of their session have been glad to lay hold of any system in which a majority could possibly concur, so as not to separate without doing any thing; and that the model of government now before us, is at least the work of haste and inattention. To be convinced of this, let us turn again to the sixth article, which I have referred to in the close of my last letter. By this article, not only the “proposed constitution and laws of the United States, which shall be made in pursuance thereof;” but also “*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 constitutions or laws of any state to the contrary notwithstanding.”—The power of making treaties is vested in the president, with the concurrence of two thirds of the senators present; so that the president and two thirds of the senate have power to make laws in the form of treaties, independent of the legislature itself. If Great Britain, for instance, were willing to enter into a treaty with us, upon terms which would be inconsistent with the liberties of the people and destructive of the very being of a Republic, the consent of our president for the time being, and of two thirds of the senators present, even though the senators present should be but a very small part of the senate, will give such a treaty the validity of a law. What power will there be anywhere to prevent this?—None.—Where all power legislative and executive is vested in one man or one body of men, treaties are made by the same authority which makes the laws; but where the legislature is extinct [*sic*] from the executive, the approbation of the legislature ought to be had, before a treaty should have the force of a law; and even in England the parliament is constantly applied to for their sanction to every treaty which tends to introduce an innovation or the slightest alteration in the laws in being, the law there is not altered by the treaty itself; but by an act of parliament which confirms the treaty, and alters the law so as to accommodate it to the treaty. The King in council has no such power. The only answer which can be made to this objection, which is so obvious, to the power given by the proposed constitution to the executive of making treaties, which shall be the “supreme law of the land,” is, that it is not to be supposed they will abuse such power.—But yet we find that men in all ages have abused power, and that it has been the study of patriots and virtuous legislators at all times to restrain power, so as to prevent the abuse of it.—What then ought to be done, it may be asked.—Are treaties to be sent to all the different state legislatures for their approbation? By no means. But no treaty ought to be suffered to alter the law of the land, without the consent of the continental legislatures; the powers of the continental legislatures ought to be exactly defined; and there ought to be a bill of rights firmly established, which neither treaties nor acts of the legislature can alter.

Let us however give fair play to the answer which has been attempted to be given to this Objection. The author of the speech tells us, that a bill of rights would have been superfluous and absurd; because “no powers are given to Congress but what are expressly given;” and “that we shall still enjoy those privileges of which we are not divested either by the intention or the act that brought that body into existence.”<sup>2</sup>—For instance, the liberty of the press.—What controul can proceed from the federal government to shackle or destroy that sacred palladium of national freedom?—What controul!—Suppose that an act of the continental legislature should be passed to restrain the liberty of

the press;—to appoint licensers of the press in every town in America;—to limit the number of printers;—and to compel them to give security for their good behaviour, from year to year, as the licenses are renewed: If such a law should be once passed, what is there to prevent the execution of it?—By the sixth article of the proposed constitution, this act of the continental legislature is “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.”—Suppose a printer should be found hardy enough to contravene such a law when made, and to contest the validity of it.—He is prosecuted we will suppose, in this state—he pleads in his defence, that by the constitution of Pennsylvania, it is declared “that the freedom of the press ought not to be restrained.”—What will this avail him? The judge will be obliged to declare that “*notwithstanding the constitution of any state,*” this act of the continental legislature which restrains the freedom of the press, is “the supreme law; and we must punish you—The bill of rights of Pennsylvania is nothing here. That bill of rights indeed is binding upon the legislature of Pennsylvania, but it is not binding upon the legislature of the continent.” Such must be the language and conduct of courts, as soon as the proposed continental constitution shall be adopted.

As to the trial by jury, the question may be decided in a few words. Any future Congress sitting under the authority of the proposed new constitution, may, if they chuse, enact that there shall be no more trial by jury, in any of the United States; except in the trial of crimes; and this “SUPREME LAW” will at once annul the trial by jury, in all other cases. The author of the speech supposes that no danger “can possibly ensue, since the proceedings of the supreme court are to be regulated by the Congress, which is a faithful representation of the people; and the oppression of government is effectually barred; by declaring that in all criminal cases the trial by jury shall be preserved.” Let us examine the last clause of this sentence first.—I know that an affected indifference to the trial by jury has been expressed, by some persons high in the confidence of the present ruling party in some of the states;—and yet for my own part I cannot change the opinion I had early formed of the excellence of this mode of trial even in civil causes. On the other hand I have no doubt that whenever a settled plan shall be formed for the extirpation of liberty, the banishment of jury trials will be one of the means adopted for the purpose.—But how is it that “the oppression of government is effectually barred by declaring that in all criminal cases the trial by jury shall be preserved?”—Are there not a thousand civil cases in which the government is a party?—In all actions for penalties, forfeitures and public debts, as well as many others, the government is a party and the whole weight of government is thrown into the scale of the prosecution yet these are all of them civil causes.—These penalties,



forfeitures and demands of public debts may be multiplied at the will and pleasure of government.—These modes of harrassing the subject have perhaps been more effectual than direct criminal prosecutions.—In the reign of Henry the Seventh of England, Empson and Dudley acquired an infamous immortality by these prosecutions for penalties and forfeitures:—Yet all these prosecutions were in the form of civil actions; they are undoubtedly objects highly alluring to a government.—They fill the public coffers and enable government to reward its minions at a cheap rate.—They are a profitable kind of revenge and gratify the officers about a court, who study their own interests more than corporal punishment.—Perhaps they have at all times been more eagerly pursued than mere criminal prosecutions.—Shall trial by jury be taken away in all these cases and shall we still be told that “we are effectually secured against the oppressions of government?” At this rate Judges may sit in the United States, as they did in some instances before the war, without a jury to condemn people’s property and extract money from their pockets, to be put into the pockets of the judges themselves who condemn them; and we shall be told that we are safe from the oppression of government.—No, Mr. Printer, we ought not to part with the trial by jury; we ought to guard this and many other privileges by a bill of rights, which cannot be invaded. The reason that is pretended in the speech why such a declaration; as a bill of rights requires, cannot be made for the protection of the trial by jury;—“that we cannot with any propriety say ‘that the trial by jury shall be as heretofore’ ” in the case of a federal system of jurisprudence, is almost too contemptible to merit notice.—Is this the only form of words that language could afford on such an important occasion? Or if it were to what did these words refer when adopted in the constitutions of the states?—Plainly sir, to the trial by juries as established by the common law of England in the state of its purity;—That common law for which we contended so eagerly at the time of the revolution, and which now after the interval of a very few years, by the proposed new constitution we seem ready to abandon forever; at least in that article which is the most invaluable part of it; the trial by jury.

Still however the great answer to all the objections that are made or can be made to the proposed constitution is this;—that there is no danger in trusting the Congress with any power: They will not abuse it. I shall conclude this letter with asking such as are willing to satisfy themselves with this answer only to look back for ten or twelve years and recollect what a mighty change has taken place in the political opinions of many people since that time. If they have forgotten let me beg of them to read over the publications of the years, 1774, 1775, 1776 and 1777. What was the spirit, what was the complaints of those times from Congress down to the smallest meeting of the people? Our present language will be found to give the lie to our former profes-

sions; and we have sinned egregiously in wading thro' such an ocean of blood, if we were not well founded in the pretensions upon which we encountered the horrors of a civil war in establishing the revolution.—If such has been the change, as a very short examination will convince any man that has taken place in a few years past, what right have we to trust to the existence of such pure and immaculate virtue in time to come, that we should tamely and implicitly surrender our liberties at discretion into the hands of a government whose constituent members are totally unknown to us. Solomon has told us that no man knows whether a fool or a wise man is to inherit his estate; neither do we know whether honest and virtuous men or knaves and tyrants are to regulate our future councils. Let us then guard ourselves, as far as we can, against the possibility of being enslaved by wicked men, whilst the power of guarding ourselves is in our own hands. I know that the country is distressed; but it is not distressed beyond the power of remedy.—Let us take care that we do not involve ourselves in slavery, from the distresses of which we can never redeem ourselves.

1. Reprinted: *New York Journal*, 1 December. For authorship, see CC:157.

2. See James Wilson's speech, 6 October, CC:134.

**182. James Madison to Edmund Randolph**  
**New York, 21 October (excerpt)<sup>1</sup>**

. . . I have recd. no letter from you since your halt at the Bolling-Green.<sup>2</sup> We hear that opinions are various in Virginia on the plan of the Convention. I have recd. within a few days a letter from the Chancellor by which I find that he gives it his approbation; and another from the President of Willm. & Mary which, though it does not absolutely reject the Constitution, criticizes it pretty freely.<sup>3</sup> The Newspapers in the middle & Northern States begin to teem with controversial publications. The attacks seem to be principally levelled agst. the organization of the Government, and the omission of the provisions contended for in favor of the Press, & Juries &c. A new Combatant however with considerable address & plausibility, strikes at the foundation.<sup>4</sup> He represents the situation of the U.S. to be such as to render any Govt. improper & impracticable which forms the States into one nation & is to operate directly on the people. Judging from the News papers one wd. suppose that the adversaries were the most numerous & the most in earnest. But there is no other evidence that it is the fact. On the contrary we learn that the Assembly of N. Hamshire which recd. the constitution on the point of their adjournment, were extremely pleased with it. All the information from Massts. denotes a favorable impression there. The Legislature of Connecticut have unanimously recommended the choice of a Convention in that State. And Mr. Baldwin<sup>5</sup>

who is just from the spot tells me that from present appearances the opposition will be inconsiderable; that the Assembly if it depended on them would adopt the System almost unanimously; and that the Clergy and all the literary men are exerting themselves in its favor. Rho. Island is divided; The majority being violently agst. it. The temper of this State cannot yet be fully discerned. A strong party is in favor of it. But they will probably be outnumbered if those whose sentiments are not yet known, should take the opposite side. N. Jersey appears to be zealous. Meetings of the people in different counties are declaring their approbation & instructing their representatives.<sup>6</sup> There will probably be a strong opposition in Penna. The other side however continue to be sanguine. Doctr. Carroll<sup>7</sup> who came hither lately from Maryland tells me, that the public voice there appears at present to be decidedly in favor of the Constitution. Notwithstanding all these circumstances, I am far from considering the public mind as fully known or finally settled on the subject. They amount only to a strong presumption that the general sentiment in the Eastern & middle States is friendly to the proposed System at this time.

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, X, 199–200. Marked: “Private” by Madison.

2. See Randolph to Madison, 30 September, Rutland, *Madison*, X, 181–82.

3. For Chancellor Edmund Pendleton’s letter, see CC:142, and for Reverend James Madison’s letter, see CC:118.

4. “Brutus” I (CC:178).

5. Abraham Baldwin, formerly a resident of New Haven, Conn., was a Georgia delegate to Congress and to the Constitutional Convention.

6. For county meetings and petitions to the New Jersey legislature, see RCS:N.J., 135–37, 139–40.

7. John Carroll, the Superior of Catholic missions in the United States, became the first Catholic bishop of America in 1789.

### Editors’ Note Addresses to the Citizens of Pennsylvania Philadelphia, 21 October

On or before 21 October, Hall and Sellers of the *Pennsylvania Gazette* published a four-page broadside anthology of Federalist writings entitled: *Addresses to the Citizens of Pennsylvania. Calculated to shew the Safety—Advantages—and Necessity of adopting the proposed Constitution of the United States. In which are included Answers to the Objections that have been made to it* (Philadelphia, [1787], Evans 20180). (For the publication of the broadside, see Tench Coxe to James Madison, 21 October, CC: 183–B.)

The “addresses,” introduced by two brief excerpts from George Washington’s circular letter of June 1783 (see CC:4, notes 2 and 4), are as follows: the reply of six Pennsylvania assemblymen to the seceding members of the Pennsylvania General Assembly (RCS:Pa., 117–20);

“Foederal Constitution” (CC:150); James Wilson’s speech of 6 October (CC:134); “An American Citizen” I–IV (CC:100–A, 109, 112, 183–A); and the letter of the President of the Constitutional Convention to the President of Congress, 17 September 1787 (CC:76). With the exception of “An American Citizen” IV, all of these items had been previously printed in Philadelphia between 19 September and 10 October, and each was being circulated throughout the United States at the time the broadside appeared.

Coxe transmitted copies of the broadside to James Madison and Alexander Hamilton in New York and William Tilghman in Maryland (CC:183 B–C; Coxe to Tilghman, 23 October, William Tilghman Collection, PHI; and Tilghman to Coxe, 25 November, Tench Coxe Papers, Series II, PHI). Timothy Pickering, a Pennsylvania Federalist, sent copies to Luzerne County, where his agent distributed them (Ebenezer Bowman to Pickering, 12 November, RCS:Pa., 257).

### 183 A–C. An American Citizen IV: On the Federal Government

“An American Citizen” IV—written by Tench Coxe at the behest of James Wilson, Benjamin Rush, and others—was first published on or before 21 October as part of a four-page broadside anthology by Hall and Sellers of the *Pennsylvania Gazette*. (For the broadside, see the Editors’ Note, 21 October, immediately above.) On 24 October “An American Citizen” IV was printed in the *Pennsylvania Gazette* and the *Philadelphia Independent Gazetteer* with some textual variations. By 10 December the essay was reprinted in nine other newspapers: Mass. (1), Conn. (1), N.Y. (1), N.J. (1), Pa. (2), Md. (1), Va. (1), S.C. (1). It also appeared in the October issue of the *Philadelphia American Museum* and in a Richmond pamphlet anthology (CC:350). The next to the last paragraph of the essay was reprinted from the broadside edition, with minor textual variations, in the *Massachusetts Centinel* of 7 November, without any indication that it was taken from “An American Citizen.” The *Centinel’s* version was reprinted seven times by 25 December: Conn. (1), N.Y. (2), N.J. (1), Pa. (3). For authorship, see CC:100.

#### 183–A. *An American Citizen IV: On the Federal Government* *Philadelphia, 21 October*

In considering the respective powers of the President, the Senate and the House of Representatives, under the foederal constitution, we have seen *a part of the wholesome precautions*, which are contained in the new system. Let us examine what *further securities for the safety and happiness of the people* are contained in the general stipulations and provisions.

The United States guarantee to every state in the union *a separate republican form of government*. From thence it follows, that any man or body of men, however rich or powerful, who shall make an alteration in the form of government of any state, *whereby the powers thereof shall be at-*

*tempted to be taken out of the hands of the people at large, will stand guilty of high treason; or should a foreign power seduce or overawe the people of any state, so as to cause them to vest in the families of any ambitious citizens or foreigners the powers of hereditary governors, whether as Kings or Nobles, that such investment of powers would be void in itself, and every person attempting to execute them would also be guilty of treason.*

No religious test is ever to be required of any officer or servant of the United States. The people may employ *any wise and good citizen* in the execution of the various duties of the government. In Italy, Spain and Portugal, *no protestant* can hold a public trust. In England *every presbyterian, and other person not of their established church*, is incapable of holding an office. No such *impious* deprivation of the rights of men can take place under the new fœderal constitution. The convention has the honor of proposing *the first public act*, by which any nation has ever *divested itself of a power*, every exercise of which is a *trespass on the Majesty of Heaven*.

No qualification *in monied or landed property* is required by the proposed plan; nor does it admit any preference from the preposterous distinctions of *birth and rank*. The office of the President, a Senator, and a Representative, and every other place of *power or profit*, are therefore open to *the whole body of the people*. Any wise, informed and upright man, be his property what it may, *can exercise the trusts and powers of the state*, provided he possesses the moral, religious and political virtues which are necessary to secure the confidence of his fellow citizens.

The importation of slaves from any foreign country is, by a clear implication, held up to the world as equally inconsistent with the dispositions and the duties of the people of America. A solid foundation is laid for exploding the principles of negro slavery, in which many good men of all parties in Pennsylvania, and throughout the union, have already concurred. The *temporary* reservation of any particular matter must ever be deemed an admission that it should be done away. This appears to have been well understood. In addition to the arguments drawn from liberty, justice and religion, opinions against this practice, *founded in sound policy*, have no doubt been urged. Regard was necessarily paid to the peculiar situation of our southern fellow-citizens; but they, on the other hand, have not been insensible of *the delicate situation of our national character on this subject*.

The people will remain, under the proposed constitution, *the fountain of power and public honor*. The President, the Senate, and House of Representatives, will be *the channels* through which the stream will flow—but it will flow *from the people*, and from them *only*. *Every office*, religious, civil and military, will be either their *immediate gift*, or it will come from them through the hands of *their servants*. And this, as observed before, will be guaranteed to them under the state constitutions which

they respectively approve; for they *cannot* be royal forms, *cannot* be aristocratical, but *must* be republican.

The people of those states which have *faithfully* discharged their duty to the union will be no longer subjected *alone* to the weight of the *public debts*. Proper arrangements will call forth the *just* proportion of their sister states, and our national character will *again* be as unstained, *as it was once exalted*. Elevation to independence, *with the loss of our good name*, is only to be *conspicuous in disgrace*. The liberties of a people involved in debt, are as *uncertain* as the liberty of an individual in the same situation. *Their virtue is more precarious*. The unfortunate citizen must yield to the operation of the laws, while a bankrupt nation too easy annihilates *the sacred obligations of gratitude and honor*, and becomes *execrable and infamous*. I cannot refrain from reminding my fellow-citizens of our *near approach* to that deplorable situation, which *must* be our miserable condition, if the defects of the old confederation remain without amendment. The proposed constitution will cure the evil, and *restore* us to our rank among mankind.

Laws, made after the commission of the fact, have been a dreadful engine in the hands of tyrannical governors. Some of the most virtuous and shining characters in the world have been put to death, by laws *formed to render them punishable*, for parts of their conduct which *innocence permitted*, and to which *patriotism impelled them*. These have been called *ex post facto* laws, and are exploded by the new system. If a time of public contention shall hereafter arrive, *the firm and ardent friends to liberty* may know the length to which they can push their noble opposition, on the foundation of the laws. Should their country's cause impel them further, they will be acquainted with the hazard, and using those arms which Providence has put into their hands, will make a solemn appeal to "*the power above*."

The destruction of the ancient republics was occasioned in every instance by their being ignorant of *a great political position, which was left for America to discover and establish*. Self-evident as the truth appears, we find no friend to liberty in ancient Greece or Rome asserting, that *taxation and representation were inseparable*. The Roman citizens, proud of their own liberty, imposed, in the freest times of the commonwealth, the most grievous burdens on their wretched provinces. At other times we find thousands of their citizens, tho' residing within the walls of Rome, deprived of legislative representatives. When America asserted *the novel truth*, Great-Britain, tho' boasting herself as *alone free* among the modern nations, denied it by her legislature, and endeavoured to refute it by her arms—the reasoning of tyrants. But the attempt was vain, for *the voice of truth* was heard above the thunders of the war, and *reached the ears of all nations*. Henceforth the people of the earth will consider *this position* as the *only rock* on which they can found the temple of liberty, *that taxation and representation are inseparable*. Our new constitution car-

ries it into execution on the most enlarged and liberal scale, for a Representative will be chosen by *six thousand* of his fellow-citizens, a Senator by *half a sovereign state*, a President by *a whole nation*.

The old fœderal Constitution contained many of *the same things*, which from error or disingenuousness are urged against the new one. *Neither* of them have a bill of rights, *nor does either* notice the liberty of the press, because they are already provided for *by the State Constitutions*; and relating only to *personal* rights, they could not be mentioned *in a contract among sovereign states*.

Both the old and new fœderal constitutions, and indeed *the constitution of Pennsylvania*, admit of courts in which no use is made of a jury. The board of property, the court of admiralty, and the high court of errors and appeals, in the state of Pennsylvania, as also the court of appeals under the old confederation, exclude juries. *Trial by jury will therefore be in the express words of the Pennsylvania constitution, "as heretofore,"*—almost always used, though sometimes omitted. Trials for lands lying in any state between persons residing in such state, for bonds, notes, book debts, contracts, trespasses, assumptions, and all other matters between two or more citizens of any state, will be held in the state courts by juries, *as now*. In these cases, the fœderal courts *cannot interfere*. But when a dispute arises between the citizens of any state about lands lying out of the bounds *thereof*, or when a trial is to be had between the citizens of any state and those of another, or the government of another, the private citizen will not be obliged to go into a court *constituted by the state*, with which, or with the citizens of which, *his dispute is*. He can appeal to a *disinterested fœderal court*. This is surely a *great advantage*, and promises a *fair trial*, and an *impartial judgment*. The trial by jury is *not excluded* in these fœderal courts. In all *criminal* cases, where the property, liberty or life of the citizen is at stake, he has the benefit of a jury. If convicted on impeachment, which is never done by a jury in any country, he cannot be fined, imprisoned or punished, but only may be *disqualified* from doing public mischief by losing his office, and his capacity to hold another. If the nature of his offence, besides its danger to his country, should be *criminal* in itself—should involve a charge of fraud, murder or treason—he may be tried for such crime, but cannot be convicted *without a jury*. In trials about property in the fœderal courts, which can only be *as above stated*, there is nothing in the new constitution *to prevent a trial by jury*. No doubt it will be the mode in every case, wherein it is practicable. This will be adjusted by law, and it could not be done otherwise. In short, the sphere of jurisdiction for the fœderal courts *is limited*, and that sphere only is subject to the regulations of our fœderal government. The known principles of justice, the attachment to trial by jury whenever it can be used, the instructions of the state legislatures, the instructions of the people at large, the operation of the fœderal regulations on the property of a president, a senator, a

representative, a judge, as well as on that of a private citizen, will certainly render those regulations as favorable as possible to *property; for life and liberty are put more than ever into the hands of the juries*. Under the *present* constitution of all the states, a public officer may be condemned to imprisonment or death on impeachment, *without a jury*; but the new fœderal constitution protects the accused, till he shall be convicted, from the hands of power, by rendering *a jury the indispensable judges of all crimes*.

The influence which foreign powers may attempt to exercise in our affairs was *foreseen*, and a wholesome provision has been made against it; for no person holding an office under the United States is permitted to enjoy *any foreign honors, powers or emoluments*.

The apprehensions of the people have been excited, perhaps by persons with good intentions, about the powers of the new government to raise an army. Let us consider this point with moderation and candor. As enemies will sometimes insult us, invade our country, and capture our property, it is clear a power in our government to oppose, restrain or destroy them, is necessary to our honor, safety and existence. The military should, however, be regarded *with a watchful eye*; for it is a profession that is liable to dangerous perversion. But the powers vested in the fœderal government *do not go the length* which has been said. A *standing army is not granted or intended*, for there can be no provision for its continuing three years, much less for its *permanent establishment*. Two years are the utmost time for which the money can be given. It will be under all the restrictions which *wisdom and jealousy can suggest*, and the original grant of the supplies must be made by the House of Representatives, *the immediate delegates of the people*. The Senate and President, who also derive their power from *the people*, appoint the officers; and the heads of the departments, *who must submit their accounts to the whole legislature*, are to pay and provide them, *as shall be directed by the laws that shall contain the conditions of the grant*. The militia, *who are in fact the effective part of the people at large*, will render many troops quite unnecessary. They will form a *powerful check* upon the regular troops, and will generally be sufficient to *overawe them*—for our *detached* situation will seldom give occasion to raise an army, though *a few scattered companies* may often be necessary. But whenever, *even on the most obvious reasons*, an army shall be raised, the several states shall be called, *by the nature of things*, to attend to the condition of *the militia*. Republican jealousy, *the guardian Angel of these states*, will watch the motions of our military citizens, even though they will be the soldiers of a free people. There is a wide difference between the troops of such a commonwealth as ours, *founded on equal and unalterable principles*, and those of a regal government, where ambition and oppression are *the profession of the king*. In the first case, a military officer is *the occasional servant of the people, employed for their defence*; in the second, he is *the ever ready instrument* to execute the



schemes of conquest or oppression, with which the mind of his royal master may be disturbed.

Observations have been made on the power given to the fœderal Government in regard to the elections of Representatives and Senators. The regulations of these elections are, by the first part of the clause, to be prescribed by the state legislatures, *who are certainly the proper bodies, if they will always execute the duty*. But in case the union or the public safety should be endangered by an omission of this duty, as in the case of Rhode-Island,<sup>1</sup> then the legislature of the United States can name for the people a convenient time, and do other matters necessary *to ensure the free exercise of their right of election*. The exception, in regard to the places of chusing *Senators*, was made from due respect to *the sovereignty* of the state legislatures, who are to elect the Senators, and whose place of meeting *ought not to be prescribed to them by any authority*, except indeed, as we always must, *by the authority of the people*. This power given to the fœderal legislature is no more than what is possessed by the governments of all the states. The constitution of Pennsylvania permits two thirds of such cities and counties, as shall elect representatives, to exercise all the powers of the General Assembly, "*as fully and amply as if the whole were present,*" should any part of the state neglect or refuse to perform their duty in this particular. In short, it is a power *necessary to preserve the social compact of each state and the confederation of the United States*.

Besides the securities for the liberties of the people arising out of the fœderal government, they are guarded by *their state constitutions, and by the nature of things in the separate states*. The Governor or President in each commonwealth, the Councils, Senates, Assemblies, Judges, Sheriffs, Grand and Pettit Juries, Officers of Militia, Clergy and Lay Officers of all churches, state and county Treasurers, Prothonotaries, Registers, Presidents and other officers of Universities, Colleges and Academies, Wardens of ports and cities, Burgesses of towns, Commissioners of counties, County Lieutenants, and many other officers of power and influence, *will still be chosen within each state, without any possible interference of the fœderal government*. The separate states will also chuse *all the members of the legislative and executive branches of the United States*. The people at large in each state will choose their fœderal representatives, and, unless ordered otherwise by the state legislatures, may choose the electors of the President and Vice-President of the Union. And lastly, the legislatures of the states will have the election of the Senate, as they have heretofore had of the Members of Congress. Let us then, with a candor *worthy of the subject*, ask ourselves, whether it can be feared, that a *majority* of the Representatives, each of whom will be chosen by six thousand enlightened freemen, can betray their country?—Whether a *majority* of the Senate, each of whom will be chosen by the legislature of a free, sovereign and independent state, *without any stipulations in favour of wealth or the contemptible distinctions of birth or rank,*

and who will be closely observed *by the state legislatures*, can destroy our liberties, *controuled as they are too by the house of representatives?*—or whether a *temporary limited executive officer*, watched by the *fæderal Representatives*, by the *Senate*, by the *State Legislatures*, by his *personal enemies* among the people of his *own state*, by the jealousy of the people of *rival states*, and by *the whole of the people* of the Union, can ever endanger our Freedom?

Permit me, my fellow-citizens, to close these observations by remarking, that there is no spirit of arrogance in the new fæderal constitution. It addresses you with becoming modesty, admitting that it may contain errors. Let us give it a trial; and when experience has taught its mistakes, *the people, whom it preserves absolutely all powerful* can reform and amend them. That I may be perfectly, understood, I will acknowledge its acceptance by all the states, without delay, is the *second wish* of my heart. *The first is, that our country may be virtuous and free.*

183-B. *Tench Coxe to James Madison*  
*Philadelphia, 21 October (excerpt)*<sup>2</sup>

I recd. your letter acknowledging the rect. of the three papers in the Gazetteer. At the request of Mr. Wilson, Dr. Rush and another friend or two I added a 4th. paper, calculated to shew the general advantages & obviate some of the Objections to the System. It was desired by these Gentlemen for the purpose of inserting in one of several handbills, which it was proposed to circulate thro our Western Counties. I beg leave to enclose you three of them with the same Views as in the former Case; and wish that you and Col. H. may make any use of them, which you think will serve the cause. I also send each of you a pamphlet of Pelatiah Websters.<sup>3</sup> Tho calculated principally for this State, it has other merit. . . .

183-C. *James Madison to Tench Coxe*  
*New York, 26 October (excerpt)*<sup>4</sup>

I have recd. your favor of the 21st. instant, and have disposed of the papers under the same cover according to direction. Col. Hamilton had returned to the City which gave me the opportunity of immediately putting into his hands such of them as were destined for him. I have no doubt that he will make the best use of them. I have recd. no answer yet from my correspondent to whom I forwarded the three first numbers of the American Citizen.<sup>5</sup> The 4th. is a valuable continuation, and I shall be equally desirous of Seeing it in the Virginia Gazettes; and indeed in those of every State. . . .<sup>6</sup>

1. A reference to Rhode Island's refusal to appoint delegates to the Constitutional Convention.

2. RC, Madison Papers, DLC. Printed: RCS:Pa., 199–200.
3. Webster's pamphlet, signed "A Citizen of Philadelphia," answered the address of the seceding members of the Pennsylvania General Assembly (CC:125 A–B).
4. RC, Tench Coxe Papers, Series II, PHi. Printed: Rutland, *Madison*, X, 222–23.
5. For the response of Madison's Virginia correspondent, see CC:209.
6. "An American Citizen" IV was reprinted in the *Virginia Independent Chronicle* on 21 November.

**184. Lambert Cadwalader to Edward Lloyd**  
**New York, 23 October (excerpt)<sup>1</sup>**

. . . I sincerely congratulate you on the fair Prospect there is of our soon becoming happy at Home & respectable abroad under the Operation of the new Government which from everything I can learn will very probably take Place in the Course of the ensuing Year—N Hampshire & Massachusetts have as far as private Conversation goes, discovered a Disposition to adopt it—The Legislature of Connecticut have agreed to call a Convention—Seven eighths of the House agreed to the Measure—The Scales tis said hang pretty even in N York State—In Jersey I believe there is scarcely a dissenting Voice—It is believed that Pennsylvania will adopt it & of Course the Delaware State—You best know how Maryland will act—we have favorable Intelligence from Virginia & it is believed that the three southernmost States will certainly accede. . . .

1. RC, Lloyd Papers, Maryland Historical Society. Lloyd (1744–1796), a planter, represented Talbot County in the Maryland Senate. In April 1788 he voted to ratify the Constitution in the Maryland Convention.

**185. Edward Carrington to Thomas Jefferson**  
**New York, 23 October (excerpt)<sup>1</sup>**

I have been honoured with your favor of the 4th. of August. inclosed you will receive a Copy of the report of our late federal Convention, which presents, not amendments to the old Confederation, but an entire new Constitution. this work is short of the ideas I had the honor to communicate to you in June, in no other instance than an absolute negative upon the State laws.<sup>2</sup>

When the report was before Congress, it was not without its direct opponents, but a great majority were for giving it a warm approbation,—it was thought best, however, by its friends, barely to recommend to the several Legislatures, the holding of Conventions for its consideration, rather than send it forth with, even, a single negative to an approbatory act. the people do not scrutinize terms; the Unanimity of Congress in recommending a measure to their consideration, naturally implies approbation: but any negative to a direct approbation, would have discovered a dissention, which would have been used to favor divisions in the States. it certainly behoved Congress to give a

measure of such importance and respectable birth, a fair chance in the deliberations of the people, and I think the step taken in that body well adapted to this idea.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town-meetings and other Assemblies of the people, the usual result whereof, are declarations for its adoption. in the Middle States appearances are generally for it, but not being in habits of assembling for public objects, as is the case to the Eastward, the people have given but few instances of collective declarations. Some symptoms of opposition have appeared in New York and Pennsylvania; in the former, only in individual publications, which are attended with no circumstances evidencing the popular regard; the Governor<sup>3</sup> holds himself in perfect silence, wishing, it is suspected, for a miscarriage, but is not confident enough to commit himself in an open opposition: in the latter the opposition has assumed a form somewhat more serious, but under circumstances which leave it doubtful whether it is founded in objections to the project or the intemperance of its more zealous friends—the Legislature was in session in Philada. when the Convention adjourned—42 Members were for immediately calling a Convention before the measure had received the consideration of Congress, and were about to press a vote for that purpose—19 Seceded and broke up the House, and although they, afterwards, added to their protest against the intemperance of the majority, some objections against the report, yet it is to be doubted whether they would have set themselves in opposition to it, had more moderation been used. the next morning the resolution of Congress arrived, upon which the 42, wanting 2 to compleat a House for business, sent their Sergeant for so many of the Seceders, who were brought by force, whereupon an Act was passed for calling a Convention in November. the Seceders are from the upper Counties, ~~are popular~~ have carried their discontents home with them, and some of them being men of influence, will occasion an inconvenience,<sup>4</sup> but Gentlemen well acquainted with the Country are of opinion, that their opposition will have no extensive effect, as there is, in general, a Coalescence of the two parties which have divided that state ever since the birth of her own Constitution, in support of the new Government. From the Southern States we are but imperfectly informed—every member from the Carolina's and Georgia, as well in Convention, as Congress, are warm for the new constitution, and when we consider the ascendancy possessed by men of this description over the people in those States, it may well be concluded, that the reception will be favorable. in Virginia there may be some difficulty—two of her members in Convention whose characters entitle them to the public confidence, refused to sign the report—these were Colo. Mason and Governor Randolph, nor was that state without its dissentients, of the same description, in Congress—these were Mr. R.H. Lee & Mr. Grayson,

but upon very opposite principles—the former because it is too strong, the latter because it is too weak, and Col. H. Lee is by no means an advocate. the Governor has declared that his refusal to sign, shall not be followed by hostility against the measure—that his wish is to get the Exceptionable parts altered if practicable, but if not, then he will join in its support from the necessity of the Case.<sup>5</sup>

Mr. Madison writes you fully upon the objections from Virginia,<sup>6</sup> and therefore I will not impose on your patience by repeating them; one, however, being merely local, and an old source of jealousy I will present to your consideration my opinion upon—this is the ability of a bare majority in the federal Government, to regulate Commerce.—it is supposed that a majority of the Union are carriers, and that it will be for the interest, and in the power, of that majority to form regulations oppressing, by high freights, the agricultural States.—it does not appear to me that this objection is well founded—in the first place it is not true that the majority are carriers, for Jersey and Connecticut who fall into the division, are by [no] means such—and New York & Pennsylvania, who also are within that division, are as much agricultural as Carrying States: but, admitting the first position to be true, I do not see that the supposed consequences would follow—no regulation could be made on other, than general & uniform principles—in that case every created evil would effect its own cure—the Southern States possess more materials for shipping than the Eastern, and if they do not follow the carrying business, it is because they are occupied in more lucrative pursuits—a rise of freight would make that an object, and they would readily turn to it; but the Competition amongst the eastern States themselves, would be sufficient to correct every abuse. A Navigation Act ought doubtless to be passed for giving exclusive benefits to American Ships—this would of course serve the eastern States, and such, in justice ought to be the case, as it may perhaps be shown, that no other advantage can result to them—from the Revolution—indeed, it is important to the interests of the southern States that the growth of a Navy be promoted, for the security of that wealth which is to be derived from their agriculture.

My determination to join in the adoption results from a compound consideration of the measure itself, the probable issue of another attempt, and the critical state of our affairs—it has in my mind great faults—but the formers of it met under powers and dispositions which promised greater accommodation in their deliberations than can be expected to attend any future convention—the particular interests of States are exposed and future deputations, would be clogged with instructions and biassed by the presentiments of their constituents—hence, it is fairly to be concluded that this is a better scheme than can be looked for from another experiment; on these considerations, I would clearly be for closing with it, and relying upon the correction of its faults, as experience may dictate the necessary

alterations—but when I extend my view to that approaching Anarchy which nothing but the timely interposition of a new Government can avert, I am doubly urged in my wishes for the adoption.

Some Gentlemen apprehend that this project is the foundation of a Monarchy, or at least an oppressive Aristocracy; but my apprehensions are rather from the inroads of the democracy—it is true there is a preposterous combination of powers in the President and Senate, which may be used improperly, but time is to discover whether the tendency of abuse, will be to strengthen or relax—at all events this part of the constitution must be exceptionable:—but when we consider the degree of democracy of which the scheme itself partakes, with the addition of that which will be constantly operating upon it, it clearly appears to my mind, that the prevailing infractions are to be expected from thence. as State acts can go into effect without the direct controul of the general Government, having clearly defined the objects of their legislation, [the Constitution] will not secure the federal ground against their encroachments—a disposition to encroach must, in the nature of the thing exist, and the democratic branch in the federal legislature, will be more likely to cover their approaches, than resist them. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 252–57. Carrington (1749–1810) was a Virginia delegate to Congress.

2. In his letter of 9 June 1787, Carrington told Jefferson that the Constitutional Convention would have to create “a foederal sovereignty with full and independant authority as to the Trade, Revenues, and forces of the Union, and the rights of peace and War, together with a Negative upon all the Acts of the State legislatures” (Boyd, XI, 407–11). Jefferson replied that he did “not go as far in the reforms thought necessary” but would “make the states one as to every thing connected with foreign nations, and several as to every thing purely domestic” (4 August, Boyd, XI, 678–80).

3. George Clinton.

4. See CC:125.

5. See CC:75, 385.

6. See CC:187.

### **186. Henry Knox to the Marquis de Lafayette New York, 24 October (excerpt)<sup>1</sup>**

You will have received long before this period, the result of the Convention which assembled in Philadelphia during the month of May—These propositions being essentially different, in many respects from the existing Confederation, and which will probably produce different national effects, are contemplated by the public at large with an anxious attention. The discussions are commenced in the news papers & in Phamphetts, with all the freedom & liberality which characterize a people who are searching by their own experience after a form, of government most productive of happiness—

To speak decisively at this moment of the fate of the proposed constitution characterizes effectually the person, giving the opinion—Habited as I have been for a long period to desire the consolodation of

the powers of all parts of this country as an indispensable [---] to a national character & national happiness, I receive the propositions as they are and from my soul I wish them Godspeed—The transition from, wishing an event to believing that it will happen is easy indeed—Perhaps I therefore am led in to a strong persuasion that the proposed government will be generally or universally adopted in the course of twelve or fifteen months—

In desiring that the proposed government may be adopted I would not that you should believe that I think it all perfect—There are several things in it that I confess I could wish to be altered—But I apprehend no alterations can be effected peaceably—All the states represented agreed to the constitution as it stands—There are substantial reasons to believe that such an agreement could not again be produced even by the same men—The minds of the people at large were fully prepared for a change without any particular specification—The proposition will be discussed fully—parties will be raised—were therefore the same work to be again discussed the representatives of the different States would repair to the convention with instructions, restricting their assent unless certain powers favor[abl]e to the interest of the particular States should be established—Hence it would result, that no agreeme[nt] could be made which depended on their mutual accomodation—This single circumstance, independent of the commotions which might & probably would arise in the interim is sufficient of itself to point out the importance and value of the new Constitution. . . .

N.B. I enclose, one of the new constitution with Charles Thompsons name to it to be placed among yours of curiosity

1. Dft, Knox Papers, MHi.

### 187. James Madison to Thomas Jefferson

New York, 24 October, 1 November (excerpts)<sup>1</sup>

. . . You will herewith receive the result of the Convention,<sup>2</sup> which continued its Session till the 17th. of September. I take the liberty of making some observations on the subject which will help to make up a letter, if they should answer no other purpose.

It appeared to be the sincere and unanimous wish of the Convention to cherish and preserve the Union of the States. No proposition was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more Confederacies.

It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of sovereign States. A *voluntary* observance of the federal law by all the members, could never be hoped for. A *compulsive* one could evidently never be reduced to practice; and if it could, involved equal calamities

to the innocent & the guilty, the necessity of a military force both obnoxious & dangerous, and in general, a scene resembling much more a civil war, than the administration of a regular Government.

Hence was embraced the alternative of a Government which instead of operating, on the States, should operate without their intervention on the individuals composing them: and hence the change in the principle and proportion of representation.

This ground-work being laid, the great objects which presented themselves were 1. to unite a proper energy in the Executive and a proper stability in the Legislative departments, with the essential characters of Republican Government. 2. to draw a line of demarkation which would give to the General Government every power requisite for general purposes, and leave to the States every power which might be most beneficially administered by them. 3. to provide for the different interests of different parts of the Union. 4. to adjust the clashing pretensions of the large and small States. Each of these objects was pregnant with difficulties. The whole of them together formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to these considerations the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.

The first of these objects as it respects the Executive, was peculiarly embarrassing. On the question whether it should consist of a single person, or a plurality of co-ordinate members, on the mode of appointment, on the duration in office, on the degree of power, on the eligibility, tedious and reiterated discussions took place. The plurality of co-ordinate members had finally but few advocates. Governour Randolph was at the head of them. The modes of appointment proposed were various, as by the people at large—by electors chosen by the people—by the Executives of the States—by the Congress, some preferring a joint ballot of the two Houses—some a separate concurrent ballot allowing to each a negative on the other house—some a nomination of several candidates by one House, out of whom a choice should be made by the other. Several other modifications were started. The expedient at length adopted seemed to give pretty general satisfaction to the members. As to the duration in office, a few would have preferred a tenure during good behaviour—a considerable number would have done so, in case an easy & effectual removal by impeachment could be settled. It was much agitated whether a long term, seven years for example, with a subsequent & perpetual ineligibility, or a short term with a capacity to be re-elected, should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of re-elections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an incapacity to be reappointed, on the independent exer-



cise of the Executive authority. On the other side it was contended that the prospect of necessary degradation, would discourage the most dignified characters from aspiring to the office, would take away the principal motive to ye. faithful discharge of its duties—the hope of being rewarded with a reappointment, would stimulate ambition to violent efforts for holding over the constitutional term—and instead of producing an independent administration, and a firmer defence of the constitutional rights of the department, would render the officer more indifferent to the importance of a place which he would soon be obliged to quit for ever, and more ready to yield to the incroachmts. of the Legislature of which he might again be a member.—The questions concerning the degree of power turned chiefly on the appointment to offices, and the controul on the Legislature. An *absolute* appointment to all offices—to some offices—to no offices, formed the scale of opinions on the first point. On the second, some contended for an absolute negative, as the only possible mean of reducing to practice, the theory of a free Government which forbids a mixture of the Legislative & Executive powers. Others would be content with a revisionary power to be overruled by three fourths of both Houses. It was warmly urged that the judiciary department should be associated in the revision. The idea of some was that a separate revision should be given to the two departments—that if either objected two thirds; if both three fourths, should be necessary to overrule.

In forming the Senate, the great anchor of the Government, the questions as they came within the first object turned mostly on the mode of appointment, and the duration of it. The different modes proposed were, 1. by the House of Representatives 2. by the Executive, 3. by electors chosen by the people for the purpose. 4. by the State Legislatures. On the point of duration, the propositions descended from good-behavior to four years, through the intermediate terms of nine, seven, six, & five years. The election of the other branch was first determined to be triennial, and afterwards reduced to biennial.

The second object, the due partition of power, between the General & local Governments, was perhaps of all, the most nice and difficult. A few contended for an entire abolition of the States; some for indefinite power of Legislation in the Congress, with a negative on the laws of the States: some for such a power without a negative; some for a limited power of legislation, with such a negative; the majority finally for a limited power without the negative. The question with regard to the Negative underwent repeated discussions, and was finally rejected by a bare majority. As I formerly intimated to you my opinion in favor of this ingredient, I will take this occasion of explaining myself on the subject.<sup>3</sup> Such a check on the States appears to me necessary 1. to prevent encroachments on the General authority. 2. to prevent instability and injustice in the legislation of the States.

1. Without such a check in the whole over the parts, our system involves the evil of imperia in imperio. If a complete supremacy some where is not necessary in every Society, a controuling power at least is so, by which the general authority may be defended against encroachments of the subordinate authorities, and by which the latter may be restrained from encroachments on each other. If the supremacy of the British Parliament is not necessary as has been contended, for the harmony of that Empire; it is evident I think that without the royal negative or some equivalent controul, the unity of the system would be destroyed. The want of some such provision seems to have been mortal to the antient Confederacies, and to be the disease of the modern. Of the Lycian Confederacy little is known. That of the Amphyctions is well known to have been rendered of little use whilst it lasted, and in the end to have been destroyed by the predominance of the local over the federal authority. The same observation may be made, on the authority of Polybius, with regard to the Achæan League. The Helvetic System scarcely amounts to a Confederacy, and is distinguished by too many peculiarities to be a ground of comparison. The case of the United Netherlands is in point. The authority of a Statholder, the influence of a Standing army, the common interest in the conquered possessions, the pressure of surrounding danger, the guarantee of foreign powers, are not sufficient to secure the authority and interests of the generality, agst. the antifederal tendency of the provincial sovereignties. The German Empire is another example. A Hereditary chief with vast independent resources of wealth and power, a federal Diet, with ample parchment authority, a regular Judiciary establishment, the influence of the neighbourhood of great & formidable Nations, have been found unable either to maintain the subordination of the members, or to prevent their mutual contests & encroachments. Still more to the purpose is our own experience both during the war and since the peace. Encroachments of the States on the general authority, sacrifices of national to local interests, interferences of the measures of different States, form a great part of the history of our political system.—It may be said that the new Constitution is founded on different principles; and will have a different operation. I admit the difference to be material. It presents the aspect rather of a feudal system of republics, if such a phrase may be used; than of a Confederacy of independent States. And what has been the progress and event of the feudal Constitutions? In all of them a continual struggle between the head and the inferior members, until a final victory has been gained in some instances by one, in others, by the other of them. In one respect indeed there is a remarkable variance between the two cases. In the feudal system the sovereign, though limited, was independent; and having no particular sympathy of interests with the great Barons, his ambition had as full play as theirs in the mutual projects of usurpation. In the American Constitution The general

authority will be derived entirely from the subordinate authorities. The Senate will represent the States in their political capacity; the other House will represent the people of the States in their individual capacity. The former will be accountable to their Constituents at moderate, the latter at short periods. The President also derives his appointment from the States, and is periodically accountable to them. This dependence of the General, on the local authorities, seems effectually to guard the latter against any dangerous encroachments of the former: Whilst the latter, within their respective limits, will be continually sensible of the abridgment of their power, and be stimulated by ambition to resume the surrendered portion of it. We find the representatives of Counties and corporations in the Legislatures of the States, much more disposed to sacrifice the aggregate interest, and even authority, to the local views of their Constituents, than the latter to the former. I mean not by these remarks to insinuate that an esprit de corps will not exist in the national Government or that opportunities may not occur, of extending its jurisdiction in some points. I mean only that the danger of encroachments is much greater from the other side, and that the impossibility of dividing powers of legislation, in such a manner, as to be free from different constructions by different interests, or even from ambiguity in the judgment of the impartial, requires some such expedient as I contend for. Many illustrations might be given of this impossibility. How long has it taken to fix, and how imperfectly is yet fixed the legislative power of corporations, though that power is subordinate in the most compleat manner? The line of distinction between the power of regulating trade and that of drawing revenue from it, which was once considered as the barrier of our liberties, was found on fair discussion, to be absolutely undefinable. No distinction seems to be more obvious than that between spiritual and temporal matters. Yet wherever they have been made objects of Legislation, they have clashed and contended with each other, till one or the other has gained the supremacy. Even the boundaries between the Executive, Legislative & Judiciary powers, though in general so strongly marked in themselves, consist in many instances of mere shades of difference. It may be said that the Judicial authority under our new system will keep the States within their proper limits, and supply the place of a negative on their laws. The answer is, that it is more convenient to prevent the passage of a law, than to declare it void after it is passed; that this will be particularly the case, where the law aggrieves individuals, who may be unable to support an appeal agst. a State to the supreme Judiciary; that a State which would violate the Legislative rights of the Union, would not be very ready to obey a Judicial decree in support of them, and that a recurrence to force, which in the event of disobedience would be necessary, is an evil which the new Constitution meant to exclude as far as possible.

2. A constitutional negative on the laws of the States seems equally necessary to secure individuals agst. encroachments on their rights. The mutability of the laws of the States is found to be a serious evil. The injustice of them has been so frequent and so flagrant as to alarm the most stedfast friends of Republicanism. I am persuaded I do not err in saying that the evils issuing from these sources contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which accrued to our national character and interest from the inadequacy of the Confederation to its immediate objects. A reform therefore which does not make provision for private rights, must be materially defective. The restraints agst. paper emissions, and violations of contracts are not sufficient. Supposing them to be effectual as far as they go, they are short of the mark. Injustice may be effected by such an infinitude of legislative expedients, that where the disposition exists it can only be controuled by some provision which reaches all cases whatsoever. The partial provision made, supposes the disposition which will evade it. It may be asked how private rights will be more secure under the Guardianship of the General Government than under the State Governments, since they are both founded on the republican principle which refers the ultimate decision to the will of the majority, and are distinguished rather by the extent within which they will operate, than by any material difference in their structure. A full discussion of this question would, if I mistake not, unfold the true principles of Republican Government, and prove in contradiction to the concurrent opinions of theoretical writers, that this form of Government, in order to effect its purposes, must operate not within a small but an extensive sphere. I will state some of the ideas which have occurred to me on this subject. Those who contend for a simple Democracy, or a pure republic, actuated by the sense of the majority, and operating within narrow limits, assume or suppose a case which is altogether fictitious. They found their reasoning on the idea, that the people composing the Society, enjoy not only an equality of political rights; but that they have all precisely the same interests, and the same feelings in every respect. Were this in reality the case, their reasoning would be conclusive. The interest of the majority would be that of the minority also; the decisions could only turn on mere opinion concerning the good of the whole, of which the major voice would be the safest criterion; and within a small sphere, this voice could be most easily collected, and the public affairs most accurately managed. We know however that no Society ever did or can consist of so homogeneous a mass of Citizens. In the savage State indeed, an approach is made towards it; but in that State little or no Government is necessary. In all civilized Societies, distinctions are various and unavoidable. A distinction of property results from that very protection which a free Government gives to unequal faculties of acquiring it. There will be rich and

poor; creditors and debtors; a landed interest, a monied interest, a mercantile interest, a manufacturing interest. These classes may again be subdivided according to the different productions of different situations & soils, & according to different branches of commerce, and of manufactures. In addition to these natural distinctions, artificial ones will be founded, on accidental differences in political, religious or other opinions, or an attachment to the persons of leading individuals. However erroneous or ridiculous these grounds of dissention and faction, may appear to the enlightened Statesman, or the benevolent philosopher, the bulk of mankind who are neither Statesmen nor Philosophers, will continue to view them in a different light. It remains then to be enquired whether a majority having any common interest, or feeling any common passion, will find sufficient motives to restrain them from oppressing the minority. An individual is never allowed to be a judge or even a witness in his own cause. If two individuals are under the bias of interest or enmity agst. a third, the rights of the latter could never be safely referred to the majority of the three. Will two thousand individuals be less apt to oppress one thousand, or two hundred thousand, one hundred thousand? Three motives only can restrain in such cases. 1. a prudent regard to private or partial good, as essentially involved in the general and permanent good of the whole. This ought no doubt to be sufficient of itself. Experience however shews that it has little effect on individuals, and perhaps still less on a collection of individuals; and least of all on a majority with the public authority in their hands. If the former are ready to forget that honesty is the best policy; the last do more. They often proceed on the converse of the maxim: that whatever is politic is honest. 2. respect for character. This motive is not found sufficient to restrain individuals from injustice, and loses its efficacy in proportion to the number which is to divide the praise or the blame. Besides as it has reference to public opinion, which is that of the majority, the Standard is fixed by those whose conduct is to be measured by it. 3. Religion. The inefficacy of this restraint on individuals is well known. The conduct of every popular Assembly, acting on oath, the strongest of religious ties, shews that individuals join without remorse in acts agst. which their consciences would revolt, if proposed to them separately in their closets. When Indeed Religion is kindled into enthusiasm, its force like that of other passions is increased by the sympathy of a multitude. But enthusiasm is only a temporary state of Religion, and whilst it lasts will hardly be seen with pleasure at the helm. Even in its coolest state, it has been much oftener a motive to oppression than a restraint from it. If then there must be different interests and parties in Society; and a majority when united by a common interest or passion can not be restrained from oppressing the minority, what remedy can be found in a republican Government, where the majority must ultimately decide, but that of giving such an extent to its sphere, that no

common interest or passion will be likely to unite a majority of the whole number in an unjust pursuit. In a large Society, the people are broken into so many interests and parties, that a common sentiment is less likely to be felt, and the requisite concert less likely to be formed, by a majority of the whole. The same security seems requisite for the civil as for the religious rights of individuals. If the same sect form a majority and have the power, other sects will be sure to be depressed. Divide et impera, the reprobated axiom of tyranny, is under certain qualifications, the only policy, by which a republic can be administered on just principles. It must be observed however that this doctrine can only hold within a sphere of a mean extent. As in too small a sphere oppressive combinations may be too easily formed agst. the weaker party; so in too extensive a one, a defensive concert may be rendered too difficult against the oppression of those entrusted with the administration. The great desideratum in Government is, so to modify the sovereignty as that it may be sufficiently neutral between different parts of the Society to controul one part from invading the rights of another, and at the same time sufficiently controuled itself, from setting up an interest adverse to that of the entire Society. In absolute monarchies, the Prince may be tolerably neutral towards different classes of his subjects; but may sacrifice the happiness of all to his personal ambition or avarice. In small republics, the sovereign will be controuled from such a sacrifice of the entire Society, but is not sufficiently neutral towards the parts composing it. In the extended Republic of the United States, The General Government would hold a pretty even balance between the parties of particular States, and be at the same time sufficiently restrained by its dependence on the community, from betraying its general interests.<sup>4</sup>

Begging pardon for this immoderate digression I return to the third object abovementioned, the adjustment of the different interests of different parts of the Continent. Some contended for an unlimited power over trade including exports as well as imports, and over slaves as well as other imports; some for such a power, provided the concurrence of two thirds of both Houses were required; Some for such a qualification of the power, with an exemption of exports and slaves, others for an exemption of exports only. The result is seen in the Constitution. S. Carolina & Georgia were inflexible on the point of the slaves.

The remaining object created more embarrassment, and a greater alarm for the issue of the Convention than all the rest put together. The little States insisted on retaining their equality in both branches, unless a complete abolition of the State Governments should take place; and made an equality in the Senate a sine qua non. The large States on the other hand urged that as the new Government was to be drawn principally from the people immediately and was to operate directly on

them, not on the States; and consequently as the States wd. lose that importance which is now proportioned to the importance of their voluntary compliances with the requisitions of Congress, it was necessary that the representation in both Houses should be in proportion to their size. It ended in the compromise which you will see, but very much to the dissatisfaction of several members from the large States.

It will not escape you that three names only from Virginia are subscribed to the Act. Mr. Wythe did not return after the death of his lady.<sup>5</sup> Doctr. MClurg left the Convention some time before the adjournment.<sup>6</sup> The Governour<sup>7</sup> and Col. Mason refused to be parties to it. Mr. Gerry was the only other member who refused. The objections of the Govr. turn principally on the latitude of the general powers, and on the connection established between the President and the Senate. He wished that the plan should be proposed to the States with liberty to them to suggest alterations which should all be referred to another general Convention, to be incorporated into the plan as far as might be judged expedient. He was not inveterate in his opposition, and grounded his refusal to subscribe pretty much on his unwillingness to commit himself, so as not to be at liberty to be governed by further lights on the subject.<sup>8</sup> Col. Mason left Philada. in an exceeding ill humour indeed. A number of little circumstances arising in part from the impatience which prevailed towards the close of the business, conspired to whet his acrimony. He returned to Virginia with a fixed disposition to prevent the adoption of the plan if possible. He considers the want of a Bill of Rights as a fatal objection. His other objections are to the substitution of the Senate in place of an Executive Council & to the powers vested in that body—to the powers of the Judiciary—to the vice President being made President of the Senate—to the smallness of the number of Representatives—to the restriction on the States with regard to ex post facto laws—and most of all probably to the power of regulating trade, by a majority only of each House. He has some other lesser objections.<sup>9</sup> Being now under the necessity of justifying his refusal to sign, he will of course muster every possible one. His conduct has given great umbrage to the County of Fairfax, and particularly to the Town of Alexandria.<sup>10</sup> He is already instructed to promote in the Assembly the calling a Convention,<sup>11</sup> and will probably be either not deputed to the Convention, or be tied up by express instructions. He did not object in general to the powers vested in the National Government, so much as to the modification. In some respects he admitted that some further powers would have improved the system. He acknowledged in particular that a negative on the State laws, and the appointment of the State Executives ought to be ingredients; but supposed that the public mind would not now bear them; and that experience would hereafter produce these amendments.

The final reception which will be given by the people at large to the proposed System can not yet be decided. The Legislature of N. Hampshire was sitting when it reached that State and was well pleased with it. As far as the sense of the people there has been expressed, it is equally favorable. Boston is warm and almost unanimous in embracing it. The impression on the Country is not yet known. No symptoms of disapprobation have appeared. The Legislature of that State is now sitting, through which the sense of the people at large will soon be promulged with tolerable certainty. The paper money faction in Rh. Island is hostile. The other party zealously attached to it. Its passage through Connecticut is likely to be very smooth and easy. There seems to be less agitation in this State than any where. The discussion of the subject seems confined to the newspapers. The principal characters are known to be friendly. The Governour's<sup>12</sup> party which has hitherto been the popular & most numerous one, is supposed to be on the opposite side; but considerable reserve is practised, of which he sets the example. N. Jersey takes the affirmative side of course. Meetings of the people are declaring their approbation, and instructing their representatives.<sup>13</sup> Penna. will be divided. The City of Philada., the Republican party, the Quakers, and most of the Germans espouse the Constitution. Some of the Constitutional leaders, backed by the western Country will oppose. An unlucky ferment on the subject in their Assembly just before its late adjournment has irritated both sides, particularly the opposition, and by redoubling the exertions of that party may render the event doubtful.<sup>14</sup> The voice of Maryland I understand from pretty good authority, is, as far as it has been declared, strongly in favor of the Constitution. Mr. Chase is an enemy, but the Town of Baltimore which he now represents, is warmly attached to it, and will shackle him as far as they can. Mr. Paca will probably be, as usual, in the politics of Chase.<sup>15</sup> My information from Virginia is as yet extremely imperfect. I have a letter from Genl. Washington which speaks favorably of the impression within a circle of some extent;<sup>16</sup> and another from Chancellor Pendleton which expresses his full acceptance of the plan, and the popularity of it in his district.<sup>17</sup> I am told also that Innis and Marshall are patrons of it.<sup>18</sup> In the opposite scale are Mr. James Mercer, Mr. R. H. Lee, Doctr. Lee and their connections of course, Mr. M. Page according to Report, and most of the Judges & Bar of the general Court.<sup>19</sup> The part which Mr. Henry will take is unknown here. Much will depend on it. I had taken it for granted from a variety of circumstances that he wd. be in the opposition, and still think that will be the case. There are reports however which favor a contrary supposition. From the States South of Virginia nothing has been heard. As the deputation from S. Carolina consisted of some of its weightiest characters, who have returned unanimously zealous in favor of the Constitution, it is probable that State will readily



embrace it. It is not less probable, that N. Carolina will follow the example unless that of Virginia should counterbalance it. Upon the whole, although, the public mind will not be fully known, nor finally settled for a considerable time, appearances at present augur a more prompt, and general adoption of the Plan than could have been well expected.

When the plan came before Congs. for their sanction, a very serious effort was made by R. H. Lee & Mr. Dane from Masts. to embarrass it. It was first contended that Congress could not properly give any positive countenance to a measure which had for its object the subversion of the Constitution under which they acted. This ground of attack failing, the former gentleman urged the expediency of sending out the plan with amendments, & proposed a number of them corresponding with the objections of Col. Mason. This experiment had still less effect. In order however to obtain unanimity it was necessary to couch the resolution in very moderate terms. . . .<sup>20</sup>

Novr. 1. Commodore [John Paul] Jones having preferred another vessel to the packet, has remained here till this time. The interval has produced little necessary to be added to the above. The Legislature of Massts. has it seems taken up the Act of the Convention, and have appointed or probably will appoint an early day for its State Convention. There are letters also from Georgia which denote a favorable disposition. I am informed from Richmond that the New Election-law from the Revised Code produced a pretty full House of Delegates, as well as a Senate, on the first day. It had previously had equal effect in producing full meetings of the freeholders for the County elections. A very decided majority of the Assembly is said to be zealous in favor of the New Constitution. The same is said of the Country at large. It appears however that individuals of great weight both within & without the Legislature are opposed to it. A letter I just have from Mr. A. Stuart, names Mr. Henry, Genl. [Thomas] Nelson, W. Nelson, the family of Cabels, St. George Tucker, John Taylor and the Judges of the Genl. Court except P. Carrington.<sup>21</sup> The other opponents he describes as of too little note to be mentioned, which gives a negative information of the Characters on the other side. All are agreed that the plan must be submitted to a Convention.

We hear from Georgia that that State is threatened with a dangerous war with the Creek Indians. The alarm is of so serious a nature, that law-martial has been proclaimed, and they are proceeding to fortify even the Town of Savannah. The idea there, is that the Indians derive their motives as well as their means from their Spanish neighbours. Individuals complain also that their fugitive slaves are encouraged by East Florida. The policy of this is explained by supposing that it is considered as a discouragement to the Georgians to form settlements near the Spanish boundaries.

There are but few States on the spot here which will survive the expiration of the federal year; and it is extremely uncertain when a Congress will again be formed. We have not yet heard who are to be in the appointment of Virginia for the next year.

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 270–86; Rutland, *Madison*, X, 205–20. For about forty alterations (most of them stylistic) made by Madison in the recipient's copy which Jefferson returned to him, see notes in Boyd, XII, 284–86. An extract from this letter, in Madison's hand, is in the Madison Papers, Library of Congress (see notes 3 and 4 below). For Jefferson's response to Madison on 20 December, see Boyd, XII, 438–43; Rutland, *Madison*, X, 335–39.

2. Perhaps a copy of the M'Lean broadside. See CC:95.

3. Madison started his extract at this point with the sentence: "A negative in the Genl. Govt. on laws of States necessary 1. to prevent encroachts. on Genl. Govt.—2. instability & injustice in State legislation." For Madison's espousal of a congressional negative over state laws in his letter to Jefferson of 19 March 1787, see Rutland, *Madison*, IX, 318.

4. Madison ended his extract here.

5. George Wythe (1726–1806), a signer of the Declaration of Independence and a professor of law at the College of William and Mary, had left the Convention in early June 1787. A year later, he represented York County in the Virginia Convention, where he voted to ratify the Constitution.

6. James McClurg (1746–1823), a Richmond physician, had left the Convention by early August 1787.

7. Edmund Randolph.

8. For Randolph's objections, see CC:75 and 385.

9. See CC:171–A.

10. See CC:140, note 3.

11. For Mason's objections, see CC:75 and 138.

12. George Clinton.

13. For these meetings, see RCS:N.J., 135–37, 139–40.

14. For the "unlucky ferment" in the Pennsylvania Assembly, see CC:125.

15. Samuel Chase (1741–1811), a signer of the Declaration of Independence and a Baltimore lawyer and merchant, had been nominated to serve in the Constitutional Convention, but had withdrawn his name from nomination. In October 1787 he was elected to represent Baltimore in the Maryland House of Delegates. In April 1788 he represented Anne Arundel County in the Maryland Convention, where he voted against ratification of the Constitution. William Paca (1740–1799), a signer of the Declaration of Independence and a lawyer, was governor of Maryland from 1782 to 1785. In April 1788 he represented Harford County in the Maryland Convention, where he voted to ratify the Constitution. During the Convention, however, he proposed numerous amendments to the Constitution.

16. See CC:146.

17. See CC:142.

18. James Innes (1754–1798), a Williamsburg lawyer and attorney general of Virginia, voted to ratify the Constitution in the Virginia Convention in June 1788. John Marshall (1755–1835), a Richmond lawyer, represented Henrico County in the Virginia House of Delegates. He voted to ratify the Constitution in the Virginia Convention. Marshall was Chief Justice of the United States from 1801 to 1835.

19. James Mercer (1736–1793), a Fredericksburg lawyer, was a judge of the Virginia General Court. Mann Page, Jr. (c. 1749–1803), a Spotsylvania County planter and lawyer, represented Gloucester County in the Virginia House of Delegates. For Dr. Arthur Lee, see CC:127 and 222.

20. For Congress' action on the Constitution and Lee's amendments, see CC:95. For Mason's objections, see CC:138.

21. For Archibald Stuart's 21 October letter to Madison, see Rutland, *Madison*, X, 202–3. Stuart (1757–1832), a lawyer, represented Augusta County in the Virginia House of Delegates, and he voted to ratify the Constitution in the Virginia Convention. William Nelson, Jr. (c. 1759–1813), a lawyer, represented James City County in the Virginia House of Delegates in 1783. He became a judge of the Virginia General Court in 1791. St. George Tucker (1752–1827), a Williamsburg lawyer, represented Virginia in the Annapolis Convention in 1786. Two years later, he became a judge of the Virginia General Court. John Taylor (1753–1824), a lawyer, represented Caroline County in the Virginia House of Delegates, 1779–1782, and 1783–1785. He eventually became a leading spokesman for the Democratic-Republicans. Paul Carrington (1733–1818), the chief justice of the Virginia General Court, represented Charlotte County in the Virginia Convention, where he voted to ratify the Constitution. The Cabells were probably William (1730–1798) and Samuel Jordan Cabell (1756–1818) who represented Amherst County in the Virginia House of Delegates and in the Virginia Convention, where they voted against ratification of the Constitution.

### 188. James Madison to William Short New York, 24 October (excerpt)<sup>1</sup>

... The paper which I inclose for Mr. Jefferson will shew you the result of the Convention. The nature of the subject, the diversity of human opinion, and the collision of local interests, and of the pretensions of the large & small States, will not only account for the length of time consumed in the work, but for the irregularities which may be discovered in its structure and form. I shall learn with much solicitude the comments of the philosophical Statesmen of Europe, on this new fabric of American policy. Unless however their future criticisms should evince a more thorough knowledge of our situation as well as of the true genius of Republican Government, than many of their past, my curiosity will not be rewarded with much instruction.

The Constitution has not been yet long enough before the public here to warrant any decided opinion concerning its fate. The general impression seems to be favorable as far as it is known. The presumptive evidence of it is pretty strong with regard to the New-England States; Rho. Island excepted whose folly and fraud have not yet finished their career. Even there however a considerable party embrace the act of the Convention. It is difficult to say what is the prevailing sentiment in this State. The newspapers abound with anonymous publications on both sides, but there is a reserve in the general conversation which is scarcely seen elsewhere. The men of abilities are generally on the side of the Constitution. The Governour<sup>2</sup> whose party is at least a very strong one is considered notwithstanding his reserve to be a decided adversary to it. N. Jersey will pretty certainly accede. Pena. is divided. The advocates of the Constitution at present are certainly the more numerous party. Delaware will fall in of Course. Maryland gives evidence of being well disposed. Mr. Chase & Mr. Paca will as far as they may be at liberty, dis-

appoint those who best know them, if they do not make opposition. Virga. I fear will be divided and extremely agitated. The Govr.<sup>3</sup> & Col. Mason refused to subscribe the instrument. Their influence alone would produce difficulty. The Govr. was temperate in his opposition and may perhaps be neutral. Col. Mason will exert his influence as far as he can. His County is agst. him, and have given peremptory instructions on the subject.<sup>4</sup> On the same side are known to be the Lees, and supposed to be Mr. Henry, Mr. Harrison, and Genl. Nelson. On the other will be the weight of Genl. Washingtons name, and some exertion of his influence, the Chancellor (Mr. Pendleton), probably Mr. Wythe, Innis, Marshal & Monroe.<sup>5</sup> I am not informed of other leading characters. The general impression as far as it has come to my knowledge, is rather on the favorable side. We know nothing of the States South of Virginia. The conjectures run on the same side. . . .

1. RC, Short Papers, DLC. Printed: Rutland, *Madison*, X, 220–22. Short (1759–1849), a lawyer, was Thomas Jefferson's private secretary in Paris, France.

2. George Clinton.

3. Edmund Randolph.

4. See CC:140, note 3.

5. James Monroe (1758–1831), a member of the Virginia House of Delegates from Spotsylvania County, had been a delegate to Congress from 1783 to 1786. He voted against ratification of the Constitution in the Virginia Convention in June 1788.

## 189. A Political Dialogue

### Massachusetts Centinel, 24 October

At the time that "A Political Dialogue" appeared, the *Massachusetts Centinel* was embroiled in a heated controversy over the freedom of and access to the press (see CC: 131).

By 20 November "A Political Dialogue" was reprinted twice in Connecticut and once each in Massachusetts, New York, and Pennsylvania.

MR. GRUMBLE. Sad times! neighbour *Union*, sad times!

MR. UNION. Why, what is the matter, neighbour *Grumble*?

MR. GRUMBLE. Why, all our liberties are going to be swallowed up; *the whole country* is in a confederacy to ruin us—I remember the glorious times when every man had a right to speak what he thought.

MR. UNION. Why, who hinders you now?

MR. GRUMBLE. Who?—Why every body:—When this report of the Convention came to hand, I thought I would go and talk about it to my neighbours; so I went to the Barber's shop, and taking up the paper, so says I, "it seems this monster which is to devour the liberties of the people is come forth."—Immediately the whole shop was in alarm—Mr. *Razor*'s hand trembled so with indignation, that I thought he would have cut my throat—and the whole shop looked as if they did not care if he had. What's that you say, said a surly *Ship-Carpenter*, do you mean

that I and my family should starve? Let us come at him, said a *Blacksmith, Painter, Rope-Maker, Sail-Maker, Corker, and Joiner*—the Federal Constitution is the only thing which can save us, and our children, from starving.—Out of the shop with the rascal, said half a dozen different tradesmen. It was in vain I applied to a *Merchant* for protection, he assured me that for want of a Federal Government he had sunk a fortune by importing cargoes under the State imposts, and was undersold by goods from Connecticut—and even my friend *Simon Meek*, the Quaker, who delights in healing quarrels, would not interfere, but coolly told me—“*Friend Grumble, whilst we are in the flesh, we should be obedient to the powers which may be ordained over us.*” In fine, I was driven from the shop in the plight of the Israelitish ambassadours.—I ran with my complaint to our reverend *Pastor*, who told me that to be bound by this law of equity, was perfect freedom, and bid me beware of the leaven of the Pharisees.—The *Doctor* who tends my sick child, was in the same story—and the honest man from the country, who brings me my winter’s cyder, *vowed* it would have been *right cute* if they had kicked me out of the shop, for *his town* thought the new Constitution was altogether up to the *notch*. In a word, every man I have conversed with, has been ready to knock my brains out, if I said a word against it—Do you call these liberty times?

Mr. UNION. Well, but neighbour, what are your objections to the new Constitution?

Mr. GRUMBLE. Why, as to the matter, I can’t say I have any, but then what vexes me is, that they won’t let me say a word against it—it shews, neighbour, there is some trick in it.

Mr. UNION. But neighbour this is indeed a country of liberty, and every man may speak his mind, especially on a subject which is presented to you, for your consideration—but if all orders and degrees of people oppose your speaking against this proposed constitution, the conclusion is, that the whole people, both see the necessity, and give their warmest approbation of it. And indeed, neighbour, it is no wonder, when we consider the horrors of our present situation—the decay of our trade and manufactures—the scarcity of money—the failure of publick credit—the distraction of our publick affairs, and the distress of individuals, which have all arisen from a want of this very Federal Government—it is no wonder, I say, if men who are so deeply interested, should not be able to sit patiently, and hear revilings against the only remedy which can be applied with success, to our present grievances.

No man is intended to be deprived of a freedom of speech, but the few individuals who oppose the Federal Government, must not be surprised to find, that the *Merchant* and *Trader*, who have been ruined for the want of an efficient Federal Government to regulate trade—will resent it—that the *Landholder* who has been taxed so high that the produce of his farm would scarcely pay its rates—will resent it:—And out of the

abundance of the heart, the long train of industrious *Tradesmen*, who are now spending their past earnings, or selling their tools for a subsistence—will resent it—nay, the whole body of an almost ruined people, will despise and execrate the wretch who dares blaspheme the POLITICAL SAVIOUR OF OUR COUNTRY.

## 190. Centinel II

### Philadelphia Freeman's Journal, 24 October

"Centinel" II, in part a reply to James Wilson's speech of 6 October (CC:134), had a direct influence on some Pennsylvanians. For instance, Francis Murray wrote that "Centinel" II and other Antifederalist writings "greatly changed" his sentiments on the Constitution (to John Nicholson, 1 November, RCS:Pa., 207), while John Smilie of Fayette County relied heavily on "Centinel" II in his speech of 8 December in the Pennsylvania Convention (RCS:Pa., 525–26, 531n).

Reprints by 13 December (6): Mass. (1), R.I. (1), N.Y. (2), Md. (1), Va. (1). For its publication as a broadside and in pamphlets and for authorship, see CC:133.

#### *To the PEOPLE of PENNSYLVANIA.*

FRIENDS, COUNTRYMEN, and FELLOW-CITIZENS, As long as the liberty of the press continues unviolated, and the people have the right of expressing and publishing their sentiments upon every public measure, it is next to impossible to enslave a free nation. The state of society must be very corrupt and base indeed, when the people in possession of such a monitor as the press, can be induced to exchange the heavenborn blessings of liberty for the galling chains of despotism.—Men of an aspiring and tyrannical disposition, sensible of this truth, have ever been inimical to the press, and have considered the shackling of it, as the first step towards the accomplishment of their hateful domination, and the entire suppression of all liberty of public discussion, as necessary to its support.—For even a standing army, that grand engine of oppression, if it were as numerous as the abilities of any nation could maintain, would not be equal to the purposes of despotism over an enlightened people.

The abolition of that grand palladium of freedom, the liberty of the press, in the proposed plan of government, and the conduct of its authors, and patrons, is a striking exemplification of these observations. The reason assigned for the omission of a *bill of rights*, securing the *liberty of the press*, and other *invaluable personal rights*, is an insult on the understanding of the people.

The injunction of secrecy imposed on the members of the late Convention during their deliberations, was obviously dictated by the genius of Aristocracy; it was deemed impolitic to unfold the principles of the intended government to the people, as this would have frustrated the object in view.

The projectors of the new plan, supposed that an *ex parte* discussion of the subject, was more likely to obtain unanimity in the Convention;

which would give it such a sanction in the public opinion, as to banish all distrust, and lead the people into an implicit adoption of it without examination.

The greatest minds are forcibly impressed by the immediate circumstances with which they are connected; the particular sphere men move in, the prevailing sentiments of those they converse with, have an insensible and irresistible influence on the wisest and best of mankind; so that when we consider the abilities, talents, ingenuity and consummate address of a number of the members of the late Convention, whose principles are despotic, can we be surprised that men of the best intentions have been misled in the difficult science of government? Is it derogating from the character of the *illustrious and highly revered* WASHINGTON, to suppose him fallible on a subject that must be in a great measure novel to him?—As a patriotic hero, he stands unequalled in the annals of time.

The new plan was accordingly ushered to the public with such a splendor of names, as inspired the most unlimited confidence; the people were disposed to receive upon trust, without any examination on their part, what would have proved either a *blessing* or a *curse* to them and their posterity.—What astonishing infatuation! to stake their happiness on the wisdom and integrity of any set of men! In matters of infinitely smaller concern, the dictates of prudence are not disregarded! The celebrated *Montesquieu*, in his *Spirit of Laws*, says, that “slavery is ever preceded by sleep.” And again, in his account of the rise and fall of the Roman Empire, page 97, “That it may be advanced as a general rule, that in a free State, whenever a perfect calm is visible, the spirit of liberty no longer subsists.”<sup>1</sup> And Mr. *Dickinson*, in his *Farmer’s Letters*, No. XI. lays it down as a maxim, that “A perpetual jealousy respecting liberty is absolutely requisite in all free States.”<sup>2</sup>

“Happy are the men, and happy the people, who grow wise by the misfortunes of others. Earnestly, my dear countrymen, do I beseech the author of all good gifts, that you may grow wise in this manner, and I beg leave to recommend to you in general, as the best method of obtaining this wisdom, diligently to study the histories of other countries. You will there find all the arts, that can possibly be practised by cunning rulers, or false patriots among yourselves, so fully delineated, that changing names, the account would serve for your own times.”

A few citizens of Philadelphia (too few, for the honour of human nature) who had the wisdom to think *consideration* ought to precede *approbation*, and the fortitude to avow that they would take time to judge for themselves on so momentous an occasion, were stigmatized as enemies to their country; as monsters, whose existence ought not to be suffered, and the destruction of them and their houses recommended, as meritorious.<sup>3</sup>—The authors of the new plan, conscious that it would not stand the test of enlightened patriotism, tyrannically endeavoured to

preclude all investigation.—If their views were laudable; if they were honest,—the contrary would have been their conduct, they would have invited the freest discussion. Whatever specious reasons may be assigned for secrecy during the framing of the plan, no good one can exist, for leading the people blindfolded into the implicit adoption of it. Such an attempt does not augur the public good—It carries on the face of it an intention to juggle the people out of their liberties.

The virtuous and spirited exertions of a few patriots, have at length roused the people from their fatal infatuation to a due sense of the importance of the measure before them. The glare and fascination of names is rapidly abating, and the subject begins to be canvassed on its own merits; and so serious and general has been the impression of the objections urged against the new plan, on the minds of the people, that its advocates, finding mere declamation and scurrility will no longer avail, are reluctantly driven to defend it on the ground of argument. Mr. *Wilson*, one of the deputies of this State in the late Convention, has found it necessary to come forward. From so able a lawyer, and so profound a politician, what might not be expected, if this act of Convention be the heavenly dispensation which some represent it. Its divinity would certainly be illustrated by one of the principal instruments of the Revelation; for this gentleman has that transcendent merit!—But if, on the other hand, this able advocate has failed to vindicate it from the objections of its adversaries, must we not consider it is as the production of *frail and interested men*.

Mr. *Wilson* has recourse to the most flimsy sophistry in his attempt to refute the charge that the new plan of general government will supersede and render powerless the state governments. His quibble upon the term *Corporation*, as sometimes equivalent to communities which possess sovereignty, is unworthy of him. The same comparison in the case of the British parliament assuming to tax the colonies, is made in the Xth of the Farmer's Letters, and was not misunderstood in 1768 by any. He says that the existence of the proposed federal plan depends on the existence of the State governments, as the senators are to be appointed by the several legislatures, who are also to nominate the electors who chuse the President of the United States; and that hence all fears of the several States being melted down into one empire, are groundless and imaginary.—But who is so dull as not to comprehend, that the *semblance* and *forms* of an ancient establishment, may remain, after the *reality* is gone.—*Augustus*, by the aid of a great army, assumed despotic power, and notwithstanding this, we find even under Tiberius, Caligula and Nero, princes who disgraced human nature by their excesses, the shadows of the ancient constitution held up to amuse the people. The senate sat as formerly; consuls, tribunes of the people, censors and other officers were annually chosen as before, and the forms of republican government continued. Yet all this was in *appearance*



only.—Every *senatus consultum* was dictated by him or his ministers, and every Roman found himself constrained to submit in all things to the despot.

Mr. *Wilson* asks, “What controul can proceed from the federal government to shackle or destroy that *sacred palladium* of national freedom, the *liberty of the press*?” What!—Cannot Congress, when possessed of the immense authority proposed to be devolved, restrain the printers, and put them under regulation.—Recollect that the omnipotence of the federal legislature over the State establishments is recognized by a special article, viz.—“that this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the *supreme law* of the land; and the judges in every State shall be bound thereby, any thing in the *Constitutions* or laws of any State to the contrary notwithstanding.”—After such a declaration, what security does the *Constitutions* of the several States afford for the *liberty of the press and other invaluable personal rights*, not provided for by the new plan?—Does not this sweeping clause subject every thing to the controul of Congress?

In the plan of Confederation of 1778, now existing, it was thought proper by Article the 2d, to declare that “each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.” *Positive* grant was not *then* thought sufficiently descriptive and restraining upon Congress, and the omission of such a declaration *now*, when such great devolutions of power are proposed, manifests the design of reducing the several States to shadows. But Mr. *Wilson* tells you, that every right and power not specially granted to Congress is considered as withheld. How does this appear? Is this principle established by the proper authority? Has the Convention made such a stipulation? By no means. Quite the reverse; the *laws* of Congress are to be “the *supreme law* of the land, any thing in the *Constitutions* or laws of any State to the contrary notwithstanding;” and consequently, would be *paramount* to all *State* authorities. The lust of power is so universal, that a speculative unascertained rule of construction would be a *poor* security for the liberties of the people.

Such a body as the intended Congress, unless particularly inhibited and restrained, must grasp at omnipotence, and before long swallow up the Legislative, the Executive, and the Judicial powers of the several States.

In addition to the respectable authorities quoted in my first number, to shew that the right of *taxation* includes all the powers of government, I beg leave to adduce the Farmer’s Letters, see particularly letter 9th, in which Mr. *Dickinson* has clearly proved, that if the British Parliament assumed the power of taxing the colonies, *internally*, as well as *externally*,

and it should be submitted to, the several colony legislatures would soon become contemptible, and before long fall into disuse.—Nothing, says he, would be left for them to do, higher than to frame bye-laws for empounding of cattle or the yoking of hogs.

By the proposed plan, there are divers cases of judicial authority to be given to the courts of the United States, besides the two mentioned by Mr. *Wilson*.—In maritime causes about property, jury trial has not been usual; but in suits in *equity*, with all due deference to Mr. *Wilson's* professional abilities, (which he calls to his aid) jury trial, as to facts, is in full exercise. Will this jurisperitus say that if the question in equity should be, did *John Doe* make a will, that the chancellor of England would decide upon it? He well knows that in this case, there being no mode of jury trial before the chancellor, the question would be referred to the court of king's bench for discussion according to the common law, and when the judge in equity should receive the *verdict*, the fact so established, could never be re-examined or controverted. Maritime causes and those appertaining to a court of equity, are, however, but *two* of the many and extensive subjects of federal cognizance mentioned in the plan. This jurisdiction will embrace all suits arising under the laws of impost, excise and other revenue of the United States. In England if goods be seized, if a ship be prosecuted for non-compliance with, or breach of the laws of the customs, or those for regulating trade, in the court of exchequer, the claimant is secured of the transcendent privilege of Englishmen, *trial by a jury of his peers*. Why not in the United States of America? This jurisdiction also goes to all cases under the laws of the United States, that is to say, under all statutes and ordinances of Congress. How far this may extend, it is easy to foresee; for upon the decay of the state powers of legislation, in consequence of the loss of the *purse strings*, it will be found necessary for the federal legislature to make laws upon every subject of legislation. Hence the state courts of justice, like the barony and hundred courts of England, will be eclipsed and gradually fall into disuse.

The jurisdiction of the federal court goes, likewise, to the laws to be created by treaties, made by the President and Senate, (a species of legislation) with other nations; "to all cases affecting foreign ministers and consuls; to controversies wherein the United States shall be a party; to controversies between citizens of different states," as when an inhabitant of *New-York* has a demand on an inhabitant of *New-Jersey*.—This last is a very invidious jurisdiction, implying an improper distrust of the impartiality and justice of the tribunals of the states. It will include all legal debates between foreigners in Britain, or elsewhere, and the people of this country.—A reason hath been assigned for it, viz. "That large tracts of land, in neighbouring states, are claimed under royal or other grants, disputed by the states where the lands lie, so that justice cannot be expected from the state tribunals."—Suppose it were proper indeed

to provide for such case, why include all cases, and for all time to come? Demands as to land for 21 years would have satisfied this. A London merchant shall come to America, and sue for his supposed debt, and the citizen of this country shall be deprived of jury trial, and subjected to an appeal (tho' nothing but the *fact* is disputed) to a court 500 or 1000 miles from home; when if this American has a claim upon an inhabitant of England, his adversary is secured of the privilege of jury trial.—This jurisdiction goes also to controversies between any state and its citizens; which, though *probably* not intended, may hereafter be set up as a ground to divest the states, severally, of the trial of criminals; inasmuch as every charge of felony or misdemeanour, is a controversy between the state and a citizen of the same: that is to say, the state is plaintiff and the party accused is defendant in the prosecution. In all doubts about jurisprudence, as was observed before, the paramount courts of Congress will decide, and the judges of the state, being *sub graviore lege*, under the paramount law, must acquiesce.

Mr. *Wilson* says, that it would have been impracticable to have made a general rule for jury trial in the civil cases assigned to the federal judiciary, because of the want of uniformity in the mode of jury trial, as practised by the several states. This objection proves too much, and therefore amounts to nothing. If it precludes the mode of common law in civil cases, it certainly does in criminal. Yet in these we are told “the oppression of government is effectually barred by declaring that in all criminal cases *trial by jury* shall be preserved.” Astonishing, that provision could not be made for a jury in civil controversies, of 12 men, whose verdict should be unanimous, *to be taken from the vicinage*; a precaution which is omitted as to trial of crimes, which may be any where in the state within which they have been committed. So that an inhabitant of *Kentucky* may be tried for treason at *Richmond*.

The abolition of jury trial in civil cases, is the more considerable, as at length the courts of Congress will supersede the state courts, when such mode of trial will fall into disuse among the people of the United States.

The northern nations of the European continent, have all lost this invaluable privilege: *Sweden*, the last of them, by the artifices of the *aristocratic* senate, which depressed the king and reduced the house of commons to insignificance. But the nation a few years ago, preferring the absolute authority of a monarch to the *vexatious* domination of the *well-born* few, an end was suddenly put to their power.

“The policy of this right of juries, (says judge Blackstone) to decide upon *fact*, is founded on this: That if the power of judging were entirely trusted with the magistrates, or any select body of men, named by the executive authority, their decisions, in spite of their own natural integrity, would have a bias towards those of their own rank and dignity; for it is not to be expected, that the *few* should be attentive to the rights

of the *many*. This therefore preserves in the hands of the people, that share which they ought to have in the administration of justice, and prevents the encroachments of the more powerful and wealthy citizens."

The attempt of governor [Cadwallader] *Colden*, of New-York, before the revolution to re-examine the *facts* and re-consider the *damages*, in the case of *Forsey* against *Cunningham*, produced about the year 1764, a flame of patriotic and successful opposition, that will not be easily forgotten.<sup>4</sup>

To manage the various and extensive judicial authority, proposed to be vested in Congress, there will be one or more inferior courts immediately requisite in each state; and laws and regulations must be forthwith provided to direct the judges—here is a wide door for inconvenience to enter. Contracts made under the acts of the states respectively, will come before courts acting under new laws and new modes of proceeding, not thought of when they were entered into.—An inhabitant of Pennsylvania residing at Pittsburgh, finds the goods of his debtor, who resides in Virginia, within the reach of his attachment; but no writ can be had to authorise the marshal, sheriff, or other officer of Congress, to seize the property, about to be removed, nearer than 200 miles: suppose that at Carlisle, for instance, such a writ may be had, mean while the object escapes. Or if an inferior court, whose judges have ample salaries, be established in every county, would not the expense be enormous? Every reader can extend in his imagination, the instances of difficulty which would proceed from this needless interference with the judicial rights of the separate states, and which as much as any other circumstance in the new plan, implies that the dissolution of their forms of government is designed.

Mr. *Wilson* skips very lightly over the danger apprehended from the standing army allowed by the new plan. This grand machine of power and oppression, may be made a fatal instrument to overturn the public liberties, especially as the funds to support the troops may be granted for *two* years, whereas in Britain, the grants ever since the revolution in 1688, have been *from year to year*. A standing army with regular provision of pay and contingencies, would afford a strong temptation to some ambitious man to step up into the throne, and to seize absolute power. The keeping on foot a hired military force *in time of peace*, ought not to be gone into, unless *two thirds* of the members of the federal legislature agree to the necessity of the measure, and adjust the numbers employed. Surely Mr. *Wilson* is not serious when he adduces the instance of the troops now stationed on the Ohio, as a proof of the propriety of a standing army.—They are a mere occasional armament for the purpose of restraining divers hostile tribes of savages. It is contended that under the present confederation, Congress possess the power of raising armies at pleasure; but the opportunity which the

states severally have of withholding the supplies necessary to keep these armies on foot, is a sufficient check on the *present* Congress.

Mr. *Wilson* asserts, that never was charge made with less reason, than that which predicts the institution of a *baneful aristocracy* in the federal Senate.—In my first number, I stated that this body would be a very unequal representation of the several states, that the members being appointed for the long term of six years, and there being no exclusion by rotation, they might be continued for life, which would follow of course from their extensive means of influence, and that possessing a considerable share in the *executive* as well as *legislative*, it would become a *permanent aristocracy*, and swallow up the other orders in the government.

That these fears are not imaginary, a knowledge of the history of other nations, where the powers of government have been injudiciously placed, will fully demonstrate. Mr. *Wilson* says, “the senate branches into two characters; the one legislative and the other executive. In its legislative character it can effect no purpose, without the co-operation of the house of representatives, and in its executive character it can accomplish no object without the concurrence of the president. Thus fettered, I do not know any act which the senate can of itself perform, and such dependence necessarily precludes every idea of influence and superiority.” This I confess is very specious, but experience demonstrates, that checks in government, unless accompanied with *adequate* power and *independently* placed, prove *merely nominal*, and will be *inoperative*. Is it probable, that the president of the United States, limited as he is in power, and dependent on the will of the senate, in appointments to office, will either have the *firmness* or *inclination* to exercise his prerogative of a conditional controul upon the proceedings of that body, however injurious they may be to the public welfare: it will be his interest to coincide with the views of the senate, and thus become the head of the aristocratic junto. The king of England is a constituent part in the legislature, but although an hereditary monarch, in possession of the whole executive power, including the unrestrained appointment to offices, and an immense revenue, enjoys but in *name* the prerogative of a negative upon the parliament. Even the king of England, circumstanced as he is, has not dared to exercise it for near a century past. The check of the house of representatives upon the senate will likewise be rendered nugatory for want of due weight in the democratic branch, and from their constitution *they* may become so *independent* of the *people* as to be indifferent of its interests: nay as Congress would have the controul over the mode and place of their election, by ordering the representatives of a *whole* state to be elected at *one* place, and that too the most *inconvenient*, the ruling power may govern the *choice*, and thus the house of representatives may be composed of the *creatures* of the senate. Still the *semblance* of checks, may remain but without *operation*.

This mixture of the legislative and executive moreover highly tends to corruption. The chief improvement in government, in modern times, has been the compleat separation of the great distinctions of power; placing the *legislative* in different hands from those which hold the *executive*; and again severing the *judicial* part from the ordinary *administrative*. "When the legislative and executive powers (says Montesquieu) are united in the same person, or in the same body of magistrates, there can be no liberty."

Mr. *Wilson* confesses himself, not satisfied with the organization of the federal senate, and apologizes for it, by alledging a sort of compromise. It is well known, that some members of convention, apprized of the mischiefs of such a compound of authority, proposed to assign the supreme executive powers to the president and a small council, made personally responsible for every appointment to office, or other act, by having their opinions recorded; and that without the concurrence of the majority of the quorum of this council, the president should not be capable of taking any step. Such a check upon the chief magistrate would admirably secure the power of pardoning, now proposed to be exercised by the president alone, from abuse. For as it is placed he may shelter the traitors whom he himself or his coadjutors in the senate, have excited to plot against the liberties of the nation.

The delegation of the power of taxation to Congress, as far as duties on imported commodities, has not been objected to. But to extend this to excises, and every species of internal taxation, would necessarily require so many ordinances of Congress, affecting the body of the people, as would perpetually interfere with the State laws and personal concerns of the people. This alone would directly tend to annihilate the particular governments; for the people fatigued with the operations of two masters would be apt to rid themselves of the weaker. But we are cautioned against being alarmed with imaginary evils, for Mr. *Wilson* has predicted that the great revenue of the United States, will be raised by impost. Is there any ground for this? Will the impost supply the sums necessary to pay the interest and principal of the foreign loan, to defray the great additional expence of the new constitution; for the policy of the new government will lead it to institute numerous and lucrative civil offices, to extend its influence and provide for the swarms of expectants; (the people having in fact no controul upon its disbursements) and to afford pay and support for the proposed standing army, that darling and long wished for object of the *well-born* of America; and which, if we may judge from the principles of the intended government, will be no trifling establishment, for cantonments of troops in every district of America, will be necessary to compel the submission of the people to the arbitrary dictates of the ruling powers? I say will the impost be adequate? By no means.—To answer these there must be ex-

cises and other indirect duties imposed, and as land taxes will operate too equally to be agreeable to the wealthy aristocracy in the senate who will be possessed of the government, *poll taxes* will be substituted as provided for in the new plan; for the doctrine then will be, *that slaves ought to pay for wearing their heads.*

As the taxes necessary for these purposes, will drain your pockets of every penny, what is to become of that virtuous and meritorious class of citizens the public creditors. However well disposed the people of the United States may be to do them justice, it would not be in their power; and, *after waiting year after year*, without prospect of the payment of the interest or principal of the debt, they will be constrained to sacrifice their certificates in the purchase of waste lands in the far distant wilds of the western territory.

From the foregoing illustration of the powers proposed to be devolved to Congress, it is evident, that the general government would necessarily annihilate the particular governments, and that the security of the personal rights of the people by the state constitutions is superseded and destroyed; hence results the necessity of such security being provided for by a bill of rights to be inserted in the new plan of federal government. What excuse can we then make for the omission of this grand palladium, this barrier between *liberty* and *oppression*. For universal experience demonstrates the necessity of the most express declarations and restrictions, to protect the rights and liberties of mankind, from the silent, powerful and ever active conspiracy of those who govern.

The new plan, it is true, does propose to secure the people of the benefit of personal liberty by the *habeas corpus*; and trial by jury for all crimes, except in case of impeachment: but there is no declaration, that all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding; 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 ministry, contrary to, or against his own free will and consent; and that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship; that the trial by jury in civil causes as well as criminal, and the modes prescribed by the common law for safety of life in criminal prosecutions shall be held sacred; that the requiring of excessive bail, imposing of excessive fines and cruel and unusual punishments be forbidden; that monopolies in trade or arts, other than to authors of books or inventors of useful arts, for a reasonable time, ought not to be suffered; that the right of the people to assemble peaceably for the purpose of consulting about public matters, and petitioning or remonstrating to the federal legislature ought not to be prevented; that *the liberty of the press be held sacred*; that the people have a right to hold themselves, their houses, pa-

pers and possessions free from search or seizure; and that therefore warrants without oaths or affirmations first made, affording a 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 his property, not particularly described, are contrary to that right and ought not to be granted; and that standing armies in time of peace are dangerous to liberty, and ought not to be permitted but when absolutely necessary; all which is omitted to be done in the proposed government.

But Mr. *Wilson* says, the new plan does not arrogate perfection, for it provides a mode of alteration and correction, if found necessary. This is one among the numerous deceptions attempted on this occasion. True, there is a mode prescribed for this purpose. But it is barely possible that amendments may be made. The fascination of power must first cease, the nature of mankind undergo a revolution, that is not to be expected on this side of eternity. For to effect this (Art. 6.) it is provided, that if *two thirds* of both houses of the federal legislature shall propose them; or when two thirds of the several states by their legislatures, shall apply for them, the federal assembly shall call a convention for proposing amendments, which when ratified by three fourths of the state legislatures, or conventions, as Congress shall see best, shall controul and alter the proposed confederation. Does history abound with examples of a voluntary relinquishment of power, however injurious to the community? No; it would require a general and successful rising of the people to effect any thing of this nature.—This provision therefore is mere sound.

The opposition to the new plan (says Mr. *Wilson*) proceeds from interested men, *viz.* the officers of the state governments. He had before denied that the proposed transfer of powers to Congress would annihilate the state governments. But he here lays aside the masque, and avows the fact. For, the truth of the charge against *them* must entirely rest on such consequence of the new plan. For if the state establishments are to remain unimpaired, why should officers peculiarly connected with them, be interested to oppose the adoption of the new plan? Except the collector of the impost, judge of the admiralty, and the collectors of excise (none of whom have been reckoned of the opposition) they would otherwise have nothing to apprehend.—But the charge is unworthy and may with more propriety be retorted on the expectants of office and emolument under the intended government.

The opposition is not so partial and interested as Mr. *Wilson* asserts. It consists of a respectable yeomanry throughout the union, of characters far removed above the reach of his unsupported assertions. It comprises many worthy members of the late convention, and a majority of the present Congress, for a motion made in that honorable body, for their *approbation* and *recommendation* of the new plan, was after two days animated discussion, prudently withdrawn by its advocates, and a sim-



ple *transmission*<sup>(a)</sup> of the plan to the several states could only be obtained;<sup>5</sup> yet this has been palmed upon the people as the approbation of Congress; and to strengthen the deception, the bells of the city of Philadelphia were rung for a whole day.<sup>6</sup>

Are Mr. *W—n*, and many of his coadjutors in the late C—n, the disinterested patriots they would have us believe? Is their conduct any recommendation of their plan of government? View them the foremost and loudest on the floor of Congress, in our Assembly, at town meetings, in sounding its eulogiums:—View them preventing investigation and discussion, and in the most despotic manner endeavouring to compel its adoption by the people, with such precipitancy as to preclude the possibility of a due consideration, and then say whether the motives of these men can be pure.

My fellow citizens, such false detestable *patriots* in every nation, have led their blind confiding country, shouting their applauses, into the jaws of *despotism* and *ruin*. May the wisdom and virtue of the people of America, save them from the usual fate of nations.

(a) Upon the last motion being made, those who had strenuously and successfully opposed Congress giving any countenance of approbation or recommendation to this system of oppression, said,—“We have no objection to transmit the new plan of government to the several states, that they may have an opportunity of judging for themselves on so momentous a subject.” Whereupon it was unanimously agreed to, in the following words, *viz.* “Congress having received the report of the Convention lately assembled in Philadelphia, *resolved 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>7</sup>

1. “Centinel” refers to Montesquieu’s work first published in French in Amsterdam in 1734. The same year an English translation appeared in London under the title: *Reflections on the Causes of the Grandeur and Declension of the Romans*.

2. John Dickinson’s “Letters from a Farmer in Pennsylvania” were printed in the *Pennsylvania Chronicle* between 2 December 1767 and 15 February 1768. See Paul Leicester Ford, ed., *The Writings of John Dickinson* (Philadelphia, 1895), 277–406.

3. For the intimidation of Philadelphians who opposed the Constitution, see RCS:Pa., 148–49, 152–57, 192.

4. The proceedings of the case were published in 1764 by New York printer John Holt. See Milton M. Klein, “Prelude to Revolution in New York: Jury Trials and Judicial Tenure,” WMQ, 3rd series, XVII (1960), 439–62.

5. For a Philadelphia newspaper report on the temper of Congress at this time, see CDR, 351 and CC:95.

6. See RCS:Pa., 124.

7. See CC:95.

**191. Edward Carrington to William Short**  
**New York, 25 October (excerpts)<sup>1</sup>**

... There perhaps never was a period of time at which reforms and revolutions in Government, were so general as now, and it is much for the honor of America, that while the more Antient Nations in Europe, are shaken to their very Centre in the operation, here is taking thorough effect, by peaceable Convention, without interrupting for a moment the existing administration. the Governors and Governed act in concert for producing the change, and the former look forward to no act with more desire, than the surrender of the old, upon the Maturity of the New, Government.

You will see in the hands of Mr. Jefferson, to whom I have inclosed it, the Constitution reported by our Convention for the United States. it is far from perfection, but we should be the wisest, as well as the most fortunate, people under the Sun, could we concert a perfect system of Government, and afterwards obtain an universal consent to its adoption: in as much as men differ in point of understanding, there must be proportionate defects in their joint deliberations: but the reconciliation of the various circumstances and interests an extensive and enterprizing Country comprehends, forbids that perfection should be our indismissible pursuit.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town-meetings and other Assemblies of the people, the usual result whereof are declarations for its adoption—in the Middle States appearances are generally for it, but not being in the habits of assembling for public objects, the people have given but few instances of collective declarations. Some Symptoms of opposition have appeared in New York & Pennsylvania—in the latter it was, as probably, occasioned by the intemperance of the most zealous friends of the measure, as, objections against the plan—of this circumstance I have given Mr. Jefferson a particular detail to which permit me to refer you—in the former some individual publications are exhibited in the papers, but we have no evidence of their being regarded by the populace—the men in office in this State view, with great reluctance, the diminution of State emoluments and consequence—they hold their appointments under an influence which will not, in all probability, serve them upon a more extensive scale of politics—the Governor is perfectly silent, but, it is suspected wishes the miscarriage of the measure, taking his usual guard against being committed in a fruitless opposition. from the Southern States our information is very imperfect, but from the zeal and unanimity of the Members from the Carolina's and Georgia, as well in Convention as Congress, and from the known influence of Men of this description in those States, it is well to understood that the proposed Scheme will be favorably received in that quarter. in Virginia we learn from superficial accounts from the Assembly upon their first

meeting, that a great Majority of the members declare in its favor—but it has meet with the dissent of two of her members in Convention, & was disapproved by the same number of those who represented her in Congress—these dissentients were Colo. Mason & Govr. Randolph in Convention who refused to sign the report—Mr. R.H. Lee & Mr. Grayson in Congress, who were actually agst. an approbatory Act, although they agreed to join in the bare recommendation of conventions for its consideration in the States. from characters of this discription being opposed, we are naturally to apprehend some difficulty in that State, but I am led to believe that the generality of the adoption which is probable in the other States, will have much influence in bringing her into the measure. We have not yet been informed what party Mr. Henry will take—much will depend on him.

Mr. Madison has forwarded to Mr. Jefferson several Pamphlets and peices which have been written for and against this Constitution from which you will have a view of the train of discussion it is undergoing; and having, by this same opportunity written very fully to Mr. Jefferson,<sup>2</sup> a repetition of the same to you will be needless, and to find new materials is not at present within my scope in the line of politics—my plan in future will be to write you alternately, by the packets. . . .

P.S. the disapprobation of Mr. R.H.L. and that of Mr. G. are founded on very opposite principles—the former thinks the Constitution too strong, the latter is of opinion that [it] is too weak.

1. RC, Short Papers, DLC. See also Carrington to Jefferson, 23 October (CC:185).
2. See CC:187.

### **192. The Report of Connecticut's Delegates to the Constitutional Convention, New Haven Gazette, 25 October**

This letter, dated 26 September from New London, was written in consequence of the Connecticut act of May 1787 appointing delegates to the Constitutional Convention. The act required that the delegates report to Congress and to the General Assembly of the state "such Alterations and Provisions" made by the Convention in order "to render the fœderal Constitution [i.e., the Articles of Confederation] adequate to the Exigencies of Government, and the Preservation of the Union" (CDR, 215–16. See also Congress' resolution of 21 February 1787, CC:1.).

The letter was signed by Roger Sherman and Oliver Ellsworth who, as judges, were attending a session of the Connecticut Superior Court in New London. The third delegate, William Samuel Johnson, was in New York attending Congress. Sherman and Johnson had signed the Constitution, while Ellsworth had left the Convention in late August.

Governor Samuel Huntington presumably submitted the letter to the General Assembly in New Haven with other "public letters" on 11 October. Two weeks later the *New Haven Gazette* published the letter, along with the Assembly's resolutions calling a state convention to consider the Constitution.

The letter was reprinted in twenty-three newspapers and in the *Philadelphia American Museum* by early December: N.H. (1), Mass. (6), R.I. (2), Conn. (7), N.Y. (2), N.J. (1), Pa. (4), Va. (1).

*Roger Sherman and Oliver Ellsworth to Governor  
Samuel Huntington, New London, 26 September<sup>1</sup>*

SIR, We have the honor to transmit to your Excellency a printed copy of the constitution formed by the Fœderal Convention, to be laid before the legislature of the state.

The general principles which governed the Convention in their deliberations on the subject are stated in their letter addressed to Congress.

We think it may be of use to make some further observations on particular parts of the constitution.

The *Congress* is differently organized, yet the whole number of members, and this state's proportion of suffrage, remain the same as before.<sup>2</sup>

The equal representation of the states in the senate, and the voice of that branch in the appointment to offices, will secure the rights of the lesser as well as the greater states.

Some additional powers are vested in Congress, which was a principal object that the states had in view in appointing the convention; those powers extend only to matters respecting the common interests of the Union, and are specially defined, so that the particular states retain their *Sovereignty* in all other matters.

The objects for which Congress may apply monies are the same mentioned in the eighth article of the confederation, viz. for the common defence and general welfare, and for payment of the debts incurred for those purposes. It is probable that the principal branch of revenue will be duties on imports;—what may be necessary to be raised by direct taxation is to be apportioned on the several states, according to the numbers of their inhabitants, and altho' Congress may raise the money by their own authority, if necessary, yet that authority need not be exercised if each state will furnish its quota.

The restraint on the legislatures of the several states respecting emitting bills of credit, making any thing but money a tender in payment of debts, or impairing the obligation of contracts by *ex post facto* laws, was thought necessary as a security to commerce, in which the interest of foreigners as well as the citizens of different states may be affected.

The Convention endeavoured to provide for the energy of government on the one hand, and suitable checks on the other hand, to secure the rights of the particular states, and the liberties and properties of the citizens. We wish it may meet the approbation of the several states, and be a mean of securing their rights and lengthening out their tranquility.

1. The manuscript letter was offered for sale by Sotheby Parke Bernet on 3 June 1980 as part four of the Elsie O. and Philip D. Sang Foundation sale. For the second page of the letter, in Sherman's handwriting, see Mfm:Conn. 22.

Roger Sherman (1721–1793), a New Haven lawyer, was a delegate to Congress from 1774 to 1781 and from 1783 to 1784 and signed the Declaration of Independen-

dence and the Articles of Confederation. In the Constitutional Convention, Sherman supported the strengthening of the central government, but insisted that the states have an important role. In November and December 1787, he published five Federalist essays signed "A Countryman" (CC:261). He voted to ratify the Constitution in the Connecticut Convention in January 1788. Sherman was a U.S. Representative from 1789 to 1791 and a U.S. Senator from 1791 until his death.

For Oliver Ellsworth, see CC:230.

2. Under the Articles of Confederation, each state could elect as many as seven delegates, making a possible total of ninety-one. The Constitution provided for sixty-five Representatives and twenty-six Senators—also a total of ninety-one. Connecticut, with five Representatives and two Senators, was therefore entitled to the same number and percentage of representation under both constitutions.

**193. James White to William Blount**  
**Philadelphia, 25 October (excerpt)<sup>1</sup>**

. . . On account of the business in which you have lately been engaged I would enclose you the political papers respecting it only that I take it for granted you will be receiving them from other quarters. I must own I had conceived an apprehension that all your labours would probably end in smoke; for what hopes was there that so many jarring & biggotted sovereigns would descend from any of their fancied independencies for the common advantage? I hope however that the good *genius* of our young empire will rise superior. The opposed faction here is weak, & there efforts appear to be unimportant. However the contest is supported with some vigour in the prints. . . .

1. RC, John Gray Blount Papers, Nc-Ar. Printed: LMCC, VIII, 666. White (1749–1809) was a North Carolina delegate to Congress and the Superintendent of Indian Affairs for the Southern Department. Blount (1749–1800), also a North Carolina delegate to Congress, had been a delegate to the Constitutional Convention and had signed the Constitution. Both men voted to ratify the Constitution in the state Convention in November 1789.

**194. Ezekiel**  
**Boston Independent Chronicle, 25 October<sup>1</sup>**

*To every Politician, of every condition, outs & ins, and those that never were in, nor ever will be,*

HARK'E!

Good folks love peace and harmony; we are sick of all sorts of newspaper wrangling—"ship news"—letters to and from "Shays and Shattuck"—abusing past and present rulers, &c. &c. &c. Now is the time to let patience, and sober reason, have their perfect work—for we have a great work to do, an Empire of freedom to build and perpetuate. This is the *twelfth* year of our *national age*, and we are a sturdy youth, but have all the levities natural to our age, and therefore we must put on our "*considering caps*"—Let us one and all lay aside the sin of wrangling,

which "so easily besets us," and seek every one the things that make for peace and union. Let all the States act like brethren of one good family,—every one regarding the interest of his brother—and then will every one be prosperous and happy. In the whole creation, cannot be found a people so highly favoured of GOD; nor in the volume of ages, can we find a nation, at our age, so great. The eyes of the world are upon us: The wealth, the learning, and the people of the East, are bending their course to this new world. In this fertile region of peace and plenty, under the serene sky of virtuous freedom, and encircled with the beneficent smiles of the KING ETERNAL, the pinions of HOPE cannot rise too high! Is it in human folly, can it be in the heart of Americans, to disagree upon the National Government, after their wise and tried Patriots have laboured four long months to form one to make them happy? HOPE replies, they will not hesitate to adopt the system;—FEAR trembles, and lisps, and stammers;—JEALOUSY says, beware of the snake in the grass;—OLD CONTINENTAL HONOUR OF 1775, bids us confide in each other as brethren, and mend the system hereafter, if experience should discover that emendations were necessary;—COMMON-SENSE, observes, that as we cannot exist without a *National Government*, and *distrust* is the *canker-worm* that corrodes the tender cords of the Union—this *bane* of society, should be guarded against as the poison of ASPES,—as a *cancer* at the heart: THIS has been the *evil genius* of America.—But may the Powers above, point their lightning against all political and moral vices, until our minds are pure as the light,—and write, with a Sun-beam, UNION upon our souls!

1. Reprints by 14 April 1788 (8): Mass. (2), Conn. (3), N.Y. (1), Pa. (1), S.C. (1).

## 195. Cato III

### New York Journal, 25 October

For criticisms of "Cato" III, see "Americanus" I, III, and IV, *New York Daily Advertiser*, 2, 30 November, 5–6 December, and "Curtius" III, *ibid.*, 3 November (supplement). In particular, these critics objected to the manner in which "Cato" used Montesquieu.

"Cato" III was reprinted in the *New York Daily Advertiser*, 27 October and *Albany Gazette*, 8 November. For authorship, see CC:103.

*To the CITIZENS of the STATE of NEW-YORK.*

In the close of my last introductory address, I told you, that my object in future would be to take up this new form of national government, to compare it with the experience and opinions of the most sensible and approved political authors, and to show you that its principles, and the exercise of them will be dangerous to your liberty and happiness.

Although I am conscious that this is an arduous undertaking, yet I will perform it to the best of my ability.

The freedom, equality, and independence which you enjoyed by nature, induced you to consent to a political power. The same principles led you to examine the errors and vices of a British superintendence, to divest yourselves of it, and to reassume a new political shape. It is acknowledged that there are defects in this, and another is tendered to you for acceptance; the great question then, that arises on this new political principle, is, whether it will answer the ends for which it is said to be offered to you, and for which all men engage in political society, to wit, the mutual preservation of their lives, liberties, and estates.

The recital, or premises on which this new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the firm of the United States, for all the various and important purposes therein set forth.—But whoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and policies, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never *form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity*, for to these objects it must be directed: this unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be, like a house divided against itself.

The governments of Europe have taken their limits and form from adventitious circumstances, and nothing can be argued on the motive of agreement from them; but these adventitious political principles, have nevertheless produced effects that have attracted the attention of philosophy, which has established axioms in the science of politics therefrom, as irrefragable as any in Euclid. It is natural, says Montesquieu, *to a republic to have only a small territory, otherwise it cannot long subsist: in a large one, there are men of large fortunes, and consequently of less moderation; there are too great deposits to intrust in the hands of a single subject, an ambitious person soon becomes sensible that he may be happy, great, and glorious by oppressing his fellow citizens, and that he might raise himself to grandeur, on the ruins of his country. In large republics, the public good is sacrificed to a thousand views; in a small one the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected*—he also shews you, that the duration of the republic of Sparta, was owing to its having continued with the same extent of territory after all its wars; and that the ambition of Athens and Lacedemon to command and direct the union, lost them their liberties, and gave them a monarchy.

From this picture, what can you promise yourselves, on the score of consolidation of the United States, into one government—impracticability in the just exercise of it—your freedom insecure—even this form of government limited in its continuance—the employments of your country disposed of to the opulent, to whose contumely you will continually be an object—you must risque much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals, whose ambition for power, and agrandisement, will oppress and grind you—where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too misterious for you to understand, and observe; and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, *is a government derived from neither nature, nor compact.*<sup>1</sup>

*Political liberty*, the great Montesquieu again observes, *consists in security, or at least in the opinion we have of security*; and this *security* therefore, or the *opinion*, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments, depends in a great measure on their limits, connected with their political distribution.

The extent of many of the states in the Union, is at this time, almost too great for the superintendence of a republican form of government, and must one day or other, revolve into more vigorous ones, or by separation be reduced into smaller, and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of main at this moment, on the eve of separation from her. The reason of these things is, that for the security of the *property* of the community, in which expressive term Mr. Lock makes life, liberty, and estate, to consist—the wheels of a free republic are necessarily slow in their operation; hence in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression: the extremes are also too remote from the usual seat of government, and the laws therefore too feeble to afford protection to all its parts, and insure *domestic tranquility* without the aid of another principle. If, therefore, this state, and that of N. Carolina, had an army under their controul, they never would have lost Vermont, and Frankland, nor the state of Massachusetts suffer an insurrection, or the dismemberment of her fairest district, but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as



to do without the aid of a standing army—I deny that it will.—The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it—the fear of a dismemberment of some of its parts, and the necessity to enforce the execution of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally, and necessarily require a permanent force, to be kept on foot—will not political security, and even the opinion of it, be extinguished? can mildness and moderation exist in a government, where the primary incident in its exercise must be force? will not violence destroy confidence, and can equality subsist, where the extent, policy, and practice of it, will naturally lead to make odious distinctions among citizens?

The people, who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired, and where the same causes naturally lead to luxury, dissipation, and a passion for aristocratic distinctions; where slavery is encouraged, and liberty of course, less respected, and protected; who know not what it is to acquire property by their own toil, nor to economise with the savings of industry—will these men therefore be as tenacious of the liberties and interests of the more northern states, where freedom, independence, industry, equality, and frugality, are natural to the climate and soil, as men who are your own citizens, legislating in your own state, under your inspection, and whose manners, and fortunes, bear a more equal resemblance to your own?

It may be suggested, in answer to this, that whoever is a citizen of one state, is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from; but the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river, the circles begin in the center, and are small, active, and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

⟨The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other; as we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment; enlarge the circle still further, & as citizens of different states, though we acknowledge the same national denomination, we lose the ties of acquaintance, habits, and fortunes, and thus, by degrees, we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species.⟩<sup>2</sup> Is it therefore, from certainty like this, reasonable to believe, that inhabitants of Georgia, or New-Hampshire, will have the same obligations towards you as your own,

and preside over your lives, liberties, and property, with the same care and attachment? Intuitive reason, answers in the negative.

In the course of my examination of the principals of consolidation of the states into one general government, many other reasons against it have occurred, but I flatter myself, from those herein offered to your consideration, I have convinced you that it is both presumptuous and impracticable consistent with your safety. To detain you with further remarks, would be useless—I shall however, continue in my following numbers, to anilise this new government, pursuant to my promise.

1. In his *Second Treatise of Government* (1690), John Locke (1632–1704) stated that “. . . despotical power is an absolute, arbitrary power one man has over another to take away his life whenever he pleases. This is a power which neither nature gives—for it has made no such distinction between one man and another—nor compact can convey, for man, not having such an arbitrary power over his own life, cannot give another man such a power over it. . . .”

2. That portion of the text within angle brackets was quoted by “Americanus” VI, *New York Daily Advertiser*, 12 January 1788, to illustrate the fact that it would be almost impossible for the central government under the Constitution to annihilate the state governments.

### 196. A Republican I: To James Wilson, Esquire New York Journal, 25 October

“A Republican” I, responding to Wilson’s speech of 6 October (CC:134), was reprinted in the *Philadelphia Independent Gazetteer*, 30 October; *Massachusetts Centinel*, 3 November; *Hudson Weekly Gazette*, 8 November; and *Providence United States Chronicle*, 15 November.

On 1 and 8 November the *New York Journal* announced that, “for want of room,” “A Republican” II had been “unavoidably postponed.” “A Republican” II was never printed, although an unnumbered essay signed “A Republican” appeared in the *Journal* on 27 December.

Sir, in Mr. Child’s *Daily Advertiser* of the 13th inst. a publication appeared, which is said to be a speech delivered by you to the citizens of Philadelphia, and intended to explain and elucidate the principles and arrangements of the constitution formed by the Fœderal Convention for the United States, and submitted to public consideration.—When this performance was announced, as the first authoritative explanation of that system, it was read with avidity—by its advocates, because they were prejudiced in its favor, and possessed the fullest confidence (from your supposed abilities) that the objections raised against it would be refuted—by its opponents, because they were anxious to know what could be alledged in its favor—the former are disappointed and mortified—the latter ridicule the feeble attempt, as leading only to a discovery of the source from which the defects originated; for, from the text and comment it would appear, that you had a principal agency in the business.—Your address is confined to the citizens of a partial district, but the subject affects the happiness of America; it is therefore open to the examination of every citizen, and I shall make no apology for troubling you with the following animadversions.

You have prefaced your refutation (as you term it) of the charges alleged against this new system, by a discrimination between the state constitutions and the one under consideration. To prevent mistakes, I shall take the liberty to recite it in your own words—"When the people established the powers of legislation under their separate governments, they invested their representatives with every right and authority which they did not in explicit terms reserve; and therefore upon every question respecting the jurisdiction of the house of assembly, if the frame of government is silent, the jurisdiction is efficient and complete. But in delegating fœderal powers, another criterion was necessarily introduced, and the congressional authority is to be collected not from tacit implication, but from *the positive grant expressed in the instrument of union*. Hence, you add, it is evident, that in the former case every thing which is not reserved is given, but in the latter, the reverse of the proposition prevails, *and every thing which is not given is reserved.*"

As it is upon the truth of this distinction, which carries with it, at first blush, a degree of plausability, that you rest the defence of this constitution, in omitting a bill of rights, and particularly a stipulation for the security of the freedom of the press, it is proper that it should be carefully examined. Is there any thing in the nature of the two cases that will justify this discrimination? Do they not both depend on compact, and receive their sanction from the people, as the source and origin of all political power? Can the reasonable mind conceive of a compact granting what is not expressed in it, incident to, and necessary to the execution of the power given, or implied under the general terms in which they are expressed? certainly not; and the contrary would suppose, that the power was derived from the rulers, and not from the people—but in both cases the powers conferred will be considered as efficient, as far as the nature of the compact extends. It clearly follows then, that the criterion, you mention, was not *necessarily*, or naturally, *introduced*, and it only remains to examine, whether it depends upon stipulation.

In forming our present confederation, it was declared, "that each state shall retain its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by that confederation expressly delegated to the United States in Congress assembled." This declaration would have been idle and useless, if the position, you state, was founded in fact—Is there any such *stipulation* to be found in this new constitution? there is not—But let us investigate this subject a little farther—let us compare it with the sense of the framers, as *expressed* in the instrument itself—this, perhaps, is the truest test. There are extensive powers of legislation granted to this new government—it would be needless, in me, to enumerate them; but there are also several exceptions made against the exercise of certain powers.—Now, according to your doctrine, unless these powers which are excepted were *expressly*

granted; the exceptions would be "*superfluous and absurd.*" For brevity sake, I shall instance one of those exceptions only. "*It is provided, that no title of nobility shall be granted by the United States.*" Is this power expressly given to Congress by the new constitution? if it is not, then the exception must be to guard against an incidental or implied power.—And hence it clearly follows, that the framers of this new government, so far from adopting your construction, as to the origination of congressional power, adopted the very principle that you have laid down with respect to the individual states.

But in order the more fully to evince the fallacy of your observations, I must claim the liberty of quoting some other parts of your address.—You observe, "If indeed a power, similar to that which has been granted for the regulation of commerce, had been granted, *to regulate literary publications*, it would have been as necessary to stipulate, *that the liberty of the press should be preserved inviolate*, as that the impost should be general in its operation." But you assert as a fact, "That the proposed system *possesses no influence whatever upon the press;*" and thence infer, "That it would have been merely nugatory to have introduced a formal declaration upon the subject; nay, that very declaration might be construed to imply, that *some degree of power was given*, since it was undertaken to define its extent." Now it will be proper to enquire, whether the fact, from which you have drawn your inferences, is well founded. Does this constitution possess, as you assert, *no influence whatever upon the press?* Is there not a provision in it, "to secure for a limited time to authors and inventors the exclusive right to their respective *writings and discoveries.*" I do not mean to call in question the propriety of this provision, but I would ask, whether under it the press may not be considered subject to the *influence* and controul of this government?—Will it be denied that this power includes in it (in some measure) *that of regulating literary publications?* certainly it cannot, unless we suppose what would be very absurd, "that authors, who are to be secured the exclusive right of their writings, are at the same time to be deprived of the use of the press." This then, being the case, it clearly follows, and you have admitted it, that *a stipulation for preserving inviolate the liberty of the press was necessary and proper.*—And hence too it evidently appears, that the *silence*, which is observed on this interesting subject, was not occasioned by the extremely delicate consideration to which you attribute it. To what cause then is the omission, and your attempts to decieve your fellow citizens, to be ascribed?—*The press is the scourge of tyrants and the grand palladium of liberty.*

I shall reserve the remarks I intend to make on the remainder of your speech for future letters, but before I close the present, permit me to ask, whether *the formal declaration, that no title of nobility shall be granted by the United States*, is to be construed to imply, *that some degree of power is given to introduce a nobility?* and whether America (as it would appear

you are deep in her councils) among the other great blessings she may derive from the adoption of this new constitution, may expect (by the permission of Congress) to be favored with a foreign or self-created nobility.

New-York, October 19, 1787.

**197 A-B. A Slave and A Son of Liberty**  
**New York Journal, 25 October, 8 November**

"A Slave" was apparently a response to a satirical Antifederalist piece printed in the Philadelphia *Independent Gazetteer* on 6 October (CC:136) that had appeared in two New York City newspapers by 12 October. "A Slave" was reprinted in whole in the Poughkeepsie *Country Journal*, 31 October; *Massachusetts Gazette*, 2 November; and *New Hampshire Spy*, 6 November. Its circulation was enhanced by the separate republication of its listing of thirteen "most salutary consequences." On 31 October the *Massachusetts Centinel* reprinted the *Gazetteer* item (CC:136) under the heading "ANTIFEDERALISM" followed by "A Slave's" "consequences" beneath the heading "FEDERALISM." By 4 December the *Centinel's* version of these two items was reprinted four times: N.H. (1), Mass. (2), S.C. (1).

"A Son of Liberty's" response to "A Slave" was reprinted in the Boston *American Herald*, 26 November; *Virginia Independent Chronicle*, 12 December; *New Hampshire Recorder*, 1 January 1788; and Philadelphia *Independent Gazetteer*, 16 June. In reprinting "A Son of Liberty," the printers of the *Chronicle* and *Recorder* took the opportunity to demonstrate that they were doing so because their newspapers were free and impartial, especially with respect to the Constitution. The publisher of the *Recorder*, however, did so against his better judgment. He thought the article would "have a tendency to alarm the fears of the People, rather than to answer any good or valuable purpose."

197-A. *A Slave*  
*New York Journal, 25 October*

MR. GREENLEAF, I observe we have our doubting, fearful, and procrastinating brethren; those who, in the profundity of their penetration, not from interested motives, but a laudable zeal to serve the public, have discovered, and pronounced the new proposed Federal Government to be of the illegitimate and monstrous kind, like Pandora's box, pregnant with every evil, full of design, a fatal tendency, and diametrically repugnant to the true interests, happiness, and safety of the United States.

Whether these are chimeras of the brain or realities the public will determine: I must confess for myself I cannot perceive the danger of adopting it, and most sincerely wish it may speedily take place, fully persuaded that it will be attended with the most salutary consequences; I think I can foresee, under its benign influences,

1. Unity and peace at home.
2. Respect and honour from abroad.
3. The total abolition of paper money.

4. A sufficient specie medium.
5. A full treasury.
6. Public and domestic debts provided for.
7. Credit established.
8. The poor and industrious eased of their present burthensome taxes.
9. Agriculture, navigation, and population encouraged.
10. A well regulated commerce.
11. Navigation act, encouraging our own shipping, and seamen, now rotting, and starving in our harbours, in preference to foreigners.
12. Rebellion, and civil war, not so much as understood.
13. Policy, power, and spirit, to encourage virtue, punish vice, assert our rights, take possession of our territories, prevent encroachments, and repel invasions.

197—B. *A Son of Liberty*

*New York Journal, 8 November*

MR. GREENLEAF, Having observed in your paper of the 25th ult. that a writer under the signature of *A Slave*, has pointed out a number of advantages or blessings, which, he says, will result from an adoption of the new government, proposed by the Convention:—I have taken the liberty to request, that you will give the following a place in your next paper, it being an enumeration of a *few* of the *curse*s which will be entailed on the people of America, by this preposterous and newfangled system, if they are ever so infatuated as to receive it.

1st. A *standing army*, that bane to freedom, and support of tyrants, and their pampered minions; by which almost all the nations of Europe and Asia, have been enslaved.

2d. An arbitrary capitation or poll tax, by which the poor, in general, will pay more than the rich, as they have, commonly, more children, than their wealthy dissipated neighbours.

3d. A suppression of trial by a jury of your peers, in all civil cases, and even in criminal cases, the loss of the trial in the vicinage, where the fact and the credibility of your witnesses are known, and where you can command their attendance without insupportable expence, or inconveniences.

4th. Men of all ranks and conditions, subject to have their houses searched by officers, acting under the sanction of *general warrants*, their private papers seized, and themselves dragged to prison, under various pretences, whenever the fear of their lordly masters shall suggest, that they are plotting mischief against their arbitrary conduct.

5th. Excise laws established, by which our bed chambers will be subjected to be searched by brutal tools of power, under pretence, that they contain contraband or smuggled merchandize, and the most delicate part of our families, liable to every species of rude or indecent

treatment, without the least prospect, or shadow of redress, from those by whom they are commissioned.

6th. The Liberty of the Press (that grand palladium of our liberties) totally suppressed, with a view to prevent a communication of sentiment throughout the states. This restraint is designedly intended to give our new masters an opportunity to rivet our fetters the more effectually. <sup>(a)</sup>

7th. A swarm of greedy officers appointed, such as are not known at present in the United States, who will riot and fatten on the spoils of the people, and eat up their substance.

8th. The militia of New-Hampshire, or Massachusetts, dragged to Georgia or South-Carolina, to assist in quelling an insurrection of Negroes in those states; and those of Georgia, to another distant quarter, to subdue their fellow citizens, who dare to rise against the despotism of government.

9th. The citizens of the state of New-Hampshire or Georgia, obliged to attend a trial (on an appeal) at the seat of government, which will, probably, be at the distance of at least five hundred miles from the residence of one of the parties, by which means, the expence of suits will become so enormous as to render justice unattainable but by the rich.

10th. The states perpetually involved in the wars of Europe, to gratify the *ambitious* views of their *ambitious* rulers, by which the country will be continually drained of its men and money.

11th. The citizens constantly subjected to the insults of *military* collectors, who will, by the magnetism of that most powerful of all attractives, the *bayonet*, extract from their pockets (without their consent) the exorbitant taxes imposed on them by their haughty lords and masters, for the purpose of keeping them under, and breaking their spirits, to prevent revolt.

12th. Monopolies in trade, granted to the favourites of government, by which the spirit of adventure will be destroyed, and the citizens subjected to the extortion of those companies who will have an exclusive right, to engross the different branches of commerce.

13th. An odious and detestable *Stamp act*, imposing duties on every instrument of writing, used in the courts of law and equity, by which the avenues to justice will, in a great measure, be barred, as it will enhance the expences on a suit, and deter men from pursuing the means requisite to obtain their right.—Stamp duties also, imposed on every *commercial* instrument of writing—on *literary productions*, and *particularly*, on *news papers*, which of course, will be a great discouragement to *trade*; an obstruction to *useful knowledge* in *arts*, *sciences* *agriculture*, and *manufactures*, and a prevention of *political information* throughout the states. Add to the above enumeration, the severest and most intolerable of all curses—that of being enslaved by men of our own creation (as to power) and for whose aggrandizement, many of us have fought and

bled. Men who will, perhaps, construe our most innocent remarks and animadversions on their conduct, *treason*, misprisson of treason, or high crimes and misdemeanours, which may be punished with unsual severity; we shall then be in a most forlorn and hopeless situation indeed.

(a) *The Abbé Mably, one of the most sensible writers on government says, that the most despotic monarch in any nation whatever, if he had as many troops as the ability of the nation could support, would not long hold the reins of government, if the press was not shackled to prevent political disquisition.*

Orange-County, November 4, 1787.<sup>1</sup>

1. The 4 November date is suspect because on 1 November the *New York Journal* announced that "A Son of Liberty" had been received but that publication had been "unavoidably postponed, for want of room."

### 198. Newport Herald, 25 October<sup>1</sup>

*Heaven* (says a Correspondent) seems preparing America for greatness and importance, by gradations that no nation in the world were ever blessed with. When her rights were infringed by an ungrateful mother, it diffused a spirit of liberty and virtue. When foreign mercenaries, aided by a parent's sword, threatned havock and desolation, numerous armies, from hidden sources, were brought into existence and led on to victory and success. When the avarice of foreign powers thwarted the natural system of commerce, and internal corruptions enervated the principles of government, and brought us to the alarming crisis of pusillanimously expecting some bold usurper to assume the reigns and sport with the invaluable rights of men, the goodness of our GOD was truly apparent in having influenced the people to constitute a convention to remedy these disorders, and in leading them on to organize a government upon the lasting basis of liberty and order. This is the seed time of union—the State that should be now unfederal will plunge herself into merited disgrace, if not annihilation.

America, destined by nature to be the carriers of her own produce, yet tamely suffers this valuable branch of trade to be monopolized by foreigners.—In the harbour of New-York there are now sixty ships, of which fifty-five are British. The produce of South-Carolina was shipped in 170 ships, of which 150 were British: The other Southern States freight their produce in the same proportion. In addition to the loss of being carriers of our own produce, we suffer greatly by the free importation of the gewgaws of Europe and many articles of produce. Our cheese and barley which formerly realized a handsome income to the farmer, are now hawked about at an under price for a market. Surely there is not an American who regards the interest of his country but must see the immediate necessity of an *efficient federal government*;



without it the Northern States will soon be depopulated and dwindle into poverty, while the Southern ones will become silk worms to toil and labour for Europe.

1. The first paragraph was reprinted thirteen times by 28 November: N.H. (2), Mass. (2), Conn. (3), N.J. (1), Pa. (4), Va. (1). The second paragraph was reprinted eleven times by 29 December: N.H. (1), Mass. (1), Conn. (3), Pa. (2), Md. (1), Va. (1), S.C. (1), Ga. (1).

### 199. Richard Henry Lee to Samuel Adams

New York, 27 October (excerpt)<sup>1</sup>

My dear friend,

Our mutual friend Mr. Gerry furnishes me with an opportunity of writing to you without danger of my letter being stopt on its passage, as I have some reason to apprehend has been the case with letters written by me and sent by the Post—Under this impression it is, that I send you herewith a Copy of my letter to you of the 5th of this month. Major Sergeant<sup>2</sup> delivered me the letter that you were pleased to write me on the 8th. instant, by which I see that you supposed me to have been a Member of the late Convention. I did early decline being a Member of that Body,<sup>3</sup> because I was a Member of Congress, and the proposed plan stated, that Congress should review, & if they approved, transmit the proposed *amendments to the Confederation*, (for that was the Idea, and indeed the only idea that the present federal plan admits of, or that the powers delegated to the Convention countenanced) to the 13 States for approbation and ratification. In this view of the business, it appeared to me an inconsistency that the same Men should in N. York review their own doings at Philadelphia. And this opinion was fully verified when the Members of Convention came to Congress in such numbers with their own plan, that the Votes of 3 States were Convention Votes, 2 others divided by Conventioners, and Conventioners mingled with many other States. It is Sir most obvious, that the Constitution proposed by the Convention could not have a dispassionate and impartial consideration in Congress<sup>4</sup>—And indeed it had not. In my letter to you of the 5th. instant, I sent you the amendments that I proposed in Congress; if they, with my letter sh[ould] have miscarried, our friend Mr. Gerry can furnish you with them.<sup>5</sup> Mr. Wilson of Phila. has appeared in print with the Convention reasons in support of their profferd plan<sup>6</sup>—How he has succeeded, Mr. Gerry will inform you. The Press has produced such Manly and well reasoned refutations of him and his System, that both have lost ground amazingly in the public estimation. His principal Sophism is, that bills of rights were necessary in the State Constitutions because every thing not reserved was given to the State Legislatures, but in the Federal government, every thing was reserved that was not given to the federal Legislature. This is clearly a distinction without difference. Because Independent States are in the same relation to each

other as Individuals are with respect to uncreated government. So that if reservations were necessary in one case, they are equally necessary in the other. But the futility of this distinction appears from the conduct of the Convention itself, for they have made several reservations—every one of which proves the Rule in Conventional ideas to be, that what was not reserved was given—For example, they have reserved from their Legislature a power to prevent the importation of Slaves for 20 years, and also from Creating Titles. But they have no reservation in favor of the Press, Rights of Conscience, Trial by Jury in Civil Cases, or Common Law securities.

As if these were of less importance to the happiness of Mankind than the making of Lords, or the importations of Slaves! The essential defects in the construction of the Legislature, and the dangerous blending of the Legislative and Executive powers, so as to prevent all Responsibility, are such radical objections, as render this plan inadmissible, in my opinion, without amendments. The Baron Montesquieu says “that the English is the only nation in the world, where political or civil liberty is the direct end of its constitution”. I once thought that our free governments were intitled to the same praise. But the System under consideration, seems to have reversed the above idea—The acquisition of power unlimited, not the security of Civil liberty appears to be the object. Arbitrary government is indeed so carefully intrenched and barricaded against democratic influences, that I am very much mistaken if Civil Liberty does not expire under its operation. The friends of just Liberty here are astonished at the Occlusion of the Press in Boston at a season so momentous to Mankind.<sup>7</sup> It is thought to augur ill of the New Government proposed, that on its being first ushered into the world, it should destroy the great Palladium of human rights—And at Boston too, where first the Presses pointed America to resist attempts upon her liberty & rights; there to find the great Organ of free communication stopped, when that was under consideration, which of all sublunary things demands the freest and fullest discussion: Government, upon the goodness or badness of which, almost depends, whether we shall rank among Men or Beasts! When you are pleased to write to me, your letter, by being enclosed to our friend Mr. [Samuel] Osgood of the Treasury here, will be forwarded *safely* to me in Virginia, for which place I shall set out from hence on the 4th of next month—

My best respects to your Lady, & I pray to be remember'd to Gen. Warren, Mr. Lovell, & Doct. Holten.

1. RC, Samuel Adams Papers, NN. This seven-page manuscript starts with Lee's 5 October letter (CC:132) followed by his 27 October letter. Only minor variations exist between the original and copied versions of the 5 October letter. For Adams's response of 3 December to Lee's letters, see CC:315.

2. On 5 October Congress had appointed Winthrop Sargent, of Massachusetts, secretary of the Northwest Territory.

3. On 20 March 1787 the Virginia Executive Council appointed Lee a delegate to the Constitutional Convention. He was replaced by James McClurg on 5 April.

4. For a similar complaint, see Arthur Lee to John Adams, 3 October (CC:127).

5. For Lee's amendments presented to Congress on 27 September, see CC:95.

6. See CC:134.

7. See CC:131.

## 200. John Stevens, Jr. to John Stevens, Sr. New York, 27 October (excerpt)<sup>1</sup>

. . . I find by the late papers Massachusetts and Connecticut have appointed some time in decr. for the meeting of a convention, to take the new constitution under consideration—And there seems to be no doubt of its being adopted by both these states—New Jersey will not boggle about it and New York will find herself very disagreeably situated if she should refuse her assent to it, which I hardly think she will—The Governor<sup>2</sup> and those who are in office are opposed to it, but there appears a great majority of the City in its favour—A Phamphlet published at Phila. says landed property will be worth 50 pr. Cent. more the day it is adopted<sup>3</sup>—I have sent you all the late Papers I can muster—

1. RC, Stevens Family Papers, New Jersey Historical Society. John Stevens, Jr. (1749–1838) had been New Jersey state treasurer from 1776 to 1783. His pamphlet *Observations on Government . . .* by “A Farmer, of New-Jersey” was published in New York on 3 November (CC:229). His father, John Stevens, Sr. (1716–1792), was President of the New Jersey Convention, where he voted to ratify the Constitution in December 1787.

2. George Clinton.

3. Noah Webster, in a pamphlet published on 17 October 1787 (CC:173), wrote that “On the adoption of this constitution, I should value real estate twenty per cent. higher than I do at this moment.”

## 201. Publius, *The Federalist* 1 New York Independent Journal, 27 October<sup>1</sup>

### PURPOSE AND AUTHORSHIP

*The Federalist* was written by Alexander Hamilton, John Jay, and James Madison. The essays were published in New York City between 27 October 1787 and 28 May 1788 and were addressed to the “People of the State of New-York.” First and foremost, *The Federalist* essays were political documents intended to convince the people of New York of the absolute necessity of ratifying the Constitution. According to Alexander Hamilton—in the first essay—the purpose of the series was to show the necessity of the “UNION,” the weaknesses of the Articles of Confederation, and the nature and benefits of the new Constitution. Furthermore, the essays were “to give a satisfactory answer to all the objections which shall have made their appearance that may seem to have any claim” to the public’s “attention” (see also Hamilton to George Washington, 30 October, Syrett, IV, 306).

Whether or not Alexander Hamilton or John Jay originated the idea for the series is uncertain, but it is known that the two New Yorkers sought the assistance of a collaborator. Four other men were either asked to be or were considered as possible contributors. It seems likely that Gouverneur Morris was

first sought out as a collaborator. Morris, an experienced political publicist, had been a Pennsylvania delegate to the Constitutional Convention, where he had played a major role in drafting the Constitution. Morris recalled years later that he had been "warmly pressed by Hamilton to assist in writing the *Federalist*," but he declined the offer (to W. H. Wells, 24 February 1815, Farland, III, 421). This invitation was probably extended while Morris was in New York City between mid-September and late October 1787. (For Morris' presence in New York City, see Robert Morris to George Washington, 25 October, Washington Papers, DLC.)

After Morris refused, it appears that William Duer, secretary of the Board of Treasury and Hamilton's close friend, was asked to participate. Duer "wrote two or perhaps more papers, which tho' intelligent & sprightly, were not continued; nor did they make a part of the printed Collection" (Elizabeth Fleet, ed., "Madison's 'Detached Memoranda,'" WMQ, 3rd series, III [1946], 564). Duer published his essays as "Philo-Publius" in the *New York Daily Advertiser*, 30 October, 1 December; *New York Packet*, 16 November; and *New York Independent Journal*, 28 November.

Hamilton apparently then asked James Madison to join him and Jay in writing *The Federalist*. Madison accepted and wrote George Washington on 18 November that "I will not conceal from you that I am likely to have . . . a degree of connection with the publication . . ." (Rutland, *Madison*, X, 254). Madison's first contribution—No. 10—was printed on 22 November.

John Jay became ill, probably at about the time his essay—No. 5—appeared on 10 November, and, for several months, he was unable to contribute to the series. Perhaps in response to the loss of Jay, Madison recommended to Hamilton that Rufus King of Massachusetts "might be a proper auxiliary, as he had been a member of the Convention, and well understood the subject to be discussed." Hamilton, however, "spoke respectfully of Mr [King's] talents but did not consider them as altogether of the sort required for the task in view" ("Madison's 'Detached Memoranda,'" 564–65). Consequently, Hamilton and Madison continued the series alone, except for one more essay by Jay which appeared in March 1788.

James Madison described the manner in which *The Federalist* essays were written and published, and to what extent the authors were responsible for each other's work. He stated that the essays "were written most of them in great haste, and without any special allotment of the different parts of the subject to the several writers, J. M. being at the time a member of the then Congress, and A. H. being also a member, and occupied moreover in his profession at the bar, it was understood that each was to write as their respective situations permitted, preserving as much as possible an order & connection in the papers successively published. This will account for deficiency in that respect, and also for an occasional repetition of the views taken of particular branches of the subject. The haste with which many of the papers were penned, in order to get thro the subject whilst the Constitution was before the public, and to comply with the arrangement by which the printer was to keep his newspaper open for four numbers every week, was such that the performance must have borne a very different aspect without the aid of historical and other notes which have been used in the Convention and without the familiarity with the whole subject produced by the discussions there. It frequently happened that whilst the printer was putting into type the parts of a number, the following parts were under the pen, & to be furnished in time for the press.

"In the beginning it was the practice of the writers, of A. H. & J. M. particularly to communicate each to the other, their respective papers before they were sent to the press. This was rendered so inconvenient, by the shortness of

the time allowed, that it was dispensed with. Another reason was, that it was found most agreeable to each, not to give a positive sanction to all the doctrines and sentiments of the other; there being a known difference in the general complexion of their political theories" ("Madison's 'Detached Memoranda,'" 565). Madison also declared that occasionally the writers did not have the time to read over their own work before it was sent to the printer (to Thomas Jefferson, 10 August 1788, Rutland, *Madison*, XI, 227).

In general, the authors did not refer by name to specific critics of the Constitution. Nevertheless, the publication of *The Federalist* essays in *Commentaries* in chronological sequence with other major writings on the Constitution makes it clear that "Publius" was fully aware of and concerned with the influential Antifederalist literature appearing almost daily in newspapers, broadsides, and pamphlets. "Publius" did not engage in personal attacks, but he was not above deliberately misrepresenting the position of Antifederalists. A good example of such misrepresentation was the portrayal of Antifederalists as supporters of the idea of separate confederacies.

In 1787 and 1788 the identity of "Publius" was unknown to the general public. Only two newspaper accounts insinuated that Hamilton was the author. In the preface to a Boston reprinting of essay No. 13, "Philo-Publius" referred to "a respectable and worthy member of the late Convention from New-York" who had considered the question of separate republics in "one of a series of papers on the new Constitution" (*Massachusetts Centinel*, 8 December 1787). On 5 March 1788 the Antifederalist Philadelphia *Freeman's Journal* printed a spurious letter from Benjamin Rush to Alexander Hamilton, in which Rush described the "60 numbers of Publius" as "your writings" (Mfm:Pa. 487).

A third newspaper item, one never published, also suggested that Hamilton was "Publius." Hugh Hughes, a New York Antifederalist, drafted an attack on essay No. 15, published on 1 December 1787. Hughes states "You really Speak as tho' you had been a Member of the late Convention, and experienced, in your own Person, all the *Improprieties and Excesses which a Spirit of Faction could produce by mingling its Poison in your Deliberations and which you so feelingly and emphatically now describe*" (Hughes Papers, DLC).

In private letters, the identity of "Publius" was frequently discussed. Hamilton was most often identified as either the sole author or as one of the authors of *The Federalist*. John Jay was least mentioned. James Kent, a Poughkeepsie lawyer, declared that "the Author *must be* Hamilton who I think in Genius & political Research is not inferior to Gibbon, Hume or Montesquieu" (to Nathaniel Lawrence, 21 December, CC:363). John Montgomery, a Burgess of Carlisle, Pa., wrote that "we are told that [the] writer is Mr Jay but I Rather think that it is . . . Mr Hamilton" (to William Irvine, 9 January 1788, PHI). Samuel B. Webb, a New York City merchant-factor, identified Hamilton as "Publius" and praised him as "one of the most sensible men in America" (to Joseph Barrell, 13 January, Webb Papers, CtY. For a similar statement by a New York merchant, see William Constable to Lafayette, 4 January, Constable-Pierrepont Collection, NN.). Samuel Tenney, an Exeter, N.H., physician, claimed that *The Federalist* was greatly admired in New Hampshire and that "we have christened him HAMILTON" (to Nathaniel Gilman, 12 March, Gratz Collection, PHI). James Iredell, an Edenton, N.C., lawyer, asserted that "Colo. Hamilton's Federation" would "immortalize him" (to Baron de Poellnitz, 15 April, Charles E. Johnson Collection, Nc-Ar).

Other letter writers named two or three authors. On 18 December 1787 Joseph Jones, a member of the Virginia House of Delegates, claimed that "Publius is variously ascribed to M-d-n, H-lt-n, J-y" (to James Madison, Rutland, *Madison*, X, 330). According to Walter Rutherford, a New York City mer-

chant, "Madison has the principal hand in Publius and Hamilton assists" (to John Rutherford, post 22 January 1788, Livingston Rutherford, *Family Records and Events: Compiled Principally from the Original Manuscripts in the Rutherford Collection* [New York, 1894], 139). John Armstrong, Sr., a former Pennsylvania delegate to Congress, declared that "these Nos. are wrote by a small junto, of whos names none are gone out, but that of Coll. Hamilton" (to George Washington, 20 February, Washington Papers, DLC). On 10 March Henry Knox informed Washington that "the publication signed *Publius* is attributed to the joint efforts of Mr Jay, Mr Maddison and Colo Hamilton. It is highly probable that the general conjecture on this case is well founded" (*ibid.*). About two weeks later, Alexander Contee Hanson of Maryland, the author of a Federalist pamphlet signed "Aristides," stated that he would not have written his pamphlet had he known that Hamilton, Madison, and Jay would publish sixty numbers in New York (to Tench Coxe, 27 March, Tench Coxe Papers, Series II, PHI). John Vaughan, a Philadelphia merchant, announced "Hamilton is the reputed father & Maddison God father, Some Say that several of the letters are wholly his" (to John Dickinson, 9 April, Dickinson Papers, PPL). Edward Carrington told Thomas Jefferson that the essays "are written, it is supposed, by Messrs. Madison, Jay and Hamilton" (14 May, Boyd, XIII, 157). At about the same time that he received Carrington's letter, Jefferson got a different opinion from John Brown Cutting, one of his London correspondents: "But Mr. Maddison, (who I am assured is the *genuine* author of the two volumes of essays signed *publius* and heretofore given to Col. Hamilton of New York) it is agreed transcends every politician who has attempted to explain or defend any system of federal Polity" (11 July 1788, *ibid.*, 337).

The three authors of *The Federalist* did little to end speculation about the authorship. They identified themselves to only a select few. On at least two occasions, Madison even went so far as to write in cipher about his authorship. Moreover, none of the authors identified all three of the writers until after New York—the eleventh state—had ratified the Constitution. On 30 October 1787 Hamilton mailed the first essay to George Washington and implied that he was the author (Syrett, IV, 306. For Washington's reply of 10 November, in which it appears that he understood Hamilton's implication, see *ibid.*, 308.). About three weeks later Madison sent the first seven numbers to Washington. After informing Washington that he was one of the authors, Madison hinted that "You will recognize one of the pens concerned in the task. There are three in the whole . . ." (Rutland, *Madison*, X, 254). On 2 December Madison forwarded two essays to Governor Edmund Randolph and told him that "You will probably discover marks of different pens. I am not at liberty to give you any other key than that I am in myself for a few numbers & that one besides myself was a member of the Convention" (*ibid.*, 290, italicization in cipher). On 10 August 1788 Madison informed Jefferson that *The Federalist* "was undertaken last fall by Jay Hamilton and myself" (*ibid.*, XI, 227, quotation in cipher). Three days later Hamilton sent Washington a two-volume set of *The Federalist* and declared that "I presume you have understood that the writers of these Papers are chiefly Mr. Madison & myself with some aid from Mr. Jay" (Syrett, V, 201). John Jay was perhaps suggesting himself as an author when he sent Washington a copy of volume one of *The Federalist* (24 March, Washington Papers, DLC).

The authorship of sixty-nine of the eighty-five essays is certain. Hamilton wrote fifty essays—Nos. 1, 6–9, 11–13, 15–17, 21–36, 59–61, 65–85; Madison fourteen—Nos. 10, 14, 37–48; and Jay five—Nos. 2–5, 64. The disputed essays are Nos. 18–20, 49–58, and 62–63. The most recent scholarship suggests that Madison probably wrote all of the disputed essays. (See Douglass Adair, "The

Authorship of the Disputed Federalist Papers," WMQ, 3rd series, I [1944], 97-122, 235-264; Syrett, IV, 287-301; and Rutland, *Madison*, X, 259-63.)

#### CIRCULATION

Between 27 October 1787 and 2 April 1788, seventy-six numbers of *The Federalist* were printed in four New York City newspapers—the *Independent Journal*, the *New York Packet*, the *Daily Advertiser*, and the *New York Journal*. John and Archibald M'Lean reprinted these essays in two volumes—the first volume appeared on 22 March 1788; the second on 28 May. The second volume included eight new essays, making a total of eighty-four. The *Independent Journal* and the *Packet* printed all eighty-four essays; the *Daily Advertiser*, Nos. 1-50; and the *New York Journal*, Nos. 23-39.

The numbering in the M'Lean volumes differs from that in the newspapers. Newspaper No. 35 is M'Lean No. 29; newspaper Nos. 29 and 30 are M'Lean Nos. 30 and 31. Newspaper No. 31 is divided into two, becoming M'Lean Nos. 32 and 33. Consequently, newspaper Nos. 32 to 34 are Nos. 34 to 36 in M'Lean and newspaper Nos. 36 to 77 are one number higher in M'Lean. (For the textual changes that appeared in the M'Lean volumes, see Jacob E. Cooke, ed., *The Federalist* [Middletown, Conn., 1961].) The M'Lean numbers, used in most editions of *The Federalist*, appear in the headings in *Commentaries*, but all of the essays are placed chronologically under the date of their original newspaper publication. The original numbers used in the newspapers for the first seventy-six essays are included as part of the text of each essay. The texts of the essays are also taken from the newspaper publication.

Twenty-four numbers of *The Federalist* were reprinted outside New York City. The first eleven numbers were reprinted on average about seven times each; numbers twelve through twenty-one about twice each. (For the reprintings, see the editorial notes for each essay.) Twenty-one newspapers and one magazine in fifteen towns in nine states published at least one number in whole or in part. However, only six newspapers and the magazine (four in the Hudson River Valley and two in Philadelphia) reprinted six or more essays. The *Pennsylvania Gazette* reprinted eighteen numbers; the *Albany Gazette* twelve; the *Hudson Weekly Gazette* and *Lansingburgh Northern Centinel* (later the *Albany Federal Herald*) eleven each; the *Poughkeepsie Country Journal* eight; and the *Philadelphia American Museum* and *Boston American Herald* six each. (For a detailed account of the newspaper reprintings of *The Federalist*, see Elaine F. Crane, "Publius in the Provinces: Where Was *The Federalist* Reprinted Outside New York City?" WMQ, 3rd series, XXI [1964], 589-92.)

Hamilton and Madison helped to distribute *The Federalist* in Virginia. On 30 October 1787 Hamilton forwarded the first essay to George Washington (Syrett, IV, 306). In November and December Madison transmitted the first twenty-two numbers to Washington, asking that they be printed in Richmond to impress Virginians with the "importance of the Union." Madison also sent two numbers to Governor Edmund Randolph in Richmond. Washington complied with Madison's request and sent *The Federalist* to Richmond partly because he believed the essays would answer those persons who wanted to divide the United States into separate confederacies (see Rutland, *Madison*, X, 254, 283-84, 290, 295, 296, 327; Fitzpatrick, XXIX, 323-24, 341). The weekly *Virginia Independent Chronicle* of Richmond reprinted Nos. 1 to 3 of *The Federalist* on 12, 19, and 26 December.

Edward Carrington, a Virginia delegate to Congress, sent the first twenty-four numbers to Archibald Stuart—a member of the Virginia House of Delegates in Richmond. Stuart gave them to John Dixon of the weekly *Virginia Gazette and Independent Chronicle*, and Dixon reprinted some of them (Stuart to

Madison, 14 January 1788, Rutland, *Madison*, XI, 374). Only a few issues of Dixon's newspaper are extant; two extant issues—22 and 29 December 1787—contain Nos. 4 and 5.

It is also possible that John Dixon reprinted several of *The Federalist* essays in a pamphlet anthology which, in mid-December 1787, he was reported to be compiling (Hardin Burnley to Madison, 15 December, *ibid.*, 328). A fragment of a pamphlet, perhaps Dixon's, is in the St. George Tucker pamphlets at the Virginia Historical Society. Pages 8 to 10 include an incomplete essay No. 1. Paul Leicester Ford located another fragment (pages 13 to 16) which, he claimed, contained *The Federalist* Nos. 2 and 3 (*Bibliography*, 12). Ford, however, did not attribute the fragment to Dixon or any other printer.

In mid-November 1787 Hamilton sent several numbers of *The Federalist* to Benjamin Rush to be used to influence the Quaker members of the Pennsylvania Convention (Syrett, IV, 332–33). On 30 January 1788 Madison transmitted Nos. 44 and 45 (M'Lean's Nos. 45 and 46) to Tench Coxe of Philadelphia so that he could use them to answer Antifederalist arguments that the Constitution would create a consolidated government (Rutland, *Madison*, X, 445, 445n).

Early numbers of *The Federalist* also circulated in Connecticut, Massachusetts, and North Carolina. In mid-December Jeremiah Wadsworth, a delegate-elect to the Connecticut Convention, asked Rufus King and Henry Knox in New York City to send him "Publius" if it appeared as a pamphlet so that he could use it to counteract the voluminous Antifederalist material coming into Connecticut from New York (17 and 23 December, RCS:Conn., 497, 501). On 23 December Christopher Gore, a Boston lawyer and delegate-elect to the Massachusetts Convention, wrote George Thacher, a Massachusetts delegate to Congress, that "if any thing new turns up let me hear it and whatever is written (viz all Publius pieces at least) on the Constitution I will thank you to send me" (J.S.H. Fogg Autograph Collection, Maine Historical Society). Sometime in late December 1787 or early January 1788, James Iredell sent Charles Johnson, a Chowan County, N.C., planter, "papers" containing several "Publius" essays (Johnson to Iredell, 14 January 1788, McRee, *Iredell*, II, 598–99). On 22 January William R. Davie, a Halifax, N.C., planter-lawyer, heard that twenty-five numbers of *The Federalist* had been printed and asked Iredell to forward as many as he could, "as we are in greater want of its assistance here than you are in Edenton, etc." (*ibid.*, 218).

The newspaper circulation of *The Federalist* subsided significantly in January and February 1788. It was next to impossible for American newspapers, most of them weeklies, to continue reprinting the voluminous series. Probably more important, however, was the announcement on 2 January that the series would be published in book form (New York *Independent Journal*, CC:406).

On 22 March 1788 the first volume of *The Federalist* was published by John and Archibald M'Lean. It included an unsigned preface by Hamilton and thirty-six essays. The second volume appeared on 28 May and contained forty-nine essays. The volumes totalled more than 600 pages. In all, 500 copies of each volume were printed. Hamilton, probably as a member of a committee which had commissioned the volumes, paid for more than half the cost of printing them (Archibald M'Lean to Robert Troup, 14 October 1788, Hamilton–McLane Papers, DLC).

The volumes circulated widely. Individual volumes were sent to every part of the United States, many to people who had subscribed in advance. Large shipments were also distributed. For example, in April 1788—shortly before the elections to the New York Convention—at least sixty copies of volume I were forwarded to Montgomery and Albany counties (Archibald M'Lean to Stephen Van Rensselaer, 10 April, Miscellaneous Collection, Henry E. Hun-



ington Library, San Marino, Calif., and Leonard Gansevoort to Van Rensselaer, 11 April, Miscellaneous Manuscripts, NHi). In May Hamilton, upon Madison's request, sent fifty-two copies of volume I to the care of Governor Edmund Randolph. Three weeks later Hamilton also forwarded copies of volume II to Randolph in Richmond (Rutland, *Madison*, XI, 54, 100). Both volumes were obviously intended for use in the Virginia Convention, scheduled to meet in early June.

Although the sale of both volumes was good, "several hundred Copies" remained unsold in mid-October 1788 (M'Lean to Troup, 14 October, Hamilton-McLane Papers, DLC). By May 1789, however, most of the volumes were sold (New York *Daily Gazette*, 22 May). For more on the publication, sale, and circulation of the M'Lean volumes, see CC:406.

#### PUBLIC AND PRIVATE COMMENTARIES

In 1787 and 1788 *The Federalist* was praised in private letters and newspapers. In early November 1787 "Curtius" III asserted that "the writings of Publius will reflect a pleasing lustre upon many of those beautiful intricacies, that are retired from superficial observation, and which require a master discernment to be brought into public notice" (New York *Daily Advertiser*, 3 November, supplement). "A Customer" wrote that the first essay revealed that succeeding numbers would be written "in the spirit of cool discussion" and would be directed "to the judgment, and not the passions, of men" (Lansingburgh *Northern Centinel*, 13 November). On 21 November the *Norfolk and Portsmouth Journal* reported that "Publius" was "admired for elegance of style, persuasive expression, as also comprehensive knowledge in the intricate paths of political science. . . ."

James Kent recommended *The Federalist* "as the best thing I have seen hitherto in print on the federal side" (to Nathaniel Lawrence, 8 December, L. W. Smith Collection, Morristown National Historical Park). As "A Country Federalist," Kent continued to praise *The Federalist* in two items printed in the Poughkeepsie *Country Journal*. He also submitted several numbers of *The Federalist* to the *Journal* for reprinting (*Country Journal*, 19 December, supplement, and 9 January 1788; William Kent, *Memoirs and Letters of James Kent* . . . [Boston, 1898], 302). On 14 January 1788 Archibald Stuart asserted that the "greatness" of "Publius" was "acknowledged universally" (to James Madison, Rutland, *Madison*, X, 374). Tench Coxe described the essays as "most valuable disquisitions of Government in its peculiar relations and connexions with this Country" (to Madison, 16 January, *ibid.*, 375). Samuel Tenney thought that the "candor, ingenuity, depth of thought & force of argument" of "Publius" placed him first among the "numerous" writers on the Constitution (to Nathaniel Gilman, 12 March, Gratz Collection, PHi).

In four monthly issues from March to June 1788, the New York *American Magazine*—under the editorship of Noah Webster—summarized and reviewed the two volumes of *The Federalist*. In March the reviewer (probably Webster) claimed that "it would be difficult to find a treatise, which, in so small a compass, contains so much valuable political information, or in which the true principles of republican government are unfolded with such precision." In June he thought that "these essays compose one of the most complete dissertations on government that ever has appeared in America, perhaps in Europe." The essays, he continued, would "remove objections to the new Constitution" and would impress upon people "just ideas of the nature of republican governments, of the principles of civil liberty, and of the genius and probable operation" of the Constitution.

On 28 August 1788 George Washington wrote Hamilton that no other work was “so well calculated . . . to produce conviction on an unbiassed mind . . .” (Syrett, V, 207). Thomas Jefferson judged *The Federalist* in November 1788 to be “the best commentary on the principles of government which ever was written” (to Madison, 18 November, Boyd, XIV, 188). A year and a half later he declared that “descending from theory to practice there is no better book than the *Federalist*” (to Thomas Mann Randolph, Jr., 30 May 1790, Boyd, XVI, 449).

Even some critics of the Constitution were impressed. The Reverend James Madison admitted to his cousin, James Madison, that “those valuable Papers . . . have well nigh worked a Conversion” on me (9 February 1788, Rutland, *Madison*, X, 487). In 1789 William Shippen, Jr., who had opposed the Constitution in 1787, claimed that “The *Federalist* & the reflections which he has excited have made me an enthusiast in favor of our new Constitution . . .” (to George Washington, 6 April, Washington Papers, DLC).

*The Federalist*, however, was not immune to Antifederalist censure, especially in New York and Pennsylvania. “An Observer” criticized “Publius” for “wilfully” trying to deceive the public into thinking that Antifederalists supported the idea of separate confederacies. “An Observer” asserted that he had not read a single Antifederalist item which advocated separate confederacies (*New York Journal*, 19 November). “Centinel” XI also denied that Antifederalists supported separate confederacies. He declared that this idea was a “hobgoblin [that] appears to have sprung from the deranged brain of *Publius* . . . who, mistaking sound for argument, has with Herculean labour accumulated myriads of unmeaning sentences, and *mechanically* endeavored to force conviction by a torrent of misplaced words . . .” (*Philadelphia Independent Gazetteer*, 16 January 1788).

“A Countryman” IV (DeWitt Clinton) remarked that all he had learned from “Publius” was “that it is better to be united than divided . . .” (*New York Journal*, 10 January 1788). “Brutus” VI and VII castigated “Publius” for his defense of the financial and military powers of Congress and for his concept of federal-state relations (*ibid.*, 27 December 1787 and 3 January 1788, CC:384, 411). “Twenty-seven Subscribers” charged that “Publius’” principles were possibly “despotic” and his ideas of government could only be achieved through the use of military force (*ibid.*, 1 January. See also *Philadelphia Freeman’s Journal*, 2 January, CC:409.). In his *An Additional Number of Letters . . .*, the “Federal Farmer” dismissed “Publius” because his writings had “but little relation to the great question, whether the constitution is fitted to the condition and character of the people or not” (Evans 21197).

Antifederalists also attacked “Publius” personally. An “Anecdote of PUBLIUS” pictured him as an individual “who pants for a *fat office* under the new system of government” (*Independent Gazetteer*, 5 January, Mfm:Pa. 306). Hugh Hughes, in an unpublished essay, described “Publius” as “*Solicitor General* for the New Constitution (perhaps with a View of being *Attorney General* or *Ld. Chief-Justice* under it) . . .” ([post 1 December 1787], Hughes Papers, DLC). An unidentified Antifederalist satirist accused “Publius” of prolixity and plagiarism (*Freeman’s Journal*, 5 March, Mfm:Pa. 487).

Even some Federalists were critical of “Publius,” although their criticisms were confined to technique and style. Rufus King thought that *The Federalist* was too “elaborate” (to Jeremiah Wadsworth, 23 December 1787, Wadsworth Papers, Wadsworth Atheneum, Hartford, CC:368). Charles Johnson praised *The Federalist* effusively, but could not understand why “Publius” took such pains to indicate what seemed so evident, namely that a strong, efficient government was better “than the States disunited into distinct, independent gov-

ernments, or separate confederacies" (to James Iredell, 14 January 1788, McRee, *Iredell*, II, 599). Archibald Maclaine, a North Carolina lawyer, did not think that "Publius" was "well calculated for the common people" (to Iredell, 4 March, *ibid.*, 219). And Louis Guillaume Otto, French chargé d'affaires, stated that *The Federalist* "is not at all useful to educated men and it is too scholarly and too long for the ignorant" (Farrand, III, 234).

Despite these censures, *The Federalist* quickly became a textbook for the study of political science, constitutional government, and the nature of the Constitution. It has gone through dozens of editions in several languages and has been quoted as an authority to justify different political positions.

### The FØDERALIST. No. I.

To the People of the State of New-York.

After an unequivocal experience of the inefficacy of the subsisting Føderal Government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the æra in which that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism to heighten the sollicitude, which all considerate and good men must feel for the event. Happy will it be if our choice should be decided by a judicious estimate of our true interests, unperplexed and unbiassed by considerations not connected with the public good. But this is a thing more ardently to be wished, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favourable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter, may readily be distinguished the obvious interests of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument and consequence of the offices they hold under the State-establishments—and the perverted ambition of another class of men, who will either hope to aggrandise themselves by the confusions of their country, or will flatter themselves

with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views: Candour will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable, the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgment, that we upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support as upon those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more illjudged than that intolerant spirit, which has, at all times, characterised political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet however just these sentiments will be allowed to be, we have already sufficient indications, that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations, and by the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatised, as the off-spring of a temper fond of despotic power and hostile to the principles of liberty. An overscrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice; the bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and

illiberal distrust. On the other hand, it will be equally forgotten, that the vigour of government is essential to the security of liberty; that, in the contemplation of a sound and well informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people, commencing Demagogues and ending Tyrants.

In the course of the preceding observations I have had an eye, my Fellow Citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them that they proceed from a source not unfriendly to the new Constitution. Yes, my Countrymen, I own to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not however multiply professions on this head. My motives must remain in the depository of my own breast: My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit, which will not disgrace the cause of truth.

I propose in a series of papers to discuss the following interesting particulars—*The utility of the UNION to your political prosperity—The insufficiency of the present Confederation to preserve that Union—The necessity of a government at least equally energetic with the one proposed to the attainment of this object—The conformity of the proposed Constitution to the true principles of republican government—Its analogy to your own state constitution—and lastly, The additional security, which its adoption will afford to the preservation of that species of government, to liberty and to property.*

In the progress of this discussion I shall endeavour to give a satisfactory answer to all the objections which shall have made their appearance that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every state, and one, which it

may be imagined has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole.<sup>(a)</sup> This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution, or a dismemberment of the Union. It will therefore be of use to begin by examining the advantages of that Union, the certain evils and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

(a) *The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the New Constitution.*<sup>2</sup>

1. This essay was written by Alexander Hamilton. By 12 December it was reprinted in nine newspapers: Mass. (1), R.I. (1), N.Y. (5), Pa. (1), Va. (1). It was also reprinted in the November issue of the *Philadelphia American Museum* and in a pamphlet anthology published in Richmond, Va., in December (CC:350).

2. One of the articles to which "Publius" refers is probably "Brutus" I (CC:178).

## 202. An Old Whig IV Philadelphia Independent Gazetteer, 27 October

"An Old Whig" IV was perhaps the most widely circulated essay in the series. Two days after it appeared, the *Independent Gazetteer* advertised that "The Printer [Eleazer Oswald] respectfully informs the public that he has printed in a hand-bill the fourth number of the OLD WHIG, as many of his customers were disappointed in receiving that piece owing to the rapid sale of his paper of Saturday [27 October]—The hand-bill is now for sale at the printing office."

"An Old Whig" IV was reprinted in the *Philadelphia Freeman's Journal*, 31 October; *New York Morning Post*, 3 November; *Baltimore Maryland Gazette*, 6 November (excerpt); *Massachusetts Gazette*, 27 November; and *New York Journal*, 8 December.

For authorship, see CC:157.

MR. PRINTER, This is certainly a very important crisis to the people of America; experience seems to have convinced every one, that the articles of confederation, under which Congress have hitherto attempted to regulate the affairs of the United States, are insufficient for the purposes intended; that we are a ruined people unless some alteration can be effected. The public mind has therefore been raised to the highest pitch of expectation, and the evident need of relief from the many distresses, public and private, in which we are involved has reduced us to such a state, that we can hardly endure a disappointment. Scarcely any thing that could be proposed by the convention, in this state of people's

minds, would fail of being eagerly embraced. Like a person in the agonies of a violent disease, who is willing to swallow any medicine, that gives the faintest hope of relief; the people stood ready to receive the new constitution, in almost any form in which it could be presented to them. The zealous supporters of the proposed constitution, seem to be not unwilling to avail themselves of this disposition: and therefore it is strongly inculcated, that if we do not adopt this constitution, we shall not be able to establish another, but be left to our present weakness, confusion and distress. If I was persuaded that this is really the case, I hardly know whether I should vote for rejecting any government however unfriendly to the liberties of the people, which promised to give vigour to the councils of this country; for any government is better than none. However, I do not see that it is by any means impracticable, for us yet to correct such errors and imperfections, as appear to exist in the proposed constitution; and whilst there is a possibility of procuring a better constitution, it is the duty of every good man to accomplish it.

By the proposed constitution, every law, before it passes, is to undergo repeated revisions; and the constitution of every state in the union provide, for the reversion of the most trifling laws, either by their passing through different houses of assembly and senate, or by requiring them to be published for the consideration of the people. Why then is a constitution which affects all the inhabitants of the United States, which is to be the foundation of all laws and the source of misery or happiness to one quarter of the globe; why is this to be so hastily adopted or rejected, that it cannot admit of a revision?—If a law to regulate highways, requires to be liesurely considered and undergo the examination of different bodies of men, one after another, before it be passed, why is it that the framing of a constitution for the government of a great people; a work which has been justly considered as the greatest effort of human genius, and which, from the beginning of the world has so often baffled the skill of the wisest men in every age, shall be considered as a thing to be thrown out, in the first shape which it may happen to assume? Where is the impracticability of a revision? Cannot the same power which called the late convention, call another? Are not the people still their own masters? If, when the several state conventions come to consider this constitution, they should not approve of it, in its present form, they may easily apply to Congress and state their objections. Congress may as easily direct the calling another convention, as they did the calling the last. The plan may then be reconsidered, deliberately received and corrected; so as to meet the approbation of every friend to his country. A few months only will be necessary for this purpose; and if we consider the magnitude of the object, we shall deem it well worth a little time and attention—It is much better to pause and reflect beforehand, than to repent when it is too late; when no peaceable remedy will be left us, and unanimity will be forever

banished. The struggles of the people against a bad government, when it is once fixed, afford but a gloomy picture in the annals of mankind. They are often unfortunate, they are always destructive of public and and private happiness; but the peaceable consent of a people to establish a free and effective government, is one of the most glorious objects that is ever exhibited in the theatre of human affairs. Some I know, have objected, that another convention will not be likely to agree upon any thing—I am far however from being of that opinion. The public voice cries so loudly for a new constitution, that I have no doubt we shall have one of some sort.—My only fear is, that the impatience of the people will lead them to accept the first that is offered them, without examining whether it is right or wrong; and after all, if a new convention cannot agree upon any amendments in the constitution, which is at present proposed, we can still adopt this in its present form; and all further opposition being vain, it is to be hoped we shall be unanimous in endeavouring to make the best of it. The experiment is at least worth trying, and I shall be much astonished, if a new convention called together for the purpose of revising the proposed constitution, do not greatly reform it.

I find that a number of pens are employed, in pointing out the defects in the proposed constitution—Without descending therefore, into minute particulars, I shall confine the remainder of my observations in this letter, to one or two of the most important considerations.

It is beyond a doubt that the new federal constitution, if adopted, will in a great measure destroy, if it do not totally annihilate, the separate governments of the several states. We shall, in effect, become one great Republic.—Every measure of any importance, will be Continental.—What will be the consequence of this? One thing is evident—that no Republic of so great a magnitude, ever did, or ever can exist. But a few years elapsed, from the time in which ancient Rome extended her dominions beyond the bounds of Italy, until the downfall of her Republic; and all political writers agree, that a Republican government can exist only in a narrow territory: but a confederacy of different Republics has, in many instances, existed and flourished for a long time together—The celebrated *Helvetian* league, which exists at this moment in full vigor, and with unimpaired strength, whilst its origin may be traced to the confines of antiquity, is one, among many examples on this head; and at the same time furnishes an eminent proof of how much less importance it is, that the constituent parts of a confederacy of Republics may be rightly framed than it is, that the confederacy itself should be rightly organized;—for hardly any two of the Swiss cantons have the same form of government, and they are almost equally divided in their religious principles, which have so often rent asunder the firmest establishments. A confederacy of Republics must be the establishment in America, or we must cease altogether to retain the Republican



form of government. From the moment we become one great Republic, either in form or substance, the period is very shortly removed, when we shall sink first into monarchy, and then into despotism.—If there were no other fault in the proposed constitution, it must sink by its own weight. The continent of North-America can no more be governed by one Republic, than the fabled Atlas could support the heavens. Is it not worthy a few months labour, to attempt the rescuing this country from the despotism, which at this moment holds the best and fairest regions of the earth in thralldom and wretchedness?—To attempt the forming a plan of confederation, which may enable us at once to support our continental union with vigor and efficacy, and to maintain the rights of the separate states and the invaluable liberty of the subject? These ideas of political felicity, to some people, may seem like the visions of an Utopian fancy; and I am persuaded that some amongst us have as little disposition to realize them, as they have to recollect the principles, which inspired us in our revolt from Great-Britain. But there is at least, this consolation in aiming at excellence, that, if we do not obtain our object, we can make considerable progress towards it.—The science of politics has very seldom had fair play. So much of passion, interest and temporary prospects of gain are mixed in the pursuit, that a government has been much oftener established, with a view to the particular advantages or necessities of a few individuals, than to the permanent good of society. If the men, who, at different times, have been entrusted to form plans of government for the world, had been really actuated by no other views than a regard to the public good, the condition of human nature in all ages would have been widely different, from that which has been exhibited to us in history. In this country perhaps we are possessed of more than our share of political virtue. If we will exercise a little patience, and bestow our best endeavours on the business, I do not think it impossible, that we may yet form a federal constitution, much superior to any form of government, which has ever existed in the world;—but, whenever this important work shall be accomplished, I venture to pronounce, that it will not be done without a *careful attention to the framing of a bill of rights.*

Much has been said and written, on the subject of a bill of rights;—possibly without sufficient attention to the necessity of conveying distinct and precise ideas of the true meaning of a bill of rights. Your readers, I hope, will excuse me, if I conclude this letter with an attempt to throw some light on this subject.

Men when they enter into society, yield up a part of their natural liberty, for the sake of being protected by government. If they yield up all their natural rights they are absolute slaves to their governors. If they yield up less than is necessary, the government is so feeble, that it cannot protect them.—To yield up so much, as is necessary for the purposes of government; and to retain all beyond what is necessary, is the great

point, which ought, if possible, to be attained in the formation of a constitution. At the same time that by these means, the liberty of the subject is secured, the government is really strengthened; because wherever the subject is convinced that nothing more is required from him, than what is necessary for the good of the community, he yields a cheerful obedience, which is more useful than the constrained service of slaves.—To define what portion of his natural liberty, the subject shall at all times be entitled to retain, is one great end of a bill of rights. To these may be added in a bill of rights some particular engagements of protection, on the part of government, without such a bill of rights, firmly securing the privileges of the subject, the government is always in danger of degenerating into tyranny; for it is certainly true, that “in establishing the powers of government, the rulers are invested with every right and authority, which is not in explicit terms reserved.”—Hence it is, that we find the rulers so often lording over the people at their will and pleasure. Hence it is that we find the patriots, in all ages of the world, so very solicitous to obtain explicit engagements from their rulers, stipulating, expressly, for the preservation of particular rights and privileges.

In different nations, we find different grants or reservations of privileges appealed to in the struggles between the rulers and the people, many of which in the different nations of Europe, have long since been swallowed up and lost by time, or destroyed by the arbitrary hand of power. In England we find the people, with the Barons at their head, exacting a solemn resignation of their rights from king John, in their celebrated *magna charta*, which was many times renewed in Parliament, during the reigns of his successors. The *petition of rights* was afterwards consented to by Charles the first, and contained a declaration of the liberties of the people. The *habeus corpus act*, after the restoration of Charles the Second, the *bill of rights*, which was obtained from the Prince and Princess of Orange on their accession to the throne and the act of settlement, at the accession of the Hanover family, are other instances to shew the care and watchfulness of that nation, to improve every opportunity, of the reign of a weak prince, or the revolution in their government, to obtain the most explicit declarations in favor of their liberties. In like manner the people of this country, at the revolution, having all power in their own hands, in forming the constitutions of the several states, took care to secure themselves by bills of rights, so as to prevent, as far as possible, the encroachments of their future rulers upon the rights of the people. Some of these rights are said to be *unalienable*, such as the rights of conscience: yet even these have been often invaded, where they have not been carefully secured by express and solemn bills and declarations in their favor.

Before we establish a government, whose acts will be THE SUPREME LAW OF THE LAND, and whose power will extend to almost every case

without exception, we ought carefully to guard ourselves by a BILL OF RIGHTS, against the invasion of those liberties which it is essential for us to retain, which it is of no real use to government to strip us of; but which in the course of human events have been too often insulted with all the wantonness of an idle barbarity.

### 203. M.C.

#### **Pennsylvania Herald, 27 October**

"M.C." was also printed in the Philadelphia *Independent Gazetteer*, *Pennsylvania Journal*, and *Pennsylvania Packet* on 27 October. By 27 December it had been reprinted in seven other newspapers: Vt. (1), Mass. (3), R.I. (1), Conn. (1), N.J. (1).

"M.C." was one of the first widely circulated newspaper accounts to recommend that a bill of rights be submitted to state conventions for their consideration—an action supported by some Pennsylvania Antifederalists. For example, Francis Murray, of Bucks County, stated that he "should like something done like the plan proposed by M.C." (to John Nicholson, 1 November, RCS:Pa., 208). Other Pennsylvania Antifederalists favored a second constitutional convention as the means to amend the Constitution (see for example, CC:133, 157, 190, 202, 224).

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, The present is universally acknowledged to be a most momentous æra, as likely to decide the fate of a world for future ages. This consideration renders it the duty of every individual to submit to the consideration of his fellow citizens whatever he may deem calculated to elucidate the grand subject in general discussion.

The opposition to the new constitution is said to be made by interested men. This assertion is true only in part. It is possible, indeed, that the most violent, the most active, and the most voluminous writers against the proposed system are generally influenced by sinister and personal considerations. But there are many persons, whose apprehensions have been excited by the Centinels, the Old Whigs, the Democratic Federalists, and the Catos, and whose opposition is patriotic and disinterested, as they are fearful for the liberty of posterity, and anxious to prevent future encroachments of Congress. To satisfy the minds of those people, I venture, but with great diffidence, to propose a plan, which may possibly remove great part of the present opposition.

Let a meeting of the citizens be called, and a proper committee appointed to frame a bill of rights, for securing the liberty of the press, and all other rights which the states hold sacred. Let this bill of rights be transmitted to the several state conventions, to be taken into consideration with the new constitution. Little doubt need be entertained but that it would be universally agreed to.

This measure, if adopted, would draw a line of distinction between the detestable few who would sacrifice the interest and happiness of not only the present, but distant generations to their own emolument, and those who oppose the new system from a patriotic, but perhaps mis-

taken, dread of danger. The former would be left destitute of the vain covering under which they shelter their want of virtue and public spirit:—and the latter would become zealous federalists.

To the friends of the proposed constitution, I beg leave to observe, that this measure cannot possibly retard or affect the success of a plan which has justly met with their admiration. Even admitting that no such precaution is really necessary, would it not be adviseable to indulge the honest prejudices of many of their fellow citizens? This much, at least, may be said in favor of my plan, that even if it does no good, it can do no possible injury.

I submit it to the candour of the opposers of the new constitution, whether it would not be better to unite in this or some similar plan, than to attempt to defeat the wishes and desires of the continent for an efficient form of government, which is confessedly all that is necessary to restore America to her lost splendor, consequence, credit, and happiness?

Should this hint be attended to, and produce the good effect I hope for, I shall esteem it the most fortunate idea that ever occurred to Your humble servant, M.C.

Market-street, Oct. 26, 1787.

#### 204. Philadelphia Independent Gazetteer, 27 October<sup>1</sup>

A correspondent says that the brave Colonel George Mason, of Virginia, who nobly said that he would sooner cut off his hand than sign the new constitution, of the United States, deserves high praise; he should consider that time is only wanting to manifest the proposed constitution to be an odious system of tyranny, and therefore that his manly conduct will be attended with a growing fame; but if his conduct were not to be attended with the applauses which he is going to receive, he should consider that, as a celebrated poet expresses himself,

One self approving hour, whole years outweighs,  
Of stupid starers, and of loud hazzas.

1. Reprints by 7 February (4): R.I. (1), N.Y. (1), N.C. (1), S.C. (1). During a debate in the Constitutional Convention on 31 August, Mason declared “that he would sooner chop off his right hand than put it to the Constitution as it now stands” (Farland, II, 479). He repeated the statement in a debate in the Virginia House of Delegates on 25 October (Petersburg *Virginia Gazette*, 1 November). For two Antifederalist comments on Mason’s statement, see “Algernon Sidney,” *Independent Gazetteer*, 21 November (Mfm:Pa. 234) and “Cincinnatus” IV, *New York Journal*, 22 November (CC:287).

#### 205. James Madison to Edmund Pendleton New York, 28 October<sup>1</sup>

I have recd. and acknowledge with great pleasure your favor of the 8th. instt:<sup>2</sup> The remarks which you make on the Act of the Convention appear to me to be in general extremely well founded. Your criticism

on the clause exempting vessels bound to or from a State from being obliged to enter & in another is particularly so. This provision was dictated by the jealousy of some particular States, and was inserted pretty late in the Session. The object of it was what you conjecture. The expression is certainly not accurate.—Is not a religious test as far as it is necessary, or would operate, involved in the oath itself? If the person swearing believes in the supreme Being who is invoked, and in the Penal consequences of offending him, either in this or a future world or both, he will be under the same restraint from perjury as if he had previously subscribed a test requiring this belief. If the person in question be an unbeliever in these points and would notwithstanding take the oath, a previous test could have no effect. He would subscribe it as he would take the oath, without any principle that could be affected by either.

I find by a letter from Mr. Dawson that the proposed Constitution is received by the Assembly with a more prompt & general approbation than could well have been expected.<sup>3</sup> The example of Virginia will have great weight, and the more so, as the disagreement of the deputation, will give it more the appearance of being the unbissed expression of the Public mind. It would be truly mortifying if any thing should occur to prevent or retard the concurrence of a State which has generally taken the lead on great occasions. And it would be the more so in this case as it is generally believed that nine of the States at least will embrace the plan, and consequently that the tardy remainder must be reduced to the dilemma of either shifting for themselves, or coming in without any credit for it. There is great reason to believe that the Eastern States, R. Island excepted, will be among the foremost in adopting the System. No particular information is yet received from N. Hampshire. The presumptive evidence of its good disposition however is satisfactory. The Legislature of Massts. is now sitting, and letters from good authority, say that every thing goes well. Connecticut has unanimously called a Convention, and left no room to doubt her favorable disposition. This State has long had the character of being antifederal. Whether she will purge herself of it on this occasion, or not, is yet to be ascertained. Most of the respectable characters are zealous on the right side. The party in power is suspected on good grounds to be on the wrong one. N. Jersey adopts eagerly the Constitution. Penna. is considerably divided; but the majority are as yet clearly with the Convention. I have no very late information from Maryland. The reports are that the opposition will make no great figure. Not a word has been heard from the States South of Virginia, except from the lower parts of N. Carola. where the Constitution was well received. There can be little doubt I think that the three Southern States will go right unless the conduct of Virginia was to mislead them.

I inclose two of the last Newspapers of this place, to which I add one of Philadelphia, containing the report of a late important decision of the supreme Court there. If the report be faithful, I suspect it will not give you a high idea of the Chancery knowledge of the Cheif Justice [Thomas McKean].

1. RC, Madison Papers, DLC. Marked by Pendleton: "Answd. Jan. 29-88."
2. CC:142.
3. For John Dawson's letter of 19 October, see Rutland, *Madison*, X, 198.

**206. Walter Minto to the Earl of Buchan**  
**New York, 28 October (excerpt)<sup>1</sup>**

. . . Mr. [Phineas] Bond whom I saw lately in Philadelphia told me he had sent you a copy of our new Constitution. Pray how is it relished with you? There is great probability of its being adopted without bloodshed. Will not this be a singular thing in the history of mankind? There are three or four things in it that I do not like. Of these there is one which *must* be thrown out. What I refer to is the interference of Congress in the election of the representatives. What did the Convention mean by establishing that the congress should *make* & alter such regulations respecting the manner, times & places of electing representatives as the State legislatures should *make*. There is a bull in it as well as tyranny. I hope it is a blunder of their secretary. . . .

1. RC, Edinburgh University Library, Edinburgh, Scotland. Minto (1753-1796), an immigrant from Scotland in 1786, was principal of Erasmus Hall, an academy at Flatbush, Long Island. He had recently been offered the position of professor of Mathematics and Natural Philosophy at the College of New Jersey (Princeton), which he accepted. David Steuart Erskine (1742-1829), eleventh Earl of Buchan, of Dryburgh, Scotland, collaborated with Minto in the publication of *An Account of the Life, Writings, and Inventions of John Napier, of Merchiston* (Perth, Scotland, 1787).

**207. George Lee Turberville to Arthur Lee**  
**Richmond, 28 October<sup>1</sup>**

When I went to the post Office to put in my Letter to you I found your favor October 18th. on the Table—but being at that time very much engaged—I referred the Answer of yrs untill ye next post—

The plan of a Government proposed to us by the Convention—affords matter for conversation to every rank of beings from the Governor to the door keeper—& the opinions appear to be as various as the persons possessing them—the enthusiastic admirers of the *thing* in toto (fortunately for us) appear the least considerable—a vast consolidated squadron is composed of those who view the plan as an admirable frame wanting only some few amendments to render it desirable—and a pretty considerable band consists of those who hold it as the engine of destruction—& never think or speak of it but with detestation and

abhorrence—the extremes are certainly erroneous. As it stands—I really think your objections are unanswerable—together with some others that have great weight with me particularly ye unwarrantable & heterogeneous mixture of Legislative, Judicial & executory powers in ye senate.—That truly republican method of forcing the rulers into the character of Citizens again by incapacitating them for service for a given number of years—after having been as many in Office is forgotten—this certainly is a Barrier against oppression that we ought not to give up, & the opposition to it can only be made—by those ambitious persons who may expect to obtain those high offices—Mr. Wilsons sophism has no weight with me when he declares—that at the formation of the state Legislatures we gave up all that we did not reserve—& that in this Constitution we retain all that we do not give up, because I cannot observe upon what foundation he has rested this curious observation<sup>2</sup>—the same reason is applicable in both cases, to my comprehension—& this points out to me the absolute necessity of a bill of rights—and that a very full & explanatory one too—where not only the Liberty of the press, the trial by Jury of the vicinage & all those great points—but even every the most trivial privilege that Citizens have a right to possess—shou'd be expressly stipulated and reserved—& the violation of them most scrupulously & Jealously guarded against—Of what consequence is the federal guarantee of republican governments to the individual states, when the power of the Militia's even is rested in the president—& when we find that the great advocate for the new plan (Mr. Wilson I allude to) is compelled to acknowledge, while he tries to support the future importance of the state Legislatures—that they will be merely Nominal—since the Election of senators—is the only instance he can produce of their existance in Action—& that the representatives shall be voted for by such persons as are qualified to vote for the largest Body of the state Legislatures—is another of his facts, which certainly makes agt. him—since the existance of them in this instance is Nominal & nothing else—

Take but the trouble to examine the mode of choosing the president & you will find—that 15 persons may Elect him—in this Choice the Representatives—(if a Majority of Votes is not in favor of one Man)—have a right to choose the president from those who are the forwardest on the poll & they are to Vote by states, take a majority of the seven smallest states & you will find 15 persons competent to the Election of a president—

I may be wrong in some of these observations—they occur from the cursory attention which I have alone been able to give to this subject never having seen it untill within these few days—& the Business of the house has been such as to prevent me even from paying that attention

to my Friends that I am bounden to pay to them—by writing as their Representative to them—

Let me request you not to forget the convention in this state come in so as to spend a fortnight in the County & you may ensure your Election—

I shall be very much obliged to you for such peices as are furnished by the New York press both for and against this system. The newspapers that you have perused will be a regale to me for our's are stuffed with such fulsome panegyric—Or such low lifed invective, that I never pretend to examine them—

You shall receive every week an Acct. of the matters in debate—& of the measures adopted by the Legislature here—a severe conflict happen'd in Georgia on the 21st of Sepr. between the whites under Genl. Clarke & the Creek indians 150 on each side—25 of the Latter were slain & between 50 & 60 wounded—6 of our people were killed 18 or 20 wounded—the indians were driven off & some of their baggage such as kettles blankets & rifles were taken—They are preparing for a vigorous indian expedition in that state—

1. RC, Arthur Lee Papers, Harvard University. Turberville (1760–1798) represented Richmond County in the Virginia House of Delegates.

2. See CC:134. "Cincinnatus," who was reportedly Arthur Lee, answered Wilson in a series of six newspaper essays published in the *New York Journal* from 1 November to 6 December 1787 (CC:222).

## 208. Christopher Gadsden to Thomas Jefferson Charleston, 29 October (excerpts)<sup>1</sup>

... I take the Freedom to congratulate You on the Noble Constitution agreed upon by our late Convention, & farther, on its seeming to give general Satisfaction, from whence tis hardly doubted it will be adopted; if so, & it is firmly & efficiently carried into Execution, a new & important Epoque must arise in our Affairs; The Apprehensions Strangers were under for some Time past, discouraging them from dealing with us so largely as many Wish'd, will then diminish greatly & in a short Time cease altogether, as our Trade wou'd soon be on a safe, proper & respectable Footing, unsubjected in future to Frauds from Paper Tenders, & other too common unjustifiable Practices from unprincipled D[e]bto[rs] very prejudicial to their C[redito]rs. ...

I make no doubt the Phylosophic part of Europe will admire the Constitution recommended by our Convention, the Trading part of Gt Bn. perhaps, many of them, may be jealous of it consider'd in a commercial View in its probable Consequences to them by encreasing the Means of opening the Eyes of America & exposing many rooted prejudices to them particularly. I have little doubt<sup>(a)</sup> that part of the Island



who so generally & pointedly hung upon our Skirts during the whole War will not be less busy on this Occasion—For my part I bless God to have lived to see this important Point in so fair a Way to be accomplish'd, & if I live to see it compleatly so, I shall be apt to cry out with old Simeon now may thy Servant depart in Peace for mine Eyes have seen thy Salvation. . . .

(a) These subtil, dextrous long-train'd, Systematical Opponents will know if the Constitution recommended must be approv'd of in toto, or not at all, therefore wou'd seem to approve of it as highly as any the most Zealous for it, only with an *All But*, which *But* alter'd wou'd gain they wou'd pretend universal Satisfaction, that it may be defer'd for that mighty reasonable *But* to another Convention hoping that will never happen & so the Bubble burst of Course.

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 295–97. Gadsden (1724–1805), a Charleston merchant-planter, had been a member of the colonial and state assemblies for almost thirty years before retiring in 1784. In May 1788 he represented Charleston in the South Carolina Convention, where he voted to ratify the Constitution.

**209. Joseph Jones to James Madison**  
**Richmond, 29 October<sup>1</sup>**

On my arrival in Richmond the other day I found your favor of the 7th. from New york with some news papers inclosed<sup>2</sup>— Mr. Thomas Pleasants<sup>3</sup> who called on me the next day inquired whether I had lately heard from you which being acknowledged brot. forward a conversation on the new constitution and finding him a strenuous advocate for it, I asked if he had seen or read some peices in favor of it under the signature of an American Citizen; he said he had not—I then informed him I had received some papers from you, which contained three numbers on the subject and did not doubt he wod. be pleased with the perusal of them; whereupon he signified his desire to possess them—when I delivered them to him I told him it wod. not I thought be amiss [if] they were put into the Printers hands, that he might, if he thought proper, insert them in the News paper here—He said he wod. think of it, and I have not seen him since. I shall speak to him again on the subject so soon as I meet with him but have no doubt he will endeavour to have them printed.

I must confess I see many objections to the Constitution submitted to the Conventions of the States—that which has the greatest weight with me lies agt. the constitution of the Senate, which being both legislative and Executive and in some respects judiciary is I think radically bad—the President and the Senate too may in some instances legislate for the

Union, withot. the concurrence of the popular branch as they may make treaties and alliances which when made are to be paramount the law of the land—the State Spirit will also be preserved in the Senate as they are to have equal numbers and equal votes—It is to be feared this Body united with the President as on most occasions it is to be presumed they will act in concert will be an overmatch for the popular branch—Had the Senate been merely legislative even proportioned as they are to the States, it wod. have been less exceptionable; and the President with a member from each State as a privy Council to have composed the Executive. there is also a strong objection agt. the appellate jurisdiction over law and fact, independent of a variety of other objections which are and may be raised agt. the Judiciary arrangement and the undefined powers of that department—I own I should have been pleased to see a declaration of rights accompany this constitution as there is so much in the execution of the Government to be provided for by the legislature and that Body possessing too great a portion of Aristocracy—The legislature may and will probably make proper and wise regulations in the Judiciary as in the execution of that branch of power the Citizens of all the States will generally be equally affected—but the reflection that there exists in the constitution a power that may oppress makes the mind uneasy and that oppression may and will result from the appellate power of unsettling facts does to me appear beyond a doubt—to rehearse the Doubts and difficulties that arise in my mind when I reflect on this part of the Judiciary power wod. I am sure to you be unnecessary—It wod. be more troublesome than usefull to recite the variety of objections that some raise some of them of more others of inconsiderable weight—could I see a change in the Constitution of the Senate and the right of unsettling facts removed from the Court of Appeals I could with much less reluctance yeild my assent to the System—I could wish I own to see some other alterations take place but for the accomplishment of them, I wod. trust to time, and the wisdom and moderation of the legislature rather than impede the putting the new plan in motion, was it in my power, because I well know our desperate situation under the present form of Government. It is at this time very difficult to inform you what is the prevalent opinion among the people—If we are to judge of them at large from their representatives here they must be very much divided and I think the advocates for the new plan rather diminish than increases in number—You will have from the Executive an accot. of the proceedings of the Houses on the report of the Convention—I think they have taken a wise course in delivering it over to the People withot. conveying sentiments of approbation or Disapprobation. As yet nothing of consequence excepting the referring to the People the new Constitution, has been done in the assembly—Tomorrow they are to discuss the recommendation of Con-

gress respecting British debts. I think there will be a majority in the Delegates for the repeal of the laws—how it will go down in the Senate I am unable to calculate. You shall be occasionally informed how we go on—

1. RC, Madison Papers, DLC. Jones (1727–1805) represented King George County in the Virginia House of Delegates. He had been a delegate to Congress from 1780 to 1783.

2. On 27 and 28–29 September Tench Coxe sent the first three numbers of his “An American Citizen” essays to Madison. Madison then sent the essays to Jones on 7 October, and they were published in the *Virginia Independent Chronicle* on 7 November. (See CC:100.)

3. Pleasants (c. 1737–1804) was a Goochland County planter-merchant.

## 210. From Arthur Lee New York, 29 October<sup>1</sup>

After asking how your health is & that of Mrs Rutlege & your Family give me leave to request a line from you touching my Brother's claim against Brailsford. What likelihood is there of recovering it, & when? Are any farther documents necessary?

The proposed Constitution begins to undergoe a very serious discussion. The first impression was so favorable, that you will not be surprised at its losing ground. This change of sentiment is such as to render it very doubtful, whether it will be adopted even in Pennsylvania. In this State it is thought there is already a majority against it, & in Virginia the opposition is formidable. For my own part, I do not like it. The want of a promised declaration of rights, when by some exceptions in the Body of it, things, in which no power is expressly given, implies that every thing not excepted is given; is a very material defect. The strange & dangerous combination of Legislative, executive, & judicial Powers in the Senate; violates every idea I have of a good & wise Constitution. To what purpose is the power of Impeachment given to the Representative, when it is triable before the Senate which advising in all great matters of State, especially foreign; wou'd frequently be Judges & parties? The Representation in England is about one Member to every 10,000, with us it is to be 1 to 30,000. They have the sole controul of the purse—with us the Senate can amend money bills—with them Impeachment is a high power, a serious terror, with us, it is to be a shadow—All this is calculated to ensure a feeble Representative & a powerful Senate—that is to sacrifice the Democracy to the Aristocracy. Now tho' I wish to see the Aristocracy have its due weight yet, I can never agree that they shall trample upon the People, & I am persuaded, that a due balance is the best gaurd to the Aristocracy itself, otherwise it will soon run riot & lose itself in a despotism, as in Denmark & Sweden.

1. RC, Pinckney Family Papers, DLC. There is no addressee, but the recipient was possibly Edward Rutledge (1749–1800), a Charleston lawyer, a signer of the Declaration of Independence, and a delegate to the South Carolina Convention in May 1788, where he voted to ratify the Constitution.

### 211. *Boston Gazette*, 29 October<sup>1</sup>

A correspondent observes, That some persons affect to call in question the RIGHT of the late Continental Convention to make a Constitution for the States.—But the great enquiry with every friend to the Country is, Whether PATCHING up the CONFEDERATION could possibly have brought it to be a Constitution ADEQUATE to the great purposes of a NATIONAL GOVERNMENT? It is evident that the Convention thought it NEVER COULD be worked into shape: like a mass of broken Glass, there is no possible way to form it into vessels, but by consolidating the parts, and blending the whole over anew—

AMERICA is at this distressing period, like the Merchant in the Gospel seeking GOODLY PEARLS: that PEARL to us, is an EFFICIENT Federal Government.—Of what consequence is it to us, WHERE, or HOW this JEWEL is discovered? if it descends from above, or if men INSPIRED from above, produce for OUR ACCEPTANCE, this inestimable Pearl, shall we cavil about the medium through which it is presented to us? We have “sold all that we had,” that is, we are as men destitute of every blessing attendant on good Government; but as a COMPENSATION for all our TOILS, LOSSES, SACRIFICES, WARS and BLOODSHED, behold the PEARL OF GREAT PRICE put into our hands; let us not be like the fool into whose hands such a price is delivered, who hath no heart to improve it. All power is derived from the people, THAT is its only legitimate source.—The AMERICAN CONSTITUTION is accordingly to be presented to THE PEOPLE for their adoption or rejection; this will give it its proper BASIS; and may a spirit of serious enquiry and consideration pervade all ranks of people, that they may discern “the things that belong to their peace, before they are hidden from their eyes.”

If proper attention is paid by the people at large, to the general character and conduct of the OPPONENTS to the AMERICAN CONSTITUTION, it will greatly subserve the cause of truth and freedom: many persons will and do declaim against it, who so far from having attentively EXAMINED IT, have never read it.—A few questions will forever silence such characters, if they are not destitute of modesty; others will oppose it from a spirit of meer contradiction, and to be singular, such persons ought to be despised for their levity in trifling with so momentous a subject; such characters are every where to be met with; they never could be considered as the friends of mankind—But the SELFISH MOTIVES which will actuate the greatest number of enemies to this Constitution, cannot be reckoned; however, so far as any person’s opposi-

tion can be traced to an INTERESTED, PARTIAL OR LOCAL inducement, no credit ought in justice to be given to their observations. Great art will be used to varnish over the secret springs of opposition, but a retrospective examination of a man's PRINCIPLES, CONDUCT and SITUATION, will lead to the fullest investigation of his views and designs.

1. Reprints by 29 November (9): N.H. (1), R.I. (1), Conn. (2), N.Y. (1), Pa. (2), Va. (1), S.C. (1).

**212. James Madison to Archibald Stuart  
New York, 30 October (excerpts)<sup>1</sup>**

I have been this day favored with yours of the 21st. instant & beg you to accept my acknowledgments for it. I am truly sorry to find so many respectable names on your list of adversaries to the federal Constitution.<sup>2</sup> The diversity of opinions on so interesting a subject, among men of equal integrity & discernment, is at once a melancholy proof of the fallibility of the human judgment, and of the imperfect progress yet made in the science of Government. Nothing is more common here, and I presume the case must be the same with you, than to see companies of intelligent people equally divided, and equally earnest, in maintaining on one side that the General Government will overwhelm the State Governments, and on the other that it will be a prey to their encroachments; on the one side that the structure of the Government is too firm and too strong, and on the other that it partakes too much of the weakness & instability of the Governments of the particular States. What is the proper conclusion from all this?—that unanimity is not to be expected in any great political question, that the danger is probably exaggerated on each side, when an opposite danger is conceived on the opposite side—that if any Constitution is to be established by deliberation & choice, it must be examined with many allowances, and must be compared not with the theory, which each individual may frame in his own mind, but with the system which it is meant to take the place of, and with any other which there may be a probability of obtaining. . . .

The public mind in this quarter seems not finally settled as yet with regard to the proposed Constitution. The first impression has been every where favorable except in Rh. Island. Nor is there any reason to suspect that the generality of States will not embrace the measure. The character of this State has long been antifederal, & is known that a very powerful party continue so. Penna. is also divided into parties, but it is supposed that a majority will pretty certainly [be] on the right side.

1. RC, Stuart Collection, Virginia Historical Society. Printed: Rutland, *Madison*, X, 232–33.

2. For Stuart's letter, see Rutland, *Madison*, X, 202–3. On 1 November, in a letter to Jefferson (CC:187), Madison summarized Stuart's report on the attitude of prominent Virginians toward the Constitution.

**213. Gouverneur Morris to George Washington  
Philadelphia, 30 October<sup>1</sup>**

Shortly after your Departure from this Place, I went to my Farm and returned hither last Sunday Evening. Living out of the busy World, I had Nothing to say worth your Attention, or I would earlier have given you the Trouble you now experience. Altho not very inquisitive about political opinions I have not been quite inattentive. The States Eastward of New York appear to be almost unanimous in Favor of the new Constitution; for I make no Account of the Dissenters in Rhode Isl. Their Preachers are Advocates for the Adoption, and this Circumstance coinciding with the steady Support of the Property and other Abilities of the Country makes the Current set strongly, and I trust, irresistibly that Way. Jersey is so near Unanimity in her favorable Opinion, that we may count with Certainty on something more than Votes should the State of Affairs hereafter require the Application of pointed Arguments. New York, hemmed in between the warm Friends of the Constitution could not easily (unless supported by powerful States) make any important Struggle, even tho her Citizens were unanimous, which is by no Means the Case. Parties there are nearly balanced. If the Assent or Dissent of the New York Legislature were to decide on the Fate of America there would still be a Chance, tho I believe the Force of Government would preponderate and effect a Rejection. But the Legislature cannot assign to the People any good Reason for not trusting them with a Decision on their own Affairs, and must therefore agree to a Convention—In the Choice of a Convention it is not improbable that the foederal Party will prove strongest, for Persons of very distinct and opposite Interests have joined on this Subject. With Respect to this State I am far from being decided in my Opinion that they will consent. True it is that the City and its Neighbourhood are enthusiastic in the Cause; but I dread the cold and sower Temper of the back Counties, and still more the wicked Industry of those who have long habituated themselves to live on the Public, and cannot bear the Idea of being removed from the Power and Profit of State Government, which has been and still is the Means of supporting themselves their Families and Dependants; And (which perhaps is more grateful) of depressing and humbling their political Adversaries. What Opinions prevail more Southward I cannot guess. You are in Condition better than any other Person to judge of a great and important Part of that Country

I have observed that your Name to the new Constitution has been of infinite Service. Indeed I am convinced that if you had not attended the Convention, and the same Paper had been handed out to the World, it would have met with a colder Reception, with fewer and weaker Advocates, and with more and more strenuous Opponents. As it is, should

the Idea prevail that you would not accept of the Presidency it would prove fatal in many Parts. Truth is, that your great and decided Superiority leads Men willingly to put you in a Place which will not add to your personal Dignity, nor raise you higher than you already stand: but they would not willingly put any other Person in the same Situation because they feel the Elevation of others as operating (by Comparison) the Degradation of themselves. And however absurd this Idea, you will agree with me that Men must be treated as Men and not as Machines, much less as Philosophers, & least of all Things as reasonable Creatures; seeing that in Effect they reason not to direct but to excuse their Conduct

Thus much for the public Opinion on these Subjects, which must not be neglected in a Country where Opinion is every Thing. I will add my Conviction that of all Men you are best fitted to fill that Office. Your cool steady Temper is *indispensibly necessary* to give a firm and manly Tone to the new Government. To constitute a well poised political Machine is the Task of no common Workman; but to set it in Motion requires still greater Qualities. When once a-going, it will proceed a long Time from the original Impulse. Time gives to primary Institutions the mighty Power of Habit, and Custom, the Law both of Wise Men and Fools, serves as the great Commentator of human Establishments, and like other Commentators as frequently obscures as it explains the Text. No Constitution is the same on Paper and in Life. The Exercise of Authority depends on personal Character; and the Whip and Reins by which an able Charioteer governs unruly Steeds will only hurl the unskilful Presumer with more speedy & headlong Violence to the Earth. The Horses once trained may be managed by a Woman or a Child; not so when they first feel the Bit. And indeed among these thirteen Horses now about to be coupled together there are some of every Race and Character. They will listen to your Voice, and submit to your Control; you therefore must I say *must* mount the Seat. That the Result may be as pleasing to you as it will be useful to them I wish but do not expect. You will however on this, as on other Occasions, feel that interior Satisfaction & Self Approbation which the World cannot give; and you will have in every possible Event the Applause of those who know you enough to respect you properly.

1. RC, Washington Papers, DLC. This letter and Morris' draft of it (found in the Gouverneur Morris Collection in the Columbia University Library) are both dated 30 October. The address page of the letter sent to Washington contains a postmark and an endorsement which cast doubt on that date. The postmark reads "26 OC," and the endorsement reads "Alexandria 29th. Octr. 1787. The Northern Stage arrived at half past 7. OClock P M." The endorsement was signed "Jas M McRea." Washington, however, docketed the letter "From Gouver Morris Esqr 30th. Octr 1787."

Gouverneur Morris (1752–1816), a Philadelphia lawyer, had been a Pennsylvania delegate to the Constitutional Convention, where he delivered more speeches than anyone else. As a member of the Convention's Committee of Style, Morris was most

responsible for putting the Constitution into its final form. Shortly after writing Washington, he and Robert Morris went to Virginia on business and remained there for several months.

#### 214. Salem Mercury, 30 October<sup>1</sup>

It is a fact, that the internal resources of America never were in so flourishing a state as at present. The wounds of the war are in a great degree healed; the stock on our farms, which had been lessened by it, is replaced; and every traveler agrees, that there are more acres of land under tillage in the several States this year, than were ever known to be cultivated in a season since the first white man sat foot on the continent. Add to this, our commerce, the year past, has taken a more favourable turn than it has experienced at any former period since the war—the exports of this State, as has been asserted by very good calculators, having exceeded the imports by One Hundred Thousand Pounds. If this be the state of our commerce, under its present innumerable embarrassments, to what a noble height of prosperity must it arrive, under the protection of an efficient national government!

1. Reprinted: *Maryland Journal*, 23 November; *Pennsylvania Packet*, 29 November; and *Virginia Journal*, 6 December. An excerpt appeared in the *Georgia State Gazette* on 16 February 1788. Three New England newspapers paraphrased the first two sentences and then concluded: "Heaven has smiled singularly upon our harvests, and, in spite of all our grumbling, will enable, if not compel us to pay our just debts" (*New Hampshire Mercury*, 1 November; *New Hampshire Gazette*, 3 November; and Middletown, Conn., *Middlesex Gazette*, 26 November).

#### 215. Nicholas Gilman to President John Sullivan of New Hampshire, New York, 31 October (excerpt)<sup>1</sup>

... When I had the honor to address your Excellency last from Philadelphia it was not my intention to have taken a seat in Congress this year but as it was conceived important to have a full House on the Subject of the new plan of Government I was induced to take a seat; and have continued in Congress in expectation of receiving a small supply of Money and of having a Colleague for the next year.—I am unhappy in not having received a line from your Excellency on the Subject of the new Constitution:—I presume however it will have your support—and from all accounts from the different States I think there is a great prospect of its being generally adopted.—New York (ever Antifederal) will keep back in order to direct her proceedings by the conduct of other states.

The intemperance of a number of the members of the Pennsylvania Legislature has made enemys to the new plan—but not such as to render the adoption of it very doubtful.—Virginia has given rise to the greatest opposition; but their delegates inform me that their last letters have removed all doubts of its adoption in the Ancient dominion:—their opposition arises from an ill founded jealousy of New-England on the Sub-



ject of Commercial regulations, the power of making which they are unwilling to leave to a Majority of the Legislature; but wish to have it so established in the Constitution, as that the five Southern States may have the power to prevent all such regulations as may, by possibility, operate against their present interest—This is their great objection—an other of inferior order (and which I believe had a powerful operation on the sentiments of the gentleman from Massachusetts<sup>2</sup> who refused his assent) is the equal representation in the Senate—These are objections of a nature not to be removed;—and if the States do not adopt the present plan—notwithstanding its imperfections,—I am fully convinced that there is not the remotest probability of gaining the general assent to one less exceptionable—and in that case (after all our blustering) we shall exhibit to the world nothing new—but shall probably pursue the track of nations that have gone before us and establish a Government or Governments by the sword and seal it with blood. . . .

1. RC, State Papers Relating to the Revolution, 1785–89, New Hampshire Division of Records Management and Archives. Printed: Otis G. Hammond, ed., *Letters and Papers of Major-General John Sullivan, Continental Army* (3 vols., Concord, N.H., 1930–39, Volume 15 of the *Collections of the New Hampshire Historical Society*), III, 549–52. Gilman (1755–1814), a New Hampshire delegate to Congress, had been a delegate to the Constitutional Convention, where he had signed the Constitution. Sullivan (1740–1795), a Durham lawyer, was President of the State of New Hampshire. Later he served as President of the state Convention and voted to ratify the Constitution in June 1788.

2. Elbridge Gerry. For Gerry's published objections to the Constitution, see CC:227–A.

## 216. Northampton Hampshire Gazette, 31 October<sup>1</sup>

There are certain periods in human concerns, that are designed in Providence, and no doubt wisely ordered by the Deity to try the patience and fortitude of the members of every community. Whether the object is for the punishment, or the purifying its inhabitants, is not material, as one or the other of these purposes seem absolutely necessary should take place, in order that individuals should be aroused from the natural sloth and indolence that characterises humanity. The present moment seems to be the most important, and the most critical of any period within the memory of man, and to which every great and important transaction of a public nature has pointed these twenty-five years; and every moment seems to create new matter which will be productive either of building up a great and boundless empire, or circumscribing scanty and narrow limits for the inhabitants of this country, suited only for savage chiefs or barbarous tyrants—the latter will inevitably be the consequence, should we reject the government offered for our acceptance. A change in our system is unavoidable—every countenance indicates the strongest symptoms of a new birth—and nothing but our own

folly and madness can prevent our growing up to manhood, and establishing our empire as on a rock.

My countrymen, the happiness of one and all is the same. I consider myself as one of the whole—every member of the community is upon one footing. This new offered government is equal, every individual is a fair candidate for the highest seat in the empire, which is a matter unknown to every other nation in the world, which must be a most powerful incentive and spur to every laudable exertion to be virtuous and learned; which, thanks be to Heaven, is the only sure road to honour and preferment.

1. Reprints by 6 December (6): Vt. (1), N.Y. (1), Pa. (3), S.C. (1).

**217. Publius: The Federalist 2**  
**New York Independent Journal, 31 October**

This essay was written by John Jay. Jay's manuscript draft, unlike the other four essays he wrote, has not been located. By 19 December this essay was reprinted in ten newspapers: Mass. (1), R.I. (1), N.Y. (5), Pa. (2), Va. (1). It was also reprinted in the November issue of the Philadelphia *American Museum* and in a pamphlet anthology published in Richmond, Va., in mid-December (CC:350).

The FÆDERALIST. No. II.

To the People of the State of New-York.

When the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important, that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious view of it, will be evident.

Nothing is more certain than the indispensable necessity of Government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one fœderal Government, and that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national Government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest Citizens have been constantly directed to that object. But Politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties—However extraordinary this new doctrine may appear, it nev-

ertheless has its advocates; and certain characters who were much opposed to it formerly, are at present of the number—Whatever may be the arguments or inducements, which have wrought this change in the sentiments and declarations of these Gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound Policy.

It has often given me pleasure to observe, that Independent America was not composed of detached and distant territories, but that one connected, fertile, wide spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants—A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice, that Providence has been pleased to give this one connected country, to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general Liberty and Independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us—To all general purposes we have uniformly been one people—each individual citizen every where enjoying the same national rights, privileges, and protection—As a nation we have made peace and war—as a nation we have vanquished our common enemies—as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign States.

A strong sense of the value and blessings of Union induced the people, at a very early period, to institute a Fœderal Government to preserve and perpetuate it—They formed it almost as soon as they had a political existence; nay at a time, when their habitations were in flames, when many of their Citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature enquiries and reflections, which must ever precede the formation of a wise and well balanced government for a free people—It is not to be

wondered at that a Government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to union, than enamoured of liberty, they observed the danger, which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both, could only be found in a national Government more wisely framed, they, as with one voice, convened the late Convention at Philadelphia, to take that important subject under consideration.

This Convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue and wisdom, in times which tried the minds and hearts of men, undertook the arduous task—In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool uninterrupted and daily consultations: and finally, without having been awed by power, or influenced by any passions except love for their Country, they presented and recommended to the people the plan produced by their joint and very unanimous counsels.

Admit, for so is the fact, that this plan is only *recommended*, not imposed, yet let it be remembered, that it is neither recommended to *blind* approbation, nor to *blind* reprobation; but to that sedate and candid consideration, which the magnitude and importance of the subject demands, and which it certainly ought to receive—But this, (as was remarked in the foregoing number of this Paper), is more to be wished than expected that it may be so considered and examined—Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten, that well grounded apprehensions of imminent danger induced the people of America to form the Memorable Congress of 1774—That Body recommended certain measures to their Constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the Press began to teem with Pamphlets and weekly Papers against those very measures—Not only many of the Officers of Government who obeyed the dictates of personal interest, but others from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavours to persuade the people to reject the advice of that Patriotic Congress—Many indeed were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men—That being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information—That in the course of the time they passed

together in enquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head—That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination, than their duty, to recommend only such measures, as after the most mature deliberation they really thought prudent and adviseable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice, notwithstanding the various arts and endeavours used to deter and dissuade them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had then been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the Convention, for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this Convention and carried into it their accumulated knowledge and experience.

It is worthy of remark that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt. With what propriety therefore, or for what good purposes, are attempts at this particular period, made by some men, to depreciate the importance of the Union? or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind, that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union, rests on great and weighty reasons, which I shall endeavour to develope and explain in some ensuing papers—They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the Convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy—That certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good Citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim in the words of the Poet, “FAREWELL, A LONG FAREWELL, TO ALL MY GREATNESS.”

#### 218. *Pennsylvania Gazette*, 31 October<sup>1</sup>

It is astonishing, says a correspondent, that *THE CENTINEL* and other antifœderal papers should charge the new fœderal constitution with being calculated to promote the interest of what he, invidiously, calls *the*

*well born*. All men in America are *equally* well born. We are all *freemen*, and the sons of freemen, and the proposed government *is founded on that principle*; for it guarantees our *Republicanism*, and it secures to the *poorest* the right of electing, *equally with the richest and most assuming*. It renders *every* office attainable by *the poorest*, as certainly as the *richest* and most *haughty*. These antifederal gentlemen do not like *such a* government, but happily the people do. These writers sometimes abuse our good men, and then *steal* out the paragraphs when they find they disgust. The Centinel, in his first number, treats General Washington and Dr. Franklin *with contempt*, and then translates his piece into *German*, and leaves out *the vile sentence*.<sup>2</sup> Our Germans are an honest, thinking body of men, and will despise this trick, which the Centinel has attempted to pass on them.

The Centinel, one of our correspondents observes, after the insult on the General and our President [Franklin] in his first number, and after shewing he was sensible he had trespassed on the honest feelings of the people, repeats his insinuations, *that General Washington was not equal to the duty of a member of Convention*.<sup>3</sup> This must be an *enemy's Centinel* indeed. Have not the advantage of a liberal education, a seat in *the first Congress*, the command of an army of *the most enlightened sons of liberty on earth*, and all the various scenes the General has gone through, have not *these*, I say, given him so much knowledge of what concerns the liberty of his country, as to qualify him for the duty to which the *legislature of Virginia*, and the voice of *all America*, called him. Can the subject of government be *new* to a man of his reflection, his reading, and his opportunities. Let his countrymen look at his farewell letter.<sup>4</sup> 'TIS WORTH THEIR READING AGAIN. Few of us have weighed its merit. It shews a *deep knowledge of the subject*, and a view of our *present* situation, that in a less enlightened time would give it the reputation of an *inspired Prophecy*.

What a variety of methods do the opposers of our new constitution pursue, to prevent the adoption of it. A New York writer, under the signature of BRUTUS,<sup>5</sup> wishes to have three confederacies—that is, three times the officers, and three times the expence of the proposed plan. *If the union is preserved*, it can have nothing to fear from the British Colonies on the North, or the Spanish on the South; *but if it should be divided into three parts*, European politics would soon play off *one* against *another*.

1. The three paragraphs were reprinted in the New York *Daily Advertiser*, 5, 6 November, and the *Massachusetts Gazette*, 13 November. Seven other newspapers reprinted the first and/or third paragraphs by 28 November: N.H. (1), Conn. (1), N.Y. (2), Md. (1), Va. (1), S.C. (1).

2. See CC:133, note 2.

3. "Centinel" II had defended his earlier statement about Washington's fallibility (CC:190).

4. For Washington's circular letter, see CC:4.

5. For "Brutus" I, see CC:178.

## 219. Ship News

**Boston Independent Chronicle, 1 November**

The use of "Ship News" as a literary device was common, so much so that "Ezekiel," in the *Boston Independent Chronicle*, 25 October, wrote that "we are sick of all sorts of news-paper wrangling—ship news—letters to and from . . ." (CC:194).

Reprints by 28 November (4): Pa. (2), Md. (1), Va. (1).

The new ship *Federal Constitution*, that lately arrived into this port, being suspected of having *contraband* goods on board; a number of disaffected inhabitants went on board to search her, and found to their great joy, the following packages, viz.

One trunk, marked *perpetual*.

One folio volume, marked, *no bill of rights*.

One ditto, *no annual elections*.

One chest of powers, containing, *imposts, excises, and internal taxes, armed with military force*.

One ditto, containing the *federal standard and thirteen stands of arms*, all stamped with *peace*.

One small box, containing the habeas corpus act, and the escutcheon of the Supreme Judicial Federal Court, triumphant; thirteen beautiful Constitutions pendant, with an *Eagle* extended to the several cities and corporations that surrounded it; in the frontispiece, *union*.

One *budget of new fashioned ideas*.

Elated with their success, they entered their complaint and protest to the custom-house officers, who immediately ordered a court of inquiry. The court immediately assembled at the *star-chamber*, in their robes—the packages were brought forward and examined in due order.

1st. The trunk marked *perpetual*; upon searching of which they found it filled with biennial elections.

2d. The folio volume, marked *no bill of rights*, upon opening of which they found it a *blank volume*, but the officers of the ship who attended the trial, informed the Hon. Court, that they had a manifest of the cargo, and an invoice of every article on board, which they presented their honours for inspection.

3d. The other volume, containing *no annual elections*, was next brought forward, the officers of the ship plead that it was not *contraband*, and requested a trial by their country.

4th. The chest of powers, &c. was next brought on; this they plead was for the ship's use, and therefore was not liable to seizure, and assured the Hon. Court, that no key on board the ship could unlock the little trunk where the military force was kept, except the trunk containing the biennial elections was first broke open, for this key was always secured in that trunk.

5th. The trunk containing the federal standard, &c. &c. was brought forward; the officers of the ship objected to the legality of seizing the

ensigns of the ship; that they were bound to many foreign ports upon commercial business; that it was absolutely necessary to carry arms for fear of pirates, &c. and requested their honors to take notice that their arms were all stamped with peace, that they were never to be used but in case of an hostile attack, that it was in the law of nature for every man to defend himself, and unlawful for any man to deprive him of those weapons of self defence.—Next was brought forward the trunk containing the habeas corpus act, and the escutcheon of the Supreme Judicial Federal Court, &c.—the lustre of this admirable portrait, the uniformity and exactness which display'd itself in every likeness, so dazzled the eyes of every spectator, and so attracted the attention of all—that the officers of the ship with the consent of the spectators, hussled the habeas corpus out of the sight of the Court, and was carried off unnoticed.

The informants were now sick of the prosecution, but would not give up till they had opened the last budget, which contained, instead of *new fashioned* ideas, a packet of letters to the different nations of Europe, Asia, and Africa, and as they were wrote in different languages, the informants requested they might not be read, and that they might have leave to withdraw any further prosecution.

## 220. Albany Gazette, 1 November<sup>1</sup>

A few OBSERVATIONS in favor of the NEW CONTINENTAL GOVERNMENT, now under the consideration of the Citizens of this State.

1. That it was formed by a Convention composed of the most sensible, virtuous, patriotic and independent characters that this, or perhaps any other country on the face of the globe, can produce.

2. That it is ushered to us under the respectable and illustrious signature of GEORGE WASHINGTON, whose disinterested and invaluable services to his country, has rendered him the admiration of the present age; and, to suppose that any act of his, could be intended, in the most distant degree, to injure a people whose freedom he has already established, at the risque of his life and fortune, would be a piece of base ingratitude, that no *honest* American can possibly be guilty of.

3. That it will unite under one head, and bring to one point, the resources, strength and commerce of this extensive country, and consequently serve to render us wealthy, respectable and powerful, as a mercantile as well as a warlike people.

4. That equal justice will be administered to each state, in the support of government, in proportion to its abilities and local situation, and no state be induced to furnish its full quota (which this state has frequently done) when many others neglect furnishing a single shilling.

5. That in all probability the first good consequence, arising from a firm and a respectable government, will be the relinquishment of the



WESTERN POSTS, by the British, according to the treaty of peace—which are now so unjustly detained from us, and for no other reason but a contempt of our government.

6. That the late disturbances, in Massachusetts, New-Hampshire, Pennsylvania, and even on the borders of this state, shew a langor in our present government, that must alarm every thinking person; and which must, if not guarded against in future, end in anarchy and confusion. A situation infinitely more to be dreaded, than all the evils that can be conceived from the tyranny of an absolute monarch.

7th and lastly. That it meets with opposition from few or none in this state, but persons who hold posts of profit and honor, and are fearful that a part of their state consequence must be swallowed up in the United States' government. A circumstance that should set every honest and well meaning citizen on his guard against all such opposers, however exalted their station may be, or respectable their private characters: For such is the weakness of frail nature, that none of us can act, or even think, with impartial justice, on any subject that interferes with our interest or ambition.

Albany, October 31, 1787.

1. Reprints by 18 December (6): N.H. (3), Mass. (1), Conn. (1), Pa. (1). Half of the reprints omitted the seventh observation.

## 221. Brutus II

### New York Journal, 1 November

On 1 November Thomas Greenleaf of the *New York Journal* published four items on the Constitution—"Brutus" II and "Cincinnatus" I in his regular newspaper edition, and "Timoleon" and "Centinel" II (CC:190) in an "extraordinary" issue. Each item, at least in part, answered James Wilson's speech of 6 October (CC:134).

"Brutus" II was reprinted in the Boston *Independent Chronicle*, 30 November. For authorship, see CC:178.

*To the CITIZENS of the STATE of NEW-YORK.*

I flatter myself that my last address established this position, that to reduce the Thirteen States into one government, would prove the destruction of your liberties.

But lest this truth should be doubted by some, I will now proceed to consider its merits.

Though it should be admitted, that the argument against reducing all the states into one consolidated government, are not sufficient fully to establish this point; yet they will, at least, justify this conclusion, that in forming a constitution for such a country, great care should be taken to limit and define its powers, adjust its parts, and guard against an abuse of authority. How far attention has been paid to these objects, shall be the subject of future enquiry. When a building is to be erected which is intended to stand for ages, the foundation should be firmly

laid. The constitution proposed to your acceptance, is designed not for yourselves alone, but for generations yet unborn. The principles, therefore, upon which the social compact is founded, ought to have been clearly and precisely stated, and the most express and full declaration of rights to have been made—But on this subject there is almost an entire silence.

If we may collect the sentiments of the people of America, from their own most solemn declarations, they hold this truth as self evident, that all men are by nature free. No one man, therefore, or any class of men, have a right, by the law of nature, or of God, to assume or exercise authority over their fellows. The origin of society then is to be sought, not in any natural right which one man has to exercise authority over another, but in the united consent of those who associate. The mutual wants of men, at first dictated the propriety of forming societies; and when they were established, protection and defence pointed out the necessity of instituting government. In a state of nature every individual pursues his own interest; in this pursuit it frequently happened, that the possessions or enjoyments of one were sacrificed to the views and designs of another; thus the weak were a prey to the strong, the simple and unwary were subject to impositions from those who were more crafty and designing. In this state of things, every individual was insecure; common interest therefore directed, that government should be established, in which the force of the whole community should be collected, and under such directions, as to protect and defend every one who composed it. The common good, therefore, is the end of civil government, and common consent, the foundation on which it is established. To effect this end, it was necessary that a certain portion of natural liberty should be surrendered, in order, that what remained should be preserved: how great a proportion of natural freedom is necessary to be yielded by individuals, when they submit to government, I shall not now enquire. So much, however, must be given up, as will be sufficient to enable those, to whom the administration of the government is committed, to establish laws for the promoting the happiness of the community, and to carry those laws into effect. But it is not necessary, for this purpose, that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be surrendered. Of this kind are the rights of conscience, the right of enjoying and defending life, &c. Others are not necessary to be resigned, in order to attain the end for which government is instituted, these therefore ought not to be given up. To surrender them, would counteract the very end of government, to wit, the common good. From these observations it appears, that in forming a government on its true principles, the foundation should be laid in the manner I before stated, by expressly reserving to the people such of their essential natural rights, as are not necessary to be parted with. The same reasons which at first induced

mankind to associate and institute government, will operate to influence them to observe this precaution. If they had been disposed to conform themselves to the rule of immutable righteousness, government would not have been requisite. It was because one part exercised fraud, oppression, and violence on the other, that men came together, and agreed that certain rules should be formed, to regulate the conduct of all, and the power of the whole community lodged in the hands of rulers to enforce an obedience to them. But rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed, as individuals in a state of nature are to injure and oppress one another. It is therefore as proper that bounds should be set to their authority, as that government should have at first been instituted to restrain private injuries.

This principle, which seems so evidently founded in the reason and nature of things, is confirmed by universal experience. Those who have governed, have been found in all ages ever active to enlarge their powers and abridge the public liberty. This has induced the people in all countries, where any sense of freedom remained, to fix barriers against the encroachments of their rulers. The country from which we have derived our origin, is an eminent example of this. Their magna charta and bill of rights have long been the boast, as well as the security, of that nation. I need say no more, I presume, to an American, than, that this principle is a fundamental one, in all the constitutions of our own states; there is not one of them but what is either founded on a declaration or bill of rights, or has certain express reservation of rights interwoven in the body of them. From this it appears, that at a time when the pulps of liberty beat high and when an appeal was made to the people to form constitutions for the government of themselves, it was their universal sense, that such declarations should make a part of their frames of government. It is therefore the more astonishing, that this grand security, to the rights of the people, is not to be found in this constitution.

It has been said, in answer to this objection, that such declaration of rights, however requisite they might be in the constitutions of the states, are not necessary in the general constitution, because, "in the former case, every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given is reserved."<sup>1</sup> It requires but little attention to discover, that this mode of reasoning is rather specious than solid. The powers, rights, and authority, granted to the general government by this constitution, are as complete, with respect to every object to which they extend, as that of any state government—It reaches to every thing which concerns human happiness—Life, liberty, and property, are under its controul. There is the same reason, therefore, that the exercise of power, in this

case, should be restrained within proper limits, as in that of the state governments. To set this matter in a clear light, permit me to instance some of the articles of the bills of rights of the individual states, and apply them to the case in question.

For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared, that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse, or furnish evidence against himself—The witnesses against him shall be brought face to face, and he shall be fully heard by himself or counsel. That it is essential to the security of life and liberty, that trial of facts be in the vicinity where they happen. Are not provisions of this kind as necessary in the general government, as in that of a particular state? The powers vested in the new Congress extend in many cases to life; they are authorised to provide for the punishment of a variety of capital crimes, and no restraint is laid upon them in its exercise, save only, that “the trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be in the state where the said crimes shall have been committed.” No man is secure of a trial in the county where he is charged to have committed a crime; he may be brought from Niagara to New-York, or carried from Kentucky to Richmond for trial for an offence, supposed to be committed. What security is there, that a man shall be furnished with a full and plain description of the charges against him? That he shall be allowed to produce all proof he can in his favor? That he shall see the witnesses against him face to face, or that he shall be fully heard in his own defence by himself or counsel?

For the security of liberty it has been declared, “that excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted—That all warrants, without oath or affirmation, to search suspected places, or seize any person, his papers or property, are grievous and oppressive.”

These provisions are as necessary under the general government as under that of the individual states; for the power of the former is as complete to the purpose of requiring bail, imposing fines, inflicting punishments, granting search warrants, and seizing persons, papers, or property, in certain cases, as the other.

For the purpose of securing the property of the citizens, it is declared by all the states, “that in all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.”

Does not the same necessity exist of reserving this right, under this national compact, as in that of this state? Yet nothing is said respecting it. In the bills of rights of the states it is declared, that a well regulated militia is the proper and natural defence of a free government—That as standing armies in time of peace are dangerous, they are not to be kept

up, and that the military should be kept under strict subordination to, and controuled by the civil power.

The same security is as necessary in this constitution, and much more so; for the general government will have the sole power to raise and to pay armies, and are under no controul in the exercise of it; yet nothing of this is to be found in this new system.

I might proceed to instance a number of other rights, which were as necessary to be reserved, such as, that elections should be free, that the liberty of the press should be held sacred; but the instances adduced, are sufficient to prove, that this argument is without foundation.—Besides, it is evident, that the reason here assigned was not the true one, why the framers of this constitution omitted a bill of rights; if it had been, they would not have made certain reservations, while they totally omitted others of more importance. We find they have, in the 9th section of the 1st article, declared, that the writ of habeas corpus shall not be suspended, unless in cases of rebellion—that no bill of attainder, or ex post facto law, shall be passed—that no title of nobility shall be granted by the United States, &c. If every thing which is not given is reserved, what propriety is there in these exceptions? Does this constitution any where grant the power of suspending the habeas corpus, to make ex post facto laws, pass bills of attainder, or grant titles of nobility? It certainly does not in express terms. The only answer that can be given is, that these are implied in the general powers granted. With equal truth it may be said, that all the powers, which the bills of right, guard against the abuse of, are contained or implied in the general ones granted by this constitution.

So far it is from being true, that a bill of rights is less necessary in the general constitution than in those of the states, the contrary is evidently the fact.—This system, if it is possible for the people of America to accede to it, will be an original compact; and being the last, will, in the nature of things, vacate every former agreement inconsistent with it. For it being a plan of government received and ratified by the whole people, all other forms, which are in existence at the time of its adoption, must yield to it. This is expressed in positive and unequivocal terms, in the 6th article, “That this constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the *constitution*, or laws of any state, to the *contrary* notwithstanding.

“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.”

It is therefore not only necessarily implied thereby, but positively expressed, that the different state constitutions are repealed and entirely done away, so far as they are inconsistent with this, with the laws which shall be made in pursuance thereof, or with treaties made, or which shall be made, under the authority of the United States; of what avail will the constitutions of the respective states be to preserve the rights of its citizens? should they be plead, the answer would be, the constitution of the United States, and the laws made in pursuance thereof, is the supreme law, and all legislatures and judicial officers, whether of the general or state governments, are bound by oath to support it. No privilege, reserved by the bills of rights, or secured by the state government, can limit the power granted by this, or restrain any laws made in pursuance of it. It stands therefore on its own bottom, and must receive a construction by itself without any reference to any other—And hence it was of the highest importance, that the most precise and express declarations and reservations of rights should have been made.

This will appear the more necessary, when it is considered, that not only the constitution and laws made in pursuance thereof, but all treaties made, or which shall be made, under the authority of the United States, are the supreme law of the land, and supersede the constitutions of all the states. The power to make treaties, is vested in the president, by and with the advice and consent of two thirds of the senate. I do not find any limitation, or restriction, to the exercise of this power. The most important article in any constitution may therefore be repealed, even without a legislative act. Ought not a government, vested with such extensive and indefinite authority, to have been restricted by a declaration of rights? It certainly ought.

So clear a point is this, that I cannot help suspecting, that persons who attempt to persuade people, that such reservations were less necessary under this constitution than under those of the states, are wilfully endeavouring to deceive, and to lead you into an absolute state of vassalage.

1. Quoted from James Wilson's speech of 6 October (CC:134).

## 222. Cincinnatus I: To James Wilson, Esquire New York Journal, 1 November<sup>1</sup>

Six essays signed "Cincinnatus" and addressed to "James Wilson, Esquire" were published in the *New York Journal* between 1 November and 6 December 1787. The essays answered Wilson's speech of 6 October (CC:134). The "Cincinnatus" essays were not widely reprinted, although each essay appeared in Philadelphia. The few remaining reprints were scattered among five New England towns.

Some contemporaries attributed the essays to Richard Henry Lee, others to his brother Arthur. On 21 November the *Pennsylvania Gazette* printed an

"Extract of a letter" stating that "R—d H—y L—e passed through this town [Wilmington, Del.] a few days ago, on his way to Virginia. He spent a whole evening in reading his Cincinnatuses, and in abusing Mr. Wilson and the new government . . ." (CC:280). The next day, William Shippen, Jr. wrote his son in London that "Brutus said to be by R. H. Lee or Jay, Cincinnatus by A Lee . . ." (RCS:Pa., 288). Shippen was a brother-in-law of the Lees. In May 1788 William Short, in Paris, declared that he had learned from John Paradise that Arthur Lee was the author of the "Cincinnatus" essays (to Thomas Lee Shippen, 31 May 1788, Shippen Family Papers, DLC). Paradise, who lived in London, England, was related to the Lees through marriage.

The "Cincinnatus" essays evoked few public responses. The principal criticism was a point-by-point rebuttal by "Anti-Cincinnatus" in the Northampton *Hampshire Gazette* of 19 December (CC:354). For other attacks, see "A Lunar-ian" and "A Citizen of America," *New York Daily Advertiser*, 20 December 1787 and 19 February 1788; and "Gomez," *Pennsylvania Gazette*, 26 December 1787 (Mfm:Pa. 291). For a defense of the essays, see "Centinel" XIV, *Philadelphia Independent Gazetteer*, 5 February 1788. In addition to defending the essays, "Centinel" accused Federalists in the post office of trying to prevent the republication of some of the "Cincinnatus" essays outside of New York City, especially in Philadelphia while the Pennsylvania Convention was in session.

MR. GREENLEAF, A speech made to the citizens of Philadelphia, and said to be by Mr. WILSON, appears to me to abound with sophistry, so dangerous, as to require refutation. If we adopt the new Constitution, let us at least understand it. Whether it deserves adoption or not, we can only determine by a full examination of it, so as clearly to discern what it is that we are so loudly, I had almost said, indecently called upon to receive. Such an examination is the object of the papers which I am to entreat you to lay before the public, in answer to Mr. Wilson, and under the signature of—Cincinnatus.

Sir, You have had the graciousness, Sir, to come forward as the defender and panegyrist of the plan of a new Constitution, of which you was one of the framers. If the defence you have thought proper to set up, and the explanations you have been pleased to give, should be found, upon a full and fair examination, to be fallacious or inadequate; I am not without hope, that candor, of which no gentleman talks more, will render you a convert to the opinion, that some material parts of the proposed Constitution are so constructed—that a *monstrous aristocracy springing from it, must necessarily swallow up the democratic rights of the union, and sacrifice the liberties of the people to the power and domination of a few.*

If your defence of this new plan of power, has, as you say, been matured by four months constant meditation upon it, and is yet so very weak, as I trust will appear, men will begin to think, that—the thing itself is indefensible. Upon a subject so momentous, the public has a right to the sentiments of every individual that will reason: I therefore do not

think any apology necessary for appearing in print; and I hope to avoid, at least, the indiscriminate censure which you have, with so much candor and liberality, thrown on those who will not worship *your idol*—"that they are industriously endeavouring to prevent and destroy it, by insidious and clandestine attempts." Give me leave just to suggest, that perhaps these clandestine attempts might have been owing to the terror of *your mob*, which so nobly endeavoured to prevent all freedom of action and of speech.<sup>2</sup> The *reptile Doctor* who was employed to blow the trumpet of persecution, would have answered the public reasoning of an opponent, by hounding on him the rage of a deluded populace.<sup>3</sup>

It was to such men, and under such impressions, that you made the speech which I am now to examine; no wonder then that it was received with loud and unanimous testimonies of their approbation. They were vociferating through you the panegyric of their own intemperate opinions.

Your first attempt is to apologize for so very obvious a defect as—the omission of a declaration of rights. This apology consists in a very ingenious discovery; that in the state constitutions, whatever is not reserved is given; but in the congressional constitution, whatever is not given, is reserved. This has more the quaintness of a conundrum, than the dignity of an argument. The conventions that made the state and the general constitutions, sprang from the same source, were delegated for the same purpose—that is, for framing rules by which we should be governed, and ascertaining those powers which it was necessary to vest in our rulers. Where then is this distinction to be found, but in your assumption? Is it in the powers given to the members of convention? no—Is it in the constitution? not a word of it:—And yet on this play of words, this dictum of yours, this distinction without a difference, you would persuade us to rest our most essential rights. I trust, however, that the good sense of this free people cannot be so easily imposed on by professional figments. The confederation, in its very outset, declares—that what is not expressly given, is reserved.<sup>4</sup> This constitution makes no such reservation. The presumption therefore is, that the framers of the proposed constitution, did not mean to subject it to the same exception.

You instance, Sir, the liberty of the press; which you would persuade us, is in *no* danger, though not secured, because there is no express power granted to regulate literary publications. But you surely know, Sir, that where general powers are expressly granted, the particular ones comprehended within them, must also be granted. For instance, the proposed Congress are empowered—to define and punish offences against the law of nations—mark well, Sir, if you please—to *define* and punish. Will you, will any one say, can any one even think that does not comprehend a power to define and declare all publications from the



press against the conduct of government, in making treaties, or in any other foreign transactions, an offence against the law of nations? If there should ever be an influential president, or arbitrary senate, who do not choose that their transactions with foreign powers should be discussed or examined in the public prints, they will easily find pretexts to prevail upon the other branch to concur with them, in restraining what it may please them to call—the licentiousness of the press. And this may be, even without the concurrence of the representative of the people; because the president and senate are empowered to make treaties, and these treaties are declared the supreme law of the land.

What use they will make of this power, is not now the question. Certain it is, that such power is given, and that power is not restrained by any declaration—that the liberty of the press, which even you term, the sacred palladium of national freedom, shall be forever free and inviolable. I have proved that the power of restraining the press, is necessarily involved in the unlimited power of defining offences, or of making treaties, which are to be the supreme law of the land. You acknowledge, that it is not expressly excepted, and consequently it is at the mercy of the powers to be created by this constitution.

Let us suppose then, that what has happened, may happen again: That a patriotic printer, like Peter Zenger, should incur the resentment of our new rulers, by publishing to the world, transactions which they wish to conceal. If he should be prosecuted, if his judges should be as desirous of punishing him, *at all events*, as the judges were to punish Peter Zenger, what would his innocence or his virtue avail him? This constitution is so admirably framed for tyranny, that, by clear construction, the judges might put the verdict of a jury out of the question. Among the cases in which the court is to have appellate jurisdiction, are—controversies, to which the United States are a party:—In this appellate jurisdiction, the judges are to determine, *both law and fact*. That is, the court is both judge and jury. The attorney general then would have only to move a question of law in the court below, to ground an appeal to the supreme judicature, and the printer would be delivered up to the mercy of his judges. Peter Zenger's case will teach us, what mercy he might expect. Thus, if the president, vice-president, or any officer, or favorite of state, should be censured in print, he might effectually deprive the printer, or author, of his trial by jury, and subject him to something, that will probably very much resemble the—Star Chamber of former times. The freedom of the press, the sacred palladium of public liberty, would be pulled down;—all useful knowledge on the conduct of government would be withheld from the people—the press would become subservient to the purposes of bad and arbitrary rulers, and imposition, not information, would be its object.

The printers would do well, to publish the proceedings of the judges, in Peter Zenger's case—they would do well to publish lord Mansfield's conduct in, the King against Woodfall;—that the public mind may be properly warned of the consequences of agreeing to a constitution, which provides no security for the freedom of the press, and leaves it controversial at least—whether in matter of libels against any of our intended rulers; the printer would even have the security of trial by jury. Yet it was the jury only, that saved Zenger, it was a jury only, that saved Woodfall, it can only be a jury that will save any future printer from the fangs of power.

Had you, Mr. Wilson, who are so unmerciful against what you are pleased to call, the disingenuous conduct of those who dislike the constitution; had you been ingenuous enough to have stated this fairly to our fellow citizens; had you said to them—gentlemen, it is true, that the freedom of the press is not provided for; it is true, that it may be restrained at pleasure, by our proposed rulers; it is true, that a printer sued for a libel, would not be tried by a jury; all this is true, nay, worse than this is also true; but then it is all necessary to what I think, *the best form of government that has ever been offered the world.*

To have stated these truths, would at least have been acting like an honest man; and if it did not procure you such unanimous testimonies of approbation, what you would have received, would have been *merited.*

But you choose to shew our fellow citizens, nothing but what would flatter and mislead them. You exhibited, that by a rush-light only, which, to dissipate its darkness, required the full force of the meridian sun. When the people are fully apprized of the chains you have prepared for them, if they choose to put them on, you have nothing to answer for. If they choose to be tenants at will of their liberties, by the new constitution; instead of having their freehold in them, secured by a declaration of rights; I can only lament it. There was a time, when our fellow citizens were told, in the words of Sir Edward Coke—For a man to be tenant at will of his liberty, I can never agree to it—*Etiam si Dominus non sit molestus, tamen miserremum est, posse, se vebit*—Though a despot may not act tyrannically; yet it is dreadful to think, that if he *will*, he *may*. Perhaps you may also remember, Sir, that our fellow citizens were then warned against those—“smooth words, with which the most dreadful designs may be glossed over.” You have given us a lively comment on your own text. You have varnished over the iron trap that is prepared, and *bated with some illustrious names, to catch the liberties of the people.*

1. Reprinted: *Massachusetts Gazette*, 16 November; *Philadelphia Independent Gazetteer*, 16 November; *Vermont Gazette*, 26 November; *Northampton Hampshire Gazette*, 5 December; and *Providence Gazette*, 8 December.

2. For the use of a mob by Federalists in Philadelphia, see CC:125.

3. "The *reptile Doctor*" was probably Benjamin Rush. Early in 1788 Rush came under even greater attack for his alleged activities as a propagandist. In January a writer claimed that Rush "has become editor of *one* of the newspapers, and is employed in writing paragraphs and extracts of letters, shewing the situation of politics in the other states, &c. and for the use of the newspapers in the United States" (Philadelphia *Independent Gazetteer*, 3 January, Mfm:Pa. 304). A month later someone charged that Rush, in order "to *save his bacon*," had become "the *humble copyist*" of the publisher of the *Pennsylvania Mercury (Independent Gazetteer*, 19 February, Mfm:Pa. 436). In the early months of 1788 the *Mercury* was one of the most partisan Federalist newspapers in the United States.

4. Article II of the Articles of Confederation (CDR, 86).

## 223. Timoleon

### New York Journal, Extraordinary, 1 November

On 25 October Thomas Greenleaf of the *New York Journal* announced that he had received "Timoleon" but for "Want of room" he was postponing its publication "until next week." On 1 November Greenleaf printed "Timoleon" in an extra two-page issue because his regular issue was filled. This "extraordinary" issue was composed entirely of two essays—"Centinel" II and "Timoleon."

Shortly after the appearance of the "extraordinary" issue, Greenleaf reprinted "Timoleon" and "Centinel" I and II (CC:133, 190) as a two-page broadside. The broadside circulated throughout the Hudson River Valley, as far north as Albany and Lansingburgh. New York Antifederalists also sent hundreds of the broadsides into Connecticut, an action widely condemned by Connecticut Federalists (*New Haven Gazette*, 22 November and 13 December, CC:283-A and C; and RCS:Conn., 330, 458, 470-71, 495-96, 507, 514).

MR. GREENLEAF, I was lately invited to pass the evening with a club of grave and sensible men, who are in the practice of assembling weekly to converse on public affairs; and having been previously made acquainted, by my introducing friend, with the characters, situations, and circumstances of the persons who composed this club, I found that they were not officers of the present government, and that there was little probability of any among them becoming suitors (or seekers, as now called) for place, or employment under the *new Constitution*, if it should succeed. I judged from their contented and independent characters, that they had no view to place of *finance*, of *judge*, or *attorney-general*, or *tax collectors*, or any other office of emolument, which so often drives men to prostitute their abilities for the support of bad measures, from expectation of *great profit*.

I accepted, with pleasure, an opportunity of hearing the sentiments of such respectable characters, on so interesting a subject as public affairs, especially at this crisis, when the minds of men are *on one side violently agitated and active*; on the other, and the greater part, *a sleepy indolence and inattention* seems to prevail. As I expected, so it happened, that the conversation turned upon the new Constitution offered by the late Convention.

After some judicious reflections on this subject, which tended to shew the necessity of the most plain and unequivocal language in the all important business of constituting government, which necessarily conveying great powers, is always liable (from the natural tendency of power to corrupt the human heart and deprave the head) to great abuse; by perverse and subtle arguments calculated to extend dominion over all things and all men. One of the club supposed the following case:—A gentleman, *in the line of his profession* is appointed a *judge* of the supreme court under the new Constitution, and the *rulers*, finding that the rights of conscience and the freedom of the press were exercised in such a manner, by *preaching* and *printing* as to be troublesome to the new government—which event would probably happen, if the rulers finding themselves possessed of great power, should so use it as to oppress and injure the community.—In this state of things the *judge* is called upon, *in the line of his profession*, to give his opinion—whether the *new Constitution* admitted of a legislative act to *suppress the rights of conscience*, and *violate the liberty of the press*? The answer of the learned *judge* is conceived in didactic mode, and expressed in learned phrase; thus.—In the 8th section of the first article of the *new Constitution*, the Congress have power given *to lay and collect taxes for the general welfare of the United States*. By this power, the right of taxing is co-extensive with the *general welfare*, and the *general welfare* is as unlimited as actions and things are that may disturb or benefit that general welfare. A right being given to *tax* for the general welfare, necessarily includes the right of judging what is for the general welfare, and a right of judging what is for the general welfare, as *necessarily* includes a power of protecting, defending, and promoting it by all such laws and means as are fitted to that end; for, *qui dat finem dat media ad finem necessaria*, who gives the end gives the means necessary to obtain the end. The Constitution must be so construed as not to involve an absurdity, which would clearly follow from allowing the end and denying the means. A right of *taxing* for the general welfare being the highest and most important mode of effecting the same purpose, because the rule of law is, that, *omne majus continet in se minus*.

From hence it clearly results, that, if *preachers* and *printers* are troublesome to the new government; and that in the opinion of its rulers, it shall be for the general welfare to restrain or suppress both the one and the other, it may be done consistently with the new Constitution. And that this was the opinion of the community when they consented to it, is evident from this consideration; that although the all comprehending power of the new legislature is fixed, by its acts being made the *supreme law* of the land, any thing in the *Constitutions* or laws of any state to the contrary notwithstanding: Yet no *express* declaration in favor of the *rights of conscience* or *liberty* of the *press* is to be found in

the new Constitution, as we see was carefully done in the *Constitutions* of the states composing this union—Shewing clearly, that what was *then* thought necessary to be specially reserved from the pleasure of power, is *now* designed to be yielded to its will.

A grave old gentleman of the club, who had sat with his head reclined on his hand, listening in pensive mood to the argument of the *judge*, said, “I verily believe, that neither the logic or the law of that opinion will be hereafter doubted by the professors of power, who, through the history of human nature, have been for enlarging the sphere of their authority. And thus the dearest rights of men and the best security of civil liberty may be sacrificed by the sophism of a lawyer, who, Carneades like, can to day shew that to be necessary, before the people, which to-morrow he can likewise shew to be unnecessary and useless—For which reason the sagacious Cato advised, that such a man should immediately be sent from the city, as a person dangerous to the morals of the people and to society.” The old gentleman continued, “I now plainly see the necessity of express declarations and reservations in favor of the great, unalienable rights of mankind, to prevent the oppressive and wicked extention of power to the ruin of human liberty. For the opinion above stated, absolutely refutes the sophistry of ‘that being retained which is not given,’ where the words conveying power admit of the most extensive construction that language can reach to, or the mind conceive, as is the case in this new Constitution. By which we have already seen how logically it may be proved, that both *religion* and the *press* can be made to bend before the views of power. With as little ceremony, and similar constructive doctrine, the inestimable trial by jury can likewise be depraved and destroyed—because the Constitution in the 2d section of the 3d article, by expressly assuming the trial by jury in *criminal cases*, and being silent about it in *civil causes*, evidently declares it to be unnecessary in the latter. And more strongly so, by giving the supreme court jurisdiction in appeals, ‘*both as to law and fact.*’ If to this be added, that the trial by jury in criminal cases is only stipulated to be ‘*in the state,*’ not in the county where the crime is supposed to have been committed; one excellent part of the jury trial, from the vicinage, or at least from the county, is even in criminal cases rendered precarious, and at the mercy of rulers under the new Constitution.—Yet the danger to liberty, peace, and property, from restraining and injuring this excellent mode of trial, will clearly appear from the following observations of the learned Dr. Blackstone, in his commentaries on the laws of England, Art. Jury Trial Book 3. chap. 33.—‘The establishment of jury trial was always so highly esteemed and valued by the people, that no conquest, *no change of government*, could ever prevail to abolish it. In magna charta it is more than once insisted upon *as the principal bulwark of our liberties*—And this is a species of knowledge most abso-

lutely necessary for every gentleman; as well, because he may be frequently called upon to determine in this capacity the rights of others, his fellow subjects; as, *because his own property, his liberty, and his life, depend upon maintaining in its legal force the trial by jury*—In settling and adjusting a question of *fact*, when intrusted to any single magistrate, partiality and injustice have an ample field to range in; either by boldly asserting that to be proved which is not so, or by more artfully suppressing some circumstances, stretching and warping others, and distinguishing away the remainder. Here therefore a competent number of sensible and upright jurymen, *chosen from among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice.* For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the *fact* of his oppression must be examined and decided by twelve indifferent men, not appointed until the hour of trial; and that when once the *fact* is ascertained, *the law must*, of course, redress it. *This, therefore, preserves in the hands of the people that share, which they ought to have in the administration of public justice, and prevents the encroachments of the more powerful and wealthy citizens. Every new tribunal, erected for the decision of facts, without the intervention of a jury (whether composed of justices of the peace, commissioners of the revenue, judges of a court of conscience, or any other standing magistrates) is a step towards establishing aristocracy, the most oppressive of absolute governments.* And in every country as the trial by jury has been *gradually disused*, so the great have increased in power, until the state has been torn to pieces by rival factions, and oligarchy in effect has been established, though under the shadow of regal government; unless where the miserable people have taken shelter under absolute monarchy, as the lighter evil of the two. And, particularly, it is worthy of observation, that in Sweden the trial by jury, that bulwark of liberty, continued long in its full force, but is now fallen into disuse; and that there, though the regal power is in no country so closely limited, yet the liberties of the commons are extinguished, and the government is degenerated into a mere aristocracy. *It is therefore upon the whole, a duty which every man owes to his country, his friends, his posterity, and himself, to maintain, to the utmost of his power, this valuable trial by jury in all its rights.'* Thus far the learned Dr. Blackstone.—“Could the Doctor, if he were here, at this moment,” continued the old gentleman, “have condemned those parts of the new Constitution in stronger terms, which give the supreme court jurisdiction both as to law and *fact*; and which have weakened the jury trial in criminal cases, and which have discountenanced it in all civil causes? At first I wondered at the complaint that some people made of this new Constitution, because it led to the government of a few; but it is fairly to be concluded, from this injury to the trial by jury, that *some* who framed

this new system, saw with Dr. Blackstone, how operative jury trial was in preventing the tyranny of the great ones, and therefore frowned upon it, as this new Constitution does. But we may hope that our fellow citizens will not approve of this new plan of government, before they have well considered it, and that they will insist on such amendments to it, as will secure from violation the just rights and liberty of the people." The club listened, with great attention, to the worthy old gentleman, and joined him in hearty wishes, that the people may be upon their guard, and not suffer themselves to be deprived of liberty, under the notion of strong federal government—because the design of all government should be the happiness of the people, and it is not necessary for the purpose of securing happiness, that power should be given rulers to destroy happiness. I was an attentive hearer, Mr. Greenleaf, of what passed in this honest club, and I have given it to you as nearly as my memory (which is not a bad one) enables me to do. I confess to you, that I felt my mind much informed upon this all important business, the new Constitution, which, when first I saw it, and hastily read it, I found my imagination quickly taken with the good parts of it, and so passed over those great and fundamental errors, which, if agreed to, must inevitably convert the people of this free country into hewers of wood and drawers of water for the few great ones, into whose hands all power will be thereby unwarily delivered.

*New York, October 24, 1787.*

## 224. An Old Whig V

### Philadelphia Independent Gazetteer, 1 November<sup>1</sup>

MR. PRINTER, In order that people may be sufficiently impressed, with the necessity of establishing a BILL OF RIGHTS in the forming of a new constitution, it is very proper to take a short view of some of those liberties, which it is of the greatest importance for Freemen to retain to themselves, when they surrender up a part of their natural rights for the good of society.

The first of these, which it is of the utmost importance for the people to retain to themselves, which indeed they have not even the right to surrender, and which at the same time it is of no kind of advantages to government to strip them of, is the LIBERTY OF CONSCIENCE. I know that a ready answer is at hand, to any objections upon this head. We shall be told that in this enlightened age, the rights of conscience are perfectly secure: There is no necessity of guarding them; for no man has the remotest thoughts of invading them. If this be the case, I beg leave to reply that now is the very time to secure them.—Wise and prudent men always take care to guard against danger beforehand, and to make themselves safe whilst it is yet in their power to do it without inconven-

ience or risk.—who shall answer for the ebbings and flowings of opinion, or be able to say what will be the fashionable frenzy of the next generation? It would have been treated as a very ridiculous supposition, a year ago, that the charge of witchcraft would cost a person her life in the city of Philadelphia; yet the fate of the unhappy old woman called *Corbmaker*, who was beaten—repeatedly wounded with knives—mangled and at last killed in our streets, in obedience to the commandment which requires “that we shall not suffer a witch to live,” without a possibility of punishing or even of detecting the authors of this inhuman folly, should be an example to warn us how little we ought to trust to the unrestrained discretion of human nature.<sup>2</sup>

Uniformity of opinion in science, morality, politics or religion, is undoubtedly a very great happiness to mankind; and there have not been wanting zealous champions in every age, to promote the means of securing so invaluable a blessing. If in America we have not lighted up fires to consume Heretics in religion, if we have not persecuted unbelievers to promote the unity of the faith, in matters which pertain to our final salvation in a future world, I think we have all of us been witness to something very like the same spirit, in matters which are supposed to regard our political salvation in this world. In Boston it seems at this very moment, that no man is permitted to publish a doubt of the infallibility of the late convention, without giving up his name to the people, that he may be delivered over to speedy destruction;<sup>3</sup> and it is but a short time since the case was little better in this city. Now this is a portion of the very same spirit, which has so often kindled the fires of the inquisition: and the same Zealot who would hunt a man down for a difference of opinion upon a political question which is the subject of public enquiry, if he should happen to be fired with zeal for a particular species of religion, would be equally intolerant. The fact is, that human nature is still the same that ever it was: the fashion indeed changes; but the seeds of superstition, bigotry and enthusiasm, are too deeply implanted in our minds, ever to be eradicated; and fifty years hence, the French may renew the persecution of the Huguenots, whilst the Spaniards in their turn may become indifferent to their forms of religion. They are idiots who trust their future security to the whim of the present hour. One extreme is always apt to produce the contrary, and those countries, which are now the most lax in their religious notions, may in a few years become the most rigid, just as the people of this country from not being able to bear any continental government at all, are now flying into the opposite extreme of surrendering up all the powers of the different states, to one continental government.

The more I reflect upon the history of mankind, the more I am disposed to think that it is our duty to secure the essential rights of the people, by every precaution; for not an avenue has been left un-



guarded, through which oppression could possibly enter in any government; without some enemy of the public peace and happiness improving the opportunity to break in upon the liberties of the people; and none have been more frequently successful in the attempt, than those who have covered their ambitious designs under the garb of a fiery zeal for religious orthodoxy. What has happened in other countries and in other ages, may very possibly happen again in our own country, and for aught we know, before the present generation quits the stage of life. We ought therefore in a *bill of rights* to secure, in the first place, by the most express stipulations, the sacred rights of conscience. Has this been done in the constitution, which is now proposed for the consideration of the people of this country?—Not a word on this subject has been mentioned in any part of it; but we are left in this important article, as well as many others, entirely to the mercy of our future rulers.

But supposing our future rulers to be wicked enough to attempt to invade the rights of conscience; I may be asked how will they be able to effect so horrible a design? I will tell you my friends—*The unlimited power of taxation* will give them the command of all the treasures of the continent; *a standing army* will be wholly at their devotion, and the authority which is given them over the *militia*, by virtue of which they may, if they please, change all the officers of the militia on the continent in one day, and put in new officers whom they can better trust; by which they can subject all the militia to strict military laws, and punish the disobedient with death, or otherwise, as they shall think right: by which they can march the militia back and forward from one end of the continent to the other, at their discretion; these powers, if they should ever fall into bad hands, may be abused to the worst of purposes. Let us instance one thing arising from this right of organizing and governing the militia. Suppose a man alleges that he is conscientiously scrupulous of bearing Arms.—By the bill of rights of Pennsylvania he is bound only to pay an equivalent for his personal service.<sup>4</sup>—What is there in the new proposed constitution to prevent his being dragged like a Prussian soldier to the camp and there compelled to bear arms?—This will depend wholly upon the wisdom and discretion of the future legislature of the continent in the framing their militia laws; and I have lived long enough to hear the practice of *commuting personal service for a paltry fine* in time of war and foreign invasion most severely reprobated by some persons who ought to have judged more rightly on the subject—Such flagrant oppressions as these I dare say will not happen at the beginning of the new government; probably not till the powers of government shall be firmly fixed; but it is a duty we owe to ourselves and our posterity if possible to prevent their ever happening. I hope and trust that there are few persons at present hardy enough to entertain thoughts of creating any religious establishment for this country; although I have lately read a piece in the

newspaper, which speaks of *religious* as well as civil and military *offices*, as being hereafter to be disposed of by the new government; but if a majority of the continental legislature should at any time think fit to establish a form of religion, for the good people of this continent, with all the pains and penalties which in other countries are annexed to the establishment of a national church, what is there in the proposed constitution to hinder their doing so? Nothing; for we have no bill of rights, and every thing therefore is in their power and at their discretion. And at whose discretion? We know not any more than we know the fates of those generations which are yet unborn.

It is needless to repeat the necessity of securing other personal rights in the forming a new government. The same argument which proves the necessity of securing one of them shews also the necessity of securing others. Without a bill of rights we are totally insecure in all of them; and no man can promise himself with any degree of certainty that his posterity will enjoy the inestimable blessings of liberty of conscience, of freedom of speech and of writing and publishing their thoughts on public matters, of trial by jury, of holding themselves, their houses and papers free from seizure and search upon general suspicion or general warrants; or in short that they will be secured in the enjoyment of life, liberty and property without depending on the will and pleasure of their rulers.

If we pass over the consideration of this subject so essential to the preservation of our liberties, and turn our eyes to the *form* of the government which the Convention have proposed to us, I apprehend that changing the prospect will not wholly alleviate our fears.—A few words on this head, will close the present letter. In the first place the office of President of the United States appears to me to be clothed with such powers as are dangerous. To be the fountain of all honors in the United States, commander in chief of the army, navy and militia, with the power of making treaties and of granting pardons, and to be vested with an authority to put a negative upon all laws, unless two thirds of both houses shall persist in enacting it, and put their names down upon calling the yeas and nays for that purpose, is in reality to be a KING as much *a King as the King of Great Britain*, and a King too of the worst kind;—an elective King.—If such powers as these are to be trusted in the hands of any man, they ought for the sake of preserving the peace of the community at once to be made hereditary.—Much as I abhor kingly government, yet I venture to pronounce where kings are admitted to rule they should most certainly be vested with hereditary power. The election of a King whether it be in America or Poland, will be a scene of horror and confusion; and I am perfectly serious when I declare that, as a friend to my country, I shall despair of any happiness in the United States until this office is either reduced to a lower pitch of power or

made perpetual and hereditary.—When I say that our future President will be as much a king as the king of Great-Britain, I only ask of my readers to look into the constitution of that country, and then tell me what important prerogative the King of Great-Britain is entitled to, which does not also belong to the President during his continuance in office.—The King of Great-Britain it is true can create nobility which our President cannot; but our President will have the power of making all the *great men*, which comes to the same thing.—All the difference is that we shall be embroiled in contention about the choice of the man, whilst they are at peace under the security of an hereditary succession.—To be tumbled headlong from the pinnacle of greatness and be reduced to a shadow of departed royalty is a shock almost too great for human nature to endure. It will cost a man many struggles to resign such eminent powers, and ere long, we shall find, some one who will be very unwilling to part with them.—Let us suppose this man to be a favorite with his army, and that they are unwilling to part with their beloved commander in chief; or to make the thing familiar, let us suppose, a future President and commander in chief adored by his army and the militia to as great a degree as our late illustrious commander in chief; and we have only to suppose one thing more, that this man is without the virtue, the moderation and love of liberty which possessed the mind of our late general, and this country will be involved at once in war and tyranny. So far is it from its being improbable that the man who shall hereafter be in a situation to make the attempt to perpetuate his own power, should want the virtues of General Washington; that it is perhaps a chance of one hundred millions to one that the next age will not furnish an example of so disinterested a use of great power. We may also suppose, without trespassing upon the bounds of probability, that this man may not have the means of supporting in private life the dignity of his former station; that like Cæsar, he may be at once ambitious and poor, and deeply involved in debt.—Such a man would die a thousand deaths rather than sink from the heights of splendor and power into obscurity and wretchedness. We are certainly about giving our president too much or too little; and in the course of less than twenty years we shall find that we have given him enough to enable him to take all. It would be infinitely more prudent to give him at once as much as would content him, so that we might be able to retain the rest in peace; for if once power is seized by violence not the least fragment of liberty will survive the shock. I would therefore advise my countrymen seriously to ask themselves this question;—Whether they are prepared to RECEIVE A KING? If they are to say at once, and make the kingly office hereditary; to frame a constitution that should set bounds to his power, and, as far as possible secure the liberty of the subject. If we are not prepared to *receive a king*, let us call another convention to

revise the proposed constitution, and form it anew on the principles of a confederacy of free republics; but by no means, under pretence of a republic, to lay the foundation for a military government, which is the worst of all tyrannies.

1. Reprinted: *New York Morning Post*, 10 November, and *New York Journal*, 11 December. It was also printed as a broadside by Eleazer Oswald of the *Independent Gazetteer*. For authorship, see CC:157.

2. On 10 July 1787 an old woman, "under the imputation of being a *witch*," was "carted through several of the streets" of Philadelphia "and was hooted and pelted as she passed along" (*Independent Gazetteer*, 16 July). On 18 July the woman died as a result of this "barbarous treatment" (*Philadelphia Freeman's Journal*, 25 July).

3. For the Boston press and the Constitution, see CC:131.

4. See Thorpe, V, 3083.

## 225. Foreigner I

### Philadelphia Independent Gazetteer, 2 November

On 31 October the *Pennsylvania Herald* announced that it would not print "The CHALLENGE sent by a FOREIGNER" because it was "written so inaccurately, that we cannot decypher the author's meaning." The *Independent Gazetteer*, however, published "Foreigner" I on 2 November. No other essays by "Foreigner" appeared.

Reprints by 1 January 1788 (6): Mass. (2), R.I. (1), Conn. (1), N.Y. (1), N.J. (1).

#### *To the Opposers of the Federal Constitution.*

*The CHALLENGE of a FOREIGNER, who is materially interested in the Welfare of North-America.*

After the establishment of peace and independence on this Continent, all Europe, and in particular the trading nations, looked upon this country as a flourishing empire, which on account of the large quantity of fruitful land it contains, would be the magazine of agricultural produce, for those other countries, which are so much overstocked with people, that a small number only can find employ in the cultivation of the land, and a larger number must apply themselves to the mechanical arts and manufactures; and hoped that they would draw from this part of the world, the necessaries of life, in exchange for the produces of their manufactories. The first and second year after peace, seemed very much to favour this opinion of the merchants of the world, who would wish to draw the surplus from one part and supply the other that is in want. But alas! how greatly were they disappointed at the long run; for instead of receiving provisions in return for the goods transmitted to America, this article was dearer in this part of the world, than in Europe; and no other remittance would be made but cash, which was to be sent to Poland and Ireland to buy grain and beef; and when America was drained of its cash, the people feeling their incapacity for making payments for debts contracted, instead of using the imported luxuries more sparingly, and ap-

plying themselves with more industry to agriculture, they studied to find out ways and means to defraud their creditors; and being yet habituated, to the legal and illegal oppressions, which escaped unpunished during the war, when large debts were paid with paper of no value; they fell again upon the same mode of proceedings, and framed tender laws, or raised sedition, and opposition to government, and waged war against each other, to gain a chance for plunder. This was certainly abusing liberty, and greatly disappointing those politicians in Europe, who expected to learn of America, the happiness of a truly Republican empire. All mankind should by their natural rights, enjoy equal liberty, except in such cases which tend to the injury of their neighbours; therefore they should have a government endued with sufficient power, to check the progress of the wicked and to protect the virtuous. But the nice point in establishing this government, is to prevent it from oppressing the community at large, and that the rulers shall not abuse their power and enslave the subjects. For bad men will always be active in mischief. This seems to be the principle and the only apprehension of the old constitutionalists. But I should think this suspicion to be ill-founded, and that the rights and liberties of the people will remain safe, and be held sacred, if only at the days of the several elections of these rulers, the people will be sure, to the best of their knowledge, to chuse the best man among themselves, and no other should ever rule. A generous and benevolent representative in Congress, CANNOT be so selfish and act so much against his disposition and principles, as to propose or vote for a law, which would make his constituents miserable; only because it might be of some benefit for himself during the short time he should be in office, and then subject himself and posterity, under the same yoke which he has framed. No one will ask—Where is that generous and benevolent man, against whose principles and disposition it would be, to introduce and establish an oppressive law when he can do it? Or is there really one, who dares doubt to find such a man among 30,000 of his fellow citizens? That one deserves to be enslaved, and all the 29,999 with him, if there is not one honest man among them, that could be trusted for two years, with the office of a representative in Congress; it is much better for the world to have 30,000 slaves more in it, than so many tyrants and villains, which they would be if they were at liberty to act as they pleased. This argument my antifederalists, will not answer your purpose, it will operate against you; for it is a gross insult upon the characters of all those whom you would wish to join you, it discovers too much of your own heart which, similar to all human nature, will measure other people's corn with his own bushel. You must bring more persuasive reasons, if the new constitution shall not be adopted. The world has long been in doubt, whether mankind is worthy of the free will, the grand gift of the Creator, and capable of a republican government, or if men are the most voracious

beasts upon earth, that would devour each other if they had power and liberty. If this last should prove to be the case in America, it will soon throw the states into the utmost confusion, and the European powers will in pity divide you among themselves, and keep you in future, under better subordination. Until that will be compleated, he that has the least to lose, will have the best chance of gain. That either a firm and uniform government should be established, or that the states may soon go to a dissolution, is the ardent wish of a former friend, and principal creditor to American individuals.

October 27th.

**226. Pieter Johann Van Berckel to the States General  
New York, 3 November (excerpt)<sup>1</sup>**

My last dispatch to Your High Mightinesses was dated October first, a Copy of which I have the honor to enclose.<sup>2</sup>

The Plan of the new government for these 13 American States, sent by Congress to the respective States, was immediately taken into deliberation by the Legislative Power of Pennsylvania, which was then in Session, and it was recommended, by a Resolution immediately following, to the Citizens of that State to choose Deputies, in order to deliberate and decide upon the new Constitution in a Convention to be held for that purpose. This Resolution met with much opposition however, and 16 of the Members of the General Assembly have made their reasons for opposition public in an address to their Constituents, and while this illuminates this matter considerably, it also contains the most important points upon which the opponents of the new Constitution, or as they are distinguished here, between Fœderalists and Antifœderalists, base themselves, and I therefore take the liberty of sending Your High Mightinesses this document in print.<sup>3</sup> The States of Massachusetts and Connecticut passed similar Resolutions, and in the month of January the respective Conventions of those States will convene. The remaining States have done nothing about this matter yet, as they have not yet convened. Meanwhile, the Citizens of several Districts of New Jersey and Virginia have passed Resolutions of Approval,<sup>4</sup> although it is maintained that in the last mentioned State much opposition was found, especially among the more conservative Residents. The Fœderalists cannot boast of Success in the States of New York and Rhode Island either. . . .

1. RC (Tr), Staten-Generaal Liassen, No. 7130, America, 1782–1788, Dispatch No. [10], pp. 250–53, Algemeen Rijksarchief, The Hague, The Netherlands.

2. CC:119.

3. See CC:125–A.

4. See RCS:N.J., 135–37, 139–40 and Appendix III.

## 227 A–B. Elbridge Gerry and the Constitution

As a frequent speaker in the Constitutional Convention of 1787, Elbridge Gerry of Massachusetts consistently advocated strengthening the central government, but he also insisted that the states retain an important role and that the rights and liberties of the people be protected. By the end of August, Gerry was convinced that he could not support the new Constitution and on 17 September he refused to sign it (CC:75).

After the Convention adjourned, Gerry went to New York City and remained there until at least 27 October. On 20 September Gerry sent a copy of the Constitution with some of his objections to John Adams, U.S. minister to Great Britain. Gerry also told Adams that his objections to the Constitution “will probably be stated to” the Massachusetts General Court (CC:82). In New York, he conversed with Richard Henry Lee, and on 29 September he received, upon request, a copy of Lee’s proposed amendments to the Constitution (CC:95). On 18 October Gerry, “pursuant to my commission,” transmitted a copy of the Constitution to the Massachusetts General Court and outlined his objections to it. (For a discussion of whether the Massachusetts delegates were obligated to report to the General Court, see note 2 below.) Gerry wanted to explain why he had not signed the Constitution, unlike his fellow delegates—Nathaniel Gorham and Rufus King. At about the time that Gerry wrote the letter, Gorham and King, who were attending Congress, left for Boston and arrived on 20 October.

The Massachusetts General Court convened on 17 October and the next day Governor John Hancock presented the Constitution to the two houses for consideration (CC:177). On 20 October a joint committee of the two houses reported a series of resolutions calling for a state convention. Two days later the House of Representatives set the 24th as the day to debate the resolutions. But before doing so, the House also assigned the 24th for the attendance of Nathaniel Gorham and Rufus King, “delegates of this State to Congress, to give such information to the House as they may think proper. . . .” The record of the House debates for the 24th, however, does not indicate that either Gorham or King gave his reasons for signing the Constitution. On 25 October the two houses passed the resolutions calling a state convention. (For the House debates, see Boston *Independent Chronicle*, 25 October and *Massachusetts Centinel*, 27 October.)

While in Boston, however, King and Gorham sought converts to the Constitution. On 28 October King stated that “last Evening I spent in preaching on the Report of the Convention to the Representatives of Main” (to Henry Knox, Knox Papers, MHi). Two days later Gorham sought Benjamin Franklin’s permission to publish his last Constitutional Convention speech (CC:77) in order to influence “some few honest men” who opposed the Constitution (to Benjamin Franklin, Franklin Papers, PPAMP).

Meanwhile, Gerry’s letter of 18 October had reached Boston. The letter was read in the Senate on 31 October and in the House two days later. The House also debated “upon the propriety” of a motion to have the letter printed, but then it tabled the motion.

On 3 November Gerry’s letter was printed in the *Massachusetts Centinel* (CC:227–A). By 21 November the letter was printed in the other ten Massachusetts newspapers, and by 4 January 1788 it was reprinted in thirty-one newspapers outside Massachusetts (see also note 1 below). It was also reprinted in the November issue of the *Philadelphia American Museum* and in two pamphlet anthologies published in Richmond, Va., in December (CC:350).

Massachusetts Federalists were concerned and angered by Gerry's letter. Henry Jackson, a Boston merchant, declared that Gerry's "infamous" letter "has done more injury to this Country . . . than he will be able to make atonement in his whole life. . . ." Jackson stated that Gerry had been under no obligation to address the legislature, and he claimed that Gerry "had given his Honor to Mr. K[ing] that he should not—damn him—damn him. . . ." Jackson then indicated that King would remain in Boston until Gerry arrived from New York in order "to counteract any expressions he may make on the members of the Legislature previous to their return home. this will be a matter of great concern in the choice of the members for the [state] Convention . . ." (to Henry Knox, 5 November, Chamberlain Collection, Boston Public Library. See also Jackson to Knox, 11 and 18 November, Knox Papers, MHi.).

Gerry must have arrived in Boston soon after Jackson wrote his 5 November letter, for on 7 November the House of Representatives "Ordered that a Seat be Assigned" for Gerry. There is no record, however, that Gerry addressed the House.

On 5 and 14 November two Boston newspaper writers requested King and Gorham to "publish their reasons for" signing the Constitution. Such a public statement "in the newsprints," they asserted, would "clear up this matter properly" ("A Federalist," *Boston Gazette*, 5 November; "A Friend for Liberty," *Massachusetts Centinel*, 14 November). A third newspaper writer disagreed. He stated that it was unimportant what King and Gorham, or even Gerry, had to say—"this is not the criterion, whereby, to determine the merits, or demerits, of the system.—It is measures, and not men, that are to be investigated. . . ." ("Propriety," *Massachusetts Centinel*, 24 November).

Whether in response to these newspaper writers, to requests from other Federalists, or to their concern about Gerry's influence in the legislature, King and Gorham drafted a point-by-point response to Gerry's objections (CC:227–B). The response, however, was never published possibly because Gerry never addressed the House. Gorham later regretted not having published an answer to Gerry. He declared that "Mr Gerrys Letter has done infinite mischief—I am not to this moment convinced but Mr. King & I ought to have answered it—however I do not despair . . ." (to Henry Knox, 24 December, Knox Papers, MHi). The lack of a published response may have prompted Christopher Gore, just elected to the state Convention from Boston, to ask King for his "own observations on the Constitution" and for "answers to mason's & Gerry's objections" (9 December, King Papers, NHi).

Gerry's letter immediately attracted the attention of newspaper essayists. The objections were answered point-by-point by: "A.B.," *Massachusetts Centinel*, 14 November; an unsigned item, *Portland Cumberland Gazette*, 15 November; "Atticus," *Boston Independent Chronicle*, 22 November; and "Landholder" IV–V, *Connecticut Courant*, 26 November, 3 December (CC:294, 316).

Gerry was also subjected to personal criticisms, especially by "Landholder." ("Landholder" was Oliver Ellsworth, who had been a Connecticut delegate to the Constitutional Convention. See CC:230.) Gerry was accused of not raising his objections during the Constitutional Convention and of consulting with other Antifederalists before publishing his objections. It was also charged that his objections stemmed solely from the Convention's rejection of his proposal to redeem Continental currency, which he allegedly held in large amounts ("Landholder" VIII, *Connecticut Courant*, 24 December, CC:371; and an unsigned item, *Pennsylvania Packet*, 9 January 1788, Mfm:Pa. 318. For other personal attacks on Gerry, see "Thomas a Kempis," *Massachusetts Centinel*, 10 November 1787; and an unsigned item, *Massachusetts Gazette*, 25 January.).



Gerry answered "Landholder's" charges in the *Massachusetts Centinel* on 5 January 1788, and Luther Martin, a Maryland delegate to the Constitutional Convention, defended Gerry against "Landholder" in the *Maryland Journal* on 18 January.

For examples of general defenses of Gerry, see "Agrippa" (James Winthrop) and "Ocrico," *Massachusetts Gazette*, 23 November and 21 December; an unsigned item, *Portland Cumberland Gazette*, 30 November; "Caroliniensis," *Charleston City Gazette*, 11 January 1788; and "Lucan," *Boston American Herald*, 28 January.

227—A. Elbridge Gerry to the Massachusetts General Court  
*Massachusetts Centinel*, 3 November<sup>1</sup>

Hon. Mr. GERRY's objections to signing the National Constitution.

(The following Letter, on the subject of the American Constitution, from the Hon. ELBRIDGE GERRY, Esq. one of the Delegates representing this Commonwealth in the late Federal Convention, to the Legislature, was on Wednesday last [31 October] read in the Senate and sent down to the House of Representatives, where it was yesterday read and sent up. As it contains opinions on a subject of the first importance to our country at this day, we have obtained a copy of it for insertion—and are happy to have it in our power thus early to communicate it to the publick.)

NEW-YORK, 18th October, 1787.

GENTLEMEN, I have the honour to inclose, pursuant to my commission, the constitution proposed by the federal Convention.<sup>2</sup>

To this system I give my dissent, and shall submit my objections to the honourable Legislature.

It was painful for me, on a subject of such national importance, to differ from the respectable members who signed the constitution: But conceiving as I did, that the liberties of America were not secured by the system, it was my duty to oppose it.—

My principal objections to the plan, are, that there is no adequate provision for a representation of the people—that they have no security for the right of election—that some of the powers of the Legislature are ambiguous, and others indefinite and dangerous<sup>3</sup>—that the Executive is blended with and will have an undue influence over the Legislature—that the judicial department will be oppressive—that treaties of the highest importance may be formed by the President with the advice of two thirds of a *quorum* of the Senate—and that the system is without the security of a bill of rights. These are objections which are not local, but apply equally to all the States.

As the Convention was called for "the *sole* and *express* purpose of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions as shall render the

Federal Constitution adequate to the exigencies of government and the preservation of the union,"<sup>4</sup> I did not conceive that these powers extended to the formation of the plan proposed, but the Convention being of a different *opinion*, I acquiesced in *it*, being fully convinced that to preserve the union, an efficient government was indispensably necessary; and that it would be difficult to make proper amendments to the articles of Confederation.

The Constitution proposed has few, if any *federal* features, but is rather a system of *national* government: Nevertheless, in many respects I think it has great merit, and by proper amendments, may be adapted to the "exigencies of government," and preservation of liberty.

The question on this plan involves others of the highest importance—1st. Whether there shall be a dissolution of the *federal* government? 2dly. Whether the several State Governments shall be so altered, as in effect to be dissolved? and 3dly. Whether in lieu of the *federal* and *State* Governments, the *national* Constitution now proposed shall be substituted without amendment? Never perhaps were a people called on to decide a question of greater magnitude—Should the citizens of America adopt the plan as it now stands, their liberties may be lost: Or should they reject it altogether Anarchy may ensue. It is evident therefore, that they should not be precipitate in their decisions; that the subject should be well understood, lest they should refuse to *support* the government, after having *hastily* accepted it.

If those who are in favour of the Constitution, as well as those who are against it, should preserve moderation, their discussions may afford much information and finally direct to an happy issue.

It may be urged by some, that an *implicit* confidence should be placed in the Convention: But, however respectable the members may be who signed the Constitution, it must be admitted, that a free people are the proper guardians of their rights and liberties—that the greatest men may err—and that their errors are sometimes, of the greatest magnitude.

Others may suppose, that the Constitution may be safely adopted, because therein provision is made to *amend* it: But cannot *this object* be better attained before a ratification, than after it? And should a *free* people adopt a form of Government, under conviction that it wants amendment?

And some may conceive, that if the plan is not accepted by the people, they will not unite in another: But surely whilst they have the power to amend, they are not under the necessity of rejecting it.

I have been detained here longer than I expected, but shall leave this place in a day or two for Massachusetts, and on my arrival shall submit the reasons (if required by the Legislature) on which my objections are grounded.

I shall only add, that as the welfare of the union requires a better Constitution than the Confederation, I shall think it my duty as a citizen of Massachusetts, to support that which shall be finally adopted, sincerely hoping it will secure the liberty and happiness of America.

I have the honour to be, Gentlemen, with the highest respect for the honourable Legislature and yourselves, your most obedient, and very humble servant, E. GERRY.

227—*B. Rufus King and Nathaniel Gorham*  
*Response to Elbridge Gerry's Objections*<sup>5</sup>

The provision in the report of the Convention authorises one Rep. for every 30,000 Inhab. ~~taken conformably to the Census~~ ascertained as is there proposed—from the best materials that have been collected the united States at this Time contain 3 mils. of Inhab. comprehending all the Free Inhabitants &  $\frac{3}{5}$  only of the Slaves—this number wd. give 100 Rep—it is true that the first house will consist of only 65 Members, but the Congress must cause the Numbers of Inhab. to be taken within 3 yrs, and may do it within one—If the present Numbers will give 100 Reprs. and the Opinion is well founded which we take to be the Case, that the people of america double in 25 yrs, then in 25 yrs. the Number of Reprs may be 200, in 50 years 400, in 75 years 800, and in One Century 1600—it is true that the ~~Compact~~ Rept. does not make it *necessary* that the Members shall be thus increased, in a direct proportion with the increase of the Inhab. but only declares that yy shall not *exceed* one for every thirty thousand; yy may be less, yy may be in that proportion, but yy cannot be more numerous—this indeed appears to us a sufficient provision to produce such a Reprn. of the people in the house of Reprs as will completely and safely accomplish the objects of their Appointment

the 2d. objection ~~made by Mr. G.~~ “that the people have no security for the right of Election” is in our Judgment as destitute of foundation as the first—Mr. Gerry admits the right of Election to be well deposited he agrees that only the Electors of Representatives to the most numerous Br. of the state Legislature ought to be Electors of Representatives to the federal Govt. and then asserts that the exercise of this Right vested by the Rept. in the Electors is not secured—we are at a loss to know how Mr. Gerry would support this assertion or where the Report is defective on this point—the Time place & manner of electing Representatives must in the first instance be prescribed by the state Legislatures, but the Congress may make or alter the regulations on this Subject, possibly Mr. G. may ground his Objection upon this authority's being vested in Congress—we wish to submit our remarks on this clause to your candid consideration—we agree and have always contended that the people ought to enjoy the exclusive right of appointing their Rep. but we also hold it an important principle that as it is of consequence to

the Freedom of the people that they should possess the right of Election so it is essential to the preservation & Existence of the Government that the people should be bound to exercise it for this reason in the Constitution of Massachusetts not only the persons are clearly designated and their Qualifications ascertained, who may vote for Representatives, but the Genl. Court have a right to compel the Electors to exercise their rights of elections, and thereby to preserve the Government from Dissolution—

If the Time place and manner of electing Representatives to the General Court was left entirely to the several Towns in the Commonwealth and if the constitution gave no power to the Genl. Court to require and compel the Towns to Elect Representatives, there wd. be a manifest defect in the Constitution, ~~and an omission in the Instrument of Government,~~ which agreeably to the Course of human Affairs ~~would~~ might in a short period subvert the Government—Town after Town from disaffection or other motives might refuse to elect Representatives, Counties & larger districts might combine against sending members to the General Court, ~~they might be disposed to divide the state, set up for separate states, and the Government might be in this silent manner be totally overthrown~~ and in this silent manner the Govt might be wholly destroyed—If these remarks are just as applying to this State and prove the propriety of vesting as the Constitution has done a power in the Genl. Court to compel the Electors to exercise their right of Election, they are equally just in Relation to Congress, and equally prove the propriety of vesting in that assembly a power to compel the Electors of the federal Representatives to exercise their rights, and for that purpose if necessary to make Regulations concerning the Time place & manner of electing members of the H. of Reps—

It may be said that the State Legislatures are more capable of regulating this Subject than the Congress; that Congress may fix improper places, inconvenient Times, and a manner of electing contrary to the usual practice of the several States, it is not a very probable supposition that a law of this Nature shd. be enacted by the Congress but let the supposition be ever so probable as applied to cong. it is thirteen Times more probable that some one of the States may make these inconvenient Regulations yn that Congress should enact them Congress will be interested to preserve the United States entire and to prevent a dismemberment—the individual States may some of them grow rich & powerful; and as the great members of the antient Confederacies have heretofore done, they may be desirous of becoming wholly independent of the Union and therefore may either omit to form any Regulations or Laws, concerning the Time place & manner of electing federal Rep. or they may fix on improper places, inconvenient Times, & a manner of Electing wholly disagreeable to the people. Should either of

these cases take place, and no power be vested in Congress to revise their Laws or to provide other Regulations, the Union might be dismembered and dissolved, without a constitutional power to prevent it But this revisionary power being vested in Congress, the States will make wise & prudent regulations on the Subject of Elections, they will do all that is necessary to keep up a Representation of the People; because they know that in case of omission the Congress will make the necessary provision for this Object—(R Island required by Cong. /& refused/ to send Delegates)

“Some of the powers of the Legis. are ambiguous & others indefinite & dangerous”—this clause contains an imputation so very general that no reply in detail can be attempted without commenting on every sentence wh. forms the Grant of powers to Congress—Most of the sentences are transcribed from the present confederation, and we can only observe that it was the intention and honest desire of the Convention to use those expressions that were most easy to be understood and lest equivocal in their meaning; and we flatter ourselves they have not been intirely disappointed—we believe that the powers are closely defined, the expressions as free from ambiguity as the convention could form them, and we never could have assented to the Report had We supposed the Danger Mr. G. predicts—

The Executive is blended with & will have an undue influence over the Legislature—The same objection might be made agt. the constitution of this State, the executive & legislative powers are connected in the same manner by our constitution as they are said by Mr. G to be blended in the Rept. of the Convention—when the Govr objects to a Bill, it cannot become a law unless 2/3 of both branches afterwards concur in enacting it, the same must be done by the Congress provided the president objects—but as experience has not proved that our Executive has an undue influence over the Legislature—we cannot think the objection well founded

“The judicial Department will be oppressive” a concise examination of the Report on this Subject may refute this unsupported Objection—The president with consent of the Senate will appoint the Judges—the Govr. with advice of Council appoints the Judges of this State—the Senate are in this instance in the nature of a Council to the President and if we have no reason to complain of the manner in wh. the Judges in this Commonwealth are appointed, from the great similarity in the two cases there seems to be no Ground of complaint agt. the manner of appointing the federal Judges—the Judicial Department is divided in to a supreme and inferior Courts—in a few enumerated instances the supreme Court have original & final Jurisdiction—in all the other cases which fall within the federal Judicial, the supreme court may or may not have appellate Jurisdiction as congress shall direct—for the appel-

late Jurisdiction of the supreme court is subject to such exceptions and regulations as Congress may think proper to establish or in other words Congress may determine what causes shall be finally tried in the inferior Courts, and in what causes appeals shall be allowed to the Supreme Court—But it may be said that in a trifling controversy between a Citizen of M. & N H. or between the U S. & a Citizen of any individual State, or in any of the cases where the Supreme Court have not original Jurisdiction, that either of the parties may carry the case by appeal from the inferior Court before the supreme Court, and that the place of their Sessions may be at one extreme of the Union, and thereby the Department may become highly oppressive—The same Objection may be raised against the Judicial Department as established in our Constitution—Because the General Court may erect a supreme Court, Courts of common pleas, & Justices Courts it may be objected, that in a small cause cognizable by a Justice of the peace of the County of Lincoln between an inhabitant of Cumberland and an inhabitant of Lincoln, or in an excise or impost Cause between an Inhabitant of Lincoln & the Commonwealth, that either of the parties may appeal from the Court of the Justice to the S.C. and that their Sessions may be fixed by the G. Court in Berkshire another extreme of the State; & thus the State Judicial may become oppressive—We again refute a remark made on a former occasion that as experience has not shewn this Oppression of the Judicial under the Constitution of this State, and as the General Court have from Time to Time made such laws as have prevented such oppression, we cannot but suppose that the Members of the federal Government will be actuated by motives equally pure, and that they will enact laws in like manner tending to the ease & happiness of the People

☞ *Distinction between the Power to make a law & the law* When made (It is proper on this Subject to observe, that there is a distinction between the power to make a law & the law itself—the report of the convention in this instance partakes of both in some instances it is a law, and in others merely an authority in pursuance of which Congress may enact Laws—)

Treaties of &c may be formed by the President wt. advice of 2/3 of a Quorum of senate It is not improbable upon mature reflection that you will be of Opinion that the clause as it stands in the report is two 3d. of the senators present—The Senate have power over their own members and can compel their attendance—if the senators are all present, then no Treaty can be formed without the Consent of Nine States or Eighteen Senators, and of the President—Under the present Confedn. Treaties of the highest importance can be formed by the Delegates of Nine States without the concurrence of any other person, so that if the Senators attend the Duties of their Office, and they may be compelled, instead of its being more easy as Mr. G. suggests to form Treaties it in Fact may be

much more difficult than under the present Confederation, and in our Judgment the public Security will not only be increased, but the Objects of Treaties will far more probably be obtained by the powers of forming them being vested in the Prest. & 2/3 of the present Senators than by yr [their] remaining as is provided in the present Confedn The Report requires the joint consent of both branches of Congress together with ye Concurrence of the Presidt. to declare war—this is preferable to vesting that power in the President & Senate—and as war is not to be desired and always a great calamity, by increasing the Checks, the measure will be difficult—but as peace is forever to be desired, and can be alone obtained by Treaty it seemed preferable to trust it with the President & Senate—

When the constitution vests in the Legislature “full power & authority to make and ordain all manner of wholesome & reasonable Orders, laws Statutes, ordinances, directions & instructions” as is the case with the Consn. of this State (Cap. 1, Ar. 1. Sect. 4.), a Declaration or Bill of Rights seems proper,<sup>6</sup> But when the powers vested are explicitly defined both as to quantity & the manner of their Exercise a Dec[larati]on or Bill of Rights is certainly unnecessary & improper—

1. Gerry's letter was addressed to “The Hon. Samuel Adams, Esq. President of the Senate; and The Hon. James Warren, Esq. Speaker of the House of Representatives, of Massachusetts.” Newspaper reprints of Gerry's letter by 4 January 1788 (41): N.H. (1), Mass. (10), R.I. (2), Conn. (6), N.Y. (4), N.J. (1), Pa. (9), Md. (3), Va. (3), N.C. (1), Ga. (1).

For the manuscript letter, see Miscellaneous Legislative Papers, Senate Files, No. 636, Massachusetts Archives. There are no significant differences between the *Centinel* version and the manuscript.

2. The congressional resolution of 21 February 1787 provided that the Constitutional Convention report its revision and amendment of the Articles of Confederation to Congress and the state legislatures (CC:1). On 10 March the Massachusetts General Court appointed Convention delegates. Unlike three other state legislatures, the General Court did not require its delegates to report to it. Instead, the resolution appointing delegates quoted that portion of the congressional resolution which required the Convention to report to Congress and the state legislatures (CDR, 207–8). Since the Convention reported only to Congress, Gerry perhaps felt obligated to address the General Court. Whether Gerry's fellow delegates, Rufus King and Nathaniel Gorham, believed themselves equally obliged is uncertain, but no record of a report from them has been found.

3. In an essay printed in the *Boston American Herald* on 18 April 1788, the “indefinite and dangerous” powers of Congress were said to refer to “the unlimited power of Congress, to keep up a standing army in time of peace, and their entire controul of the militia. . . .”

4. See CC:1.

5. MS, King Papers, NHi. This document, in Rufus King's handwriting, was first published in King, *King*, I, 303–8. It was identified as “notes of a speech in the Convention of Massachusetts.” Charles R. King believed that Rufus King had drafted this document as a response to Gerry who had been asked to attend the Massachusetts Convention to answer any questions of fact on the adoption of the Constitution. The alleged speech was undated, but Max Farrand (who printed an excerpt) later

concluded that, if the speech had been given in the Massachusetts Convention, it was probably delivered on 24 January 1788. "But," continued Farrand, "the various points that are taken up are those made by Gerry in his 'Objections' to the Constitution" (III, 268, 268n).

Rufus King (1755–1827), a Newburyport lawyer, was a Massachusetts delegate to Congress from 1784 to 1787. In the Constitutional Convention, King advocated a powerful central government and was a member of the Committee of Style. He voted to ratify the Constitution in the Massachusetts Convention in February 1788. King failed to win election to either the U.S. Senate or House of Representatives in 1788 and moved to New York City. He was U.S. Senator from New York, 1789 to 1796 and 1813 to 1825, and U.S. minister to Great Britain, 1796–1803 and 1825–26.

Nathaniel Gorham (1738–1796), a Charlestown, Mass., merchant, was a member of either the state House of Representatives or Senate for most of the years 1780 to 1788, serving as speaker of the House from 1781 to 1783 and from 1785 to 1786. He attended Congress in 1782–83, 1786–87, and 1789, and was elected President of Congress in June 1786. In the Constitutional Convention, Gorham supported a strong central government, served as chairman of the committee of the whole, and signed the Constitution. He voted to ratify the Constitution in the Massachusetts Convention in February 1788.

6. Thorpe, III, 1894.

## 228. Publius: The Federalist 3 New York Independent Journal, 3 November

This essay was written by John Jay. Jay's manuscript draft is owned by a private collector. This essay was reprinted in nine newspapers by 1 January 1788: Mass. (1), R.I. (1), N.Y. (5), Pa. (1), Va. (1). It was also reprinted in the December issue of the Philadelphia *American Museum* and in a pamphlet anthology published in Richmond, Va., in mid-December 1787 (CC:350).

### The FÆDERALIST. No. III.

To the People of the State of New-York.

It is not a new observation that the people of any country (if like the Americans intelligent and well informed) seldom adopt, and steadily persevere for many years in, an erroneous opinion respecting their interests. That consideration naturally tends to create great respect for the high opinion which the people of America have so long and uniformly entertained of the importance of their continuing firmly united under one Fœderal Government, vested with sufficient powers for all general and national purposes.

The more attentively I consider and investigate the reasons which appear to have given birth to this opinion, the more I become convinced that they are cogent and conclusive.

Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their *safety* seems to be the first. The *safety* of the people doubtless has relation to a great variety of circumstances and considerations, and consequently affords great latitude to those who wish to define it precisely and comprehensively.



At present I mean only to consider it as it respects security for the preservation of peace and tranquility, as well against dangers from *foreign arms and influence*, as from dangers of the *like kind* arising from domestic causes. As the former of these comes first in order, it is proper it should be the first discussed. Let us therefore proceed to examine whether the people are not right in their opinion, that a cordial Union under an efficient national Government, affords them the best security that can be devised against *hostilities* from abroad.

The number of wars which have happened or will happen in the world, will always be found to be in proportion to the number and weight of the causes, whether *real* or *pretended*, which *provoke* or *invite* them. If this remark be just, it becomes useful to inquire, whether so many *just* causes of war are likely to be given by *United America*, as by *disunited America*; for if it should turn out that United America will probably give the fewest, then it will follow that, in this respect, the Union tends most to preserve the people in a state of peace with other nations.

The *just* causes of war for the most part arise either from violations of treaties, or from direct violence. America has already formed treaties with no less than six foreign nations, and all of them, except Prussia, are maritime, and therefore able to annoy and injure us: She has also extensive commerce with Portugal, Spain, and Britain, and with respect to the two latter, has in addition the circumstance of neighbourhood to attend to.

It is of high importance to the peace of America, that she observe the laws of nations towards all these Powers, and to me it appears evident that this will be more perfectly and punctually done by one national Government, than it could be either by thirteen separate States, or by three or four distinct confederacies.

Because when once an efficient national government is established, the best men in the country will not only consent to serve, but also will generally be appointed to manage it; for altho' town or country, or other contracted influence may place men in state assemblies, or senates, or courts of justice, or executive departments; yet more general and extensive reputation for talents and other qualifications, will be necessary to recommend men to offices under the national government—especially as it will have the widest field for choice, and never experience that want of proper persons, which is not uncommon in some of the States. Hence it will result, that the administration, the political counsels, and the judicial decisions of the national Government will be more wise, systematical and judicious, than those of individual States, and consequently more satisfactory with respect to other nations, as well as more *safe* with respect to us.

Because under the national Government, treaties and articles of treaties, as well as the laws of nations, will always be expounded in one sense, and executed in the same manner—whereas adjudications on the same points and questions, in thirteen States, or in three or four confederacies, will not always accord or be consistent; and that as well from the variety of independent courts and judges appointed by different and independent Governments, as from the different local laws and interests which may affect and influence them. The wisdom of the Convention in committing such questions to the jurisdiction and judgment of courts appointed by, and responsible only to one national Government, cannot be too much commended.

Because the prospect of present loss or advantage, may often tempt the governing party in one or two States to swerve from good faith and justice; but those temptations not reaching the other States, and consequently having little or no influence on the national government, the temptation will be fruitless, and good faith and justice be preserved. The case of the treaty of peace with Britain, adds great weight to this reasoning.

Because even if the governing party in a State should be disposed to resist such temptations, yet as such temptations may, and commonly do result from circumstances peculiar to the State, and may affect a great number of the inhabitants, the governing party may not always be able if willing to prevent the injustice meditated, or to punish the aggressors. But the national Government, not being affected by those local circumstances, will neither be induced to commit the wrong themselves, nor want power or inclination to prevent, or punish its commission by others.

So far therefore as either designed or accidental violation of treaties and of the laws of nations afford *just* causes of war, they are less to be apprehended under one general government, than under several lesser ones, and in that respect, the former most favor the *safety* of the people.

As to those just causes of war which proceed from direct and unlawful violence, it appears equally clear to me, that one good national government affords vastly more security against dangers of that sort, than can be derived from any other quarter.

Because such violences are more frequently caused by the passions and interests of a part than of the whole, of one or two States than of the Union. Not a single Indian war has yet been occasioned by aggressions of the present Fœderal Government, feeble as it is, but there are several instances of Indian hostilities having been provoked by the improper conduct of individual States, who either unable or unwilling to restrain or punish offences, have given occasion to the slaughter of many innocent inhabitants.

The neighbourhood of Spanish and British territories, bordering on some States, and not on others, naturally confines the causes of quarrel more immediately to the borderers. The bordering States if any, will be those who, under the impulse of sudden irritation, and a quick sense of apparent interest or injury, will be most likely by direct violence, to excite war with those nations; and nothing can so effectually obviate that danger, as a national Government, whose wisdom and prudence will not be diminished by the passions which actuate the parties immediately interested.

But not only fewer just causes of war will be given by the national Government, but it will also be more in their power to accommodate and settle them amicably. They will be more temperate and cool, and in that respect, as well as in others, will be more in capacity to act advisedly than the offending State. The pride of States as well as of men, naturally disposes them to justify all their actions, and opposes their acknowledging, correcting or repairing their errors and offences. The national Government in such cases will not be affected by this pride, but will proceed with moderation and candour to consider and decide on the means most proper to extricate them from the difficulties which threaten them.

Besides it is well known that acknowledgments, explanations and compensations are often accepted as satisfactory from a strong united nation, which would be rejected as unsatisfactory if offered by a State or Confederacy of little consideration or power.

In the year 1685 the State of Genoa having offended Louis the XIVth. endeavoured to appease him. He demanded that they should send their *Doge* or chief magistrate, accompanied by four of their Senators to *France* to ask his pardon and receive his terms. They were obliged to submit to it for the sake of peace. Would he on any occasion either have demanded, or have received the like humiliation from Spain, or Britain, or any other *powerful* nation?

### **229. A Farmer, of New Jersey: Observations on Government New York, 3 November (excerpt)**

On 3 November an advertisement in the *New York Daily Advertiser* announced the publication and sale of a fifty-six page pamphlet by "A Farmer, of New-Jersey" entitled *Observations on Government, including some Animadversions on Mr. Adams's Defence of the Constitutions of Government of the United States of America: and on Mr. De Lolme's Constitution of England* (Evans 20465). The excerpts below are from pages 53–56 of the pamphlet. These excerpts were reprinted in the *New York Daily Advertiser* on 17 November.

Although often attributed to New Jersey Governor William Livingston, the pamphlet was written by John Stevens, Jr. of Hoboken, N.J. A manuscript draft of the first part of the pamphlet, in Stevens' hand, is in the Stevens Family Papers at the New Jersey Historical Society. Moreover, Stevens paid the printing costs for 500 copies, and he sent copies to several individuals.

The pamphlet appears to have circulated only in New York, New Jersey, and Pennsylvania. On 16 May 1788 William Ross, the New York City publisher of the pamphlet, wrote Stevens that one hundred copies had been sent to a Philadelphia bookseller, twenty-four had been remitted to Stevens himself, twenty had been sold in New York City, and Ross himself retained 364 copies.

For the complete text of the pamphlet and for associated documents that deal with authorship and circulation, see Mfm:N.J. 20 A-G.

. . . But after all, every thing that has hitherto been done will signify nothing without an effectual FOEDERAL GOVERNMENT. The plan that has been submitted to our consideration by the late Convention, surpasses my most sanguine expectation. When we consider the multiplicity of jarring interests, which mutual concession alone could reconcile, it really becomes matter of astonishment that a system of legislation could have been effected in which so few imperfections are to be found. The man who can deliberately go about to oppose the adoption of this plan, must evidently be actuated by sinister motives; for admitting it to be much more faulty than it really is, can we form any reasonable hope of obtaining a better?

What a glorious spectacle would the adoption of this constitution exhibit! an event so totally contradictory to the habits and sentiments which prevail every where but in America, would scarcely be credited. Elevated infinitely beyond even the conceptions of the wisest men of the East, our situation would excite the envy and admiration of all the world; and we should probably have the honor of teaching mankind this important, this interesting lesson, THAT MAN IS ACTUALLY CAPABLE OF GOVERNING HIMSELF, and not (thro' the imbecility of his nature) "unavoidably" necessitated to resign himself to the guidance of one or more masters.

It might be deemed arrogant in me should I presume to suggest amendments to a constitution, in the formation of which the ablest political artists of the nation have been employed. To vindicate myself from this charge, I think it will be sufficient for me to say that the constitution, tho' excellent, is acknowledged on all hands to have its defects: how indeed could it be otherwise? The wonder is, that so few are to be found. The following are the amendments I would propose:

That the *executive* be divided into THREE GRAND DEPARTMENTS.

I. The PRESIDENT vested with all the powers given him by the constitution, except such as are hereafter proposed to be lodged in other hands. To make appointments *without* the advice and consent of the Senate.

II. The CHIEF JUSTICE to have the appointment of the Judges, and every other officer necessary to the administration of justice;—to hold his office during good behaviour.

III. The SUPERINTENDENT OF FINANCE to have the management of all matters relative to the collection and expenditure of the fœderal revenues; to have the appointment of all officers of the revenue; the treasurer or receiver general, treasurers and receivers in each State, custom-house officers, excise officers, &c.—to hold his office during good behaviour.

These three great executive officers, to constitute a council to revise all bills which have passed the house of representatives and the senate, in the same manner as by the constitution it is directed to be done by the President. A majority to determine the sense of the council on all questions that may come before them.

An Auditor General to be chosen by a majority of the House of Representatives;—to continue in office during *their pleasure*. He must have the appointment of as many deputies as he may deem necessary.

I must beg leave to make a few observations on the above distribution.

I. The powers that must *necessarily* be intrusted in the hands of the President, are amply sufficient to preserve his respectability and independence; were they greater, he might become dangerous: for which reason the revision of the laws is not left *solely* to him; and the appointments under the Chief Justice and Superintendent of Finance, are given to each respectively. But there is another reason in favour of this last arrangement;—as each in his department must know, better than any other person can, whether those who may offer themselves as candidates for office are properly qualified, we may presume that they will of course be more competent to this business, and at the same time more responsible.

[II.] By giving the revision *altogether* to a President, the judicial is left *unprotected*; and for want of a technical legal knowledge, the laws may be destitute of uniformity and consistency. Again, as a thorough knowledge of the fittest modes of raising and collecting a revenue is not easily acquired, we may reasonably apprehend that Congress, who cannot be supposed scientifically acquainted with this business, might, without the assistance, and in some measure controul of a Superintendent of Finance, proceed upon mistaken principles, and run themselves into most fatal mistakes.

III. It is manifest there would be danger in intrusting the powers of a President in the same hands for more than three or four years without a new election. This *necessary* dependence of the President on the voice of the people for his continuance in office, renders him, so far forth an unfit person to place in opposition to a bad measure, if it should happen to be popular.

IV. From the nature of the offices of Chief Justice and Superintendent of Finance, a greater degree of permanency may be given to them,

without danger to liberty; it is therefore proposed that these offices should be held during good behaviour, and be in the appointment of the President. These circumstances will render the possessors so totally independent of all popular influence, that they may be safely relied on, should an opposition to Congress be at any time necessary.

V. The President should have the chusing of his own advisers, as he will of consequence be the more responsible.—But at any rate, the *Senate* are very improper for this office, as they are to sit as judges in case of an impeachment of the President.

VI. To guard against any danger there may be, of collusion between the Superintendent or any of his officers, and the Auditor or his deputies, it is necessary the Auditor be wholly under the power of Congress, and removeable at any time.

### 230. A Landholder I

#### Connecticut Courant, 5 November<sup>1</sup>

"Landholder" wrote thirteen essays each of which appeared simultaneously in the *Hartford Connecticut Courant* and the *Hartford American Mercury*. The *Courant's* and *Mercury's* versions are identical except for minor variations in italicization, punctuation, and paragraphing. Numbers I to IX were published weekly between 5 November and 31 December 1787; X to XIII weekly between 3 and 24 March 1788. Another essay numbered X, probably not written by the Connecticut "Landholder," was printed in the *Maryland Journal* on 29 February 1788. It was never published in Connecticut.

The thirteen essays by "Landholder" were among the most widely circulated essays written on the Constitution. All thirteen essays were reprinted in Connecticut and Massachusetts; seven in New Hampshire; six in Rhode Island; five in New York, Pennsylvania, and Maryland; two in South Carolina; and one in New Jersey and Virginia. One newspaper, the *Norwich Packet*, reprinted all thirteen. In all, thirty-five newspapers in twenty-three towns reprinted at least one of the essays. Brief excerpts of essays II, VI, and VIII were also reprinted.

"Landholder" also published two unnumbered essays on 28 January and 10 March 1788. These items, printed only in Hartford, defended the Constitution's lack of a provision requiring a religious test for officeholders. (For these essays and Antifederalist replies, see RCS:Conn., 587–88, 588–90, 593.)

Oliver Ellsworth was probably "Landholder." No eighteenth-century contemporary identified "Landholder," but the essays undoubtedly were written by one of the Connecticut delegates to the Constitutional Convention—Ellsworth, Roger Sherman, or William Samuel Johnson. The publication of the essays in Hartford suggests that Ellsworth was "Landholder." Ellsworth had lived in Hartford during the Revolution and at the time the essays were written he resided in Windsor, only a few miles north of Hartford. It is unlikely that either Sherman or Johnson was "Landholder." Sherman wrote articles under the pseudonyms "A Countryman" and "A Citizen of New Haven," which differ markedly in content and style from those of "Landholder." Sherman lived in New Haven and his essays were printed in the *New Haven Gazette*. Johnson, a native of Stratford, was in New York City from 11 November to 27 December 1787, during which time seven "Landholder" essays were printed in Hartford.

Oliver Ellsworth (1745–1807), a lawyer, was a delegate to Congress from 1778 to 1783 and a member of the Connecticut Council from 1780 to 1785. He was a judge of the state Superior Court from 1785 to 1788. In the Constitutional Convention, Ellsworth generally supported the “nationalists,” who advocated the submission of the states and their citizens to the authority of the central government. However, he occasionally supported the rights of the states, particularly the small states. Ellsworth was a member of the Convention’s Committee of Detail. In January 1788 he voted to ratify the Constitution in the Connecticut Convention. He was a U.S. Senator from 1789 to 1796 and Chief Justice of the United States from 1796 to 1800.

The “Landholder” essays were among the most popular ones supporting the Constitution. Rufus King, a Massachusetts delegate to Congress, perhaps best explained their popularity when he declared that “‘the Landholder’ will do more service our way than the elaborate works of Publius” (to Jeremiah Wadsworth, 23 December, CC:368).

Even though the “Landholder” essays circulated widely, they received relatively little Antifederalist commentary. Elbridge Gerry, to whom the eighth essay was addressed, answered some of the “Landholder’s” charges in the *Massachusetts Centinel* on 5 January 1788. Luther Martin, a Constitutional Convention delegate from Maryland, defended Gerry in the *Maryland Journal* on 18 January. For other attacks upon or replies to “Landholder,” see Oliver Phelps to Elbridge Gerry, 6 December 1787 (CC:321); Hugh Ledlie to John Lamb, 15 January 1788 (RCS:Conn., 576); “Adelos,” *Northampton Hampshire Gazette*, 6 February; “A Real Federalist” and “Lycurgus,” *Providence United States Chronicle*, 27 March and 3 April; and an unsigned essay, *Boston American Herald*, 5 May.

*To the Holders and Tillers of Land.*

The writer of the following passed the first part of his life in mercantile employments, and by industry and œconomy acquired a sufficient sum on retiring from trade to purchase and stock a decent plantation, on which he now lives in the state of a farmer. By his present employment he is interested in the prosperity of Agriculture, and those who derive a support from cultivating the earth. An acquaintance with business has freed him from many prejudices and jealousies, which he sees in his neighbours, who have not intermingled with mankind, nor learned by experience the method of managing an extensive circulating property. Conscious of an honest intention he wishes to address his brethren on some political subjects which now engage the public attention, and will in the sequel greatly influence the value of landed property. The new constitution for the United States is now before the public, the people are to determine, and the people at large generally determine right, when they have had means of information.

It proves the honesty and patriotism of the gentlemen who composed the general Convention, that they chose to submit their system to the people rather than the legislatures, whose decisions are often influenced by men in the higher departments of government, who have provided well for themselves and dread any change least they should be injured by its operation. I would not wish to exclude from a State Convention those

gentlemen who compose the higher branches of the assemblies in the several states, but choose to see them stand on an even floor with their brethren, where the artifice of a small number cannot negative a vast majority of the people.

This danger was foreseen by the Fœderal Convention, and they have wisely avoided it by appealing directly to the people. The landholders and farmers are more than any other men concerned in the present decision, whether the proposed alteration is best they are to determine; but that an alteration is necessary, an individual may assert. It may be assumed as a fixed truth that the prosperity and riches of the farmer must depend on the prosperity, and good national regulation of trade. Artful men may insinuate the contrary—tell you let trade take care of itself, and excite your jealousy against the merchant because his business leads him to wear a gayer coat, than your œconomy directs. But let your own experience refute such insinuations. Your property and riches depend on a ready demand and generous price for the produce you can annually spare. When and where do you find this? Is it not where trade flourishes, and when the merchant can freely export the produce of the country to such parts of the world as will bring the richest return? When the merchant doth not purchase, your produce is low, finds a dull market—in vexation you call the trader a jocky, and curse the men whom you ought to pity. A desire of gain is common to mankind, and the general motive to business and industry. You cannot expect many purchasers when trade is restricted, and your merchants are shut out from nine tenths of the ports in the world. While they depend on the mercy of foreign nations, you are the first persons who will be humbled. Confined to a few foreign ports they must sell low, or not at all; and can you expect they will greedily buy in at a high price, the very articles which they must sell under every restriction.

Every foreign prohibition on American trade is aimed in the most deadly manner against the holders and tillers of the land, and they are the men made poor. Your only remedy is such a national government as will make the country respectable; such a supreme government as can boldly meet the supremacy of proud and self-interested nations. The regulation of trade ever was and ever must be a national matter. A single state in the American union cannot direct, much less controul it. This must be a work of the whole, and requires all the wisdom and force of the continent; and until it is effected our commerce may be insulted by every overgrown merchant in Europe. Think not the evil will rest on your merchants alone; it may distress them, but it will destroy those who cultivate the earth. Their produce will bear a low price, and require bad pay; the labourer will not find employment; the value of lands will fall, and the landholder become poor.



While our shipping rots at home by being prohibited from ports abroad, foreigners will bring you such articles and at such price as they please. Even the necessary article of salt has the present year, been chiefly imported in foreign bottoms, and you already feel the consequence, your flax-seed in barter has not returned you more than two thirds of the usual quantity.—From this beginning learn what is to come.

Blame not our merchants, the fault is not in them but in the public. A fœderal government of energy is the only means which will deliver us, and now or never is your opportunity to establish it, on such a basis as will preserve your liberty and riches. Think not that time without your own exertions will remedy the disorder. Other nations will be pleased with your poverty; they know the advantage of commanding trade, and carrying in their own bottoms. By these means they can govern prices and breed up a hardy race of seamen, to man their ships of war when they wish again to conquer you by arms. It is strange the holders and tillers of the land have had patience so long. They are men of resolution as well as patience, and will I presume be no longer deluded by British emissaries, and those men who think their own offices will be hazarded by any change in the constitution. Having opportunity, they will coolly demand a government which can protect what they have bravely defended in war.

1. Also printed in the Hartford *American Mercury* on 5 November. Reprints: *Connecticut Gazette*, 16 November; *Norwich Packet*, 22 November; *Albany Gazette*, 22 November; and Northampton *Hampshire Gazette*, 28 November.

### 231. An Officer of the Late Continental Army Philadelphia Independent Gazetteer, 6 November

On 6 November—the day the Pennsylvania freemen elected delegates to their state Convention—the *Independent Gazetteer* published an essay signed “An Officer of the Late Continental Army” and addressed “To the Citizens of Philadelphia.” By 9 January 1788 “An Officer” was reprinted in eight newspapers: Mass. (4), R.I. (1), Conn. (1), Pa. (1). It was also printed in the November issue of the *Philadelphia American Museum*, as a broadside, and as a pamphlet (Evans 20357–58).

Paul Leicester Ford believed that “An Officer” was William Findley, one of the seceding Pennsylvania assemblymen, who voted against ratification in the state Convention in December 1787. Ford, however, presented no evidence to support this assertion (*Essays*, 415. For Findley, see RCS:Pa., *passim*).

“An Officer” listed twenty-three objections to the Constitution. Among other things, he stated that the Confederation and the sovereignty of the states would be destroyed if the Constitution were adopted. Personal liberties were endangered because of the lack of a bill of rights, annual elections, and mandatory rotation in office. The vast powers of the President and Congress, particularly the Senate, were to be feared, as was the blending of the executive and legislative branches of government. Representation in both houses of Congress was inadequate, and Congress’ power over federal elections was

dangerous. The protection granted to the importation of slaves was reprehensible, and the expense of government under the new system would be “beyond the utmost abilities of the people to bear. . . .”

“An Officer” then criticized two of Pennsylvania’s principal Federalists. He attacked Wilson’s 6 October speech (CC:134) and stated that Wilson was “tainted with the spirit of *high aristocracy*,” and was “obliged to stoop to mean evasions and pitiful sophistry” in order “to support by argument that political monster THE PROPOSED CONSTITUTION.” “An Officer” also scored the sophistry of “An American Citizen” who had “appeared with great pomp” (for “An American Citizen,” see CC:100–A, 109, 112, 183–A).

The most significant response to “An Officer” was made by “Plain Truth” in the *Independent Gazetteer* on 10 November. “Plain Truth” maintained that the government formed by the Constitution was a “popular compact . . . in favour of liberty.” He listed and answered each of “An Officer’s” twenty-three objections (RCS:Pa., 216–23).

For other responses to “An Officer,” see “Candor,” *Pennsylvania Herald*, 7 November (Mfm:Pa. 208); “The State Soldier,” *Virginia Independent Chronicle*, 16 January 1788; and “Curtiopolis,” *New York Daily Advertiser*, 18 January.

[For the text of “An Officer,” see RCS:Pa., 210–16.]

### 232. George Turner to Winthrop Sargent Philadelphia, 6 November (excerpt)<sup>1</sup>

. . . There are two parties here upon the momentous Business now agitating independent America. One party sees nothing but Danger and Mischief in the proposed Constitution; while the other extols it as a *Chef d'œuvre* in Politics. In this Case, as in almost every other, there is a middle walk to be trodden, as the directest Road to Truth. For my part, I like the Outlines of the Plan—and, being a Friend to Energy of Government, I approve of most of the Powers proposed to be given: But, as a Friend to the natural Rights of Man, I must hold up my Hand against others. There are certain great and unalienable ~~privileges~~ Rights (which I need not enumerate to you) that should have been secured by a Declaration or Bill of Rights: For that sweeping Clause (as it has been termed) in the proposed Constitution, which places the Authority of Congress over the Laws and Constitutions of the several States, renders, in my Opinion, such a Declaration an indispensable Condition. Mr. Wilson has said That ‘what is not given is reserved’<sup>2</sup>—but I consider this an unfortunate Declaration on his part; for the Clause alluded to embraces *every thing*.

I myself should not fear the Operation of the new System; but, to be candid, I should not like to trust it with Posterity. As a public Creditor, and weighing, like many good Citizens, my own private Advantage against the public Good, I ought to wish for the most speedy Adoption of the proposed plan: For tho’ my Opinion of ~~both~~ either the Faith, or Gratitude of Republics is not the best—(an Opinion derived from History, and confirmed by *recent Facts*) yet Payment of my hopeless Debt

might possibly be obtained sooner under a *real Government of any sort*, than one *merely nominal*—But here let you and me pause. It is not fair to tire you with the dull Repetition of Things which are in every body's mouth. . . .

1. RC, Sargent Papers, MHi. Turner (c. 1750–1843) was a former South Carolina Continental Army officer who settled in Philadelphia after the war. In June 1787 he was elected assistant secretary-general of the national Society of the Cincinnati. Sargent (1753–1820), secretary of the Ohio Company, had been appointed a surveyor of the Northwest Territory by Congress in 1786. In the summer of 1787 both Turner and Sargent sought the position of secretary of the Northwest Territory. Upon learning that Sargent wanted the position, Turner decided not to “stand in competition with his freind.” On 5 October 1787 Congress appointed Sargent. Turner also tried unsuccessfully to be named one of the three judges for the territory. After one of the judges died in 1789, and after William Barton declined the appointment, President Washington selected Turner to fill the vacancy.

2. See CC:134.

### 233 A–C. George Washington in the Constitutional Convention

On 17 September, following the reading of the engrossed Constitution, George Washington delivered his only recorded speech in the Constitutional Convention. He supported Nathaniel Gorham's motion that the number of Representatives not exceed one for every thirty thousand inhabitants instead of one for every forty thousand, as stipulated in the engrossed Constitution. After Washington's speech, the Convention unanimously adopted Gorham's motion and the engrossed Constitution was changed (Farrand, II, 643–44).

The three items below are examples of the use of Washington's name and prestige to gain support for the new Constitution. The *Pennsylvania Herald's* account is the only accurate one.

#### 233–A. *New Jersey Journal*, 7 November<sup>1</sup>

When the illustrious Washington, was called on by the Convention to ratify the Constitution as its President—holding the pen, after a short pause, he pronounced these words, too remarkable to be forgotten or unknown—“*Should the states reject this excellent Constitution, the probability is, an opportunity will never again offer to cancel another in peace—the next will be drawn in blood!*”—Great Heaven, avert the direful catastrophe! But may the rising glories of his country gild his declining horizon, and her smiling prosperity cheer his heart at sinking into the embrace of death!

#### 233–B. *Anecdote*

*Pennsylvania Herald*, 7 November<sup>2</sup>

The following instance of the influence of a good and great man, will, we presume, be acceptable to every reader who loves his country, and venerates its darling Hero.—In the late Fœderal convention, it had been for a long time debated what should be the ratio of representa-

tion, and it was carried by a considerable majority to make it one for every *forty thousand* inhabitants. In this form the matter was sent to the press; but when the subject came for the last time, under the consideration of the convention, and was about to be confirmed by an almost unanimous vote, GENERAL WASHINGTON rose, and spoke to the following effect: "Though I am sensible of the impropriety of your chairman's intermingling in your debates, yet I cannot help observing, that the small number which constitutes the representative body, appears to be a defect in your plan. It would better suit my ideas, and, I believe, it will be more grateful to the wishes of the people, if that number was encreased." The question was immediately put, without a debate, upon a motion that the ratio be one for *thirty thousand* (as it now stands) and it was unanimously carried. Such was the magic force of this patriot's opinion! and it adds to the lustre of his virtues, that this critical interference (which, we are well assured, was all the share he had in the business of the late convention) tended to promote the interest and dignity of THE PEOPLE.

233-C. *Massachusetts Gazette*, 20 November<sup>3</sup>

A correspondent asks, whether the enemies to the *new plan*, ought so frequently to call to their aid the "*scurvy art of lying?*"—as it is a fact as notorious as it is true, that the GREAT WASHINGTON (although *they* shamelessly assert the contrary) was upon his feet two hours at a time, in speaking upon some parts of the proposed system—and by a gentleman who was at Philadelphia at the time the convention was sitting, information had been received, that HE advocated every part<sup>4</sup> of the plan, with all those rhetorical powers, which he possesses in so eminent a degree.

1. The *New Jersey Journal* reprinted this brief excerpt from a much longer essay by "Curtius" III, *New York Daily Advertiser*, supplement, 3 November. One alteration appears in this excerpt: Washington's name was substituted in the first sentence in place of "Curtius'" reference to "the illustrious Father of his country." The *New Jersey Journal's* version was reprinted thirty-eight times by 29 December: Vt. (2), N.H. (4), Mass. (6), R.I. (2), Conn. (6), N.Y. (4), Pa. (6), Md. (2), Va. (4), Ga. (2).

2. Reprints by 28 December (16): N.H. (1), Mass. (4), R.I. (1), Conn. (3), N.Y. (1), N.J. (1), Pa. (2), Md. (2), S.C. (1). The "Anecdote" was also reprinted in the *State Gazette of South Carolina* on 26 June 1788 and the *North Carolina Wilmington Centinel* on 20 August 1788.

3. Reprints by 20 December (5): N.H. (2), N.Y. (1), Pa. (1), S.C. (1). This item answered a piece in the *Boston American Herald*, 19 November, which stated that: "A correspondent asks, Whether the friends to the *New Plan* ought so frequently to call to their aid the name of WASHINGTON, when it is a fact as notorious as it is true, that this Great Man *never gave an opinion upon the subject in Convention*, and honoured it with his *Signature* merely in his capacity of PRESIDENT of that *Body*."

4. On 23 November the *Gazette's* printer indicated that "every part" should read "many parts."

**234. Publius: The Federalist 4****New York Independent Journal, 7 November**

The essay was written by John Jay. Jay's manuscript draft was offered for sale in April 1978 by Sotheby Parke Bernet. This essay was reprinted in seven newspapers by 1 January 1788: N.Y. (5), Pa. (1), Va. (1). It was also reprinted in the December issue of the Philadelphia *American Museum*.

## The FEDERALIST. No. IV.

To the People of the State of New-York.

My last Paper assigned several reasons why the safety of the people would be best secured by Union against the danger it may be exposed to by *just* causes of war given to other nations; and those reasons shew that such causes would not only be more rarely given, but would also be more easily accommodated by a national Government, than either by the State Governments, or the proposed little Confederacies.

But the safety of the People of America against dangers from *foreign* force, depends not only on their forbearing to give *just* causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to *invite* hostility or insult; for it need not be observed, that there are *pretended* as well as just causes of war.

It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting any thing by it, nay that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as, a thirst for military glory, revenge for personal affronts, ambition or private compacts to aggrandize or support their particular families, or partizans. These and a variety of motives, which affect only the mind of the Sovereign, often lead him to engage in wars not sanctified by justice, or the voice and interests of his people. But independent of these inducements to war, which are more prevalent in absolute monarchies, but which well deserve our attention, there are others which affect nations as often as Kings; and some of them will on examination be found to grow out of our relative situation and circumstances.

With France and with Britain we are rivals in the fisheries, and can supply their markets cheaper than they can themselves, notwithstanding any efforts to prevent it by bounties on their own, or duties on foreign fish.

With them and most other European nations, we are rivals in navigation and the carrying trade; and we shall deceive ourselves, if we suppose that any of them will rejoice to see it flourish: for as our carrying trade cannot encrease, without in some degree diminishing their's, it is more their interest and will be more their policy, to restrain, than to promote it.

In the trade to China and India, we interfere with more than one nation, in as much as it enables us to partake in advantages which they had in a manner monopolized, and as we thereby supply ourselves with commodities which we used to purchase from them.

The extension of our own commerce in our own vessels, cannot give pleasure to any nations who possess territories on or near this Continent, because the cheapness and excellence of our productions, added to the circumstance of vicinity, and the enterprize and address of our merchants and navigators, will give us a greater share in the advantages which those territories afford, than consists with the wishes or policy of their respective Sovereigns.

Spain thinks it convenient to shut the Mississippi against us on the one side, and Britain excludes us from the St. Laurence on the other; nor will either of them permit the other waters, which are between them and us, to become the means of mutual intercourse and traffic.

From these and such like considerations, which might if consistent with prudence, be more amplified and detailed, it is easy to see that jealousies and uneasinesses may gradually slide into the minds and cabinets of other nations; and that we are not to expect they should regard our advancement in union, in power and consequence by land and by sea, with an eye of indifference and composure.

The People of America are aware that inducements to war, may arise out of these circumstances, as well as from others not so obvious at present; and that whenever such inducements may find fit time and opportunity for operation, pretences to colour and justify them will not be wanting. Wisely therefore do they consider Union and a good national Government as necessary to put and keep them in *such a situation* as instead of *inviting* war, will tend to repress and discourage it. That situation consists in the best possible state of defence, and necessarily depends on the Government, the arms and the resources of the country.

As the safety of the whole is the interest of the whole, and cannot be provided for without Government, either one or more or many, let us inquire whether one good Government is not, relative to the object in question, more competent than any other given number whatever.

One Government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy—It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each. In the formation of treaties it will regard the interest of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and power of the whole to the defence of any particular part, and that more easily and expeditiously than State Governments, or sep-

arate confederacies can possibly do, for want of concert and unity of system—It can place the militia under one plan of discipline, and by putting their officers in a proper line of subordination to the Chief Magistrate, will as it were consolidate them into one corps, and thereby render them more efficient than if divided into thirteen or into three or four distinct independent bodies.

What would the militia of Britain be, if the English militia obeyed the Government of England, if the Scotch militia obeyed the Government of Scotland, and if the Welch militia obeyed the Government of Wales! Suppose an invasion—would those three Governments (if they agreed at all) be able with all their respective forces, to operate against the enemy so effectually as the single Government of Great Britain would?

We have heard much of the fleets of Britain, and the time may come, if we are wise, when the fleets of America may engage attention. But if one national Government had not so regulated the navigation of Britain as to make it a nursery for seamen—if one national Government had not called forth all the national means and materials for forming fleets, their prowess and their thunder would never have been celebrated. Let England have its navigation and fleet—Let Scotland have its navigation and fleet—Let Wales have its navigation and fleet—Let Ireland have its navigation and fleet—Let those four of the constituent parts of the British empire be under four independent Governments, and it is easy to perceive how soon they would each dwindle into comparative insignificance.

Apply these facts to our own case—Leave America divided into thirteen, or if you please into three or four independent Governments, what armies could they raise and pay, what fleets could they ever hope to have? If one was attacked would the other fly to its succour, and spend their blood and money in its defence? would there be no danger of their being flattered into neutrality by specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquillity and present safety for the sake of neighbours, of whom perhaps they have been jealous, and whose importance they are content to see diminished? Altho' such conduct would not be wise it would nevertheless be natural. The history of the States of Greece, and of other Countries abound with such instances, and it is not improbable that what has so often happened, would under similar circumstances happen again.

But admit that they might be willing to help the invaded State or Confederacy—How and when, and in what proportion shall aids of men and money be afforded? who shall command the allied armies, and from which of them shall he receive his orders? who shall settle the terms of peace, and in case of disputes what umpire shall decide between them, and compel acquiescence? Various difficulties and inconveniences would be inseparable from such a situation; whereas one

Government watching over the general and common interests, and combining and directing the powers and resources of the whole, would be free from all these embarrassments, and conduce far more to the safety of the people.

But whatever may be our situation, whether firmly united under one national Government, or split into a number of confederacies, certain it is, that foreign nations will know and view it exactly as it is; and they will act towards us accordingly. If they see that our national Government is efficient and well administered—our trade prudently regulated—our militia properly organized and disciplined—our resources and finances discreetly managed—our credit re-established—our people free, contented, and united, they will be much more disposed to cultivate our friendship, than provoke our resentment. If on the other hand they find us either destitute of an effectual Government, (each State doing right or wrong as to its rulers may seem convenient), or split into three or four independent and probably discordant republics or confederacies, one inclining to Britain, another to France, and a third to Spain, and perhaps played off against each other by the three, what a poor pitiful figure will America make in their eyes! How liable would she become not only to their contempt, but to their outrage; and how soon would dear bought experience proclaim, that when a people or family so divide, it never fails to be against themselves.<sup>1</sup>

1. This last paragraph was reprinted in the *New Haven Gazette*, 15 November.

**235. Mathew Carey: The Prayer of an American Citizen  
Philadelphia American Museum, 7 November<sup>1</sup>**

ALMIGHTY FATHER! ope thine ear!  
 Crown with success my earnest pray'r!  
 EFFICIENT GOV'RNMEN'T may we see }  
 Establish'd here, this land to free }  
 From threat'ning wars and anarchy!  
 MAY ADVERSE PARTIES CEASE TO WAGE  
 CONTENTION WITH SO DIRE A RAGE!  
 Here, henceforth, may no strife arise,  
 But who'll self-int'rest most despise!  
 May all our judges humane be,  
 From party, legislators free!  
 May just and equal laws be form'd!  
 May freedom's shrine be never storm'd!  
 May PRINTING PRESSES still abound,  
 To spread blest science all around!  
 May lux'ry, noxious pest, expire!  
 May temp'rance, honour, truth conspire



To raise a hardy, virtuous race!  
 Be this the reign of endless peace!  
 May mis'ry—want—desert the land!  
 May full employment at command  
 Await mechanics when they please,  
 As well as those who plough the seas!  
 May pious pastors ever keep  
 A watchful eye on all their sheep,  
 Teach them to shun the roads that lead  
 Unto the gloomy frightful shade;  
 To gain the paths that lead to heav'n,  
 Where "sure, though late, rewards" are giv'n:  
 All groveling, low pursuits contemn,  
 The torrent of the passions stem;  
 Forbear to quarrel with each other,  
 And live as brother should with brother.  
 May this free country evermore  
 Prove to th' oppress'd a friendly shore:  
 An ASYLUM from TYRANNY,  
 And DIRE RELIGIOUS BIGOTRY:  
 May they from Hants<sup>(a)</sup> to Georgia find  
 A welcome hearty, warm and kind!  
 May servitude abolish'd be,  
 As well as negro-slavery, }  
 To make *one* LAND OF LIBERTY. }  
 (a) New Hampshire.

1. This poem was published in the October 1787 issue of the Philadelphia *American Museum*, which appeared during the first week in November 1787. The poem was written and signed by Mathew Carey, the publisher of the *Museum*. It was reprinted nine times by 12 March 1788: N.H. (1), Mass. (2), R.I. (1), N.Y. (3), N.J. (1), Pa. (1).

### 236. Philadelphia Freeman's Journal, 7 November<sup>1</sup>

Extract of a letter from N. York, Nov. 4.

"It is astonishing with what a high hand matters are carried in Massachusetts, relative to the adoption of the New Constitution. Freedom of enquiry, particularly among the Bostonians, seems to be put entirely out of countenance. *John Adam's Chickens* (commonly called the *Well Born*) are already, in imagination, completely mounted upon the shoulders of the populace.<sup>2</sup>—Some nations have been cheated out of their freedom by a long concatenation of subtilty and deceit; there are, in this country, too many that would carry the *same point* by downright impudence and effrontery:

'Who first the generous steed opprest  
 Not kneeling did salute the beast;  
 But with high courage, life, and force  
 Approaching, tam'd the unruly horse.'

"The clergy, I find, are, generally, very busy in proving by their present (as well as by some past) conduct, that *politics* and *theology* are by no means incompatible. I had hitherto imagined, this order of men were paid and maintained by the people to keep them in mind of their duty to GOD and their neighbours. But, it seems, they have a sufficiency of leisure upon their hands to fix, at least, *one eye* pretty steadily upon the political affairs of the world we are in."

1. Reprints by 10 January 1788 (4): Mass. (1), Md. (1), Va. (1), S.C. (1).

2. For the Boston press and the Constitution, see CC:131; for John Adams, see CC:16.

### 237 A–C. The Philadelphia Press and the Constitution

The three documents printed below are a continuation of a debate precipitated in mid-October by Benjamin Russell of the Boston *Massachusetts Centinel*. Russell refused to print Antifederalist articles unless the authors left their names, which were to be made public if so desired. He also encouraged other Boston printers to follow this practice (CC:131–C).

By late October and early November this debate had shifted from Boston to Philadelphia. No Philadelphia newspaper had printed Russell's policy statement, but between 25 and 27 October three of the city's newspapers reprinted an article signed "A Citizen" from the Boston *Massachusetts Gazette*, in which the policy was described and defended (CC:131–E). Two of the three newspapers also reprinted a statement appended to "A Citizen" by the *Gazette's* publisher, announcing his intention to follow Russell's practice.

A few days after these two items were reprinted, "A Pennsylvania Mechanic" and "Galba" declared their support of printers who agreed with Russell (Philadelphia *Independent Gazetteer*, 29 and 31 October, CC:131–I, J). On 31 October the Philadelphia *Freeman's Journal*, an Antifederalist newspaper, published an extract of a letter allegedly from Boston which declared that some Boston printers, "to their eternal disgrace," were following Russell's policy (CC:131–K). A week later "Philadelphiensis" I attacked Russell's policy, "A Pennsylvania Mechanic," and "Galba," and he strongly advocated the freedom of the press (CC:237–A). Russell defended himself in the *Independent Gazetteer* on 4 December, and the next day "Philadelphiensis" responded (CC:237 B–C). (For other Philadelphia Antifederalist commentaries, see CC:224, 236.)

"Philadelphiensis" I was the first in a series of twelve essays published in the *Independent Gazetteer* and the *Freeman's Journal* between 7 November 1787 and 9 April 1788. The *Gazetteer* printed all the numbers; the *Journal* published all except V, VII, and XI. The first essay was unnumbered. "Philadelphiensis" was not widely reprinted, circulating primarily in New England and New York. Seven numbers were published outside Philadelphia and only number VIII was reprinted more than twice.

The author of the "Philadelphiensis" essays was probably Benjamin Workman, a tutor in mathematics at the University of Pennsylvania from 1784 to 1788. Workman had emigrated from Ireland in 1784 and had begun to publish *Father Tammany's Almanac* with the issue for the year 1786.

"Census" identified Workman as the author when he charged that the "duncified" writer of the "Philadelphiensis" essays (as well as some other essays) was "a certain almanac maker in the University" (*Pennsylvania Mercury*, 31 January 1788, Mfm:Pa. 396. See also Mfm:Pa. 416.). Workman was also identified by "A.B." (Francis Hopkinson) who declared that "Philadelphiensis" was "no less a personage than BENJAMIN WORKMAN, one of the well-born tutors in the University of Pennsylvania" (*Independent Gazetteer*, 11 March 1788). "Probus" supported "A.B.'s" contention and enumerated the many crimes that Workman allegedly had committed before coming to America (*Philadelphia Federal Gazette*, 13 March and *Independent Gazetteer*, 21 March, Mfm:Pa. 519, 552).

Workman defended himself in several newspaper articles, although he neither affirmed nor denied that he was "Philadelphiensis." He also attacked Hopkinson. (For Workman's signed articles, see *Independent Gazetteer*, 21, 26 March and 1, 15, 24, 29 April, Mfm:Pa. 553-B, 571, 591, 623, 656, 663.)

The reaction to the "Philadelphiensis" essays was confined largely to Pennsylvania. For examples of Pennsylvania criticisms of either "Philadelphiensis" or Benjamin Workman, in addition to those mentioned above, see "The New Roof" (Francis Hopkinson), *Pennsylvania Packet*, 29 December 1787 (CC:395); "A Real Patriot" I, *Pennsylvania Mercury*, 24 January 1788 (Mfm:Pa. 368); and "A Candid Observer" and "A Retailer of Scraps," *Federal Gazette*, 29 March, 1 April (Mfm:Pa. 579, 590).

For out-of-state criticisms, see an unsigned article and "A Mechanick," *Massachusetts Centinel*, 19 March, 17 May 1788; *New York Packet*, 14 March; and *Baltimore Maryland Gazette*, 25 March (Mfm:Pa. 565).

For Pennsylvania defenses, see "A Foe to Scribbling Dunces and Pseudo-Patriots," *Freeman's Journal*, 30 January 1788 (Mfm:Pa. 384); "Obediah Forceps" and "Centinel" XVII, *Independent Gazetteer*, 22, 24 March (Mfm:Pa. 557 and *Commentaries on the Constitution*, III); and "Y.Z." and "Impartial," *Federal Gazette*, 15, 18 March (Mfm:Pa. 526, 536).

### 237-A. *Philadelphiensis I*

*Independent Gazetteer*, 7 November<sup>1</sup>

When the advocates of a cause use their endeavours to stop a free and thorough investigation of the subject, we as naturally and as justly infer that the cause is a bad one, as that two and two make four. A good cause, like pure gold may be tried in the fire, and yet retain its full weight and value; or like the utensils of husbandry, grow brighter and fitter for use the more it is handled. The application of this observation in regard to the friends of the new constitution, is easy. They see, that the more this new scheme of government is discussed, the more tyrannical and ill-adapted to the present circumstances of America does it appear. We find, say they, that to reason in favour of the constitution, is only to give its enemies more latitude to condemn: for although we could call in to our aid a sufficient stock of sophistical arguments and circumstances, by which we might dispose the incautious part of the people to join us in establishing this government; yet we have already experienced that by such means, we defeat ourselves; as we thereby give a greater scope for those of more penetration, to write against the

constitution. The advocates of this government have also tried an expedient which has been known to succeed upon some occasions, namely, to answer *reason* and *argument* with scurrility and personal invective; but even here they have failed; for the magnitude of the object is so great, as to reduce every little circumstance of this kind, to a mere point. In little matters, this kind of procedure might do well enough; but in an affair of such vast importance to the whole Continent of America, its operation is nugatory.

In this desperate situation of affairs, it need not to be wondered at, that the friends of this despotic scheme of government, were driven to the last and only alternative from which there was any probability of success; namely, the abolition of *the freedom of the Press*. And accordingly, we find in the Independent Gazetteer of the 29th of October, a writer who signs himself a Pennsylvania Mechanic, says, "It appears by a late eastern paper, that the publisher of the Massachusetts Gazette, is determined to publish no sentiments on this important subject, (viz the new constitution) unless the writers leave their names with the printer; that any one who may be desirous of knowing the author, may be informed. No honest man, no true friend to America or to the liberty and happiness of mankind, can object to this—For your imitation, gentlemen, I humbly propose the conduct of this your worthy brother, the publisher of the Massachusetts gazette." This Pennsylvania Mechanic one would take to be a blacksmith, whose true employment, is to construct chains to confine to perpetual slavery, the freemen of America; but be that as it may, we find that he can soon call in more of his fellow craftsmen to his assistance, who even seem to be more expert at their occupation than our mechanic above-mentioned: One of these tradesmen has given us a small portion of his skill of chain-making, in the Independent Gazetteer of the 31st of October, under the signature of Galba; which small scrap of his workmanship, I beg leave to transcribe, that we may be the better able to judge of its excellency: He says, "Mr. Oswald, The hint in your paper of last Monday, that every one ought to leave his name with the printer who writes for or against the new form of government proposed by the honorable convention, is only, in my opinion, true in part; for what reason is there that the patriotic gentlemen who write in favour of a scheme of government that holds forth peace, happiness and prosperity to our distressed country, should by leaving their names with the printers, be exposed to the malevolence of those wretches who pretend to find fault with it. Indeed I think it perfectly right that those who wantonly write against it should leave their names, that they may be justly exposed to the contempt and indignation of their fellow citizens, as enemies and traitors to their country; and I hope every patriotic printer in the union, will for the future pay proper attention to the justness and absolute propriety of this hint."

Stop and pause a little Galba, I really believe you were not in your right senses when you wrote this your hint; for if you had been studying for seven years how you might effectually injure the new constitution, you could not have hit upon a thought more to your purpose: Your zeal has transported you so far beyond the bounds of propriety and discretion, that the haughtiest lordling and friend to arbitrary government in America, must hang down his head and blush upon reading your ill-timed hint.—I assure you sir, I think you have explained yourself right cleverly: You have given us a specimen of the genius and spirit of our new government: Here we see pretty plainly through your excellent regulation of the press, how things are to be carried on after the adoption of the new constitution: All the writings must be on ONE SIDE. The new constitution appears so glorious and immaculate to Galba, that all those who have sufficient spirit to avow their sentiments on the occasion, are to be called traitors and enemies to their country, if they do not think just as he does: And to render them still more odious and execrable, he would have the printers throughout the union, to publish their names with their pieces, should any of them have the imprudence of writing on the subject.—I wonder that Galba did not propose a suit of tar and feathers; but as the taylors have of late become a little bashful about trying on this sort of apparel, and the conceit is therefore a little stale, he would have those obnoxious writers to leave their names with the printers, that they may be cloathed by their fellow citizens with *indignation and contempt* as with a garment; whilst he would have the patriotic writers in favor of the constitution, entirely exempted from such an abstracted kind of a coat and jacket.—We thank you Galba for your kind and very liberal hint; for it certainly merits our attention. I make no doubt but it is the wish of a thousand of our *well born* as well as of yourself, that the printers would comply with your request: Such a thought is natural enough;—it must natively [naturally] be the wish of every *little petty* tyrant in the United States.—But most of the printers in Philadelphia are men of sentiment; they are lovers of liberty and the rights of mankind, and will necessarily despise such hints, and treat them with the contempt they deserve: There is such a degree of meanness in the requisition especially in that of Galba-longhead, as must insult the understanding and integrity of every independent printer who sees it.

Galba your hint was rather calculated for the meridian of Boston, than that of Philadelphia; and I doubt not, but you and the Boston printers have one and the same object: *Self* is an old fellow: This rite saying will apply.—In Boston the liberty of the press is now completely abolished; and hence all other privileges and rights of the people will in a short time be destroyed: No wonder then that the printers in Boston

would exert themselves in favor of this new government: Their present condition is a drawing in miniature and that in which the adoption of the new constitution will certainly place the whole union; so that after the nature of the prince of darkness, they wish to have all their fellow citizens in the same dreadful situation with themselves.—Russell, the printer of the Massachusetts Centinel, has the effrontery to insult the freemen of America so far, as to say in his paper of October the 10th, “That aiming thereby to be just, he is determined not to give place to any piece against the new constitution except the writers leave their names to be made public if desired.”—Russell I would not hire a mob to bear you aloft as an object of hatred and contempt, nor would I bribe them to hang you in effigy, although you really deserve it; I am sensible of the danger of inflaming the multitude under a free government; for when a public tumult has once been raised, justice has often been sacrificed to appease it; so that I do not intend to raise a fatal prejudice against you; my intention is to consider the nature and consequences of your conduct, as an advocate for the new constitution, which as far as it respects the liberty of the press, has done more prejudice to your cause, than its enemies can do by the violence of their accusations, however well they may be founded.

On so momentous a subject as the new constitution, it is as plain as any axiom in geometry, that it is of no importance whether or not a writer gives his name; it is with the illustrations and arguments he affords us, and not with his name, we have any concern: Besides this practice would tend to draw off the mind of the writer from the calm investigation of the subject, to recriminations and personal invective: And moreover men of ability, of a modest, timid, or diffident cast of mind, would be deterred altogether from publishing their sentiments.—Of what use could it be to the public to know the name of the writer of the piece signed Lucius, that Russell refused to publish? Certainly of no use at all. *Non quis sed quid*: It was not with the author of Lucius that the freemen of Massachusetts had any thing to do, but with his reasoning, which if it were just ought not to be suppressed, and if it were fallacious should be refuted.—Let candor and impartiality be the characteristics of our printers, in respect to this new government which involves in its consequences the happiness or misery of millions yet unborn: This is the line of conduct which men of honor and integrity will naturally pursue, and I find an unspeakable satisfaction, when I every day behold the printers of Philadelphia following this path almost to a man: And hence I am led to conclude that the Pennsylvania mechanic and his successor Galba, must find their hints to be a little premature; such doctrine might have suited finely about the time of the mock ringing of the bells in this city,<sup>2</sup> for joy and gladness that Congress had *rec-*

commended the adoption of this new plan of government to the different states, which, by the by, they unluckily forgot to recommend to this present hour.

The gentlemen who are friends to the new constitution had better not blab so freely; especially in regard to the freedom of the press; they ought to wait until this government of governments is once established; and then instead of a coat and jacket of *indignation and contempt*, they may speak boldly about a gallows, a gibbet, or at least a dungeon, for such writers as the *Old Whig*, or *Centinel*, who have dared to speak like freemen. I wonder that our *well born* should allow such mean fellows to write against this their government; such base wretches ought not to live in the same country with *gentlemen*; and as soon as our new government is confirmed, these vile enemies to its *splendor and dignity*, shall quit their capring, I'll warrant them; a federal soldier with a fixed bayonet will soon give such daring dogs their quietis. Ah! what glorious days are coming; how I anticipate the brilliancy of the American court! Behold that gilded chariot, set with diamonds, and drawn by eight Arabian horses; off with your hats you paltrons, here is the president going in state to the senate house to confirm the law for the abolition of the liberty of the press. Men and brethren will not these things be so? Yes most assuredly if we adopt the new constitution in its present form, these things will be so. Rouse then; rouse my fellow-citizens, and show yourselves to be freemen: This is the most important object that ever presented itself to your understanding: The independence of America, which God himself vouched safe through his infinite mercy to confer upon us, must end in a curse, if this tyrannical government be suffered to be established. But forbid it Heaven!

I was told, last Saturday evening [3 November], by a gentleman of veracity whom I met at the meeting at the state-house, that several persons had waited that day on Mrs. Oswald,<sup>(a)</sup> for the purpose of requesting her not to publish any pieces against the new constitution, at the same time intimating, that if she persisted, she would forfeit their interests; and that in consequence of her spirited reply, several had that very day withdrawn their subscriptions for the paper.<sup>3</sup> This is truly an alarming circumstance. Where is the freeman in America that this is not sufficient to rouse from a state of supineness? My brethren, be circum-spect on this momentous occasion,—“And, take unto you the whole armour of God, that ye may be able to withstand in the evil day, and having done all to stand. Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness. And your feet shod with the preparation of the gospel of peace. Above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked.” *Amen.*<sup>4</sup>

(a) *Col. Oswald being abroad.*

237—B. Benjamin Russell to Eleazer Oswald  
*Independent Gazetteer*, 4 December

MR. OSWALD, It was expected by most people, that the enemies to the constitution proposed by the federal convention would employ every artifice which sophistry and ingenuity could conceive or invent, to prejudice the minds of the people against it:—But, Sir, it was not thought possible that to effect this purpose, those enemies would resort to falsehoods, and misrepresentations: However, events have proved that a certain class of men “*stick at nothing to carry a point.*”

One of these enemies, in the *Independent Gazetteer* of the 7th instant, has rashly attacked a note to a correspondent, inserted in the *Massachusetts Centinel* of October 10th, without previously making himself acquainted with the note, or design of it—and has by a partial and false quotation, endeavoured to mislead the public, and excite the popular odium against the printer of that paper.

Philadelphensis says, “Russell, the printer of the *Massachusetts Centinel* has had the effrontery to insult the freemen of America, so far as to say ‘that aiming thereby to be just, he is determined not to give place to any piece against the new constitution, except the writer leaves his name to be made public if desired,’”—and I say, that Philadelphensis has had the *effrontery to insult the public*, by publishing as mine, what I never inserted—Respect for that public induces me to represent the matter in its true light.

A few days after the constitution was published in this town, an unknown person, sent for insertion, “some observations on the new constitution,” in which, after mentioning its being promulgated, and ushered into the town with the zeal of enthusiasm, is the following paragraph, viz. “But, fellow citizens! beware of this candied pill—under this specious covering lurks a deadly serpent, which like Aaron’s, will swallow up the liberties of your country!—Though it is presented to you as being recommended for your adoption, by a *Washington* and a *Franklin*! Beware of it—Their honest unsuspecting hearts have made them the dupes of a cunning, aristocratic majority! whose only object is *rule*, and whose only wish, your *subjection*—that thereby the host of idle expectants, the starvelings of the Cin——i, may riot in extravagance, supported by the hard earnings of our industrious citizens!” &c—This paragraph contains the essence of the piece.

Could a publication, Mr. Oswald, so replete with illiberal declamation, from we know not who, be otherwise considered than inadmissible?—If not, a note to *Lucius* became necessary—In which he was desired to leave his name with the printer, for these reasons, viz. Because those persons who had wrote in favor of the constitution had left their names to be made public, if desired—and to guard against the declamatory assertions and insinuations of emissaries, and hidden enemies to



any form of government that they supposed beneficial to the United States—Then follows the clause which Philadelphiensis has misrepresented, viz. “The printer has only to say, that aiming thereby to be just, he is determined not to give place to them (the observations of Lucius) nor to like productions (productions replete with mere declamation and abuse) on the subject, except,” &c. In this light it was considered in this town—and thought a timely caution against those, who secure, in not being known, even to the printer, would foist into our papers their assertions and falsehoods, to excite jealousy and mistrust—Which, though the *wise* would consider as too glaring to be hurtful, and too weak to merit an answer, yet the less informed would believe, and adopt as truth.—All other pieces against, or for the constitution, have met with a ready insertion, and had Philadelphiensis seen any one of the Boston papers, he never would have made the unqualified assertion, that “*the liberty of the press was wholly abolished in Boston.*” He may be assured that the presses are as free here as in Philadelphia—except he construes into a restraint, the duty on newspaper advertisements.

I agree with Philadelphiensis, “that it was not with the *author of Lucius*, that the freemen of Massachusetts had any thing to do, but with his *reasonings*.” But let me tell this writer, *Lucius* used no *reasonings* whatever—and the freemen of this state wanted none of his *abuse*.

But, Mr. Oswald, I have my doubts of Philadelphiensis’ sincerity—“Russell, he says, deserves to be born aloft by a mob, as an object of *hatred* and *contempt*, and hung in effigy,”—For what?—“For doing more *prejudice* to the new constitution, than its enemies can do by the violence of their *accusations*, however well they may be founded”—though to save appearances he afterwards calls it a “tyrannical government,” and prays Heaven to forbid its establishment.

If sincere in his “accusations,” though he might hug himself, in his fancied security, from the distance between this town and Philadelphia, and supposing himself, sheltered thereby, call to his support in attacking “the wisdom of our wise men”—misrepresentation and deceit—It is the duty of a freeman, to expose him, if discovered—To expose him therefore, and to convince the public of the deception, I have troubled you with this letter, which if inserted, will oblige Your very humble servant, B. RUSSELL.

Boston, 20th November, 1787.

237—C. *Philadelphiensis to Eleazer Oswald*  
*Independent Gazetteer, 5 December*

Mr. OSWALD, Russell, the printer of the Massachusetts Centinel, has attempted to answer a remark I made on his conduct in refusing to publish a piece signed Lucius in his paper: Yet he allows that my observation was just; namely, “that it was not with the author of that piece

that the freemen of Massachusetts had any thing to do, but with his reasonings." Now let him make this his rule in future, and then his paper will be free and patriotic; let his conduct quadruple with the sentiment that he admits to be just, and I am perfectly satisfied: All I wished for, or intended, was to have our presses unshackled in respect to the new constitution, the liberty of America required, that they should be open to all parties, but influenced by none; and this impartiality was certainly better observed in Philadelphia, when I wrote, than at Boston, and therefore I made the remark, which I hope will have the desired effect: Indeed from his own concessions I have good reason to believe that my animadversions have been useful in setting the presses free in Boston; and this is as much as I wanted.

He is now obliged to let a scrap of Lucius appear, which probably would never have been the case, if I had not taken notice of the matter: But he has artfully given us no more than the thesis and smothered the rest; well this is still better than nothing.

December 5.

1. Also printed in the Philadelphia *Freeman's Journal* on 7 November. The *Journal* printing is almost identical except for italicization and an additional paragraph (see note 4). The *Independent Gazetteer* version of "Philadelphiensis" I was reprinted in the *Carlisle Gazette* on 5 December.

2. For a description of this incident, see RCS:Pa., 124.

3. Mrs. Elizabeth Oswald was the daughter of John Holt, printer of the *New York Journal* before the Revolution.

4. This last paragraph appeared only in the *Freeman's Journal*.

## APPENDIX I

The documents printed in Appendix I are, for the most part, widely circulated squibs or fillers. Most of the squibs are either predictions of the prospects of ratification in the various states or speculations about the attitudes of one or more persons on the Constitution. Others are reports of events, followed by some partisan commentary about them. A few are apparently deliberate misstatements of fact. Since Federalists controlled most newspapers, the majority of the squibs favor the Constitution or attack its opponents.

### **Pennsylvania Gazette, 19 September<sup>1</sup>**

On Monday last the Fœderal Convention closed their session, by signing the Fœderal Government. The States, we are told, were *unanimous* in this business. The address of his Excellency Dr. FRANKLIN to the Members of the Convention, previous to this solemn transaction (a correspondent assures us) was truly pathetic, and extremely sensible.<sup>2</sup> The concurrence of this venerable patriot in this Government, and his strong recommendation of it, cannot fail of recommending it to all his friends in Pennsylvania.

1. Reprints by 11 October (12): Vt. (1), Mass. (4), Conn. (5), Pa. (1), Md. (1).
2. See CC:77.

### **Pennsylvania Herald, 22 September<sup>1</sup>**

It is said that the Rhode Island delegates in Congress proceeded to New York, as soon as it was known, with any certainty, that the fœderal convention was about breaking up. There is great reason to expect a rapid reformation in the politics of that State.

1. Also printed in the Philadelphia *Evening Chronicle* on 22 September. Reprints by 13 October (11): N.H. (1), Mass. (1), N.Y. (1), Pa. (5), Va. (3). Only James M. Varnum, who attended from 18 to 27 October 1787, represented Rhode Island in Congress.

### **Pennsylvania Herald, 25 September<sup>1</sup>**

We are informed that the constitution proposed by the late fœderal convention promises to be highly popular with the citizens in New-York; and that the distinguished person from whom an opposition was predicted,<sup>2</sup> has expressed himself in terms favorably to the plan. Perhaps there never was a subject indeed, upon which men were more

unanimous, for even those who cavil at the system itself, are impressed with the necessity of adopting it.

1. Reprints by 16 October (26): N.H. (3), Mass. (9), R.I. (3), Conn. (1), N.Y. (2), Pa. (3), Md. (2), Va. (2), S.C. (1).
2. Probably Governor George Clinton.

### **Pennsylvania Packet, 25 September<sup>1</sup>**

Accounts from the state of Delaware say, that the new federal government, as proposed by the honorable Convention, meets with the strong and hearty approbation of the good people of that commonwealth.

1. Reprints by 22 October (21): Vt. (1), N.H. (2), Mass. (4), R.I. (2), Conn. (3), N.Y. (2), Pa. (4), Md. (1), S.C. (1), Ga. (1).

### **New York Journal, 27 September<sup>1</sup>**

The repeated breaches of public faith, says a correspondent, and the variety of laws, which have been passed in different states, countenancing the violation of private engagements; have had as ill an influence on our national morals, as on our national character. Honest men must rejoice to see a spirit of honesty running through the NEW CONSTITUTION.—Public spirited men must rejoice to see a prospect of our national reputation being rescued from approbrium and disgrace; and all good men, not blinded by party spirit, must rejoice to see an effort to erect barriers against the establishment of iniquity by law. The Convention have at least given a distinguished proof of their attachment to the principles of probity and rectitude.

1. Reprints by 6 November (13): Mass. (3), Conn. (5), N.Y. (2), N.J. (1), Pa. (1), Md. (1).

### **New Haven Gazette, 4 October<sup>1</sup>**

Extract of a letter from Philadelphia, dated Sept. 22, 1787.

“Before this you will have seen the constitution adopted by the convention—it is devoutly to be wished that your state will as readily accede to it as this state—we have scarcely a dissenting voice in Philadelphia. All classes of people seem disposed and determined to have it go down, not only in this but in the other states.”

1. Reprints by 18 October (7): Vt. (1), N.H. (2), Mass. (3), Conn. (1).

### **Philadelphia Independent Gazetteer, 6 October<sup>1</sup>**

A correspondent informs us, that a letter has lately been written to the Stadtholder of Holland, inviting him to come over to America, where there is shortly to be a vacancy. It is to be hoped that, as he is so ill treated, by his own countrymen, he will be induced to accept the invitation.

1. Reprinted: *New York Morning Post*, 11 October; *Maryland Chronicle*, 24 October; *Winchester Virginia Gazette*, 26 October.

**Philadelphia Freeman's Journal, 10 October<sup>1</sup>**

Extract of a letter from Sussex, (Delaware) *Sept.* 29.

"I must not forget to mention by way of postscript, that one of the newspapers of your city, sometime in August last, by the accidental transposition of a single letter, occasioned an explanation that has afforded some merriment. The paper, instead of the words *United States* read *Untied States*. A farmer of my acquaintance in reading over the paper was at a loss what to make of the matter. '*Untied States, Untied States*, (said he) what can this mean? certainly it cannot mean that our governments are dissolved.'—The same evening he carried the paper to old Mr. G—, who, you know, keeps a school in the neighbourhood, and desired an explanation.—Mr. G—, after putting on his spectacles to prevent a possibility of deception, examined the paragraph, and found what the man said to be true.—'It is even as you say, John, (replied he) and I think can mean nothing more than that the States are, or shortly will be no longer bound by their old constitutions: that is, they will be completely *untied* from them, as soon as the new constitution comes abroad!'"

1. Reprints by 15 November (15): N.H. (1), Mass. (2), R.I. (2), Conn. (2), N.Y. (3), N.J. (1), Pa. (2), Md. (1), S.C. (1).

**Pennsylvania Gazette, 10 October**

A gentleman who lately travelled through New-Jersey assured us, that among many hundred persons, with whom he conversed about the fœderal government, he met with but *one* man who was opposed to it, and he was a citizen of Pennsylvania, and an intimate friend of the head of the antifœderal junto.<sup>1</sup>

By a private letter from Boston we learn, that the Constitution of the United States was received in that town with the same eclat and universal joy that it was in this city, and that it was so very popular there, that it was dangerous to *speak* against it.<sup>2</sup>

We hear that a farmer in the neighbourhood of Philadelphia, who had exactly *sixteen sheep*, sold one of them to a butcher last week, and gave as a reason for it, that he did not wish to have any thing on his plantation, that would remind him of the *sixteen* addressing Assemblymen, that refused to concur in calling a Convention.<sup>3</sup>

A correspondent proposes, that the *Fœderalists* should be distinguished hereafter by the name of WASHINGTONIANS, and the *Anti-fœderalists* by the name of SHAYITES, in every part of the United States.<sup>4</sup>

*Extract of a letter from Richmond, dated October 1.*

"With respect to the Constitution recommended by the Convention, it is, generally speaking, very highly approved of here; and it is ex-

pected when the Assembly meets, that the first business they proceed on will be, to direct the people to make choice of their Delegates for the Convention."<sup>5</sup>

*Extract of a letter from Georgetown, (Potowmack.)*

"The impression in favour of the new constitution is considerable, and general, from the information I have received. There are to be meetings in Alexandria, and the county of Fairfax, in which it stands, to instruct their Delegates to promote the calling of a Convention."<sup>6</sup>

1. Reprints by 20 November (17): N.H. (3), Mass. (3), R.I. (2), Conn. (3), N.Y. (1), Pa. (2), Md. (2), Ga. (1). George Bryan was the acknowledged "head of the antifederal junto" of Pennsylvania.

2. Reprints by 1 November (9): Conn. (1), N.Y. (2), N.J. (1), Pa. (2), Md. (1), S.C. (1), Ga. (1). For more on the freedom of speech in Boston, see CC:189; for the freedom of and access to the press, see CC:131.

3. Reprints by 1 November (12): N.H. (1), Mass. (4), R.I. (1), Conn. (3), N.Y. (2), Va. (1). For the address of the sixteen seceding Pennsylvania assemblymen, see CC:125.

4. Reprints by 20 November (15): N.H. (3), Mass. (2), R.I. (1), Conn. (5), N.Y. (1), N.J. (1), Va. (1), Ga. (1).

5. Reprints by 8 November (18): N.H. (2), Mass. (5), R.I. (3), Conn. (3), N.Y. (1), N.J. (1), Pa. (2), Md. (1).

6. Reprints by 8 November (16): N.H. (2), Mass. (3), R.I. (3), Conn. (3), N.J. (2), Pa. (2), Md. (1). For more on these meetings, see CC:140, note 2; CC:146, note 5; and Appendix III.

### **Philadelphia Independent Gazetteer, 12 October<sup>1</sup>**

It is remarkable, says a correspondent, that the state of *Virginia first* opposed the power of the British parliament to tax America—she first instructed her Delegates to make the motion for the declaration of Independence in Congress, and to her immortal honor be it recorded—she first by the lips of Mr. *Maddison* (her young Washington for patriotism) proposed the measure of the federal Convention, which 'tis likely will terminate in the salvation and establishment of the union and liberties of America.

1. Reprinted: *Massachusetts Gazette*, 26 October; Exeter, N.H. *Freeman's Oracle*, 27 October; *New Hampshire Gazette*, 27 October.

### **Pennsylvania Gazette, 17 October<sup>1</sup>**

Our accounts from Maryland leave us no room to doubt of the Fœderal Government being adopted almost unanimously by that state. A few men *of words*—or men *on paper*—and men *for paper*—only object to it.<sup>2</sup>

1. Reprints by 13 November (21): N.H. (3), Mass. (5), R.I. (1), Conn. (5), N.Y. (2), Pa. (3), Md. (2).

2. Probably an attack on Samuel Chase and his followers, who advocated paper money.

### **Lansingburgh Northern Centinel, 29 October<sup>1</sup>**

The public prints from every quarter of the United States are filled with accounts of the unanimity with which the new federal constitution

has been received, and the great happiness the people feel in the glorious prospect of being speedily relieved from their present feeble and declining state, and being put on a respectable footing among the nations, by the adoption of a united government, founded on so much wisdom, and, so well calculated to preserve the rights of mankind, and raise to opulence and power the vast extended empire of America.

1. Reprints by 25 December (5): N.H. (1), R.I. (1), N.Y. (1), Pa. (1), Md. (1).

**Newport Herald, 1 November (excerpt)<sup>1</sup>**

*Extract of a letter from Charlestown, South-Carolina, Oct. 6, 1787.*

“The grand secret is out and we have the new system laid open for the examination of the public—In general I am much pleased to find it approved of—The sentiments of our country party we have not yet heard, but in town flatter ourselves it will meet the hearty approbation of the Assembly. . . .”

1. Reprints by 5 December (15): Vt. (1), N.H. (1), Mass. (9), Pa. (2), Md. (2).

**New York Journal, 1 November<sup>1</sup>**

We learn from Pennsylvania, that every one of the late seceding members in the house of assembly, which were eligible, consistant with the state constitution, except Mr. Whitehill, have been re-elected; who was not on account of his being in nomination for the State Convention<sup>2</sup>—This, says a correspondent, rather gives a negative to the general idea, of their being but a few individuals in Pennsylvania who are opposed to the new constitution.—It is also said, that most of the leading men in Virginia are opposed to the new constitution.

1. Reprints by 28 November (9): Mass. (5), R.I. (1), N.Y. (3).

2. In October Robert Whitehill, who was not eligible for reelection to the Pennsylvania General Assembly, was defeated for election to the Supreme Executive Council. In November he was elected to the Pennsylvania Convention (RCS:Pa., 173n, 176, 178, 327).

**Philadelphia Independent Gazetteer, 1 November<sup>1</sup>**

*Extract of a letter from a gentleman in Petersburg, [Virginia] to his friend in this city, dated October 20th, 1787.*

“Though it is expected some opposition will be made to the constitution recommended by the late Convention, yet it is the prevailing opinion, that a large majority will be in favor of adopting it. Meetings are every where going forward to recommend it to the legislature, who are now sitting, to take every step dependent on them to forward this business.<sup>2</sup> All the disinterested in our community that I have met with, seem happy in the prospect of some more efficient government taking place; and I think there can be no doubt but its happy effects will be felt throughout this state more particularly.”

1. Also printed in the *Pennsylvania Packet* on 1 November. Reprints by 8 December (14): N.H. (2), Mass. (3), R.I. (1), Conn. (2), N.Y. (2), Pa. (2), Md. (2).

2. See Appendix III.

**Pennsylvania Herald, 3 November<sup>1</sup>**

A gentleman from North-Carolina assures us that the citizens of that state are almost unanimously in favour of the new constitution, but that, notwithstanding what has been said respecting the conduct of Gov. Randolph and Mr. Mason, there is great reason to expect Virginia will be one of the dissenting states on that important question.

1. Also printed in the Philadelphia *Evening Chronicle* on 3 November. Reprints by 3 December (17): N.H. (2), Mass. (6), R.I. (2), Conn. (3), N.Y. (3), N.J. (1).

**Pennsylvania Packet, 3 November<sup>1</sup>**

Five states have agreed to the appointment of conventions for the above purpose. viz. Massachusetts, Connecticut, New-Jersey, Pennsylvania and Delaware.

1. Reprints by 30 November (17): N.H. (2), Mass. (6), R.I. (1), Conn. (1), N.Y. (2), N.J. (2), Pa. (3). This paragraph followed one which reported that the Delaware legislature had called a convention to consider the Constitution.

**Massachusetts Centinel, 7 November<sup>1</sup>**

A gentleman from Rhode-Island informs us, that the General Assembly of that state sat last week at South-Kingston, and adjourned, without taking any procedure on the new Constitution—offering as a reason therefor, that it had already got to the *people* through the channels of newspapers, &c. and that the *people* might consider it as they thought best—and if they pleased to, might adopt it. Is this *conduct* suited to the dignity of the Legislature of a sovereign State? Or is it the “*loose*” proceeding of a time-serving assembly of mobmen?—O *shame, where is they blush?*

1. Reprints by 6 December (15): Vt. (1), N.H. (1), Mass. (4), Conn. (2), N.Y. (4), N.J. (1), Va. (1), Ga. (1). This report is incorrect. On 3 November the Rhode Island legislature ordered that over 1,000 copies of the Constitution be printed and distributed to the towns. The legislature, however, refused to call a convention to consider the Constitution.

**Pennsylvania Gazette, 7 November<sup>1</sup>**

A gentleman in Philadelphia, equally venerable for his age and wisdom, declared a few days ago, that if he had seen no other reasons to admire or adopt the proposed constitution of the United States, than the weakness and falsehood of the objections that have been made to it, they would alone determine his judgment in favor of its excellence, and induce him to promote its establishment in every state in the union.

1. Reprints by 6 December (18): N.H. (3), Mass. (4), R.I. (2), Conn. (1), N.Y. (4), N.J. (1), S.C. (2), Ga. (1).



## APPENDIX II

This table illustrates the circulation of all items in Volume I of *Commentaries on the Constitution* that were published in newspapers or as broadsides or pamphlets. The total figure for each item includes the original publication and all reprints, including the reprints of significant excerpts. An asterisk (\*) indicates publication in the *Philadelphia American Museum*, which had a national circulation. A plus sign (+) indicates publication as a broadside, pamphlet, or book.

This table is included in *Commentaries* as an aid in comparing reprint data. Headnotes and footnotes of documents often contain additional information about circulation and should also be consulted.

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
1. Congress Calls Convention	1	9	3	6	7	1	5	3	2		1	1			39
2A. Rush's Address							1*								1
2B. Barton's Address							1*								1
3A. Boston Independent Chronicle		4		3	3	1	3	2	1			1	1		20
3B. Reason		1	1	1	3		2	1	1						10
3C. Lycurgus		7	1	3	2	1	2	1					1		18
4. Washington's Circular Letter				1			5*+		2				1		9
5A. Americanus		1		1	1		1								4
5B. Letter from Halifax	2	3	1	1	3	1	3		1			1	1		17
6. Charlestown American Recorder		1					3		1			1			6
7. Providence U.S. Chronicle		2	2		3	1	1	1	2	1			1		14
8. N.H. Spy	1	2			1		3								7
9. American Museum							1*								1
10. Alexis	1	1	1	1	2		2						1		9
11. Va. Independent Chronicle		4	1	4	6	1	2	3	2			1			24
12. Mass. Centinel		1	1	2	2	1	6*	2	1			1			17
13. Newport Herald		5	1	2	4	1	3	1					1	1	19
14. Mass. Centinel	3	4	1	1	1		3							1	14
15. New Haven Gazette	2	4		1	5		1								13
16A. Adams's Defence <sup>+</sup> Preface		7	2	3	4	1	6	2	2			1			28
16B. Adams's Defence <sup>+</sup> Letter LIII		3	1	1	3	1	4	2				1			16

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
16C. Sidney		2	1	1	2		1								7
16D. Baltimore Md. Gazette				1			2		1	1					5
16E. Senex		4					2		2	3					11
16F. Philadelphia Freeman's Journal		3				1	1								5
17. Baltimore Md. Gazette		4			2		2		1						9
18A. Albany Gazette	1	1		2	4	1	3		2			2	2		18
18B. Mass. Centinel	3	4		2	2	1	2		4	1		2	1		22
18C. Mass. Centinel (1st paragraph)	1	3			2		2		1	1		1			11
(2nd paragraph)	2	3			2		3		3	2		1	2		18
18D. Litchfield Weekly Monitor	1	5	1	3	5		3		3	1		1	1	1	25
18E. Worcester Magazine	2	7	1	2	2		2		1			1	1		19
18F. Va. Gazette and Weekly Monitor	1	1		2	2		4			1		1			12
18G. Petersburg Va. Gazette	1	1		1	2		1		1	1					8
19. Pa. Herald		4	1		2		3		2	1		1			14
20A. Worcester Magazine	1	4	3		3	1	2		2						14
20B. Mass. Gazette		2								1					3
20C. Pa. Herald	1	2	1	1	5		5		2	2	1	1			21
21. "Z"		1		1	1		4*								7
22. Price's Letter	2	7	3	6	8	1	10*		1	3					41
23. An Enquiry into a Commercial System		1					2*+								3
24. Pa. Herald		5	4	1	4	1	5		2	1		2			25
25. Conn. Courant				7			3*					1			11
26. Baltimore Md. Gazette	1	2	2	2	1	1	5		1	2		2			19
27. N.Y. Journal	2	2		1	1		2	1							9
28. N.Y. Daily Advertiser					2										2
29. Harrington	2	9	2	4	5	1	4*		2	1		1	1	1	33
30A. Pa. Herald	3	7	2	2	4		3		1	2		1	2		27
30B. Pa. Herald	3	10	3	3	4	1	1		1	1		1			27
30C. Pa. Herald	1	3	2	1	3	1	1			1		1	1	1	16
30D. Letter from Philadelphia		5	1		3	1	3		1			1			15
30E. Philadelphia Independent Gazetteer	1	8	3	5	5		1		2	1		2			28
30F. Pa. Gazette		5	3	4	4	1	5	1	1			1			25
30G. Letter from Philadelphia												1	1		2



	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
47B. Daggett's Oration			2	1+		1	1*								5
47C. Campbell's Oration							2*+								2
47D. N.Y. Journal					1										1
47E. Pa. Herald		1			3		5								9
47F. N.Y. Journal					1		1								2
48. Norwich Packet	1	2	1	2			2		2			1			11
49. Charleston Columbian Herald	1	6	3	1								1	1		13
50. Philadelphia Independent Gazetteer	1	3	2	1	2		1								10
51A. Fairfield Gazette				1											1
51B. New Haven Gazette	3	8	1	4	1		5*	1	3	2		2			30
51C. Pa. Herald	2	7	3	6	2	2	5		2	3		1			33
52. Petersburg Va. Gazette		1	1				3		1	1		1			8
53. Charleston Columbian Herald	2	5		2	4	1	1		1	1		1			18
54. Philadelphia Independent Gazetteer	2	3			3	1	1								10
55. Observations on Articles of Confed.					1+										1
56. Pa. Herald	2	6	1	3	3		5		2						22
57. Pa. Gazette	4	6	3	5	3	1	4		2	1		1			30
58. Americanus		1			2		1		2	1					7
59. An American	1	4	1	2	2	1	3		2	2			1		19
60. Boston American Herald		1	3		2		1		1	1		1			10
61. Salem Mercury		2	1	2	2		1		1						9
62. N.H. Spy	2		2		4		4		1	1		1			15
63. Pa. Gazette	2	7	2	4	3	1	2		1	2			1		25
64. N.Y. Journal	1	2			1	1	1			1			1		8
65. Pa. Packet					2		2			2					6
66. Philadelphia Independent Gazetteer	2	7	2	4	7		3	1	1	3			1		31
67. Philadelphia Independent Gazetteer	2	7		5	6	1	5		1	3					30
68. Pa. Gazette	2	10	3	4	6	1	5					1	1		33
69. Philadelphia Freeman's Journal	1	5		4	1	2	5			1		1	1		21
70. Pa. Gazette	2	4		3		1	1		2			1			14
71. Pa. Gazette	1	3		2	1	1	1		1						10
72. Pa. Gazette	1	7	1	2	4	3	3	1	2	1			1		26
73. Pa. Gazette	1	3	1	1	1	1	3								11
74. Pa. Gazette		5	1	1	3	2	3			1					16

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
77. Franklin's Speech															
Northern Version	4	9	3	7	3	1									27
Southern Version						1	6*	1	3+		1	1			13
79. Pa. Gazette		7	3	4	1		2	2					1		20
87. Philadelphia Independent Gazetteer	1	1	1	3	2	1	1	1							11
88. Pa. Packet	1	3	1	1	2		2		1				1		12
91. N.Y. Daily Advertiser				1	2										3
94. Daniel Shays Letter		3		1	1	2	3					1			11
96A. Del. Gazette	5	7	3	6	7	2	10*	1	1			1	2	2	47
96B. Pa. Gazette	3	3	1	1	4	2	6		1	1		1	1	2	26
97. Philadelphia Freeman's Journal		1			1		1								3
98. Philadelphia Independent Gazetteer	3	6	1	2	4	1	1		2			1			21
99. Philadelphia Independent Gazetteer	1	5		5	4		7	1	3				1		27
100A. An American Citizen I	1	5		5	3	1	6*+1	1	5+		1				29
101. Pa. Gazette (newspapers printing one or more of the 8 paragraphs)	3	10	4	8	7	2	7	3	2		1	1	2		50
(1st paragraph)	2	6	3	3	3		2	2	1		1	1			24
(2nd paragraph)	1	6	3	3	3		3	2	2		1	1			25
(3rd paragraph)	3	8	2	7	4	2	5	2	2		1	2			38
(4th paragraph)	1	5	2	3	1	1	2	2	2						19
(5th paragraph)	2	8	3	4	2	1	3	2	2			1			28
(6th paragraph)	4	10	3	7	7	1	5	3	1		1	1	2		45
(7th paragraph)	1	9	3	7	1	1	2	1	1				1		27
(8th paragraph)	1	8	2	4	1	1	2	1	1		1				22
(newspapers printing all 8 paragraphs)	1	3	1	1			2	1	1						10
102. Va. Independent Chronicle	1	1					2		1				1		6
103. Cato I		1			2		3								6
104A. Newport Herald	3	4	1		1		2						1		12
104B. Providence U.S. Chronicle		1	1	1	1										4
108. Md. Journal	3	5	1		2	1	2	1				1	1		18
109. An American Citizen II	1	5		2	3		6*+1	1	4+		1				24

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
110A. Mass. Centinel		3	2		2	1	5		2				1	1	17
110B. A True American		3		1			1								5
111. Curtius I															
(1787 printing)	1	5	1	3	2		5*		1	1		1			20
(1788 printing)	1	2	1		1		1		1	1		1			9
112. An American															
Citizen III		5		2	3	1	5*		1	4+		1			22
120. Boston															
American Herald		2	2		1		5		3	1		1	1	1	17
121. Cæsar I		1			3		1								5
123. N.H. Spy	2	5	2		3	2	4		4				1	1	24
124. Foreign Spectator	1	4	2	1	1	1	1		1						12
125A. Address of the															
Subscribers		5	2		5		14*+		1	1	1			1	30
125B. A Citizen of															
Philadelphia							1+								1
128. Philadelphia															
Freeman's Journal	3	1			2	1	3						1		11
129. Poughkeepsie															
Country Journal	1	1		1	3		2								8
130. Social Compact	2	5		2	1	1	3		2				1		17
131A. N.Y. Journal					1										1
131B. Boston															
Independent															
Chronicle		2		1											3
131C. Mass. Centinel		1													1
131D. Boston															
American Herald		1													1
131E. A Citizen		1				1	3								5
131F. Mass. Gazette		1													1
131G. Philadelphia															
Freeman's Journal		4			2	1	2					1	1		11
131H. Detector					1		1								2
131I. A Pennsylvania															
Mechanic							1								1
131J. Galba							1								1
131K. Philadelphia															
Freeman's Journal		2				1	1		1						5
131L. The Jewel							1								1
131M. Argus				1											1
131N. Providence															
U.S. Chronicle				1											1
133. Centinel I		2	1		6+		5+	1	1	3					19
134. Wilson's Speech	1	6	3	4	3	1	12*		2	3+		1	1	1	38
135. The Grand															
Constitution	3	1	1	1	3	1	3			1		1			15
136. Philadelphia															
Independent															
Gazetteer	1	3			2		1		2	1		1	1	1	13

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
143. A Federal Centinel	1		1									1			3
148. "A"	1	2	1	1	1		2		1						9
149. Philadelphia Freeman's Journal		1					1	2				1			5
150. Foederal Constitution	2	7	3	4	2	1	6*		1	2		2			30
151B. Pa. Gazette	1	4		2	1	1	1		2			1			13
153. Cato II		1			2		1								4
154. Va. Herald				2			2			1		1			6
156A. N.Y. Packet	1	5	3	5	5	2	6	1	2	1		1	1		33
157. An Old Whig I		1			1		1								3
158. Philadelphia Independent Gazetteer		2			2		1					1	1		7
161. Boston Gazette	3	4	2	1	3	2	4		2	1		1			23
162. Marcus	1	3		2	2	3	1								12
166. Philadelphia Freeman's Journal					1		4		3						8
167. A Democratic Federalist					1		2		1						4
168. One of the People		2		1	1	1	3		1						9
169. Cæsar II					2										2
170. An Old Whig II					1		2		1						4
171A. Pa. Journal (1st paragraph)	1	3		2	5	1	4		1				1		18
(2nd paragraph)	3	6	1	6	5	1	5						1		28
171B. Pa. Gazette	1	4	1	1	1		3		2						13
171C. Pa. Herald							2					1			3
172. View of the Proposed Constitution															1+
173. A Citizen of America		1	1	1			1+								4
177. Hancock's Speech	1	11	3	5	2	1	4*		1						28
178. Brutus I		2			1		1								4
181. An Old Whig III					1		1								2
183A. An American Citizen IV		1		1	1	1	6*+		1	2+		1			12
189. Political Dialogue		2		2	1		1								6
190. Centinel II		1	1		4+		2+		1	2+					11
192. New Haven Gazette	1	6	2	8	2	1	4*		1						25
194. Ezekiel		3		3	1		1					1			9
195. Cato III					3										3
196. A Republican I		1	1		2		1								5
197A. A Slave	2	4		1	2							1			10
197B. A Son of Liberty	1	1			1		1		1						5
198. Newport Herald (1st paragraph)	2	2	1	3		1	4		1						14
(2nd paragraph)	1	1	1	3			2		1	1		1	1		12





Squibs and Fillers (pp. 582-87)	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
Pa. Gazette 19 September		4		5			2		1						1 13
Pa. Herald 2 September	1	1			1	7			3						12
Pa. Herald 5 September	3	9	3	1	2	4		2	2		1				27
Pa. Packet 25 September	2	4	2	3	2	5		1			1	1	1		22
N.Y. Journal 27 September		3		5	3	1	1		1						14
New Haven Gazette 4 October	2	3		2										1	8
Philadelphia Independent Gazetteer 6 October					1	1		1	1						4
Philadelphia Freeman's Journal 10 October	1	2	2	2	3	1	3		1			1			16
Pa. Gazette 10 October (1st paragraph)	1	3	2	3	1		3		2				1		18
(2nd paragraph)				1	2	1	3		1			1	1		10
(3rd paragraph)	1	4	1	3	2		1			1					13
(4th paragraph)	3	2	1	5	1	1	1			1			1		16
(5th paragraph)	2	5	3	3	1	1	3		1						19
(6th paragraph)	2	3	3	3		2	3		1						17
Philadelphia Independent Gazetteer 12 October	2	1					1								4
Pa. Gazette 17 October	3	5	1	5	2		4		2						22
Lansingburgh Northern Centinel 29 October	1		1		2		1		1						6
Newport Herald 1 November	1	9	1				2		2					1	16
N.Y. Journal 1 November		5	1		4										10
Philadelphia Independent Gazetteer 1 November	2	3	1	2	2		4		2						16
Pa. Herald 3 November	2	6	2	3	3	1	2								19
Pa. Packet 3 November	2	6	1	1	2	2	4								18
Mass. Centinel 7 November	1	5		2	4	1			1				1	1	16
Pa. Gazette 7 November	3	4	2	1	4	1	1					2	1		19

### APPENDIX III

This table illustrates the spread of information about public meetings dealing with the Constitution. The Constitution was endorsed at each of the meetings listed below. The total figure for each meeting includes the original newspaper publication and all reprints and significant summaries. An asterisk (\*) indicates a reprint in the *Philadelphia American Museum*, which had a national circulation. All of the public meetings in the table are published in the appropriate volumes of *Ratification of the Constitution by the States*.

Meeting, Date	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
Philadelphia, Northern Liberties, & Southwark, Pa. 20 September	3	10	3	7	8	1	8*	2	2		2				46
Germantown, Pa. 21 September	1	8	1	3	3	1	5	1	1		1				25
New Haven Congregational Clergy 25 September	1	2	1	3			3	1							112
Berkeley County, Va. 28 September	2	4	2	2	3	3	6*	3	1		1	2	1		30
Alexandria, Va. 28 September	1	1		2	2		4*	1	1			1			13
Fairfax County, Va. 2 October	1	1		2	1		4*	1	1			1			12
New Haven, Conn. 1 October	1	7	1	7	5		5	1							28
Burlington County, N.J. 3 October	2	4	2	2	4	2	6*								22
Carlisle, Pa. 3 October	4	6	4	6	3		11*	3	1						38
Philadelphia (CC:134) 6 October	1	6	3	4	3	1	11*	2	2		1	1	1		36
Williamsburg, Va. 6 October					4	1	5	2	1						13
Derby, Conn. 8 October	1	3		5	2		2								13
Somerset County, N.J. 9 October	1	1	2	2	6	3	5*								20

	New Hampshire	Massachusetts	Rhode Island	Connecticut	New York	New Jersey	Pennsylvania	Delaware	Maryland	Virginia	North Carolina	South Carolina	Georgia	Vermont	Total
Baptist Meeting (CC:156-A)															
New York City															
10 October	1	5	3	5	5	2	6	1	2	1		1	1		33
Essex County, N.J.															
15 October			1		1	2	2								6
Fredericksburg, Va.															
19 October	1	1	1		1	2	5*		1	1					13
Northampton County, Pa.															
22 October						1	7*								8
Frederick County, Va.															
22 October					1		5*		1	3					10
Henrico County, Va.															
22 October		1			2	2	1			1					7
Petersburg, Va.															
24 October	1	1	1		1	1	3*		1	1					10

## Index

An asterisk denotes a signer of the Constitution. Bold numbers refer to the report of the Constitutional Convention. Several main entries are compilations of similar items: Biblical References; Broad-sides, Pamphlets, and Books; Classical Antiquity; Governments, Ancient and Modern; Newspapers; Political and Legal Writers and Writings; Printers and Booksellers; and Pseudonyms. The pseudonymous items printed in this volume are also indexed separately. When known, the author's name is placed in parentheses after the pseudonym.

- "A," 360-61
- ADAMS, JOHN (Mass.), xlv, 24, 81n, 134, 308n
- letters from: cited, 24, 55, 56n, 81n, 86n, 90n
- letters to, 218, 307-8, 385; cited, 32, 55n, 82n, 83n, 83-84n, 84n, 90n, 486n, 546n
- Defence of the Constitutions*, 81-86n; texts of, 86, 86-87, 90n; publication and circulation of, 82-83n, 85n; praised, 82n, 83-84n, 84n, 85n, 88, 134, 385; criticized, 84-85n, 89, 90n, 170, 174, 330-31, 332, 558n, 572
- ADAMS, SAMUEL (Mass.): id., 325n; 6, 82n, 308n, 323; speculation concerning his opinion on Constitution, 264n, 346
- letters from: cited, 4, 29, 346n
- letters to, 323-25, 484-85; cited, 11, 19, 230n, 314n, 325n, 338n, 484
- "ADDRESS OF THE SECEDING ASSEMBLYMEN, AN," 439; text of, 295-97; authorship of, 293-94n, 303, 362; commentaries upon, 293-94n, 297-306, 362-66, 438, 545; publication and distribution of, 294n, 373; and George Mason's objections, 294n, 346-47n, 359
- ADDRESSES TO THE CITIZENS OF PENNSYLVANIA, 247n, 338n, 430-37, 437
- ADMIRALTY LAW: *See* Judiciary, U.S.
- AGRARIAN UNREST, 35, 76, 81n, 91-96, 169n, 178, 193. *See also* Shays's Rebellion
- AGRICULTURE, 59, 543-44; should be encouraged, 45n, 48, 166, 167, 182-83, 190; Constitution will benefit, 164, 189, 193, 194, 345, 481, 515, 563-64. *See also* Farmers
- ALDEN, ROGER (Conn.): id., 221n; xliii, 220-21
- ALEXANDRIA, VA., 585; attitude of toward George Mason, 403n, 404, 450. *See also* Fairfax County, Va.
- "ALEXIS," 77-78
- ALLEN, ANDREW (England): id., 360n; 360
- AMBASSADORS, **207**; diplomatic corps under Articles of Confederation, xlv; appointment of, 4, 7, 112, 129, **206**
- AMENDMENTS TO ARTICLES OF CONFEDERATION, 57, 57-58, 139; need for, 3, 30, 38, 55n, 57n, 64, 69, 71n, 73, 74-75, 75, 104, 105, 106-7, 108, 108-9, 110-11, 111, 112-13, 113, 113n, 114-15, 116-20, 124, 128, 133, 136-38, 148, 148-49, 151n, 155, 157, 159-67, 167, 168, 168n, 170, 171, 178, 181, 183, 187, **211-12**, 224, 226, 249, 403, 471; difficulty of obtaining, 3, 32, 128, 150n, 150-51n, 549; provisions for in Articles, 6, 38, 38-39, 45, 137-38, 230, 232-33, 233, 234, 242n, 270, 281, 371, 484; proposed by states (1778-79), 7-8; Impost of 1781, 12-13, 16-17, 17, 17-19, 60n, 77n, 232, 235, 236; to give Congress coercive power (1781), 14-15, 242; Impost of 1783, 20-21, 22, 23, 30, 37, 61n, 65, 66, 99, 107, 110, 111n, 145, 147; to share expenses according to population (1783), 21-22, 22, 30, 109, 111n; temporary grant of commercial power to Congress (1784), 24-25, 30, 110, 111n; to grant Congress power over commerce (1785), 26-27, 29; proposed by grand committee of Congress (1786) 32-33. *See also* Articles of Confederation; Convention, Constitutional

AMENDMENTS TO CONSTITUTION, xviii, 308, 396; proposed by state conventions, xli, xlii; proposed by first federal Congress, xlii, 328n; need for, 122n, 141n, 196–97n, 197–99, 236, 242n, 256–57, 282, 283, 284, 289, 308, 323n, 323–25, 328n, 361, 367, 368, 370, 413, 421, 440, 450, 485, 498–502, 502, 502–3, 505, 549, 559–61; Constitution provides procedure for, 209, 224, 343, 354, 364, 375, 377, 381–82, 385; proposed by Richard Henry Lee in Confederation Congress, 230n, 237, 238, 238–40, 241, 275, 281, 282, 289, 323, 325, 368–69n, 385n, 452, 484–85, 546n; and debate in Congress, 232, 233, 236–41, 246, 275–76, 281, 281–82, 357; denial of need for, 280, 287–88, 290n; should be adopted after establishment of new government, 280, 288, 305, 307, 376, 381–82, 437, 440, 442, 450, 473, 509; difficulty of obtaining, 376–79, 467. *See also* Bill of rights; Civil liberties; Convention, second constitutional

“AMERICAN, AN,” 184–85

“AMERICAN CITIZEN, AN” (Tench Coxe): texts of, 247–51, 264–66, 272–73, 431–37; authorship of, 247n, 251, 431n, 437; publication and circulation of, 247n, 251, 251–52, 252n, 266n, 273n, 431n, 437, 508, 510n; commentaries upon, 247n, 251–52, 437, 565n

AMERICAN REVOLUTION, 8, 362; defined as distinct from war, 46–49; danger that it might have been fought in vain, 54, 64, 65, 97, 118, 159n, 162–63, 177, 180, 311; benefits and accomplishments of, 62, 90, 124, 291, 344, 390, 483; reasons for fighting, 115, 139, 164, 190, 192, 195, 370; problems created by, 160, 360. *See also* Patriotism

“AMERICANUS” (two items), 71–73, 183–84. *See also* Stevens, John, Jr.

ANARCHY: *See* Political conditions under the Confederation

ANNAPOLIS CONVENTION, 100n; Virginia calls, xl, 30; meeting of, xl, 34; report of, xl, 34, 34–35, 36–37, 37–38, 136; commissioners to, xlv; speculation concerning success of, 30, 34; states’ reaction to, 35–36, 38

ANTIFEDERALISTS: and publication of material in newspapers, xviii, xix, xxxii, xxxiv, xxxv, xxxvi, xxxvii, xxxviii–xxxviii, xxxix, 243–45, 312–21, 376n, 394, 429n, 539, 573n; and alleged support of separate confederacies, 56n, 57n, 386n, 488n, 493n, 497; in Rhode Island, 80n, 147, 187; attacks upon, 93n, 124, 135–39, 149, 177, 185, 189, 192, 193, 225–26, 263, 279, 288, 311, 313n, 317–18, 319, 320, 351, 361, 365, 395, 397–98, 559, 575–76, 584; in New York, 108, 138, 147, 187, 246, 276, 308, 309n, 469, 486, 504, 512, 513, 515, 524; in Pennsylvania, 135, 228–29, 293n, 293–94n, 305, 319, 362, 362–66, 365, 376n, 472, 502n, 513, 544, 545, 565, 584, 586; writings of criticized, 175, 177, 356, 379, 520–21, 531, 579–80; rise of in various states, 186, 223, 227, 307, 404; use of as name, 193n, 193, 545; description of, 221, 269–70, 277, 279, 327n, 355–56, 381, 423–25, 467, 480, 495–96, 502, 511; weaknesses of, 261, 286, 346; disagreement amongst, 276; in Virginia, 307, 308, 512; defense of, 458, 459, 467, 502. *See also* Federalists; Officeholders, state; Patriotism

APPOINTMENT POWER, 4, 18, 19, 47, 100, 129, 206–7, 260, 422, 443–44; privy council favored to help President make appointments, 47, 239, 308, 349, 450, 465, 509; debate over Constitution’s provisions for, 249, 250, 265, 335, 355, 408, 424, 433, 435, 464, 465, 471, 542, 552, 559, 560, 561. *See also* President, U.S.; Senate, U.S.

APPROPRIATIONS: Congress’ power over under Constitution, 47, 204, 251, 424, 471. *See also* Money bills

“ARGUS,” 314n, 320–21, 321–22

ARISTOCRACY, 29, 140, 321, 465; debate over nature of, 3, 105, 116, 128, 130–31, 131, 167, 332, 358, 462, 537; debate over “natural aristocracy,” 82n, 84n, 85n, 87, 89, 572; charge that Constitutional Convention was aristocratic, 108, 330, 457–58; charge that Southern States were aristocratic, 110, 170n, 476; danger of if Constitution is not adopted, 117, 171n, 192, 226; Constitution creates danger of,

- 122n, 140, 198, 228, 240, 257, 277, 281, 307, 324, 326n, 332, 335, 350, 391, 413, 466, 509, 530, 537; Constitution will not create, 252, 355, 441, 520-21; danger from Senate, 284, 327n, 335, 464, 510; James Wilson accused of spirit of, 338n, 565n. *See also* Democracy; Despotism; Republican form of government; Senate, U.S.
- ARMY, 4, 7, 8, 22, 32, 129; under Confederation, 3, 6, 7, 9, 11, 112; payment for Revolutionary War service, 9, 18, 19, 20, 22, 23, 66-68, 119, 146, 169n, 179; and Newburgh Conspiracy, 19-20, 22, 60n; provisions for in Constitution, 39, **203**, **204**, **205**, 468; defense of constitutional provisions for, 147, 259, 273, 355, 383, 441n, 522, 570-71; officers of favor monarchy, 169n, 170n; danger from constitutional provisions for, 180, 199, 327n, 411n, 415, 424, 463, 542, 578; officers of favor Constitution, 221, 261, 281. *See also* Cincinnati, Society of the; Militia
- ARMY, STANDING, 100, 127; danger from under Constitution, 218, 232, 234, 239, 257, 296, 332, 333, 345, 350, 378, 387, 390-91, 407, 419, 457, 459, 463, 465, 467, 476, 481, 482, 493n, 528, 540, 554n; denial of danger from under Constitution, 302-3, 341, 343, 435-36. *See also* Militia
- ARNOLD, BENEDICT (England), 189n, 194
- ARTICLES OF CONFEDERATION, 35, 150n, 434-35; drafting of, 3, 4, 4-5, 6, 9, 46, 115, 117, 249; Article II of, 6, 39, 400, 460, 478; provisions for amending, 6, 38, 38-39, 45, 137-38, 230n, 233, 234, 242n, 270, 281, 371, 484; ratification of, 7-8, 11, 237, 238; defects of, 23, 28, 30, 38, 45, 46-47, 64, 69-70, 79, 97, 103-4, 105, 106, 108, 112, 127, 134, 169n, 170n, 176, 180-81n, **211**, 231, 249, 256, 258, 260, 270, 277, 280, 330, 368, 371, 375, 385, 400, 412, 425n, 433, 474, 486n, 494, 496, 497, 518-19, 550; circumvention or violation of by Congress, 23-24, 236, 275; praise of, 28-29, 51-52, 55n, 106, 108, 136, 180n, 256, 531; supremacy of, 90n; temporary nature of, 112, 148, 159; abandoned by Constitutional Convention, 230, 231, 232-33, 235-36, 275, 281, 295, 296, 297, 371, 396, 398-99, 405, 442, 452, 484, 511-12; compared to Constitution, 405n, 434, 441, 471, 552. *See also* Amendments to Articles of Confederation
- ASSEMBLY, RIGHT OF, 466
- ATTAINDER, BILL OF, **204**, **205**, 245, 274n, 528
- BACKUS, ISAAC (Mass.): id., 375n; 375
- BAIL, RIGHT OF: criticism of Constitution's lack of protection of, 239, 466, 527
- BALANCED GOVERNMENT: favored, 81-82n, 83n, 84n, 86, 86-87, 88, 113n, 117, 118, 160, 167, 254, 364, 510; opposed, 85n. *See also* Separation of powers
- BALDWIN, ABRAHAM\* (Ga.): id., 430n; xlv, **210**, 429-30
- BALTIMORE, 180, 451
- BANK OF NORTH AMERICA, 16
- BANKRUPTCY, **203**, 365
- BAPTISTS, 374-75
- BARLOW, JOEL (Conn.), 159n
- BARTON, WILLIAM (Pa.): id., 49n; 40n, 45n, 49-54, 566n
- BASSETT, RICHARD\* (Del.), xlv, xlv, **210**
- BEDFORD, GUNNING, JR.\* (Del.), xlv, xlv, **210**
- BELL, WILLIAM (Pa.): id., 367n; 366-67
- BENSON, EGBERT (N.Y.), xliii, xlv
- BIBLICAL REFERENCES, 162, 225, 271, 539; Aaron, 142, 579; Ashorites, 142; Babel, 145, 214; Cain, 305; Egyptians, 153; Israelites, 61n, 91, 153, 154, 183, 362; Moses, 142; Pharisees, 456; Prince of Darkness, 557; Prodigal Son, 187; Psalms, 187; Simeon, 508; King Solomon, 429; Ten Commandments, 302
- BICAMERALISM, 39, **200**, 260, 422; favored, 47, 83n, 88, 89, 117, 118, 134, 146, 299, 306n, 406n, 424; opposed, 81n, 332. *See also* Unicameralism
- BILL OF RIGHTS: debate over in Constitutional Convention, 39, 196-99, 346n; criticism of Constitution for not providing, 86n, 237, 296, 307, 323n, 323-26, 327n, 328-29, 336, 338n, 348, 387-88, 399-403, 411n, 424,

426, 426-27, 428, 450, 457, 466, 466-67, 477-80, 484-85, 500-2, 502n, 502-3, 506, 509, 510, 525-29, 531-33, 535-38, 538-43, 548, 564n, 565; proposed by Richard Henry Lee in Congress, 230n, 237, 238-39, 275, 281, 282, 289, 323, 325n, 385n, 452, 484, 546n; defense of Constitution's lack of, 234, 237, 302, 338n, 339, 434, 522-23, 554. *See also* Amendments to Constitution; Civil liberties; Convention, second constitutional

BINGHAM, WILLIAM (Pa.): id., 134n; xliii, 133-34, 236

BLACKSTONE, WILLIAM: *See* Political and legal writers and writings

BLAIR, JOHN\* (Va.): id., 285n; xlv, 210, 283

BLOUNT, WILLIAM\* (N.C.): id., 472n; xlv, 158n, 210, 215-17, 472

BOARD OF TREASURY, U.S., xliii-xliv, 22-23

BOND, PHINEAS (England): id., 217n; xlv, 217, 505

BOOKS: *See* Broad-sides, pamphlets, and books

BOSTON, 27, 212n, 266; debate over access to press in, xix, 312-14n, 315-22, 394, 485, 539, 572, 573, 576-77, 579-80, 580-81; Fourth of July oration in, 159n, 159-60, 164; support for Constitution in, 276, 306, 346, 380, 404, 451, 584

BOWDOIN, JAMES (Mass.): id., 346n; xlv, 28, 92n, 346

-letter from: cited, 29

-letters to: cited, 28, 28-29, 29, 94, 294

BREARLEY, DAVID\* (N.J.), xlv, 210

BROADSIDES, PAMPHLETS, AND BOOKS, xix, 50n, 356, 378, 441; John Adams, *A Defence of the Constitutions*, 81-86n, 86, 86-87, 88, 89, 90, 90n, 134, 170n, 174, 330-31, 332, 558n, 572; *Address and Recommendations to the States (1783)*, 66, 70n; *Address of the Seceding Assemblymen*, 293-306, 346-47n, 359, 362-66n, 373, 438, 439, 545; *Addresses to the Citizens of Pennsylvania*, 247n, 338n, 430-37, 437; "An American Citizen" (Tench Coxe), 247n, 266n, 273n, 431n, 431-37, 437n; "Aristocrotis" (William Petrikin), *The Government*

of Nature Delineated, 376n; *Minutes of the Baptist Association Held at New York*, 374n, 374-75; Joel Barlow, *An Oration*, 159n; William Barton, *Observations on the Nature and Use of Paper-Credit*, 40n; John Brooks, *An Oration*, 159n, 159-60, 164, 166n; James Campbell, *An Oration*, 159n, 163-64, 164, 166n; "Centinel" (Samuel Bryan), 328n, 534n; "A Citizen of America" (Noah Webster), *An Examination into the Constitution*, 405-6n, 486; "A Citizen of Philadelphia" (Pelatiah Webster), *Dissertation on a Political Union*, 300-1; "A Citizen of Philadelphia" (Pelatiah Webster), *Remarks on the Address of Sixteen Members*, 294n, 297-306, 412n, 437, 438n; *A Collection of Papers, Relative to Half-Pay and Commutation*, 67; *Constitution, U.S.*, 199-210, 230n, 587n; Tench Coxe, *An Enquiry [on commerce]*, 50n, 102-4; David Daggett, *An Oration*, 159n, 160-63, 166n; Thomas Dawes, *An Oration*, 159n, 164; Robert Davidson, *An Oration*, 159n; Augustine Davis, comp., [- - -], 247n; John Dixon, comp., [- - -], 491n, 517n, 546n, 555n, 568; "A Farmer, of New Jersey" (John Stevens, Jr.), *Observations on Government*, 486, 558-61; "A Federal Farmer," *Letters from a Federal Farmer*, xxxii; "A Federal Farmer," *Additional Letters*, 493n; "A Federal Republican," *A Review of the Constitution*, 247n, 327n, 338n, 387n, 406; *The Federalist* (Alexander Hamilton, John Jay, James Madison), 490n, 491n, 491-92n, 517n, 555n; *Fragments on the Confederation*, 50n; Elbridge Gerry to the Mass. General Court, 18 October 1787, 546n; *Introduction to the History of America*, 61n; Robert R. Livingston, *An Oration*, 158, 158n; Matthew M'Connell, *An Essay on the Domestic Debts*, 220n; John Nicholson, *A View of the Proposed Constitution*, 405n; *Observations on the Articles of Confederation*, 180-81; *Observations on the Proposed Constitution*, 328n; "An Officer of the Late Continental Army" (William Findley?), 564n; "An

- Old Whig" (George Bryan, James Hutchinson, John Smilie?), 376n, 497n, 543n; Thomas Paine, *Common Sense*, 9, 73, 89, 268; Thomas Paine, *Public Good*, 9–10; Charles Pinckney, *Observations on the Plan of Government*, 380, 381n; Charles Pinckney, *Mr. Pinckney's Speech* (1786), 380, 381n; Edmund Randolph to the Va. House of Delegates, 10 October 1787, 357n; Melancton Smith, *An Address to the People of the State of New-York*, 411n; "Timoleon," 328n, 534n; *Various Extracts on the Federal Government*, 213n, 247n, 328n, 338n, 546n; George Washington, *Circular Letter to the State Executives* (June 1783), 60n, 61n. *See also* Pseudonyms
- BROOKS, JOHN (Mass.): id., 166n; 159n, 159–60, 164
- BROOM, JACOB\* (Del.), xlvii, 210, 246
- "BRUTUS," 57n, 338n, 493n; texts of, 412–21, 524–29; publication and circulation of, xxxviii, 411n; authorship of, 411n, 530; commentaries upon, 411n, 429, 497n, 521
- BRYAN, GEORGE (Pa.): id., 326n; as alleged author of "Centinel," 326n, 327n, 376n; as alleged author of "An Old Whig" and *Address of the Seceding Assemblymen*, 362, 366n; criticized, 584, 585n
- BRYAN, SAMUEL (Pa.): id., 326n  
 "Centinel," 328–37, 457–68. *See also* "Centinel"
- BUCHAN, EARL OF (David Steuart Erskine) (Scotland): id., 505n; 505
- BURKE, THOMAS (N.C.), 6, 12, 12–13, 13
- BURRALL, CHARLES (Conn.), 106
- BUTLER, PIERCE\* (S.C.): id., 352n; xlvii, 120n, 210, 351–52  
 –in Congress, xliii, 229n, 242n; speech by, 232, 236
- BUTLER, WEEDEN (England): id., 352n; 351–52
- CABELL, SAMUEL JORDAN (Va.): id., 454n; 452
- CABELL, WILLIAM (Va.): id., 454n; 452
- CADWALADER, LAMBERT (N.J.): id., 353n; xliii, 352–53, 438
- "CÆSAR" (Alexander Hamilton?): texts of, 287–88, 395–99; commentaries upon, 255n, 287n, 369–72; authorship of, 287n; publication and circulation of, 287n, 315, 399n
- CAMPBELL, JAMES (Pa.): id., 166–67n; 159, 163–64, 166, 166n, 171n
- CANADA: *See* Governments, ancient and modern
- CAPITAL, U.S., 48, 194, 204, 340, 407, 424
- CAREY, MATHEW (Pa.): id., 45n; xxxv, xxxix, 338n; as publisher *American Museum*, xxxiii–xxxiv, 102n, 247n  
 –poem by, 571–72
- CARLETON, SIR GUY (Lord Dorchester) (Canada): id., 74n; 71n, 73, 171n, 309
- CARMARTHEN, MARQUIS OF (England): id., 217n; 217
- CARRINGTON, EDWARD (Va.): id., 441n; xlv, 229, 438  
 –letters from, 438–41, 469–70; cited, 43n, 50n, 71n, 170n, 441n, 489n, 490  
 –letter to: cited, 441n  
 –in Congress: motion by, 236–37; speech by, 240
- CARRINGTON, PAUL (Va.): id., 454n; 452
- CARROLL, CHARLES, OF CARROLLTON (Md.), xlvii, 213n
- CARROLL, DANIEL\* (Md.), xlvii, 210, 213
- CARROLL, JOHN (Md.): id., 430n; 213n, 430
- CASTRIES, LE MARÉCHAL DE (France): id., 227n; 226–27
- CASWELL, RICHARD (N.C.), xlv, xlvii, 158n, 215–17
- "CATO" (George Clinton?): texts of, 255–57, 369–72, 473–77; publication and circulation of, xxxviii, 255n, 257n, 312n, 315, 412n; authorship of, 255n; commentaries upon, 255n, 287–88, 395–99, 502, 536
- CENSUS, U.S., 22, 200, 204, 550
- "CENTINEL" (Samuel Bryan), 57n, 85n, 230n, 272n; texts of, 328–37, 457–68; publication and circulation of, xxxv, xxxvi, xxxviii, 326n, 327–28n, 328n, 457n, 524n, 534n; and his assertion that Benjamin Franklin and George Washington were duped into signing Constitution, 61n, 272n, 327n, 328, 330, 379, 458, 521, 579; authorship of, 244n, 326n, 376n; commentaries



- upon, 294n, 327n, 380, 457n, 502; and James Wilson's speech, 338n, 457n, 459-68; praises and defends other Antifederalist writers, 412n, 493n, 530n, 574
- CHASE, SAMUEL (Md.): id., 453n; opposes Constitution, 404, 451, 454, 585n
- CHAUNCEY, CHARLES (Conn.), 111
- CINCINNATI, SOCIETY OF THE, 262n, 383; criticism of, 107, 111n, 579; and Fourth of July celebrations, 159n, 159-60, 164; allegedly favors monarchy, 170n, 176. *See also* Army
- "CINCINNATUS" (Arthur Lee), 503n; text of, 530-34; publication and circulation of, xxxviii, 338n, 507n, 524n, 529n; authorship of, 529-30n; commentaries upon, 530n
- "A CITIZEN," 313n, 314n, 316-17, 319, 322n, 573n
- "A CITIZEN OF AMERICA" (Noah Webster), 405-6n, 486
- "A CITIZEN OF PHILADELPHIA" (Pelatiah Webster): text of, 297-306; publication and circulation of, 294n, 412n, 437, 438n
- CIVIL LIBERTIES, 19, 29, 32, 65, 101n, 160, 455, 475, 476, 492n; need for strong central government to protect, 46, 93n, 103, 126-27, 142-43, 143-44, 148, 160, 165, 167, 169n, 174, 185, 189, 190, 192, 195, 447, 496, 519, 544; newspapers as guardians of, 48, 340, 457, 460, 479, 485; separation of powers as a protection for, 86, 128, 129, 149, 188, 192, 332, 465; and the Constitutional Convention, 107, 109, 165, 174, 186-87, 190, 196n, 197-99, 459, 471, 519, 546n, 585; incompatible with monarchy, 164, 171n; Constitution endangers, 199, 236, 281, 282, 289, 328, 332, 350, 368, 372, 378, 388, 407, 411n, 412-21, 457, 460, 463, 466 473-77, 481, 482, 485, 501, 502-3, 524-29, 530, 533, 541, 548-50, 564n, 565, 579; Constitution protects, **204-5**, **209**, 251, 253, 260, 268, 279, 322, 327n, 356, 364-65, 375, 423, 436-37, 447-49, 544, 564, 565n, 585, 586. *See also* Bill of rights
- CIVIL WAR, 442-43; danger of, if Union was disbanded, 55n, 56n, 137, 291; danger of, because of disagreements over Constitution, 234, 278, 282, 421. *See also* Insurrections, domestic
- "CIVIS," 144-45, 171n
- CLARK, ABRAHAM (N.J.), xliii, xlv, xlvii, 229n, 242n
- in Congress: speeches by, 233, 234, 235, 241; motion by, 234, 235, 236
- CLASSICAL ANTIQUITY, 163, 406n; Augustus, 459; Caesar, 118, 143, 162, 184, 542; Caligula, 142, 459; Catiline, 184; Chaos, 91; Cicero, 142; Gorgon, 226; Hippocrates, 289; Hydra, 225; Lycurgus, 222, 377, 380; Nero, 459; Numa, 286; Plato, 289, 373; Polybius, 445; Portius, 143; Solon, 222, 286; Sylla, 184; Tacitus, 130, 131n; Tiberius, 123, 459. *See also* Governments, ancient and modern
- CLERGY: political and social role of, 127, 183, 192, 572; and Constitution, 261, 292, 383, 430, 456, 513, 573
- CLINTON, DEWITT (N.Y.), xxxviii, 287n, 493n
- CLINTON, GEORGE (N.Y.): id., 141n; 177, 312n, 317, 326n, 347, 373; as governor, xlv, 10; and alleged opposition of to Constitutional Convention, 135, 136-38, 138, 139-40; as alleged author of "The Republican," "Cato," and "Brutus," 141n, 255n, 411n; speculation concerning his opinion on Constitution, 255n, 308, 404, 439, 451, 454, 469, 486, 582-83
- CLYMER, GEORGE\* (Pa.), xlv, xlvi, 120, 163, **210**, 293n, 295
- COERCIVE POWER: Confederation Congress needs, 7, 9, 10-11, 14-15, 16-17, 18, 25, 46, 50n, 104, 106, 109, 110, 112, 130, 132, 137, 146, 159n, 160, 163, 178, 242n, 306n; opposition to granting to Confederation Congress, 11, 57n, 109; debate over coercive power of new government, 310, 372, 388, 407, 442-43
- COLLIN, NICHOLAS (Pa.): id., 290n
- "Foreign Spectator," 290-93
- COMMERCE, 48, 167, 172, 173, 182, 248, 340, 441n, 449; Annapolis Convention and regulation of, xl, 30, 34, 111; desire to increase Congress' power over, 3, 4, 7, 8, 11, 26, 27-28, 28, 29, 29-30, 30, 46, 49-50n, 51-54,

- 55n, 76, 76–77, 87, 99, 99–100, 101, 103–4, 107, 111, 112, 119, 146, 155, 179, 191, **211**, 309, 324, 376; disadvantages of state regulation of, 12–13, 59, 99, 103, 106, 109, 161, 179; Congress' efforts to increase its power over (1781–86), 12–13, 24–25, 26–27, 29, 31, 32, 33, 110, 111n; impact of foreign regulation on, 24, 114, 119, 146, 149–58n, 258, 360, 483; condition of under Articles, 26, 31, 31–32, 50n, 98, 102–3, 119, 137, 159n, 180, 182, 344, 365, 456, 543–44, 563–64; Constitution's provisions giving Congress power to regulate, 39, **203**, **205**, 422; Constitution will benefit, 164, 189, 191, 193, 194, 195, 267, 277, 286, 305, 310–11, 315, 344, 353, 354, 360–61, 382, 383, 393, 395, 408, 440, 456–58, 481, 507, 515, 523, 563–64, 568–69; U.S. Congress' power to regulate, criticized, 199, 216, 236, 280, 281, 296, 332, 350, 356, 359, 386, 408, 415, 450, 482, 504, 516; restraints upon U.S. Congress' power over, **204**; restraints upon states' power over, **205**, 471
- COMMON LAW, 330, 388, 389, 462; Constitution criticized for failure to provide benefits of, 239, 240, 348, 428, 466, 485, 527; defense of Constitution's position on, 409; in the states, 240, 388, 409. *See also* Judiciary, U.S.
- CONGRESS, CONTINENTAL, 3–6, 7, 162
- CONGRESS UNDER ARTICLES: support for increased powers for, xxxvi, 3–43, 46, 47, 49–50n, 51–54, 55n, 57, 60n, 60–70, 74–75, 76, 76–77, 79, 87, 99–100, 101n, 103–4, 104, 106–7, 109, 110–11, 111, 111n, 112, 112–13, 115, 117, 119, 130, 132, 137, 137–38, 146, 151n, 155, 159n, 160, 162, 163, 169n, 170n, 173, 178, 181, 186–87, 187, 191, 192, **211**, 215, 220n, 232, 242n, 270, 280, 306n, 309, 324, 343, 351, 372, 376, 395, 400, 524, 554; and Annapolis Convention report, xl, 34, 34–35, 36–37, 37–38; attempts to call a constitutional convention (1776–86), xl, 9–10, 15, 16–17, 23, 25, 28–29, 30, 31, 32, 34–35, 35–36, 111, 136, 270, 585; calls Constitutional Convention (Feb. 1787), xl, 3, 37, 37–38, 38, 45, 97n, 106, 137–38, 231, 235, 237, 242n, 275, 371, 471, 484, 519, 520, 548–49, 552; and policy toward western lands, xl, 23–24, 39, 83n, 226, 236, 275; receives states' ratifications of the Constitution, xlii, **210**; calls first federal elections, xlii, **211**; delegates to and officers of (1787), xliii; formation of executive departments by, xliv, 10, 11, 13, 15; provisions for voting in, 7, 15, 25, 26, 32, 53; provisions for powers of in Articles, 7–8; implied powers of, 11, 14, 14–15, 18, 20, 22, 51–52; opposition to granting coercive power to, 11, 57n, 109; states fail to pay requisitions of, 12, 14, 31, 66, 69, 76, 110, 111n, 159n, 160; exercised extra-constitutional powers, 23, 236, 275; attendance of delegates to, 33, 113, 138, 453; and Jay-Gardoqui treaty negotiations, 33, 39, 55n, 76, 111, 149–58, 179, 195, 380, 381n, 569; representation in, 36, 53, 123–24, 342, 471; dangerous to increase powers of because of its unicameralism, 47, **211**, 270; rotation in office of delegates to, 47, 99, 100, 261n; opposition to increase of power for, 108; and debate over its power to keep a standing army, 341, 391, 463; recommendation that it call a second constitutional convention, 498
- and consideration of Constitution: Constitutional Convention to report to Congress, 36, 40, 45, 121n, 126, **210**, 470, 554n; Congress considers Constitution, **211**, 220, 223, 229–42, 246, 255, 260, 274, 274n, 275–76, 281–82, 282, 285, 293n, 308, 357, 358, 371–72, 398–99, 438, 439, 452, 470, 515; delegates to Constitutional Convention present during debates in Congress, 229n, 308, 484; Constitution transmitted to states by Congress, 230n, 241, 274, 274n, 276, 280, 281, 285, 293n, 298, 307, 308, 323, 357, 358, 410, 438, 439, 452, 577–78; secrecy of debates in, 230n, 281, 467–68; Richard Henry Lee's proposed amendments in, 230n, 237, 238–41, 242n, 275, 281, 282, 289, 323, 325n, 369n, 385n, 452, 484, 546n; states represented in Congress

- during debate over Constitution, 231, 241, 276
- letters from presidents of, 13, 22, 41n, 55n
- letters to presidents of, 11, 20, **211–12**, 225, 259, 259n, 274, 431n  
*See also* Amendments to Articles of Confederation; Sovereignty; Thomson, Charles
- CONGRESS UNDER CONSTITUTION, DEBATE OVER POWERS OF:** provisions concerning in Constitution, 39, **200–5**, **208**, 259–60; criticism of, 196n, 198, 199, 218, 284, 323n, 327n, 378, 400–3, 405n, 414–15, 416–17, 423, 424, 429, 460–61, 466, 485, 502, 509, 532, 535–38, 540–41, 548, 554–55n, 564n; defense of, 198, 299–301, 301, 304, 305, 424, 544, 552. *See also* Entries for individual topics
- CONNECTICUT**, xliv, 59, 228n; state convention of, xxxvii, xl, xli, 354, 429, 438, 470n, 486, 504, 545, 587; and Constitutional Convention, xl, xlvi, xlvii, 38, 105–11n, 163, **210**, 470–72n; and Congress, xliii, 10, 31, 106, 109, 110, 111n, 167; monarchical sentiments in, 56n, 169n, 170n, 171–72n, 172–74, 174–77; agrarian violence in, 92n, 94, 95; economic and political conditions in, 107, 109, 111, 161, 440; provisions of Constitution concerning, **200–1**, 354, 471; prospects for ratification of Constitution in, 227, 263, 276, 306, 380–81, 384, 430, 451, 486, 504
- CONSTITUTION, U.S.:** text of, **200–9**, 474; publication of, xvii, xxxvi–xxxvii, 200n, 218, 227, 228n, 230n, 261, 266, 587; signed in Constitutional Convention, xl, 199n, **209–10**; transmitted by Congress to the states, xl, 230n, 241, 260, 274, 274n, 276, 280, 281, 285, 293n, 298, 307, 308, 323, 357, 358, 371–72, 355, 438, 452, 467, 468; sent to Congress by Constitutional Convention, 40, **211**, 226n, 229n, 230n, 231, 255, 260, 274, 280, 431n, 554n, 562–3; Convention delegates distribute copies of, 200n, 215, 218, 223n, 224, 227, 254n, 274, 442, 454, 469, 471, 546n; foreign diplomats send copies to foreign governments, 217, 223, 229, 259, 285, 425n; copies sent, 219, 227, 307, 438, 442, 505; debates in Congress over, 229–42; John Hancock gives copy to Mass. legislature, 410n, 546n
- CONTRACTS, OBLIGATION OF**, **205**; lack of protection for under Confederation decried, 75, 91n, 167; praise of Constitution's provision for, 259, 274n, 283, 302, 422, 447, 471, 583
- CONVENTION, CONSTITUTIONAL**, 39–40, 61n, 102n, 151n, 152n, 438, 441n, 442, 504, 566, 566–67; reports of proceedings of, xvii, xxxix, 120–26n, 131–32, 179–80, 195–99, 213n, 215–17n, 442–50, 470–71; praise of members and actions of, xxxv, xxxviii, 79, 80n, 80, 83n, 112, 114, 119–20, 127, 133, 144–45, 147, 163, 164, 165, 167, 168, 185–86, 187, 188, 189, 190, 192, 222, 224, 225, 226, 253, 258, 264, 268, 271, 284, 290, 312, 345, 354, 356, 360, 372, 393–94, 396, 406n, 410, 422, 423, 469, 473, 483, 511, 519, 520, 523, 559, 562–63; early efforts to call (1776–86), xl, 9–10, 15, 16–17, 23, 25, 28–29, 30, 31, 32, 34–35, 35–36, 111, 136, 270, 585; election of delegates to, xl, 35–36, 38, 77n, 78, 80, 105–11n, 138, 263, 264n, 295, 308, 363–67, 484, 520, 521; called by Congress (Feb. 1787), xl, 3, 37, 37–38, 38, 45, 97n, 106, 137, 231, 235, 237, 242n, 275, 371–72, 471, 484, 519, 520, 548–49, 552; Rhode Island refuses to elect delegates to, xl, 38–39, 79n, 108, 109, 147, 552; meeting, members, and rules of, xl, xlvi–xlvi, 47, 112, 120, 218; Committee of Detail of, xl, xlvi–xlvi, 121n, 125, 242n; Committee of Style of, xl, xlvii, 196n, 197, 199n, 346n; states require congressional approval for report of, 36; states instruct delegates to, 36, 37, 215, 238, 242n, 470, 548, 554n; constitutionality of, 36, 38, 38–39, 233, 235, 238; refuses to consider a bill of rights, 39, 195–97n, 197–99, 346n; transmits Constitution to Congress, 40, 199–212, 226n, 229n, 230n, 231, 255, 260, 274, 280, 431n, 554n, 562–63; and issue of separate confederacies, 56n, 57–58; fate of America depen-

- dent upon, 58, 78, 97, 98, 111, 112, 114, 122, 124, 127, 133, 138, 144–45, 164, 165, 167, 168, 171n, 176, 179, 180, 185–86, 187, 188, 189, 190, 191, 192; predictions that it will create new government, 62, 97n, 97, 98, 135, 149, 185, 186; alleged actions of against Rhode Island, 80, 131–32; and Adams's *Defence of the Constitutions*, 83–84n, 85n, 330; criticism of, 108, 109, 136, 139–40, 187, 192, 319, 327n, 330, 336, 346n, 348, 370–71, 425n, 457–58, 458, 468, 537, 539, 549, 579; pessimism about prospects of, 111, 145, 177, 190, 262n; rule of secrecy in, 120n, 122n, 122–23, 123, 124, 132, 165, 174, 179, 185, 198, 285, 326n, 370, 457–58, 458–59; Virginia Plan in, 120n, 125; diversity of opinion in, 121n, 123, 296, 467; unanimity in, 121n, 124, 184–85, 218, 218–19, 259, 271, 286, 288, 375, 411; defense of, 135–39, 409, 454; westerners and, 151n, 155; and issue of monarchy, 171n, 172n, 173–74, 174, 175; votes taken in, 197, 198, 199; Constitution signed in, 199n, 214, 215, 215n, 503n, 582; adjournment of, 199n, 255, 396; spirit of compromise in, 211–12, 218, 279, 351, 443; reports from delegates to, 213n, 215–17n, 470–72; criticized for abandoning Articles of Confederation, 229–30n, 231, 232–33, 235, 275, 281, 295, 296, 324, 371, 405n, 452, 484n, 548–49; defended for abandoning Articles, 235–36, 275, 297, 396, 398–99, 442, 511–12. *See also* Great men and the Constitution
- CONVENTION, SECOND CONSTITUTIONAL: several states recommend calling of, xlii; support for, 86n, 195–96n, 198–99, 256, 324, 368, 450, 498–99, 502n, 542–43; opposition to, 196n, 198–99, 199, 236, 287, 288; pessimism about prospects of, 198–99, 214, 280, 381, 440–41, 442, 508; Constitution's procedure for calling, 209, 377; will probably have to be called, 336, 407; doubt that one will be called, 377, 378, 380. *See also* Amendments to Constitution
- CONVENTIONS, STATE, 244; propose amendments on freedom of press, xviii; Constitutional Convention provides for ratification of Constitution by, 40, 209, 210, 260–61, 562–63; recommendation that they be allowed to propose amendments, 196n, 197–99, 236, 242n, 324, 421, 498; three-fourths of, required to ratify amendments, 209; Congress transmits Constitution to states for ratification by, 230n, 234, 236–37, 237–38, 238, 241, 260, 274, 274n, 276, 280, 285, 298, 357, 371–72, 438, 468; denial that they may propose amendments, 376; recommendation that a bill of rights be submitted to, 502n, 502–3. *See also* Entries for individual states
- COPYRIGHTS AND PATENTS, 203, 479
- CORRUPTION: as grounds for impeachment, 207, 303; Constitution lays foundation for, 407, 424
- COXE, TENCH (Pa.): id., 102n; xlv, 50n, 62n, 82n, 247n, 259n
- letters from, 251, 252n, 360, 437, 438n; cited, 83n, 102n, 247n, 294n, 431n, 492n
- letters to, 251, 252n, 437, 438n; cited, 431n, 489n, 491
- An Enquiry . . .*, 102–4
- “An American Citizen,” 247–51, 264–66, 272–73, 431–37. *See also* “American Citizen, An”
- CRANCH, RICHARD (Mass.), 82n, 83n
- CREDIT, PUBLIC: *See* Public credit
- CREDITORS, PUBLIC: *See* Debt, U.S.
- CREVECOEUR, ST. JEAN DE (N.Y.): id., 227n; xlv, 226–27, 380
- CROMWELL, OLIVER (England), 78, 118, 162, 424
- “CURTIUS”: text of, 268–72; criticizes Antifederalist writers, 255n, 369n, 412n, 473n; publication and circulation of, 268n, 567n; praises Federalist writers, 287n, 374n, 492n
- CUTTING, JOHN BROWN (Mass.), 83n, 489n
- DAGGETT, DAVID (Conn.): id., 166n; 159n, 160–63, 166n
- DALLAS, ALEXANDER J. (Pa.), xxxix, 121n, 337n
- DANA, FRANCIS (Mass.), xlv, xlvii, 80n, 82n
- DANE, NATHAN (Mass.): id., 357n; 233, 236, 242n

- letters from, 356-57; cited, 28, 34-35, 120n
- in Congress, xliii, 229n, 275, 452; motion by, 231-32, 232, 242n; speeches by, 232, 235, 240
- "DANIEL SHAYS," 228-29
- DAVENPORT, JAMES (Conn.), 110-11, 111n
- DAVIDSON, ROBERT (Pa.), 159n
- DAVIE, WILLIAM R. (N.C.), xlvi, 84n, 491n
- DAWES, THOMAS, JR. (Mass.), 159n, 164
- DAYTON, JONATHAN\* (N.J.), xlvi, **210**
- DEANE, SILAS (England), 84n, 194
- DEBT, U.S., 91n, 93n, 119, 124, 146, 162, 187; Congress and payment of, 8, 10, 11, 12-13, 15, 16, 17, 18, 19, 20-21, 22, 23, 24, 28, 31, 39, 55n, 60n, 64, 66-68, 76, 77, 98, 99, 101n, 114, 117, 136-37, 148-49; size and distribution of, 15, 17, 31, 106, 111, 216, 220n, 343; state assumption of, 16, 31, 91n, 161, 191, 220n, 343; and sale of western lands, 21, 24, 39, 150n, 180, 353, 367, 465-66; Constitutional Convention and, 132, 179, 180; Constitution and payment of, 147, 189, 191, 194, 195, **203, 209**, 220, 220n, 236, 267, 277, 283, 342-43, 365, 383, 395, 414, 423, 433, 465, 465-66, 466, 471, 481, 503, 565. *See also* Public credit
- DEBTS, PRIVATE, 19, 75, 178, 179, 515n, 543-44; fraudulent means used to pay, 35, 75, 79n, 91-92n, 92n, 93n, 146, 184, 259, 274n, 382; Constitution will make collection of easier, 39, **205**, 277, 383, 471, 507; difficulty of paying, 91n, 98, 153, 365. *See also* Paper money; Tender laws
- DECLARATION OF INDEPENDENCE, 4, 249; Constitutional Convention to preserve principles of, 139, 162, 163, 165
- DEFENCE OF THE CONSTITUTIONS, A: *See* Adams, John
- DELAWARE, xlv, 59, 155, **201**; and Constitutional Convention, xl, xlvi, 36, **210**; state convention of, xli, 587; and Congress, xliii, 8, 13; and Annapolis Convention, xlv, 34; prospects for ratification of Constitution in, 252, 438, 454, 583
- DEMAGOGUES, 141-44; Antifederalists accused of being, 135, 192, 225, 279, 288
- DEMOCRACY: defined, 3, 130, 134, 148, 370; defects of, 81n, 83n, 93n, 121n, 127, 131, 133, 141-44, 144, 167, 169n, 183, 192, 334, 357-58, 418, 447-49; in Confederation, 110, 140, 149, 234; assertions that Constitution endangers, 121n, 123, 277, 283, 485, 510, 530; elements of in Constitution, 217, 226, 227, 234, 240, 277, 517, 521; fear of principles of in Constitution, 219, 441. *See also* Aristocracy; Bill of rights; Civil liberties; Despotism; Government, debate over nature of
- "DEMOCRATIC FEDERALIST, A," 338n; 386-92, 502
- DESOTISM, 18, 72, 105, 110, 131, 182, 188, 214, 229, 248; fear of if Constitution is not adopted, 46, 66, 75, 76-77, 114, 116, 117, 144, 148, 149, 160, 162, 166, 171n, 186, 258, 306, 496, 516, 572; assertion that adoption of Constitution presents danger of, 57n, 139, 235, 282, 283, 284, 289, 305, 318, 323, 326n, 327n, 330, 332, 334, 336, 390, 407, 412n, 413, 415, 417-18, 419, 424, 457, 458, 468, 482, 485, 493n, 495, 499, 501, 503, 505, 510, 532, 533, 541-43, 574, 575, 578; denial that Constitution presents danger of, 217, 226, 249, 269, 301, 355, 580. *See also* Aristocracy; Democracy; Monarchy; Republican form of government
- "DETECTOR," 314n, 318
- DICKINSON, JOHN\* (Del.), xxxiii, xlv; delegate to Constitutional Convention, xlvi, 116n, 120, 121n, 167, 210; drafts Articles of Confederation, 5, 6; as author of "Farmer's Letters," 458, 459, 460
- letter to: cited, 489n
- DIVISION OF POWERS: Constitution praised for providing for, 219, 443, 444; too much power given to central government, 284. *See also* Government, debate over nature of; Sovereignty; States, under Articles of Confederation; States, impact of Constitution upon

- DORCHESTER, LORD: *See* Carleton, Sir Guy
- DUANE, JAMES (N.Y.), xlv, 9, 12, 14
- DUE PROCESS OF LAW, 239, 527
- DUER, WILLIAM (N.Y.), xlv, 487n
- DUTIES, 10, 179, 324; Va. legislature proposes (1785), 29; proposed amendment concerning (1786), 32; provisions for in Constitution, 39, **203**, **204**, **205**, 259, 465, 504; as principal source of revenue, 342-43, 465, 471. *See also* Commerce; Impost of 1781; Impost of 1783
- ECONOMIC CONDITIONS UNDER THE CONFEDERATION, 190; Constitution needed to improve, 31-32, 35, 76, 91-96, 98, 134, 147, 169n, 178, 180, 185, 191, 193-94, 360, 382, 456, 483, 515, 572, 586; conditions are not as bad as alleged, 45, 127, 161, 182, 515. *See also* Agriculture; Commerce; Debt, U.S.; Political conditions under the Confederation
- ELECTIONS, U.S., 117, 118, 148, **201-2**, **210-11**; attack upon Congress' power over, 199, 245, 334, 335, 346, 406n, 423, 464, 505, 564-65n; attack upon lack of frequency of, 239, 296, 332, 345, 405n, 522, 564n; praise of provisions for, 303, 355, 436, 521, 544, 550-52; charge that they might be corrupted, 423, 424, 528, 548
- ELECTORS, PRESIDENTIAL: Constitution's provisions for, **205-6**, **206**, **211**, 260; praise of system of, 250, 251, 342, 436; opposition to system of, 346, 459. *See also* President, U.S.
- ELLERY, WILLIAM (R.I.): *id.*, 384n; 384
- ELLSWORTH, OLIVER (Conn.): *id.*, 562n; delegate to Constitutional Convention, xlv, xlvii, 105n, 125, 163; delegate to Congress, 15, 22
- letter from, 470-72
- "A Landholder," 547n, 561-64. *See also* "Landholder, A"
- EMBARGOES, 15. *See also* Commerce
- AN ENQUIRY INTO THE PRINCIPLES OF A COMMERCIAL SYSTEM (Tench Coxe), 102-4
- EQUITY LAW: *See* Judiciary, U.S.
- EXECUTIVE DEPARTMENTS, **207**, 349-50, 355, 559-61; formation of under Articles of Confederation, xlv, 10, 11, 13, 15; weak executive favored, 81n, 85n; strong executive favored, 84n, 86, 88, 89, 118, 123, 131, 170n; supreme executive council supported, 128-30. *See also* President, U.S.; Privy council
- EXPENSES OF GOVERNMENT, 4, 130, **204**, 560; under Confederation, 5, 173; proposal for supplementary funds (1783), 21, 31, 37; proposed amendment to Articles of Confederation altering apportionment of, 21-22, 31, 109, 111n; debate over charge that Constitution will increase, 296, 298, 362, 365, 565n. *See also* Appropriations; Officeholders, U.S.; Tax power
- EX POST FACTO LAWS, **204**, **205**; debate over Constitution's provision for, 197, 245, 274n, 302, 350, 433, 450, 471, 528
- "EZEKIEL," 472-73, 522n
- FAIRFAX COUNTY, VA.: instructions to legislative delegates on Constitution, 353, 353n, 359, 450, 455, 585; attitude toward George Mason in, 353, 358, 450, 455. *See also* Alexandria, Va.
- "FARMER, OF NEW JERSEY, A" (John Stevens, Jr.), 85n, 558-61
- FARMERS, 119, 182, 191; Constitution will benefit, 353, 365, 382, 383, 563-64; opinions of on Constitution, 456, 467. *See also* Agriculture
- "FEDERAL CENTINEL, A," 355-56
- "FOEDERAL CONSTITUTION," 294n, 362-66, 431n
- FEDERALIST, THE (Alexander Hamilton, John Jay, and James Madison), 412n; texts of, 494-97, 517-20, 555-58, 568-71; purpose and authorship of, 141n, 486-90n; commentaries upon, 406n, 492-94n, 562n; publication and circulation of, 490-92n, 497n, 517n, 555n, 568n
- FEDERALISTS: and publication of material in newspapers, xviii, xxxii, xxxiv, xxxviii-xxxix, xxxix, 356; attempts by to intimidate newspaper publishers, xxxii, xxxvi, xxxvii, xxxviii, xxxix, 294n, 328n, 373, 530n, 534n, 578; attacks upon, 140, 327n, 338n, 421, 531, 534, 575, 578; in Philadelphia, 167, 228, 565; use of as name, 193,

- 193n, 545, 584; description of, 193, 217, 221; accused of misleading public about Congress' debate over Constitution, 230n, 467-68; attacks by on Antifederalist writings, 294n, 327n, 348n, 376n, 411-12n, 547n. *See also* Great men and the Constitution
- FEW, WILLIAM\* (Ga.), xliii, xlvi, **210**
- FINDLEY, WILLIAM (Pa.), 362, 366n; as alleged author of Antifederalist material, 294n, 564n
- FINES, 239, 527
- FISHERIES, 45n, 103n, 107, 179, 568
- FITCH, ELISHA (Conn.), 109
- FITZSIMONS, THOMAS\* (Pa.), xlv, xlvi, **18, 210, 295, 405n**
- FLORIDABLANCA, CONDE DE (Spain): id., 223n; 223, 407
- FOREIGN AFFAIRS, 4, 129; under Articles of Confederation, xlv, 6, 7, 13; assertion that Congress ought to have exclusive power over, 65, 87, 99, 112, 129
- FOREIGN OPINION OF THE U.S., 59; is low under Confederation, 30, 31, 48, 50n, 53, 57, 73, 74, 75, 98, 101, 117, 137, 147, 159n, 161, 162-63, 182, 184, 190, 236, 258, 311, 315, 360, 365, 372; will decline if Constitution is not adopted, 50n, 128, 144-45, 149, 188, 194, 292, 394, 516, 571; argument that the U.S. is the last hope for mankind to govern itself, 54, 62, 63-64, 86, 101, 114, 116-17, 126-27, 134, 139, 184, 185-86, 192, 222, 246, 256, 258, 271, 286, 290, 351, 364, 473, 494, 505, 544-45, 559; some foreigners oppose America's rise to power, 145, 277, 315, 360; Constitution will cause to rise, 146, 189, 194, 214, 224, 225, 255, 267, 271, 280, 286, 305, 309, 310, 311, 352, 361, 365, 375, 393, 395, 399, 423, 433, 438, 480, 481, 503, 507, 523-24, 583, 585; foreign opinion and description of Constitution, 253, 268, 274, 364, 454, 505
- "FOREIGN SPECTATOR" (Nicholas Collin), 290-93
- "FOREIGNER," 543-45
- FOREST, ANTOINE DE LA (France): id., 261n; 259-61
- FRANCE: *See* Governments, ancient and modern
- FRANKLIN, BENJAMIN\* (Pa.): id., 80n; xxxii, xxxiii, xxxviii, xlv, 4, 45n, 82n, 406n; praised or defended, 60n, 145, 163, 268, 286, 344, 345, 364, 394, 582; and Antifederalist charge that he was duped into signing Constitution, 270, 327n, 328n, 330, 379, 521, 579
- letters from, 218; cited, xxxvi, 212n
- letters to: cited, 212n, 212-13n, 213n, 546n
- in Constitutional Convention, xlv, 80, 116n, 120, 167, **210**, 215, 222, 226, 306n; speech by, 212-14, 215n, 546n, 582
- FRANKLIN, JOHN (Pa.), 228n, 373, 374n, 379
- FRANKLIN, STATE OF, 59, 150n, 152n, 154, 475
- GADSDEN, CHRISTOPHER (S.C.): id., 508n; 507-8
- "GALBA," 314n, 319, 320, 573n, 575-76, 576, 577
- GALLOWAY, JOSEPH (England), 3-4, 194
- GANSEVOORT, LEONARD (N.Y.), xlv, 492n
- GARDOQUI, DON DIEGO DE (Spain): id., 223n; xxxiii, xlv; and negotiations over Mississippi River, 33, 149-52n
- letters from, 223, 407
- letter to: cited, 151n
- GENERAL WELFARE CLAUSE, 53, **203**; debate over, 246-47, 333, 406n, 414, 471, 535. *See also* Implied powers; Necessary and proper clause; Reserved powers
- GEORGIA, xlv, 59, 110, **201**, 312n, 325n; and Constitutional Convention, xl, xlv, xlvii, 36, **210**, 449; state convention of, xli; and Congress, xliii, 123; prospects for ratification of Constitution in, 353, 438, 439, 452, 469, 504; war with Indians, 452, 507
- GERMANS, 492, 521
- GERRY, ELBRIDGE (Mass.): id., 196n; xlv, 42, 120; as non-signer of Constitution, 196n, 199n, 218, 219, 223, 259, 261n, 277, 278, 296, 297-98, 307, 307n, 317, 346n, 353, 362, 403n, 404, 450, 516, 546n; and Richard Henry Lee's amendments to Constitution, 230n, 484; and George Mason's objections to Constitution, 347n, 422;

- and "A Landholder," 547-48n, 562n  
 -letters from, 218, 407, 548-50; cited, 546n  
 -letters to, 421-22; cited, 4, 27, 29, 30, 32, 80n, 168n, 240, 562n  
 -in Constitutional Convention, xlvi, 163, 196n, 197, 198, 199, 346n; speeches by, 197, 198, 199  
 -objections to Constitution (18 Oct. 1787 letter), 218, 407, 546-48n; text of, 548-50; publication and circulation of, xxxiv, 328n, 546n; commentaries upon, 547-48n, 550-54  
 GILMAN, JOSEPH (N.H.), 120n, 172n  
 GILMAN, NICHOLAS\* (N.H.): id., 516n; xliii, xlvi, 210  
 -letters from, 515-16; cited, 120n, 172n  
 -letter to: cited, 488n  
 GORDON, WILLIAM (Mass.), 23, 60n  
 GORE, CHRISTOPHER (Mass.), 491n, 547n  
 GORHAM, NATHANIEL\* (Mass.): id., 555n; and Benjamin Franklin's Convention speech, 212n, 546n; and Elbridge Gerry's objections to Constitution, 546n, 547n, 550-54  
 -letters from: cited, 212n, 264n, 546n, 547n  
 -letter to: cited, 212n  
 -in Constitutional Convention, xlvi, xlvii, 125, 210, 229n, 546n, 566n; speech by, 197  
 -in Congress, xliii, 55n, 169n, 229n; speeches by, 234, 237, 238  
 GOVERNMENT, DEBATE OVER NATURE OF, 105, 134, 160, 406n, 512; attacks upon Constitution for creating a consolidated government, 56n, 57n, 220, 227, 232, 281, 334, 368, 371, 411n, 413-21, 473-77, 485, 491n, 499-500, 501, 524-29, 549; circular theory of government, 66, 117, 131, 171n; argument that a strong central government is needed, 146, 148, 160, 211-12, 441-42, 442, 517-20; good administration required for good government, 183-84, 396-97, 556. *See also* Aristocracy; Balanced government; Coercive power; Democracy; Despotism; History; Monarchy; Sovereignty  
 GOVERNMENTS, ANCIENT AND MODERN, 253; Achæan League, 87n, 445; Algeria, 146; Amphictyonic Council, 87, 222, 445; Arcadian League, 87; Argive League, 87; Athens, 140, 474; Canada, 71n, 72, 73, 74, 108, 110, 154, 155, 170n, 172, 173, 267, 309, 521; Carthage, 79, 146; China, 103, 569; Denmark, 510; Europe, 47, 48, 49, 101, 117, 126, 189, 193, 543-44, 545; Florida, 383, 452, 521; France, xliv, 10, 103, 146, 154, 173, 182, 267, 351, 368, 539, 558, 568, 571; Genoa, 425n, 558; Germany, 189, 445; Greece, 417, 433, 570; Hanseatic League, 87; Helvetic League, 445, 499; India, 103, 569; Ireland, 146, 154, 189, 544; Italy, 85n, 432; Lacedæmon, 474; Lycian Confederacy, 445; Morocco, 194; Mexico, 153; The Netherlands, xliv, 87, 103, 182, 189, 194, 234, 257, 285, 285n, 288, 351, 355, 445, 545, 583; Olynthian League, 87; Peru, 142; Poland, 107, 269, 541, 543; Portugal, 432, 556; Prussia, 169n, 556; Rome, 79, 104, 123, 140, 142, 146, 168n, 222, 389, 406n, 417, 424, 433, 459-60, 499; Russia, 103, 146, 182; Sicily, 153; South America, 103, 383; Spain, xliv, 33, 39, 76, 103, 110, 142, 146, 149-58, 162, 195, 368, 432, 539, 556, 558, 569, 571; Sparta, 222, 474; Sweden, xliv, 48, 103, 418, 510, 537; Swiss Cantons, 87, 142, 391, 499; Turkey, 182, 305, 336; Venice, 391; West Indies, 50n, 103, 193, 267, 383. *See also* Classical antiquity; Great Britain  
 "GRAND CONSTITUTION, THE," 344-45  
 GRANGER, ABRAHAM (Conn.), 107, 109  
 GRAYSON, WILLIAM (Va.): opposes Constitution, 456, 470  
 -letters from: cited, 24, 30, 31, 32, 71n, 151n  
 -in Congress, xliii, 229n; speeches by, 234, 241  
 GREAT BRITAIN, xliv, 49, 146, 171n, 182, 189, 191, 267, 268, 368, 426, 558; opinion of U.S., xxx, 30, 74, 117, 360; and American Revolution, 3, 3-4, 78, 118, 152, 154, 159, 248-49, 268, 402, 403n, 433, 474, 585; Parliament of, 4, 53, 248, 269, 390, 394, 402, 419, 426, 445, 459, 460; and trade with U.S., 24, 25, 27, 28, 50n,



- 77, 103, 194, 267, 311, 360, 393, 483, 507–8, 556, 568, 569; as threat to U.S., 32, 35, 49, 71–74n, 79, 95, 109, 124, 147, 150–58n, 176, 193, 194, 278, 317, 368, 392–93, 558, 564, 571; monarchy and monarchs of, 46, 118, 143, 222, 249–50, 324, 424, 426, 428, 541–42; army and navy of, 46, 173, 419, 463, 570; constitution of, 46, 81–82n, 84n, 85n, 89, 173, 248, 249, 263, 331, 332, 351, 406n, 423, 424, 464; and Treaty of Peace (1783), 76, 77, 118, 509–10, 523–24, 557; newspapers and magazines of, 82n, 84n; scheme to make son of George III monarch of U.S., 171–72n, 172–78, 278; House of Commons, 195, 272, 423, 424, 510; House of Lords, 195, 249, 250, 265, 269, 423, 423–24; legal and judicial system of, 199, 324, 325n, 333, 349, 388, 389, 389–90, 428, 432, 454, 461, 501; Magna Carta, 501, 526, 536; Petition of Right, 501; Bill of Rights, 501, 526
- GREAT MEN AND THE CONSTITUTION**, 254, 556; “Centinel” asserts that Benjamin Franklin and George Washington were duped into signing Constitution, 61n, 272n, 327n, 328, 330, 379, 458, 521, 579; praise of delegates to Constitutional Convention, 80n, 80, 133, 138, 144–45, 147, 163, 167, 185–86, 190, 520, 523; support of as reason for ratifying Constitution, 253, 268, 277, 312, 364–65, 394, 451, 473, 582, 584; support of should not be a reason for ratifying Constitution, 257, 329–30, 361, 362, 386, 425, 533, 549, 579
- GREENLEAF, THOMAS** (N.Y.), xxxv, xxxvii–xxxviii, 312n, 315, 524n, 534n
- HABEAS CORPUS, WRIT OF**, 33, 204; debate over Constitution’s provision to suspend, 424, 466, 522, 523, 528. See also Bill of rights
- HALL AND SELLERS** (Pa.), xxxviii–xxxix, 247n, 337n, 430n, 431n
- HAMILTON, ALEXANDER\*** (N.Y.): id., 141n; xxxiii, 12, 17, 19, 50n, 270; commissioner to Annapolis Convention, xlv, 34; delegate to Constitutional Convention, xlvi, xlvii, 121n, 125, 210, 223; proposes a constitutional convention, 9, 17, 23; and Imposts of 1781 and 1783, 16–17, 18, 20, 22, 23, 37; and circulation of “An American Citizen,” 247n, 251, 252, 431, 437; as alleged author of “Cæsar,” 287n
- letters from, 174; cited, 9, 19–20, 60n, 171n, 486n, 489n, 490n, 491n, 492n; alleged letter of, 255n
- letters to, 175, 175–80; cited, 20, 168n, 171–72n, 172n, 489n, 493n
- The Federalist*, 494–97; authorship of, 486–90n. See also *Federalist*, *The*
- newspaper attack on George Clinton, 135, 141n, 177; text of, 136–38; response to, 139–40
- draft essay by, 277–78
- HANCOCK, JOHN** (Mass.): id., 410n; 394; as governor, xlv, 92, 410–11, 546n
- HANSON, ALEXANDER CONTEE** (Md.), 489n
- “**HARRINGTON**” (Benjamin Rush), 46n, 116–20, 167
- HARRISON, BENJAMIN** (Va.): id., 223n; 223–24, 455
- HARTFORD**, 159n, 312n, 314n
- HARTFORD CONVENTION**, 10–11, 12
- HAWKINS, BENJAMIN** (N.C.), xliii, 151n, 155–57, 158n
- HAZARD, EBENEZER** (N.Y.): id., 384n; xlv, 170n, 384n
- HENRY, PATRICK** (Va.): id., 223n; xlvii, 219; opinion respecting powers of Congress, 25, 150n; speculation concerning his opinion on Constitution, 57, 308, 359, 404, 409, 451, 452, 455, 470; as alleged author of “Senex,” 90n
- letter to, 223–24n
- letter from: cited, 30
- HIGGINSON, STEPHEN** (Mass.), xlv; delegate to Congress, 12, 21, 22, 23
- letters from: cited, 21, 22
- HINMAN, BENJAMIN** (Conn.), 111
- HISTORY**, 48, 91, 148, 168n, 467, 565; examination of by John Adams, 86, 88, 331; America as a unique example in, 114–15, 128, 168, 417; shows danger to liberties from weak government, 116–18, 191, 306, 496; shows danger from Constitution, 458, 464, 526–27, 539–40

- HOLTEN, SAMUEL (Mass.), 42n, 325
- HOPKINS, JOSEPH (Conn.), 111
- HOPKINSON, FRANCIS (Pa.), 574n
- HOUSE OF REPRESENTATIVES, U.S., DEBATE OVER, 199, 239, 441, 560, 561; Constitution's provisions concerning, **200-1**, **201-3**, **205-6**, **209**; power to originate money bills, 121n, 265, 273, 435; representation in and reapportionment of, 199, 216, 240, 244, 260, 272, 279, 291, 324, 335, 348, 350, 393, 446, 450, 510, 548, 550, 564n, 566n, 566-67; voting in, 239, 260, 273; election of, 260, 272-73, 335, 342, 352, 406n, 436, 505, 506, 550-51; Senate as check upon, 265, 273, 423, 464, 510; as check upon Senate, 265, 266, 273, 335, 341, 423, 464; analysis of by "An American Citizen," 272-73; term of members of, 272, 303, 335, 352, 423, 444; qualifications and salaries of members of, 272-73, 423, 432; has sole power of impeachment, 273, 423, 510; criticism of failure to make it part of treaty-making process, 350, 426, 508-9; power to elect President if Electors fail to elect, 506. *See also* Large vs. small states
- HOUSTON, WILLIAM C. (N.J.), xlv, xlvi
- HOUSTOUN, WILLIAM (Ga.), xlvii
- HOWELL, DAVID (R.I.), 12, 17-18, 27
- HUGHES, HUGH (N.Y.): *id.*, 374n; 411n; as author of "A Countryman," xxxviii, 327n
- letters to, 373-74; cited, xxxviii, 141n
- draft essay by, 488n, 493n
- HUMAN NATURE, 114, 160, 289, 301, 512, 516, 524, 539; corruptibility of requires checks upon governments, 6, 131, 188, 289, 324, 368, 401, 416, 420, 466, 467, 526-27, 535, 536, 539, 568; depraved state of, 72, 104, 139; because of depraved state of, man is incapable of governing himself, 93n, 142, 143; dignity of proven by drafting and ratification of Constitution, 271
- HUMPHREY, HOSEA (Conn.), 108, 109
- HUMPHREYS, DAVID (Conn.): *id.*, 262n; 175
- letters from, 175-77, 261-62; cited, 56n, 172n
- HUNTINGTON, JEDIDIAH (Conn.), 106-7
- HUNTINGTON, SAMUEL (Conn.), xlv, 243n, 470-72
- HUTCHINSON, JAMES (Pa.), 326n, 376n
- IMMIGRATION: Constitution will encourage, 189, 194, 195, 267, 383, 395, 572
- IMPEACHMENT, 129; Constitution's provisions concerning, **201**, **206**, **207**; and President, 250, 265, 308, 349, 355, 561; role of Senate, 265, 265-66, 308, 349, 408, 510; role of House of Representatives, 265, 273, 510; as a protection against corruption, 303; combined role of House and Senate criticized, 423-24; limited to disqualification from office, 434-35
- IMPLIED POWERS: of Confederation Congress, 11, 14, 18, 20, 22, 51-52; debate over in Constitution, 237, 339, 478-80, 510, 528, 531-32. *See also* General welfare clause; Necessary and proper clause; Reserved powers
- IMPOST OF 1781, 60n, 235, 236; proposed by Congress, 12-13, 232; and payment of public debt, 13, 17, 18; Robert Morris requests states to adopt, 16; Rhode Island refuses to adopt, 17-18, 79n; Virginia rescinds its ratification of, 19
- IMPOST OF 1783, 23, 99, 145; proposed by Congress, 21, 22; ratification of by states, 31, 61n, 107, 110, 111n; New York refuses to ratify, 37, 110, 147; Washington asks states to ratify, 65, 66
- INDENTURED SERVANTS, 22, **200**, 572
- INDIANS, 22, 35, **200**, **203**; danger from, 32, 72, 119, 152, 154, 191, 280, 391; Georgia at war with, 452, 507; states blamed for wars with, 557
- INGERSOLL, JARED\* (Pa.), xlvi, **210**, 295
- INNES, JAMES (Va.): *id.*, 453n; 451, 455
- INSTALLMENT ACTS: *See* Debts, private
- INSURRECTIONS, DOMESTIC: Confederation has no power to suppress, 3, 79, 101n, 117, 137, 160-61, 182, 195, 524; Constitution gives power to suppress, 39, **204**, **208**, 277, 293, 302, 304, 309, 345, 352, 354, 355, 358, 372, 375, 481, 482; no danger from under Confederation, 81n, 81, 336
- INTEREST GROUPS: *See* Army; Baptists; Cincinnati, Society of the; Clergy;

- Debt, U.S.; Farmers; Fisheries; Germans; Lawyers; Literary men; Loyalists; Manufactures; Mechanics; Merchants; Officeholders, state; Officeholders, U.S.; Physicians; Printers and booksellers; Quakers; Sailors; Shipbuilding
- INTERNAL IMPROVEMENTS, 191, 195, 302
- INTERSTATE RELATIONS, 4, 26, **208**; assertion that central government should settle disputes among states, 3, 101, 106, 110, 117
- INVASIONS, FOREIGN, 39; danger of under Confederation or separate confederacies, 56n, 75, 137, 161; Constitution protects against, **204**, **208**, 302, 304, 315, 432, 481, 571; no danger from, 336, 390. *See also* War power
- IREDELL, JAMES (N.C.), 84n, 488n, 491n, 493–94n
- IRVINE, WILLIAM (Pa.): id., 220n; **xl**iii, 220n, 488n
- JACKSON, JONATHAN (Mass.), 34, 169n
- JACKSON, WILLIAM (Pa.), 120n, 122, **210**, **211**, 229n
- JAY, JOHN (N.Y.): id., 385n; **xxxiii**, **xliv**, 82n, 411n, 530n; and negotiations over Mississippi River, 33n, 149–52n  
–letters from, 385n; cited, 30, 36, 169n, 489n  
–letters to: cited, 30, 56n, 169n  
–*The Federalist*, 517–20, 555–58, 568–71; authorship of, 486–90n. *See also Federalist, The*
- JAY-GARDOQUI TREATY NEGOTIATIONS: *See* Mississippi River
- JEFFERSON, THOMAS (Va.), **xxxiii**, **xliv**, 151n, 167n, 469; is sent Constitution and material relating to, 223n, 381n, 438, 442, 454, 469, 470  
–letters from, 81; cited, 81n, 82n, 90n, 338n, 441n, 453n, 493n  
–letters to, 438–41, 442–54, 507–8; cited, 14, 24, 26, 30, 37, 42n, 56n, 81n, 84n, 86n, 90n, 170n, 223n, 326n, 346n, 440, 441n, 453n, 488n, 489n
- JENIFER, DANIEL OF ST. THOMAS\* (Md.), **xlvi**, **210**
- “JEWEL, THE,” 314n, 320
- JOHNSON, CHARLES (N.C.), 491n, 493n
- JOHNSON, SAMUEL WILLIAM (Conn.): id., 228n; 227–28
- JOHNSON, WILLIAM SAMUEL\* (Conn.): id., 227–28n; **xxxiii**; delegate to Constitutional Convention, **xlvi**, **xlvii**, 105n, 163, **210**, 229n, 470n, 561n  
–letters from, 227–28; cited, 42n  
–in Congress, **xl**iii, 229n, 235; speeches by, 235, 238
- JONES, JOSEPH (Va.): id., 510n; 359; and circulation of “An American Citizen,” 252n, 508, 510n  
–letters from, 508–10; cited, 14, 252n, 488n  
–letter to: cited, 252n
- JONES, WILLIE (N.C.), **xl**vii
- JUDICIARY, U.S.: Constitution’s provisions concerning, **201**, **203**, **206**, **207–8**, 309, 482–83, 560, 571; under Articles of Confederation, 7, 33, 387, 434; jurisdiction of, 39, 240, 260, 296, 303, 307, 333, 352, 387, 405n, 408–9, 411n, 415–16, 424, 434, 450, 461–63, 509, 532, 548, 552–53, 556–57; congressional power to create inferior courts, 39, 199, 415, 422, 424, 463; appointment and tenure of judges, 129, 239, 253, 260, 265, 269, 424, 552, 556, 559, 561; judicial review, 129, 424, 444, 446; civil, equity, admiralty, and maritime cases, 197, 240, 340, 388–89, 427–28, 461; as danger to state judiciaries, 259, 296, 303, 327n, 333, 349, 388, 408–9, 415–16, 434, 461–62, 463; original and appellate jurisdiction of, 296, 303, 346, 352, 388–90, 424, 462, 482, 509, 532–33, 536–38, 552–53, 556–57; the Supreme Court, 340–41, 346, 383, 388–90, 424, 482, 522, 523, 532–33, 536–38, 552–53. *See also* Common law; Jury trials; Separation of powers
- JURY TRIALS, **207**, **207–8**, 245; Constitution criticized for failure to provide for in civil cases, 199, 239, 240, 275, 296, 307, 329, 333, 336, 345, 350, 388–90, 405n, 424, 427, 429, 461, 466, 481, 485, 527, 536–37, 541; denial that Constitution abolishes in civil cases, 303, 340–41, 434–35; and appellate jurisdiction of federal judiciary, 303, 388–90, 532–33, 536–38; Constitution criticized for failure to provide for juries of the vicinage in

- criminal cases, 324, 462, 481, 506, 527, 536; references to court cases concerning, 324, 390, 463, 533; and criminal cases, 341, 427, 434-35, 466
- KENT, JAMES (N.Y.): *id.*, 309n; 488n, 492n
- KENTUCKY, 59, 183; and Jay-Gardoqui treaty negotiations, 150n, 151n, 153-54, 154-55
- KING, RUFUS\* (Mass.): *id.*, 555n; xxxiii, 233, 487n, 547n; delegate to Constitutional Convention, xlvi, xlvii, **210**, 229n, 546n
- letters from: cited, 26-27, 30, 32, 34, 34-35, 55n, 171n, 493n, 546n, 562n
- letters to: cited, 28, 55n, 120n, 491n, 547n
- in Congress, xliii, 26-27, 32, 34, 34-35, 42, 229; speeches by, 233, 239-40
- response to Elbridge Gerry's objections to Constitution, 546-47n, 550-54
- KNOX, HENRY (Mass.): *id.*, 280-81n; xxxiii, xlv, 227, 442; and Shays's Rebellion, 35, 93n
- letters from, 279-81, 306-7, 441-42; cited, 23, 83n, 93n, 489n
- letters to, 381-82; cited, 93n, 170n, 264n, 347n, 491n, 546n, 547n
- LAFAYETTE, MARQUIS DE (France), xxxiii, 78, 441-42, 488n
- LAMB, JOHN (N.Y.), xxxv, xxxvi, 255n, 347n, 373, 562n
- LANDED VS. LANDLESS STATES, 5, 8
- "LANDHOLDER, A," (Oliver Ellsworth), 547n, 548n; text of, 562-64; publication, circulation, and authorship of, 561n, 564n; commentaries upon, 562n
- LANGDON, JOHN\* (N.H.), xliii, xlv, xlvii, **210**
- LANSING, JOHN, JR. (N.Y.), xxxiv, xlv, 223, 223n, 259, 261n
- LARGE VS. SMALL STATES, 443, 454; over suffrage in Confederation Congress, 5; over representation in U.S. Congress, 56n, 123, 449-50; over representation in Senate, 121n, 279, 335, 449, 471; over money bills, 121n; over representation in House of Representatives, 279
- LAURENS, HENRY (S.C.): *id.*, 367n; xlvii
- letters from, 366, 367; cited, 9, 366
- LAWRENCE, NATHANIEL (N.Y.), 309n, 488n, 492n
- LAWYERS, 75, 167, 182-83, 536; will support Constitution, 261, 383
- LEE, ARTHUR (Va.): *id.*, 308n; xlv, 12, 19, 22, 507; said to oppose Constitution, 451, 455
- letters from, 307-8, 510-11
- letters to, 505-7; cited, 150n, 338n
- "Cincinnatus," 530-34; authorship of, 507n, 529n. *See also* "Cincinnatus"
- LEE, HENRY (Va.), 440
- letters from: cited, 43n, 50n, 93n
- letter to, 93n
- in Congress, xliii, 229n; speeches by, 233, 235, 237
- LEE, LUDWELL (Va.): *id.*, 283n; 282
- LEE, RICHARD HENRY (Va.): *id.*, 282n; 4, 6, 247n, 308, 407; resigns as delegate to Constitutional Convention, xlvii, 283n, 484; said to oppose Constitution, 275, 308, 439, 451, 452, 455, 470; and George Mason's objections to Constitution, 347n, 358; as alleged author of "Brutus" and "Cincinnatus," 411n, 529n
- letters from, 281-83, 289, 323-25, 367-69, 484-86; cited, 24, 25, 27, 39, 84n, 151n, 230n, 314n, 325n, 338n, 347n, 385n, 484
- letters to: cited, 25, 281, 282n, 346n, 347n, 369n
- in Congress, xliii; speeches by, 229n, 242n; texts of speeches by, 232-33, 233, 234, 234-35, 235, 236, 237, 238; motion by, 233-34, 234, 235, 236, 241n
- amendments to Constitution proposed by, in Congress, 238-40; Congress considers, 230n, 237, 241, 275, 281, 323, 452; copies of sent to various people, 230n, 242n, 282, 289, 323, 325n, 369n, 385n, 484, 546n; publication of, 230n, 385n
- LEE, THOMAS SIM (Md.), xlvii
- LEGAL TENDER: *See* Tender laws
- LEGAL WRITERS: *See* Political and legal writers and writings
- LETTSON, JOHN COAKLEY (England): *id.*, 263n; 262-63

- LIBELS, 324, 387, 392n, 532-33
- LINCOLN, BENJAMIN (Mass.), 13, 55, 92n, 94, 143
- LITERARY MEN: support Constitution, 261, 360, 383, 430
- LIVINGSTON, ROBERT R. (N.Y.), xlv, 9, 12, 13, 24; oration by, 158, 158n, 159n
- LIVINGSTON, WALTER (N.Y.), xlv, 22
- LIVINGSTON, WILLIAM\* (N.J.), xxxiii, xlv, xlv, 9, 120, 210, 558n
- LLOYD, EDWARD (Md.): id., 438n; 438
- LOCKE, JOHN, 143, 475, 477n
- LONG, PIERSE (N.H.), xlvii
- LOVELL, JAMES (Mass.), 82, 168n, 325
- LOYALISTS, 91n, 93n, 363; danger of, 72, 74, 194; Antifederalists accused of being, 135, 136, 193; want to restore monarchy in U.S., 172n, 176; equated with Shayism, 192; said to oppose Constitution, 392-94
- LUXURIES: attack upon importation of, 54, 74, 161, 167, 178, 190, 483, 543-44, 571. *See also* Commerce
- "M.C.," 502-3
- MCCLURG, JAMES (Va.): id., 453n; delegate to Constitutional Convention, xlv, 450, 486n
- letters from: cited, 56n, 90n, 406n
- M'CONNELL, MATTHEW (Pa.): id., 220n; 220
- McHENRY, JAMES\* (Md.): xlv, 210, 212n
- McKEAN, THOMAS (Pa.), 13, 82n, 363, 505
- M'LEAN, ARCHIBALD (N.Y.), 491n, 492n. *See also* Printers and booksellers
- MADISON, JAMES\* (Va.): id., 219n; xxxiii, xlv, 230n, 470; and circulation of "An American Citizen," 247n, 251, 252, 431n, 437, 508, 510n; as author of *The Federalist*, 486-90n
- letters from, 218-19, 251-52, 275-76, 346, 380-81, 408-10, 429-30, 437, 442-54, 454-55, 503-5, 512; cited, 14, 23, 25, 30, 37, 38, 41n, 42n, 43n, 56n, 84n, 150n, 170n, 252n, 347n, 410n, 411n, 440, 453n, 487n, 488n, 489n, 490n, 491n
- letters to, 251, 283-85, 354-55, 358-59, 437, 508-10; cited, 25, 26, 27, 30, 31, 32, 43n, 55n, 56n, 61n, 71n, 81n, 85n, 90n, 93n, 150n, 151n, 152n, 158n, 170n, 171n, 247n, 252n, 294n, 338n, 346-47n, 347n, 357n, 406n, 452, 453n, 454n, 488n, 490n, 491n, 492n, 493n, 504, 512
- in Congress, xliii, 11, 14, 16, 18, 20, 22, 23, 151n, 229; notes on debates, 41n, 43n, 54n, 55n, 56n, 71n, 151n, 169n; speeches by, 235, 236, 237, 238
- in Constitutional Convention, xlv, xlvii, 36, 210, 229n, 585; notes on debates, 197-99, 213n, 215, 215n
- MADISON, REVEREND JAMES (Va.): id., 285n; 90n
- letters from, 283-85; cited, 84-85n, 170n, 429, 493n
- MADISON, THOMAS (Va.): id., 285n; 283
- MAINE, 475, 546n
- MANIFEST DESTINY OF U.S., 152, 156, 384, 483, 516
- MANNING, JAMES (R.I.): id., 375n; 375
- MANSFIELD, JARED (Conn.): id., 178n; 176
- MANUFACTURES, 59, 154, 167; encouragement of, 48, 104, 107, 147, 166, 182, 190; new government would encourage, 112, 119, 164, 179, 189, 191, 264, 266, 456, 481
- "MARCUS," 383-84
- MARSHALL, JOHN (Va.): id., 453n; 150n, 451, 455
- MARTIN, ALEXANDER (N.C.), xlv, 171n
- MARTIN, LUTHER (Md.), xxxviii, 548n, 562n; delegate to Constitutional Convention, xlv, 56n, 172n, 213n
- MARYLAND, xlv, 55n, 59, 155, 201; and Constitutional Convention, xl, xlv, xlvii, 38, 210, 213n; state convention of, xli; and Congress, xliii, 50n, 276; and ratification of Articles of Confederation, 8, 11; financial policies of, 31, 146, 147n; prospects for ratification of Constitution in, 263, 282, 353, 430, 438, 451, 454, 504, 585
- MASON, GEORGE (Va.): id., 196n; xxxiii, xlv; as non-signer of Constitution, 196n, 198, 199n, 218, 218-19, 219, 223, 259, 277, 296, 297, 307, 346n, 353, 358, 362, 382, 403n, 404, 439, 450, 455, 470, 503; opposes Constitution, 196n, 277, 308, 346n, 353n, 373-74, 470, 503, 587; and Richard Henry Lee's amendments to Constitu-

- tion, 230n, 275, 282, 358, 452; instructed by Fairfax County, 353, 353n, 450; opinion of in Virginia, 358, 403n, 404, 404n, 450
- letters from, 348n, 421–22; cited, 170n, 281, 346n, 347n
- letters to, 281–83; cited, 347n
- in Constitutional Convention, xlvi, 36; speeches by, 195–96n, 197, 198; motion by, 197
- objections to Constitution, 218; text of, 348–51; commentaries upon, 294n, 339n, 347n, 359, 385, 408–9, 450, 547n; circulation and publication of, 346–48, 358–59, 359, 373, 422
- MASSACHUSETTS, xlv, 61n, 109, 212n, 294n; state convention of, xxxvii, xli, 313n, 394, 407, 410–11, 452, 486, 545, 546n, 587; and Constitutional Convention, xl, xlvi, 28–29, 35, 37–38, 38, **210**, 264n, 546–55n; and Congress, xliii, 7, 10, 16, 27–29, 57, 124, 149n; and Annapolis Convention, xlv, 34, 34–35; economic and political unrest in, 35, 71n, 72, 74, 75, 92–93, 94, 94–95, 95, 107, 108, 161, 162, 176, 185, 193, 262, 365, 475, 524; and separate confederacies, 55n, 57, 59; and representation in first federal Congress, 199, **200–1**; prospects for ratification of Constitution in, 263, 280, 353, 384, 394, 429, 438, 451, 486, 504; Constitution and government of, 318, 550–51, 552, 553, 554. *See also* Boston; Gerry, Elbridge; Hancock, John; Maine
- MATHEWS, JOHN (S.C.), 14, 168n
- MAZZEI, PHILIP (Italy), 82n
- MECHANICS, 27; in Boston, xxxvi, 313n, 456; support Constitution, 221–22, 456; Constitution will benefit, 361, 365, 382, 383, 572
- MECOM, JANE (Mass.): id., 218n; 218
- MERCER, JAMES (Va.): id., 453n; 451
- MERCER, JOHN FRANCIS (Md.), xlvi, 25, 172n
- MERCHANTS: seek to increase Congress' commercial powers, 11, 26, 27; plight of, 50n, 102, 119, 182; support Constitution, 261, 264, 277, 306, 357, 456; Constitution will benefit, 361, 382, 383, 563–64. *See also* Commerce
- MIDDLE STATES, 54n, 59, 87, 429; prospects for ratification in, 380, 430, 439, 469. *See also* North vs. South; Entries for individual states
- MIFFLIN, THOMAS\* (Pa.), xlvi, 120, **210**, 295, 326n
- MILITIA, **204**, **206**, 390, 391, 527; and Confederation Congress, 15, 22, 64, 69, 101n; debate over Constitution's provisions concerning, 39, 195, 411n, 415, 422, 435, 482, 506, 522, 522–23, 540, 542, 554–55n, 570, 571
- MILLIGAN, ROBERT (Pa.): id., 219n; 219
- MINOT, GEORGE R. (Mass.), 313n
- MINT, 15, 132. *See also* Money
- MINTO, WALTER (N.Y.): id., 505n; 505
- MISSISSIPPI RIVER: Jay-Gardoqui treaty negotiations concerning navigation of, 33, 39, 55n, 76, 110, 149–58n, 179, 195, 380, 381n, 569
- MITCHELL, GEORGE (Del.): id., 353n; 352–53
- MITCHELL, NATHANIEL (Del.), xliii, 234
- MONARCHY, 3, 60n, 105, 108, 118, 234, 281, 332, 419, 462, 537, 568, 583; sentiment for in America, 13, 35, 46, 56n, 73, 77, 128, 130–31, 146, 164, 167, 168–78, 192, 270, 358, 524; danger of if Articles of Confederation not amended or Constitution not adopted, 34, 35, 56n, 127, 145, 171n, 193, 194, 278; charges of monarchism, 84n, 89, 165, 184n, 228; debate over whether Constitution will lead to, 198, 252, 264, 269, 284, 350, 391, 424, 441, 449, 474–75, 499, 541–43. *See also* Despotism
- MONEY, 160; power of Confederation Congress to borrow, 7, 18, 112; power of U.S. Congress to borrow, 39, **203**, 422, 424; states prohibited from coining, 39, **205**; scarcity of, 76, 98, 178, 180, 456, 543–44; power of Confederation Congress to coin, 112; power of U.S. Congress to coin, **203**, 259, 481. *See also* Mint
- MONEY BILLS: debate over Constitution's provision concerning, 121n, **202**, 265, 273, 348, 408, 435, 510. *See also* Appropriations
- MONOPOLIES: fear of, 199, 466, 482
- MONROE, JAMES (Va.): id., 455n; 455; and commercial amendment of 1785,

- 26, 27, 29; opinion on calling a constitutional convention, 30, 32  
 –letters from: cited, 26, 27, 30, 55n  
 –letter to: cited, 30
- MONTESQUIEU, CHARLES, BARON DE: *See* Political and legal writers and writings
- MONTMORIN, COMTE DE (France): *id.*, 261n; 170n, 227n, 259–61, 422–25
- MORRIS, GOUVERNEUR\* (Pa.): *id.*, 514–15n; xxxiii, 486–87n; delegate to Constitutional Convention, xlvii, 36, 210, 215n, 295, 337n; and Newburgh Conspiracy, 19, 20  
 –letters from, 513–15; cited, 487n  
 –letter to: cited, 23
- MORRIS, ROBERT\* (Pa.), xxxiii, xlv, 487n, 515n; delegate to Constitutional Convention, xlvii, 36, 120, 163, 210, 295, 363, 366n; as Superintendent of Finance, 11, 13, 15–16, 17, 19, 20, 22, 60n, 61n
- MOUSTIER, COMTE DE (France), xxxiii, xlv
- MURRAY, FRANCIS (Pa.), 376n, 457n, 502n
- NATURAL ARISTOCRACY: *See* Aristocracy
- NAVY, 7, 100, 173, 440; debate over Constitution's provisions concerning, 39, 179, 180, 204, 205, 259, 273, 422, 424, 441n, 570
- NECESSARY AND PROPER CLAUSE, 39, 204; criticism of, 199, 350, 402–3, 413–14, 416. *See also* General welfare clause; Implied powers; Reserved powers
- NEILSON, JOHN (N.J.), xlvii
- NELSON, THOMAS (Va.): *id.*, 223n; xlvii, 223–24, 452, 455
- NELSON, WILLIAM, JR. (Va.): *id.*, 454n; 452
- “NESTOR,” 132–33
- THE NETHERLANDS: *See* Governments, ancient and modern
- NEW ENGLAND, 18, 19, 54n, 87, 101, 280; commerce of, 24, 484; and separate confederacies, 34, 55n, 56n, 57, 59, 150n; and Annapolis Convention report, 34–35; monarchical sentiment in, 170n; prospects for ratification of Constitution in, 246, 353, 380, 430, 439, 454, 469, 504, 513; newspapers of, 261, 429. *See also* North vs. South; Entries for individual states
- NEW HAMPSHIRE, xlv, 31, 59, 201, 488n; and Constitutional Convention, xl, xlvii, 36, 38, 210; state convention of, xli, xlii; and Congress, xliii, 10; and Annapolis Convention, xlv, 34; economic conditions and unrest in, 35, 76, 92n, 524; prospects for ratification of Constitution in, 263, 384, 386, 429, 438, 451, 504
- NEW HAVEN, 159n, 160–63, 261
- NEW JERSEY, xlv, 31, 59, 165, 193, 201; and Constitutional Convention, xl, xlvii, 36, 210; state convention of, xli, 587; and Congress, xliii, 8, 16, 31, 150n; and Annapolis Convention, xlv, 34; economic conditions in, 8, 31, 440; prospects for ratification of Constitution in, 227, 252, 263, 306, 353, 381, 430, 438, 451, 454, 486, 504, 513, 545, 584
- NEW YORK, xlv, 94, 168n, 201, 247n, 475, 524, 534; and Constitutional Convention, xl, xlvii, 16–17, 23, 37, 38, 45, 141n, 210, 371; state convention of, xli, xlii, 491n, 513; and Congress, xliii, 10, 16, 16–17, 23, 31, 37, 45, 110, 147; and Annapolis Convention, xlv, 34; economic conditions in, 8, 31, 50n, 109, 161, 220, 440; and federal debt, 17, 31, 220n; and separate confederacies, 55n, 59, 150n; criticized for opposing “federal” measures, 57, 107, 108, 110, 147, 187; prospects for ratification of Constitution in, 135, 187, 219, 246, 252, 263, 276, 307, 308, 353, 381, 384, 404, 409, 430, 438, 439, 451, 454, 469, 486, 504, 510, 512, 513, 515, 524, 545, 582
- NEW YORK CITY, 27; debate over access to press in, xix, 312n, 314n, 315, 318; opinion on Constitution in, 227, 276, 381, 486
- NEWBURGH CONSPIRACY, 19–20, 22, 60n
- NEWSPAPERS, 167n, 171n; role of in ratification debate, xvii–xviii, xix, 396, 407, 422, 429, 451, 454; prepare minds of people to accept work of Constitutional Convention, xvii, 175, 176, 261, 330; publication of Consti-

- tution in, xvii, 200n; access to and freedom of press, xviii, 294n, 312–23n, 373n, 386n, 480n; description and practices of, xviii, 251, 522n, 582; circulation of, xviii, 48, 407, 482, 505, 507, 588–98; Federalist nature of, xviii, 50n, 79n, 136, 140, 158, 180n, 356; Antifederalist nature of, xix, 307, 356, 381, 409, 429, 439, 469, 484; list of, xxx–xxxi; praise of, 48, 158, 441; criticism of, 93n, 132, 139–40, 151n, 158, 330, 378, 421, 472
- CONNECTICUT
- American Mercury*, 105n, 314n, 561n
- Connecticut Courant*, xviii, 50n, 85n, 105n, 169n, 193n, 314n, 374n, 547n, 561n; material printed from, 105–11, 562–64
- Connecticut Journal*, 85n, 262n
- Fairfield Gazette*, 171n, 174–75, 177n; material printed from, 172–74
- New Haven Gazette*, xviii, 171n, 175, 176, 262n, 328n, 534n, 561n; material printed from, 81, 174, 310–12, 471–72, 583
- Norwich Packet*, 561n; material printed from, 167
- Weekly Monitor*: material printed from, 95
- DELAWARE
- Delaware Gazette*: material printed from, 243
- GEORGIA
- Gazette of the State of Georgia*, 84n
- MARYLAND
- Baltimore Maryland Gazette*, 121n, 172n, 386n, 387n; material printed from, 89, 91, 112–13, 123
- Maryland Journal*, xxxv, 151n, 272n, 337n, 548n, 561n, 562n; material printed from, 152–55, 263–64
- MASSACHUSETTS
- American Herald*, xix, xxxii–xxxiii, 312–13n, 313n, 316, 321, 322, 323n, 327n, 410n, 490n, 554n, 567n; material printed from, 185–86, 285–86, 316
- American Recorder*, 74–75
- Boston Gazette*, 212n, 547n; material printed from, 382–83, 511–12
- Cumberland Gazette*, xix
- Essex Journal*: material printed from, 360–61
- Hampshire Gazette*, 410n; material printed from, 516–17
- Independent Chronicle*, xix, 56n, 171n, 212n, 312n, 313n; material printed from, 57, 315, 472–73, 522–23
- Massachusetts Centinel*, xviii, xxxii, xxxvi–xxxviii, 62n, 71n, 83n, 84n, 193n, 281n, 312–14n, 321, 345n, 348n, 376n, 394, 410n, 455n, 480n, 488n, 546n, 547n, 548n, 562n, 573n, 577, 579; material printed from, 79, 80, 94, 132–33, 148–49, 184–85, 266–68, 315–16, 344–45, 392–95, 455–56, 548–50, 587
- Massachusetts Gazette*, xix, xxxii, 82n, 83n, 84n, 170n, 212n, 313n, 317, 319, 320, 322n, 410n, 411n, 573n, 575; material printed from, 86, 98, 127, 316–17, 317, 410–11, 567
- Salem Mercury*: material printed from, 186–87, 515
- Worcester Magazine*, 71n, 374n; material printed from, 95, 97
- NEW HAMPSHIRE
- New Hampshire Recorder*, 480n
- New Hampshire Spy*, 50n, 71n; material printed from, 76, 187, 289–90
- NEW JERSEY
- New Jersey Journal*: material printed from, 566
- NEW YORK
- Albany Gazette*, 93n, 94, 96n, 141–44, 144n, 490n; material printed from, 523–24
- American Magazine*, 492n
- Country Journal*, 50n, 490n, 492n; material printed from, 94, 309–10
- Daily Advertiser*, xviii, 83n, 84n, 102n, 228n, 374n, 381n, 384n, 406n, 477n, 477, 487n, 490n, 492n, 558n, 567n; material printed from, 57–58, 58–59, 86–87, 113–15, 128–30, 133, 136–38, 141–44, 183–84, 224–26, 268–72, 287–88, 383–84, 395–99
- Hudson Weekly Gazette*, 490n
- Independent Journal*, xviii, 487n, 490n, 491n; material printed from, 494–97, 517–20, 555–58, 568–71
- New York Daily Gazette*, 492n
- New York Journal*, xix, xxxii, xxxv, xxxvii–xxxviii, xxxviii, 50n, 71n, 83n, 85n, 93n, 312n, 315, 327n, 328n, 345n, 374n, 376n, 411n, 412n, 477n,



- 490n, 493n, 507n, 529n, 534; material printed from, 71-74, 113, 139-40, 151n, 157-58, 164, 165-66, 188, 255-57, 315, 318, 369-72, 412-21, 473-77, 477-80, 480-81, 481-83, 524-29, 530-34, 534-38, 583, 586
- New York Morning Post*, xix, 151-52n, 294n, 327n
- New York Packet*, xviii, 180n, 228n, 404n, 487n, 490n; material printed from, 374
- Northern Centinel*, 490n, 492n; material printed from, 585
- NORTH CAROLINA
- New Bern North Carolina Gazette*, xix
- PENNSYLVANIA
- American Museum*, xix, xxxiii-xxxiv, 45n, 490n; material printed from, 46-49, 51-54, 77, 571-72
- Carlisle Gazette*, 61n
- Columbian Magazine*, xxxiii
- Evening Chronicle*, 61n, 200n, 582, 583
- Federal Gazette*, xxxvi, 62n, 290n, 574n
- Freeman's Journal*, xix, xxxiv-xxxv, xxxv, 50n, 85n, 314n, 326n, 374n, 405n, 488n, 493n, 543n, 573n, 581n; material printed from, 89-90, 98-100, 190, 244-45, 308-9, 317-18, 319-20, 361-62, 386, 457-68, 572-73, 584
- Independent Gazetteer*, xix, xxxii, xxxiv, xxxv-xxxvi, xxxvii, xxxviii, 61n, 85n, 121n, 122n, 135n, 247n, 305, 314n, 322n, 326n, 328n, 328, 367n, 374n, 376n, 405n, 406n, 480n, 493n, 502n, 530n, 534n, 543n, 564n, 565n, 573n, 574n, 575; material printed from, 78, 88, 101, 124, 125, 126-27, 132, 133-34, 145-47, 147-48, 168, 180, 189, 221-22, 228-29, 243, 246, 247-51, 264-66, 272-73, 290-93, 318-19, 319, 320, 328-37, 345-46, 376-79, 379-80, 399-403, 425-29, 497-502, 503, 538-43, 543-45, 574-78, 579-80, 580-81, 583, 585, 586
- Lancaster Zeitung*, 406n
- Pennsylvania Chronicle*, 468n
- Pennsylvania Gazette*, xviii, xix, xxxii, xxxviii, 61n, 61-62n, 134n, 135n, 212n, 252n, 326n, 327n, 328n, 376n, 490n, 529-30n; material printed from, 116-20, 124, 125, 135, 138, 182-83, 187, 189-90, 191, 191-92, 192, 193, 193-95, 217, 243, 252-54, 362-66, 366, 404, 520-21, 582, 584-85, 585, 587
- Pennsylvania Herald*, xix, xxxiii, xxxix, 50n, 93n, 101n, 121n, 122n, 126n, 135n, 171n, 184n, 230n, 326n, 337n, 387n, 406n, 543n, 566n; material printed from, 96-97, 98, 104-5, 122, 122-23, 123, 125, 126, 130-31, 131-32, 135, 138, 165, 174, 182, 339-44, 387-92, 404, 502-3, 566, 582, 587
- Pennsylvania Journal*, 116n, 254n, 502n; material printed from, 404
- Pennsylvania Mercury*, 83n, 534n, 574
- Pennsylvania Packet*, xviii, xix, 62n, 83n, 102n, 134n, 171n, 200n, 294n, 326n, 385n, 405n, 502n, 547n, 586n; material printed from, 74-75, 96, 144-45, 155-57, 178-79, 188, 222-23, 583, 587
- RHODE ISLAND
- Newport Herald*, 215n; material printed from, 79-80, 257, 483-84, 586
- United States Chronicle*, xix, 60n, 61n, 314n, 406n; material printed from, 62-70, 76, 258-59, 320-21, 321-22
- SOUTH CAROLINA
- Charleston Morning Post* [*City Gazette*], 151n, 328n
- Columbian Herald*, 102n, 121n, 122n; material printed from, 124, 167-68, 179-80, 274n
- South Carolina Weekly Chronicle*: material printed from, 355-56
- VIRGINIA
- Norfolk and Portsmouth Journal*, 406n, 492n
- Petersburg Virginia Gazette*, 90n, 96, 96n, 178-79, 230n, 347n, 385n, 503n; material printed from, 89
- Winchester Virginia Gazette*, xix, 348n, 385n
- Virginia Gazette and Weekly Advertiser*: material printed from, 96
- Virginia Herald*: material printed from, 372
- Virginia Independent Chronicle*, xix, 89, 213n, 254n, 255, 347n, 480n; material printed from, 78
- Virginia Journal*, 347n, 353n

- NICHOLSON, JOHN (Pa.), 376n, 405n, 457n, 502n
- NICOLA, LEWIS (Pa.), 169n
- NOBILITY, TITLES OF: Constitution prohibits, **204**, **205**, 250, 355, 432, 479, 485, 528, 542
- NORTH CAROLINA, xlv, 172, 230n, 373, 475; and Constitutional Convention, xl, xlv, xlvii, 36, 171n, **210**, 215–17n; state conventions of, xli, xlii; and Congress, xliii, 16, 150n; and Annapolis Convention, xlv, 34; prospects for ratification of Constitution in, 353, 438, 439, 452, 469, 504, 587. *See also* Franklin, State of
- NORTH vs. SOUTH, 110, 476; over apportionment of expenses among the states, 5, 22; over slavery, 22, 216, 432; over congressional regulation of commerce, 26, 27, 55n, 55, 111, 216, 217, 279, 281, 350, 359, 386, 440, 515–16; over Jay-Gardoqui treaty negotiations, 33–34, 55n, 149–58; over treaty-making powers of Senate, 152n; over taxation, 216. *See also* Middle states; New England; Southern states
- NORTHERN STATES: *See* New England
- NORTHWEST ORDINANCE, 23–24; Congress adopts, xl, 39, 83n, 226, 236, 242n, 275. *See also* Western lands
- OATHS, **206**, **209**, 239, 265, 504, 528
- OBSERVATIONS ON THE ARTICLES OF CONFEDERATION, 180–81
- “OFFICER OF THE LATE CONTINENTAL ARMY, AN” (William Findley?), xxxiv, 247n, 338n, 564–65n
- OFFICEHOLDERS, STATE, 74, 75, 99, 184, 528; list of state executives, xlv; opposition to Constitution, 135, 136, 138, 139, 176–77, 190, 191, 192, 221, 225, 228, 246, 261, 276, 277, 319, 343, 356, 362, 365, 380, 384, 397–98, 469, 486, 494, 504, 513, 519, 524, 562–63, 564; defense of opposition to Constitution, 139–40, 467; support Constitution, 365; many will still be elected by people under Constitution, 436
- OFFICEHOLDERS, U.S., 18, 29, 32, 48, 165–66, 173, 183–84, 521; list of in 1787, xliii, xlv; Constitution’s provisions concerning, **202**, **204**, **205**, **207**, **209**; dual officeholding prohibited, 265, 273; assertion that Constitution will create large number of, 281, 345, 465, 482; supporters of Constitution accused of being office seekers, 327n, 378, 493n, 506; no religious test for, 346, 432, 504; criticism of Senate’s power to set salaries of, 348; Antifederalists threatened with lack of patronage, 395; no property qualification for, 432, 521; may not accept gifts or titles from foreign states, 435. *See also* Appointment power
- “OLD WHIG, AN” (George Bryan, James Hutchinson, John Smilie?), 338n; texts of, 376–79, 399–403, 425–29, 497–502, 538–43; publication and circulation of, xxxvi, xxxviii, 314n, 376n, 379n, 403n, 429n, 497n, 543n; authorship of, 376n; commentaries upon, 376n, 380, 502, 578
- OSGOOD, SAMUEL (Mass.), xlv, 12, 22, 485
- OSNABURG, BISHOP OF (Great Britain): id., 177n; as possible monarch for U.S., 171n, 173, 174, 176
- OSWALD, ELEAZER (Pa.), xxxv–xxxvi, xxxvii, xxxviii, 294n, 328n, 373, 376n, 497n, 578, 579–80, 580–81
- OSWALD, ELIZABETH (Pa.): id., 581n; xxxvi, 578
- OTTO, LOUIS GUILLAUME (France): id., 425n; xlv, 170n, 422–25, 494n
- PACA, WILLIAM (Md.): id., 453n; 451, 454–55
- PAGE, MANN, JR. (Va.): id., 453n; 451
- PAINE, THOMAS (Pa.), 9, 9–10, 73
- PAMPHLETS: *See* Broad-sides, pamphlets, and books
- PAPER MONEY, 35, 91n, 220; Confederation Congress’ policy on, 7, 8, 12; in Rhode Island, 35, 79n, 365; Constitution prohibits states from issuing, 39, 132, **205**, 259, 274n, 415, 422, 424, 447, 471, 480, 507; opposition to state paper money, 46, 75, 119, 134, 142, 167, 191, 193, 544; demand for, 92n, 93n; supporters of will oppose Constitution, 135, 145, 279–80, 359, 394, 585
- PARDONS AND REPRIEVES, **206**; danger from President’s power over, 335, 349, 465, 541

- PARTY SPIRIT:** in Pennsylvania, xxxiv–xxxvi, 253, 373, 439–40, 512; within Congress, 47, 137; opposition to strengthening government will come from, 53, 189, 270, 583; government cannot control, 75, 280; in New York, 139–40, 512, 513; none in Constitutional Convention, 185; adoption of Constitution will lessen, 253, 571; in Massachusetts, 392–93; existence of demonstrated in newspaper debates, 422
- PATERSON, WILLIAM\*** (N.J.), xlvi, 121n, 125, 210
- PATRIOTISM:** spirit of the American Revolution recalled, 49, 57, 73, 116n, 159, 161, 162, 167, 178, 190, 253, 268, 473; associated with Constitutional Convention and Constitution, 126, 145, 163, 168, 184, 185, 188, 223, 225, 258–59, 271, 279, 292, 495, 519; charges of false patriotism, 142, 185, 327n, 468; of Antifederalists, 459, 502, 502–3
- PEACE,** 129, 441n; Confederation Congress has power to determine on, 4, 7, 47, 211
- PENDLETON, EDMUND** (Va.): id., 219n; opinion on Constitution, 282, 354–55, 357–58, 409, 429, 451, 455  
–letters from, 354–55, 357–58; cited, 409, 503  
–letters to, 218–19, 503–5; cited, 41n, 43n, 56n, 170n
- PENDLETON, HENRY** (S.C.): id., 283n; 282
- PENDLETON, NATHANIEL, JR.** (Ga.): id., 358n; xlvii, 357–58
- PENNSYLVANIA,** xlv, 57, 201, 409, 468; state convention of, xix, xli, 229, 246, 247, 252, 280, 293–306, 308, 325, 346, 357, 362–66, 373, 374n, 380, 421, 430n, 439, 451, 468, 491n, 515, 530n, 531, 545, 584, 586, 587; and Constitutional Convention, xl, xlvi, 36, 80n, 210, 295, 362–63; and Congress, xliii, 7, 12, 16, 17, 25, 50n, 124; and Annapolis Convention, xlv, 34; economic conditions in, 8, 193–94, 194–95, 407, 440; and federal debt, 17, 31, 220, 220n, 343; and separate confederacies, 55n, 59; unrest in, 92n, 228n, 513, 524; constitution and government of, 134, 229, 229n, 328n, 328–29, 332, 362, 401, 427, 434–35, 540; prospects for ratification of Constitution in, 135, 189, 263, 353, 362, 365, 381, 430, 438, 439, 451, 454, 469, 472, 502n, 504, 510, 512, 513, 515, 582, 583, 586; and Jay-Gardoqui treaty negotiations, 150n, 154; attitudes toward slavery in, 262, 432; George Mason's objections to Constitution in, 347n, 358. *See also* Philadelphia
- “**PENNSYLVANIA MECHANIC, A,**” 314n, 319, 323n, 573n, 575, 577; text of, 318–19
- PERKINS, DANIEL** (Conn.), 108, 109
- PERSONAL INTEREST,** 75, 81n, 119, 177, 257, 331; and opposition to reforming Confederation, 51, 53, 57n, 73, 138, 142–43, 186–87; and opposition to Constitutional Convention and Constitution, 144, 145, 189, 191, 214, 221, 225, 270, 343, 381, 396, 494, 511–12, 559; Constitution as a check upon, 268, 571. *See also* Officeholders, state; Officeholders, U.S.
- PETITION, RIGHT OF,** 239, 466
- PETITIONS,** 91n, 252, 336n, 354, 366
- PETTIT, CHARLES** (Pa.), 32, 363
- PHILADELPHIA,** xix, 17, 27, 194; Fourth of July celebration in, 159n, 163–64, 164, 165–66; support for Constitution in, 46n, 167, 219, 227, 228, 246, 252, 262, 329–30, 336n, 337n, 451, 468, 513, 577–78, 583, 584; Antifederalist leaders in, 228n, 228–29, 229n, 458–59, 472; debate over access to press in, 312n, 314n, 317, 318–19, 319, 319–20, 320, 539, 573–81
- “**PHILADELPHIENSIS**” (Benjamin Workman), 247n, 314n, 327n, 376n; texts of, 574–78, 580–81; publication and circulation of, xxxv, xxxvi, 573n, 581n; authorship of, 573–74n; commentaries upon, 574n, 579–80
- PHYSICIANS,** 182–83; support Constitution, 261, 456
- PICKERING, JOHN** (N.H.), xlvii
- PICKERING, TIMOTHY** (Pa.), 219n, 252n, 431n
- PIERCE, WILLIAM** (Ga.), xliii, xlvi, 120n, 229n
- PINCKNEY, CHARLES\*** (S.C.), xxxiii; delegate to Congress, 31, 32, 380, 381n; pamphlets by, 380, 381n  
–in Constitutional Convention, xlvi, 210, 270; speeches by, 198, 198–99

- PINCKNEY, CHARLES COTESWORTH\* (S.C.): id., 274n; 276; delegate to Constitutional Convention, xlvii, 120n, **210**  
 —letter from, 274, 274n
- PINCKNEY, THOMAS (S.C.), xlv, 83n
- PIRACIES, 7, 33, **203**
- PLEASANTS, THOMAS (Va.): id., 510n; 508
- POETRY, 78, 140, 222, 344–45, 572
- POLICE POWERS: states' control of, 3, 4, 17, 259, 424
- POLITICAL CONDITIONS UNDER THE CONFEDERATION: Constitution will improve, 30, 31–32, 61n, 62, 65, 66, 74–75, 76–77, 80, 82n, 83n, 93n, 97, 98, 99, 101, 103, 108, 109, 117, 120, 122, 124, 127, 128, 131, 134, 136, 138, 144–45, 145, 148, 149, 150n, 159n, 159, 160–61, 161, 162–63, 163, 164, 167, 171n, 173, 176, 177, 178, 180, 182, 188, 189, 190, 192, 199, 221, 224, 225, 226, 236, 244, 246, 258, 262, 263, 271, 279, 286, 291, 292, 293, 305, 307, 310, 310–11, 315, 330, 365, 375, 382–83, 394, 396, 398, 423, 438, 440, 441, 480, 481, 483, 509, 511, 516, 523, 524, 549, 566, 571, 585; political conditions not as bad as alleged, 49, 127, 136, 182, 336, 429. *See also* Monarchy
- “POLITICAL DIALOGUE, A,” 455–57
- POLITICAL AND LEGAL WRITERS AND WRITINGS, 406n; Beccaria, 417; William Blackstone, 53, 54n, 128, 129, 462, 536–37; James Burgh, 390, 392n; Edward Coke, 323, 325n, 533; John Dickinson, 458, 459, 460; [James Harrington], *Oceana*, 358; Thomas Hobbes, 358; David Hume, 390; John Locke, 143, 475, 477n; Abbé de Mably, 82n, 87, 483; Charles, Baron de Montesquieu, 332, 337n, 401, 417, 458, 465, 473n, 474, 475, 485; [Thomas More], *Utopia*, 143; Marchamont Nedham, 85n; Richard Price, 53, 54, 56n, 81n, 82n, 83n, 87, 100n, 100–1, 116n, 133–34, 227, 263n; Abbé Guillaume Thomas François Raynal, 48, 54n; *Reports and Pleas of Assises at York . . .*, 390, 392n; John Sheffield, 311, 312n; Tacitus, 130, 131n; Baron Turgot, 53, 54, 81, 134, 227; John Wise, 322. *See also* Adams, John; Price, Richard
- POPULATION: attempts to apportion Confederation expenses according to, 4, 5, 21–22, 31, 109, 111n; U.S. census, 22, **200**, **204**, 550; Constitution will encourage growth of, 481; estimate of in U.S., 550
- PORTSMOUTH, N.H., 289
- POST OFFICE, xlv, 4, 4–5, 7, 48, **203**; alleged Federalist interference with, 325n, 373, 484, 530n
- “PRAYER OF AN AMERICAN CITIZEN, THE” (Mathew Carey), 571–72
- PRESIDENT, U.S., xlii, 559–61; Constitution's provisions concerning, **201**, **202–3**, **205–7**; debate over power of, 39, 86n, 104, 135, 227, 249–51, 304, 309, 332, 355, 366, 391, 393, 405n, 420, 422, 424, 532, 541–43, 564n; considered in Constitutional Convention, 121n, 123, 199, 443, 443–44, 465; election of, **211**, 251, 260, 269, 342, 346, 355, 436, 437, 443, 446, 459, 506–7; Washington expected to be first President, 219, 227, 253–54, 262, 278, 288, 370, 423, 514; need for a privy council to assist, 239, 239–40, 308, 349–50, 408, 450, 465, 509; appointment power of, 239, 239–40, 249, 250, 260, 265, 308, 335, 349–50, 356, 408, 422, 424, 444, 450, 464, 465, 509, 541–42, 552, 559, 560, 561; analysis of by “An American Citizen,” 249–51; term of, 249–50, 250, 251, 264, 352, 355, 422, 443–44; as representative of people, 250, 269, 299, 432, 560; qualifications of, 250, 432, 517; compensation of, 250, 423; impeachment of, 250, 265, 308, 349, 355, 561; veto power of, 250, 284, 298, 355, 444, 464, 541, 552, 560; treaty-making power of, 250, 260, 350, 424, 426, 529, 541, 548; to execute laws, 260; as commander in chief, 260, 355, 422, 424, 435, 506, 541, 542, 570; relationship of with Congress, 260, 273, 307, 424, 548, 552, 564; reeligibility of, 260, 284, 335, 422, 423, 424, 560; relationship of with Senate, 265, 266, 308, 324, 335, 341, 349, 349–50, 355, 391, 408, 424, 441, 450, 464–65, 508–9; pardon power of, 335, 349, 465, 541; war power of, 554. *See also* Executive departments

PRESS, FREEDOM OF, xviii, 198, 318, 324, 434, 571; defense of lack of provision guaranteeing in Constitution, xviii, 198, 302, 338n, 340, 363–64, 434; debate over access to Boston press, xxxii, 85, 312–23, 373, 394, 455n, 485, 539, 572, 573–81; charge that Constitution endangers, 239, 296, 324, 329, 336, 345, 350, 378, 388, 405n, 426–27, 429, 457, 460, 466, 478–79, 479, 482, 483, 485, 502, 506, 528, 531–33, 535–36, 541, 575, 576, 576–77, 578

PRICE, RICHARD (England): *id.*, 101n; 81n, 82n, 227; on American politics and government, 53, 54, 56n, 87, 100–1, 133–34

—letters from, 100–1, 133–34; cited, 263n

—letters to: cited, 56n, 81n, 83n, 100n, 116n

#### PRINTERS AND BOOKSELLERS

—Baltimore: William Goddard, xxxv

—Boston: Edward E. Powars, xxxii–xxxiii, 312n. *See also* Russell, Benjamin

—New Haven: Josiah Meigs, 176

—New York: Hugh Gainé, 83n, 456; John Holt, xxxv; John and Archibald M'Lean, 230n, 490n, 491–92n; William Ross, 559n. *See also* Greenleaf, Thomas; Zenger, John Peter

—Philadelphia: Robert Aitken, 102n, 405n; Francis Bailey, xxxiv, xxxv, 328; Andrew Brown, xxxvi; Dunlap and Claypoole, xliii, 200n, 219n; Pritchard and Hall, 405n; Robert Smith, 61n; William Spotswood, xix; Young and M'Culloch, 61n. *See also* Carey, Mathew; Dallas, Alexander, J.; Hall and Sellers; Oswald, Eleazer; Oswald, Elizabeth

—Providence: John Carter, 406n

—Richmond: Augustine Davis, 247n, 338n; John Dixon, 490n

#### PRIVILEGES AND IMMUNITIES, 15, 208

PRIVY COUNCIL: favored to assist President, 47, 239, 239–40, 308, 349, 450, 465, 509; denial of need for, 408

PROPERTY, PRIVATE, 91n, 129, 174, 188, 331; proposed taxes on under Confederation, 5, 15, 17, 21–22; demands for equal distribution of, 35, 92n, 93n; strong government needed

to secure, 93n, 103, 169n, 174, 234, 249; owners of will benefit under Constitution, 119, 147, 183, 191, 194, 253, 267, 279, 322, 356, 365, 383, 395, 423, 456, 471, 486, 496, 562; Constitution does not adequately protect, 239, 328n, 329, 389, 527, 541; owners of favor Constitution, 277, 292, 360, 395, 423, 513; not a qualification for officeholding under Constitution, 432, 521

PROVIDENCE, R.I., 147n; debate in over access to press, 312n, 314n, 320–21, 321–22

PSEUDONYMS: "A," 360–61; "A.B." (Francis Hopkinson), 573n; "A.B." (three items), 213n, 412n, 547n; Adelos, 562n; Agricola, 247n; Agrippa (James Winthrop), 338n, 548n; Alexis, 77–78; Alfredus (Samuel Tenney), 412n; Algernon Sidney, 503n; An American (Tench Coxe), 247n; An American (three items), 85n, 184–85, 322n; An American Citizen (Tench Coxe), 247–52, 264–66, 272–73, 431–38, 508, 510n, 557n; Americanus (John Stevens, Jr.), 255n, 473n, 477n; Americanus (two items), 71–73, 183–84; Amicus Patriae, 100n; Anecdote, 566; Anecdote of Publius, 493n; Anti-Cincinnatus, 339n, 530n; Argus, 314n, 321, 321–22; Aristides (Alexander Contee Hanson), 489n; Aristocrotis (William Petrikin), 376n; An Assemblyman (William Findley), 294n; Atticus (two items), 412n, 547n; A Baptist (two items), 374n; Biscayanus, 84n; Brutus (Robert Yates?), xxxviii, 57n, 338n, 411–21, 429, 493n, 497n, 521, 524–29, 530n; Brutus, 347n; Brutus, Junior, 338, 354n; A By Stander, 85n; Cæsar (Alexander Hamilton?), 255n, 287–88, 315, 369n, 369–72, 395–99; Camillus (Fisher Ames), 171n; A Candid Observer, 574n; Candidus, 412n; Candor, 565n; Caroliniensis, 548n; Cato (George Clinton?), xxxviii, 255–57, 287–88, 312n, 315, 369–72, 395–99, 412n, 473–77, 502, 536; Cato, 175; Census, 574n; Centinel (Samuel Bryan), xxxv, xxxvi, xxxviii, 57n, 61n, 85n, 230n, 244n, 272n, 294n, 326–37, 338n, 376n, 379,

380, 412n, 457-68, 493n, 502, 520, 521, 521n, 524n, 530n, 534n, 574n, 578; Cid Hamet, 406n; Cincinnatus (Arthur Lee), xxxviii, 338, 503n, 507n, 524n, 529-34; A Citizen (two items), 61n, 313n, 314n, 316-17, 319, 322n, 573n; A Citizen of America (Noah Webster), 405-6n, 486; A Citizen of America, 530n; A Citizen of New Haven (Roger Sherman), 561n; A Citizen of Philadelphia (Pelatiah Webster), 294n, 297-306, 412n, 437, 438n; Civis, 144-45, 171n; Clito, 212n; Common Sense (Thomas Paine), 9, 73, 89, 268; Compo, 85n; A Country Federalist (James Kent), 492n; A Countryman (Roger Sherman), 412n, 472n, 561n; A Countryman (Hugh Hughes), xxxviii, 327n; A Countryman (DeWitt Clinton), xxxviii, 287n, 493n; Curtius, 255n, 268-72, 287n, 369n, 374n, 412n, 430n, 492n, 567n; Curtiopolis, 412n, 565n; A Customer (three items), 50n, 386n, 492n; Daniel Shays, 228-29; A Democratic Federalist, 338n, 386-92, 502; Detector (two items), 314n, 318, 327n; An Elector, 212n; Examiner (Charles McKnight), 255n, 412n; Examiner (two items), 376n, 410n; Ezekiel, 472-73, 522n; A Farmer (two items), 312n, 412n; A Farmer, of New Jersey (John Stevens, Jr.), 85n, 558-61; A Federal Centinel, 355-56; A Federal Farmer, xxxii, xxxvii, 493n; Foederal Constitution, 294n, 362-66, 431n; A Federal Republican, 247n, 327n, 338n, 387n, 406n; A Federalist (three items), 62n, 405n, 547n; A Foe to Scribbling Dunces and Pseudo-Patriots, 574n; Foreign Spectator (Nicholas Collin), 290-93; For-eigner, 543-45; A Free-born American (Tench Coxe), 247n; A Freeman (Tench Coxe), 247n; A Friend for Liberty, 547n; A Friend to Order, 387n; Galba, 314n, 319, 320, 573n, 575, 576, 577; Genuine Information (Luther Martin), xxxviii; Gomez, 327n, 376n, 530n; The Grand Constitution, 344-45; Hampden, 338n; Harrington (Benjamin Rush), 46n, 116-20, 167; Harrington, 313n; Hickory, 387n, 406n; Impartial,

574n; Impartial Examiner, 338n; The Jewel, 314n, 320; John DeWitt, xxxii, 313n, 321, 322, 323n, 338n; John Humble, 85n; Junius, xxxii, 338n; A Landholder (Oliver Ellsworth), 547n, 548n, 561-64; A Lover of Truth, 404n; Lucan, 548n; Lucius, 312n, 315-16, 322n, 394, 577, 579, 579-80, 580-81, 581; A Lunarian, 530n; Lycurgus (two items), 56n, 58-59, 59n, 562n; "M.C.," 502-3; A Man of No Party, 287n, 327n, 384n, 412n; Marcus, 383-84; Mark Anthony, 412n; A Marylander, 62n; A Mechanick, 574n; Medium, 255n; Merlin, 406n; Nestor, 132-33; New England, xxxvii, 327n; The New Roof (Francis Hopkinson), 574n; Obediah Forceps, 574n; An Observer (two items), 247n, 493n; Ocrico, 548n; An Officer of the Late Continental Army (William Findley?), xxxiv, 247n, 338n, 564-65n; An Old Whig (George Bryan, James Hutchinson, John Smilie?), xxvi, xxxviii, 314n, 338n, 376-79, 380, 399-403, 425-29, 497-502, 502, 538-43, 578; An Old Whig (satire), 276n; One of the Dissenting Assemblymen (William Findley), 294n; One of the Late Army, 247n; One of the Pamphlet-Mongers, 406n; One of the People (two items), 294n, 313n, 392-95; One of the Whigs of 1788, 327n; A Pamphlet-Monger, 406n; A Pennsylvania Farmer (John Dickinson), 458, 459, 460; A Pennsylvania Mechanic, 314n, 318-19, 319, 323n, 573n, 575, 577; A Pennsylvanian (Tench Coxe), 62n, 247n; Philadelphiensis (Benjamin Workman), xxxv, xxxvi, 247, 314n, 327n, 374n, 376n, 573-81; Philanthropos (Tench Coxe), 247n; Philo-Publius (William Duer), 487n; Philo-Publius, 488n; Plain Truth, 338n, 339n, 565n; A Political Dialogue, 455-56; Poplicola, 376n; The Prayer of an American Citizen (Mathew Carey), 571-72; Probus, 574n; Propriety, 547n; The Protest of the Minority, 294n; Publicola, 85n; Publius (Alexander Hamilton, John Jay, and James Madison), 141n, 406n, 412n, 486-97, 517-20, 555-58, 562n,

- 568–71; A Real Federalist, 562n; A Real Patriot, 574; Reason, 56n, 57–58, 58, 59; A Republican (three items), 85n, 135, 139–40, 141, 315, 411n, 477–80; The Republican, 50n; Republican Federalist, 338n; A Retailer of Scraps, 574n; Senex (Patrick Henry?), 89, 90n; Sidney (two items), 84n, 88, 315; Simon the Tanner, 410n; A Slave, 345n, 480–81, 481–83; Solon, 313n; A Son of Liberty, 480n, 481–83; A Spectator, 327n; The State Soldier (St. George Tucker), 565n; “Strictures on the Proposed Constitution” (George Turner?), 243–45; The Syren’s Songs, 255n; Tar and Feathers, 135; Thomas a Kempis, 547n; Timoleon, 328n, 338n, 524n, 534–38; A True American, 267–68; A True Friend, 338n; Tullius (George Turner?), 244n; A Turk, 306n; Twenty-seven Subscribers, 493n; Uncus, 327n; Veritas Politica, 406n; A Virginian, 327n; A Watchman, 405n; A Well Wisher to the United States of America . . . , 180–81; “W.X.,” 322n; West-Chester Farmer, 56n, 128–30; “X.,” 327n; “Y.Z.,” 574n; “Z” (two items), 98–100, 212n. *See also* Broad sides, pamphlets, and books
- PUBLIC CREDIT:** strengthening of central government will restore, 13, 18, 20–21, 75, 112; is lost under Confederation, 16, 32, 98, 117, 169n, 189, 280, 344; Constitution will restore, 267, 283, 284, 345, 394, 433, 456. *See also* Foreign opinion of U.S.; Debt, U.S.
- PUBLIUS:** *See* *Federalist, The*
- Punishments, Cruel and Unusual,** 239, 350, 466, 527
- QUAKERS,** 491n; support Constitution, 253, 451, 457
- RAMSAY, DAVID (S.C.),** xxxiii, 56n, 82n, 339n, 406n
- RANDOLPH, EDMUND (Va.):** id., 196–97n; xxxiii, xlv, xlv, 509; delegate to Congress, 15, 16; as non-signer of Constitution, 196n, 198, 199n, 218, 218–19, 219, 223, 254n, 259, 261n, 277, 278n, 296, 297, 307, 307n, 308, 317, 346, 353, 357n, 358, 359, 362, 382, 403n, 404, 439, 450, 455, 470, 587; and Richard Henry Lee’s amendments to Constitution, 230n, 385n
- letters from: cited, 30, 61n, 158n, 254n, 357n
- letters to, 346, 429–30; cited, 43n, 56n, 77n, 170n, 230n, 385n, 411n, 489n, 490n
- in Constitutional Convention, xlvi, xlvii, 36, 78, 120, 121n, 125, 196n, 255, 346n, 443; speeches by, 198
- RATIFICATION, PROCEDURE FOR,** 45, 126, 177, 184, 186; Constitutional Convention’s proposals concerning, 40, **209, 210, 227, 260–61, 562–63;** debate in Congress over, 229–42, 275–76; Congress transmits Constitution to states, 241, 260, 274, 274n, 276, 280, 285, 298, 308, 357, 371–72, 438, 468; limited-term ratification favored, 283, 284–85
- RATIFICATION, PROSPECTS OF:** favorable prospects, 219, 223, 262, 263, 267, 274, 274n, 277, 280, 307, 308, 321, 346, 351, 353, 356, 357, 358, 360, 385, 394, 409, 423, 438, 439, 442, 451–52, 504, 507, 513, 515, 585–86; uncertainty of, 220, 278, 345, 354, 376–79, 407, 429–30, 454, 510, 512; limited-term ratification favored, 283, 284–85. *See also* Amendments to Constitution; Entries for individual states
- READ, GEORGE\* (Del.),** xlv, xlvi, 120, 163, **210**
- “**REASON,**” 56, 57–58, 58, 59
- RELIGION:** *See* Clergy
- RELIGION, FREEDOM OF,** 248, 365, 448–49, 572; should be protected against a strengthened Confederation Congress, 101n, 179; Constitution prohibits religious tests for federal officeholding, **209, 346, 432, 504;** should be protected by a bill of rights, 239, 378, 407, 466, 485, 535–36, 538–41; Constitution protects, 292, 375, 432; considered a natural right, 525
- REPRESENTATION,** 117, 129, 130, 248, 433; debate over in Constitutional Convention, 56n, 124, 199, 449–50,

- 566n, 566–67; objection to equality of in Confederation Congress, 124, 342; inadequacy of under Constitution, 199, 411n, 548, 564n; Constitution's provisions concerning, **200–1**, **201**, **260**; debate over, in House of Representatives, 216, 240, 244, 272, 324, 335, 348, 351, 393, 418–19, 420, 471, 510, 550, 564; debate over, in Senate, 234, 240, 260, 279, 335, 352, 393, 446, 449, 464, 471, 509, 516, 564n
- “**REPUBLICAN, A.**,” 135, 139–40, 141n, 315
- “**REPUBLICAN, A.**,” 338, 477–80
- REPUBLICAN FORM OF GOVERNMENT**, 28, 29, 82n, 110, 145, 159n, 163, 182, 249, 447–49, 492n; guaranteed to the states, 8, 39, **208**, 431, 433, 506; republican government of Articles, criticized, 46–49, 76, 128, 170n, 544; characteristics of, 47, 48, 54, 65, 75, 85, 88, 89, 105, 117, 118, 160, 188, 290, 309, 310, 331–32, 370, 418–21, 506, 565; cannot exist over vast territory, 49, 58, 58–59, 59, 99, 334, 417–21, 474–77, 499–500; consolidated republic favored, 51–52, 128–30, 517–20; Antifederalists support a confederation of thirteen republican states, 57n, 412n, 413–21, 429, 499–500, 543; criticism of, 73, 168n, 169n, 174; inevitability of in America, 171n, 354; Constitution establishes and protects, 195, 219, 253, 266, 279, 291, 309, 351, 354, 357, 364, 443, 448–49, 496, 521; Constitution threatens, 284, 332; popular tumults endanger, 354, 358; bad rulers endanger, 395, 496
- REQUISITIONS**: provisions for in Articles of Confederation, 6, 110; recommendations that states be forced to pay, 7, 9, 10, 11, 14–15, 15, 25, 32–33, 69, 76, 106, 159n, 160; failure of states to pay, 12, 14, 31, 69, 76, 110, 111n, 137, 159n, 160; and population amendment of 1783, 21–22, 22, 31
- RESERVED POWERS**, 131; in Articles of Confederation, 6, 39, 51–52, 400, 460, 478, 531; James Wilson's concept of, and commentaries upon, 338n, 338, 339–40, 387–88, 399–403, 426–27, 460, 478–80, 484–85, 506, 526–29, 531–33, 535–36, 554, 565. *See also* Implied powers
- REYNOLDS, JAMES (N.Y.)**: id., 177n; 174
- RHODE ISLAND**, xlv, 35, 59, 155, **201**; and Constitutional Convention, xl, 38–39, 79n, 108, 109, 122n, 123, 131, 132, 147, 187, 259, 436, 552; referendum in on Constitution, xli; state conventions of, xlii, 384, 587; and Congress, xliii, 17–18, 79n, 276, 582; and Annapolis Convention, xlv, 34; criticism of, 56n, 79n, 80, 80n, 95, 101, 107, 108, 109, 123, 124, 131–32, 147, 161, 187, 194, 234, 365, 436, 454, 483; prospects for ratification of Constitution in, 381, 384, 430, 451, 454, 504, 512, 513, 545. *See also* Providence, R.I.
- RIDLEY, SIR MATTHEW WHITE (England)**: id., 274n; 274
- ROME**: *See* Governments, ancient and modern
- ROTATION IN OFFICE**: under Articles of Confederation, 47, 99, 100, 261n; principle of praised, 148, 309, 332; debate over Constitution's failure to provide for, 260, 335, 423, 464, 506, 522, 564n
- RUSH, BENJAMIN (Pa.)**: id., 45–46n; xxxiv, 6; as author of Federalist material, 45–46n, 116, 167–68n, 367n, 531, 534n; and John Adams's *Defence of the Constitutions*, 82n, 83n; and “An American Citizen,” 431n, 437n; and *The Federalist*, 488n, 491n
- letters from, 167–68, 262–63; cited, 56n, 83n, 100n, 116n, 219n, 229n, 491n
- letters to, 101; cited, 100n, 263n, 294n, 339n
- newspaper essays by: “Address to the People of the United States,” 45–49; “Harrington,” 116–20
- RUSSELL, BENJAMIN (Mass.)**, xxxvi–xxxvii, 312–14n, 316, 322n, 376n, 573n, 577, 579–80, 580–81
- RUTLEDGE, EDWARD (S.C.)**: id., 511n; 9
- RUTLEDGE, JOHN\* (S.C.)**, xlvi, xlvii, 120, 125, **210**
- SAILORS**, 15, 481; plight of, 50n, 161; support Constitution, 221; Constitution will benefit, 361, 382, 572



- ST. CLAIR, ARTHUR (Pa.), xliii
- SALUS POPULI: doctrine of, 235, 241
- SARGENT, WINTHROP (Mass.): id., 566n; 484, 485n, 565–66
- SCHUREMAN, JAMES (N.J.), xliii, xlv
- SCHUYLER, PHILIP (N.Y.), 17, 168n
- SEARCHES AND SEIZURES: criticism of Constitution's failure to protect against unlawful, 239, 329, 345, 466–67, 481, 527, 541
- SEDGWICK, THEODORE (Mass.), xxxiv, 30, 55n
- SENATE, U.S., 195, 250, 265, 423; Constitution's provisions concerning, **201–3**, **205**, **206**, **209**, **211**; representation in, 39, 121n, 234, 240, 260, 279, 335, 352, 393, 446, 449, 464, 471, 509, 516, 564n; criticism of powers of, 86n, 349, 391, 450, 464, 564n; power to amend money bills, 121n, 265, 408, 435, 510; treaty power of, 152n, 250, 260, 349, 350, 408, 424, 426, 508–9, 529, 532, 548, 553; term of, 199, 260, 265, 284, 296, 303, 335, 349, 352, 408, 423, 444, 464; Vice President as president of, 199, 273, 349, 408, 450; proposed amendments concerning, 239, 240, 559; voting in, 239, 250, 266, 324, 355, 548, 553; role of in appointments, 239, 250, 260, 265, 335, 348–49, 349, 355, 408, 422, 435, 471, 552, 559, 561; election of, 260, 264, 266, 335, 342, 349, 355, 406n, 436, 437, 444, 459, 506; qualifications and salaries of, 264, 265, 423, 432; debate over nature of, 264–66, 284, 291, 324, 327n, 335, 341, 435, 464; power to try impeachments, 265, 265–66, 308, 349, 408, 423, 510; as a check on House of Representatives, 265, 273, 423, 464, 510; President and House of Representatives as checks upon, 265, 266, 273, 335, 341, 423, 464; danger of combination of with President and Vice President, 308, 324, 335, 349, 391, 424, 441, 450, 464, 465. *See also* Separation of powers
- "SENEX" (Patrick Henry?), 89
- SEPARATE CONFEDERACIES: support of, 33, 35, 54–56n, 56n, 57n, 57–59, 100n, 106, 150n, 170n; fear of, 50n, 56n, 111, 133, 137, 138, 161, 214, 220, 226, 257, 277, 278, 284, 476; op-
- position to, 56n, 101, 128, 146, 442, 490n, 493n, 494n, 495, 497, 517–20, 521, 556–58, 568–71; Antifederalists accused of favoring, 57n, 192, 412n, 488n, 521
- SEPARATION OF POWERS: danger from lack of in Constitution, 86n, 239, 283, 284, 307–8, 323, 331, 332, 335, 349, 371, 391, 411n, 423, 424, 441, 450, 464–65, 485, 506, 508–9, 510, 548, 564n; need for in a good government, 86, 113n, 128, 128–29, 131, 146, 149, 160, 330–31, 465; praise of in new Constitution, **211**, 217, 268, 270, 273, 283, 298–99, 309, 310, 341–42, 354, 355, 385, 444, 446, 471, 552. *See also* Balanced government
- SEYMOUR, THOMAS (Conn.), 108, 109
- SHAYS, DANIEL (Mass.): as leader of Shays's Rebellion, 71n, 92n, 93n, 94, 162, 308; as symbol of radicalism, 93n, 117, 141–44, 193, 345, 472; Antifederalists likened to, 135, 192, 228n, 228–29, 229n, 379
- SHAYS'S REBELLION, 100n, 161, 176, 262, 393, 394; causes of, 35, 74, 92n; impact of, 35, 56n, 82n, 92n, 92–93n, 141–44, 170n, 172n; suppressed, 35, 92n, 93n, 185, 255n, 475; influenced by Great Britain, 71n, 72–73, 101; lenient treatment of insurgents, 92n, 94, 365, 475; equated with Antifederalism and Toryism, 93n, 192, 584; leaders of escape to Vermont, 94, 95, 141, 142, 308; Shaysites and Constitution, 353, 399
- SHERMAN, ROGER\* (Conn.): id., 471–72n; 561n
- letter from, 470–72
- in Constitutional Convention, xlvi, 105n, 120, 163, **210**, 561n; speech by, 197, 198
- SHIPBUILDING, 179; decline in, 50n, 360; Constitution will benefit, 193, 194, 267, 361
- SHIPPEN, THOMAS LEE (Pa.), 294n, 376n, 411n, 530n
- SHIPPEN, WILLIAM, JR. (Pa.): id., 289n; 326n
- letters from: cited, 376n, 411n, 492n, 530n
- letters to, 289; cited, 230n
- SHIPPEN, WILLIAM, SR. (Pa.): id., 289n; 289

- SHORT, WILLIAM (Va.): *id.*, 455n; xlv  
 –letters from: cited, 42n, 530n  
 –letters to, 454–55, 469–70; cited, 24  
 “SIDNEY,” 84n, 88, 315  
 “SLAVE, A.,” 345n, 480–81, 481–83  
 SLAVES, 154, 179, 482; and apportionment of expenses among states, 5, 22; criticism of slavery, 101n, 253, 262, 346, 350, 405n, 406n, 432, 476, 565n, 572; and slave trade, 180, **204**, **209**, 253, 262, 346, 350, 405n, 406n, 408, 432, 449, 564, 565n; and apportionment of representatives and taxation, **200**, 216, 550; fugitive slaves, **208**, 216, 452  
 SMILIE, JOHN (Pa.), 376n, 457n  
 SMITH, MELANCTON (N.Y.), 411n  
 –in Congress, xliii, 233, 275; notes on debates, 231n, 232, 232–33, 233, 234–36, 236, 237–38, 240–41, 242n  
 SMITH, WILLIAM STEPHENS (N.Y.), xlv, 81n, 82n  
 SOCIAL COMPACT: debate over, 51, 148, 163, **211**, 225, 239, 256, 323, 475, 478–79, 500–1, 517, 524–26, 538, 565n  
 “SOCIAL COMPACT,” 311–12  
 “SON OF LIBERTY, A.,” 481n, 481–83  
 SOUTH CAROLINA, xlv, 59, 92n, **201**, 274n, 483; and Constitutional Convention, xl, xlv, xlvii, 38, **210**, 449; state convention of, xli, xlii; and Congress, xliii, 7–8; prospects for ratification in, 353, 438, 439, 451, 469, 504, 586  
 SOUTHERN STATES, 59, 110, 170n, 173, 328, 476; prospects for ratification of Constitution in, 469; commerce of, 483, 484. *See also* North vs. South; Entries for individual states  
 SOVEREIGNTY, 4, 6, 19, 59; debate over argument that sovereignty is derived from the people, 47, 84n, 131, 148, 188, 331, 355, 370, 396, 418, 432, 511–12; argument that Confederation Congress possessed limited amount of, 47, 51–52, 65; criticism of state sovereignty under Confederation, 58, 62n, 65, 76, 99, 106, 118–19, 124, 128, 129, 181, 187, **211**, 306n; assertion that Constitution transfers all or part of, to the central government, 97, 220, 259, 278, 279, 309, 327n, 328n, 352, 387–88, 400–1, 405n, 424–25, 460, 471, 539, 549, 564  
 SPAIGHT, RICHARD DOBBS\* (N.C.), xlvii, **210**, 215–17  
 SPAIN: *See* Governments, ancient and modern  
 SPARHAWK, JOHN (N.H.), xlv, xlvii  
 SPEECH, FREEDOM OF, 139; lack of constitutional provision for is dangerous, 329, 541; obstruction of in Boston, 455–56, 584  
 STATES, IMPACT OF CONSTITUTION UPON  
 –Debate over guarantee of republican form of government to, 8, 39, **208**, 431, 433, 506  
 –Equality of representation in Senate, 39, **201**, **209**, 234, 240, 260, 279, 335, 352, 393, 446, 449, 464, 471, 509, 516, 564n  
 –Restrictions upon, 39, **205**, 274n, 350, 415, 424, 450, 471, 504  
 –Debate over assertion that Constitution transfers all or part of sovereignty to central government, 97, 220, 259, 278, 279, 284, 286, 296, 301, 304–5, 309, 323n, 327n, 328n, 333, 342, 350, 352, 371, 387, 400, 405n, 411, 413–14, 414, 416–17, 422–23, 424, 424–25, 425, 441, 445–46, 460, 465–66, 466, 471, 499–500, 539, 546n, 549, 564n, 584  
 –And election of U.S. Senators, **201**, **202**, 250, 260, 264, 266, 342, 352, 459–60  
 –Debate over charge that U.S. judiciary will supersede state judiciaries, **207**, 259, 296, 303, 327n, 333, 340, 349, 352, 388, 408–9, 415–16, 434, 446, 461, 461–62, 463, 556, 557  
 –Role of in amending Constitution, **209**, 377, 377–78  
 –Debate over assertion that all powers not enumerated in Constitution are reserved to, 339, 387–88, 399–403, 459–60, 478–80, 484–85, 506, 531–33, 535–36  
 STATES, UNDER THE ARTICLES OF CONFEDERATION  
 –Debate over relationship of to central government, 3, 6, 7, 47, 51–52, 57, 65, 79, 99, 119, 124, 129–30, 136–37, 137–38, 160, 180, 181, **211**, 372, 387, 400, 443, 444, 445, 464  
 –Refusal of to pay congressional requisitions, 7, 9, 10, 11, 12, 14–15, 15, 25, 31, 32–33, 66–68, 69, 76, 106, 110,

- 111n, 137, 159n, 160
- Conflicting interests of, 7, 22, 32, 35, 46, 50n, 52–53, 53, 54n, 55n, 56n, 58, 59, 60n, 64, 69, 73, 75, 76–77, 79, 100, 104, 106, 108, 110, 128, 138, 145, 148, 159, 178, 186, 214, 223, 224, 270, 291, 311, 418–19, 454, 472, 473–77, 559
- Letters to executives of, 13, 22, 30, 38, 45n, 55n, 60–70, 241
- And representation in Congress, 87, 124, 342
- Constitution as a compromise among, 211–12, 218, 258, 274, 279, 286, 311–12, 322, 341, 352, 364, 385, 396, 425, 471
- STAY LAWS: *See* Debts, private
- STEVENS, JOHN, JR. (N.J.): *id.*, 486n; 486; as author of “Americanus,” 255n, 473n, 477n
- “A Farmer, of New Jersey,” 558–61
- STEVENS, JOHN, SR. (N.J.): *id.*, 486n; 486
- STILES, EZRA (Conn.), 81
- STONE, THOMAS (Md.): *id.*, 283n; xlvii, 282
- “STRICTURES ON THE PROPOSED CONSTITUTION” (George Turner?), 243–45
- STRONG, CALEB (Mass.): *id.*, 357n; xlvii, 30, 55n, 356–57
- STUART, ARCHIBALD (Va.): *id.*, 454n
- letters from: cited, 452, 454n, 490–91n, 492n, 512, 512n
- letter to, 512
- STUART, DAVID (Va.): *id.*, 386n; 339n, 347n, 353n, 385–86, 490n
- SULLIVAN, JOHN (N.H.): *id.*, 516n; xlvii, 9, 11, 43n, 515–16
- SUPERINTENDENT OF FINANCE, 10, 11, 13. *See also* Morris, Robert
- SUPREMACY CLAUSE: in Constitution, 39–40, 209, 261, 274, 274n; origins of, 90n, 128–30, 242n; criticism of, 197, 235, 323, 333, 348, 350, 387, 403, 414, 416, 425–26, 427, 460, 501–2, 509, 528–29, 532, 535, 565
- SUPREME COURT: *See* Judiciary, U.S.
- SWEDEN: *See* Governments, ancient and modern
- TAXATION, 4, 57, 179, 248, 433; desire to give Confederation Congress power over, 3, 7, 9, 10, 12–13, 15, 16, 16–17, 17, 19, 19–20, 20–21, 22, 24, 26, 28, 33, 47, 53, 77, 99, 107, 111, 115, 117, 119, 160, 173, 186–87, 211, 232, 387; burdensome nature of state systems of, 35, 53, 91n, 92n, 93n, 119, 147, 153, 161, 183, 191, 365, 456; Constitution’s provisions concerning, 39, 200, 203, 204, 209, 259, 422, 424; defense of Constitution’s provisions concerning, 193, 194, 195, 216, 267, 299, 301–2, 342–43, 353, 383, 395, 471, 481, 522, 523; criticism of Constitution’s provisions concerning, 199, 245, 277, 296, 297, 327n, 332–33, 333, 345, 346, 350, 407, 411n, 414–15, 416, 424, 460, 461, 465, 465–66, 476, 481, 481–82, 482, 482–83, 535, 540, 560, 565n. *See also* Debt, U.S.; Duties; House of Representatives; Impost of 1781; Impost of 1783; Money bills; Requisitions; Senate, U.S.; Western lands
- TAYLOR, JOHN (Va.): *id.*, 454n; 452
- TEMPLE, JOHN (England), xxxiii, xlv
- TENDER LAWS, 91n; prohibition against in Constitution, 39, 205, 259, 274n, 302, 471, 507; opposition to, 93n, 119, 134, 142, 147, 191, 365, 394, 544. *See also* Debts, private; Paper money
- TENNEY, SAMUEL (N.H.), 488n, 492n
- THACHER, GEORGE (Mass.), 338n, 491n
- THOMAS, ISAIAH (Mass.), xxxvi, xxxvii
- THOMSON, CHARLES (N.Y.): as secretary of Congress, 3, 38, 43n, 45n, 229n, 230n, 241, 442
- THREE-FIFTHS CLAUSE, 22; of Constitution, 199, 200, 216, 550
- TILGHMAN, WILLIAM (Md.): *id.*, 219n; 219, 431
- TILLINGHAST, CHARLES (N.Y.): *id.*, 374n; xxxviii, 141n, 328n, 373–74, 411n
- “TIMOLEON,” 328n, 338n, 524n, 534–38
- TREASON, 33, 142–43, 432; Constitution’s provisions concerning, 207, 208; criticism of President’s power to grant pardons in cases of, 349–50; fear that under Constitution innocent persons will be prosecuted for, 387–88, 483
- TREASURY DEPARTMENT, U.S., 560. *See also* Board of Treasury, U.S.

- TREATIES, 4, 6, 7, 15, 47, 129, 236, 383, 423, 451; defects of Confederation to obtain and enforce, 25–26, 33, 52, 98, 99, 101, 103, 112, 117, 137, **211**, 324, 372, 554; defense of Constitution's provisions concerning, 152n, 250, 274n, 553, 556–58, 569; Constitution's provisions concerning, **205**, **206**, **207**, **209**, 260, 424; objections to Senate's power over, 349, 350, 408, 461, 508–9, 548; criticism of as supreme law of the land, 425–26, 529, 532; objection to President's power over, 541. *See also* Mississippi River; President, U.S.; Senate, U.S.
- TREATY OF PEACE (1783), 19, 76, 118, 557; and western posts, 77, 523–24; and navigation of Mississippi River, 149n, 179; and American debts, 509–10
- TROUP, ROBERT (N.Y.), 491n, 492n
- "TRUE AMERICAN, A," 267–68
- TUCKER, ST. GEORGE (Va.): *id.*, 454n; xlv, 43n, 452
- TUFTS, COTTON (Mass.), 82–83n, 86n
- TUPPER, BENJAMIN (Mass.), 170n
- TURBERVILLE, GEORGE LEE (Va.): *id.*, 507n; 338n, 505–7
- TURNER, GEORGE (Pa.): *id.*, 566n; 243–44n, 326n, 565–66
- UNICAMERALISM: criticism of, 47, 88, 134, 146, **211**, 217, 270, 299; support of, 81n, 332. *See also* Bicameralism
- UNION: must be preserved, 45, 53, 133, 249, 310, 396, 473, 517–20, 568–71. *See also* Separate confederacies
- UNIVERSITY, FEDERAL, 48
- VAN BERCKEL, PIETER JOHANN (The Netherlands): *id.*, 285n; xlv, 285, 545
- VAN RENSSELAER, STEPHEN (N.Y.), 491n, 492n
- VARNUM, JAMES M. (R.I.): delegate to Congress, xliii, 11, 14, 15, 582n  
–letters from: cited, 14, 169n  
–letter to: cited, 169n
- VERMONT, xlv, 59, 108, 179, 475; and Shays's Rebellion, 71n, 72–73, 94, 95
- VERSE: *See* Poetry
- VETO POWER, 84n, 87, 129, 131; support for veto power for Congress over state laws, 39, 50n, 104, 181, 337n, 438, 441, 441n, 444–45, 450, 453n; Constitution's provisions concerning presidential power, **202–3**, **203**; debate over President's power, 250, 284, 298, 355, 366, 444, 464–65, 541, 552, 560
- VICE PRESIDENT, U.S.: debate over office of, 199, 239, 250, 273, 307, 324, 349, 408, 436, 450; Constitution's provisions concerning, **201**, **205–6**, **206**, **207**
- VIEW OF THE PROPOSED CONSTITUTION, A (John Nicholson), 405n
- VIOLENCE, xxxviii, 143; in Philadelphia, 325, 373, 531. *See also* Agrarian unrest; Civil war; Insurrections, domestic; Shays's Rebellion
- VIRGINIA, xlii, xlv, 61n, 178, **201**, 234, 282, 357n, 409; and Annapolis Convention, xl, xlv, 30, 34; and Constitutional Convention, xl, xlvi, xlvii, 35–36, 36, 77n, 78–79, 108, **209**, **210**, 585; state convention of, xli, xlii, 61n, 247n, 282, 347n, 348, 353, 358–59, 359, 421, 450, 452, 492n, 507, 509, 584–85, 585; and Congress, xliii, 8–9, 19, 25, 29–30, 50n, 61n, 124, 149, 149–50, 150, 151, 236, 270, 439; and separate confederacies, 56n, 59; agrarian unrest in, 92n, 96, 178, 365; and Jay-Gardoqui treaty negotiations, 149n, 150n; prospects for ratification of Constitution in, 276, 307, 308, 353, 357, 358, 373, 382, 407, 421, 429, 438, 439–40, 451, 452, 455, 469–70, 504, 505, 509, 510, 512, 515, 515–16, 545, 584–85, 586, 587; impact of on other states, 452, 504. *See also* Kentucky
- VIRTUE: needed for good government, 72, 75, 76, 105, 331, 481; lack of in America, 80, 393
- WADSWORTH, JEREMIAH (Conn.): *id.*, 177n; 175  
–letters from, 175; cited, 171n, 491n  
–letters to, 174–75; cited, 9, 32, 171n, 493n, 562n  
–speech by, 108–9
- WALTON, GEORGE (Ga.), xlvii
- WAR POWER, 129, 441n; power of Confederation Congress to determine on, 4, 6, 7, 47, 112, **211**; Constitution's provisions concerning, **203**, **205**, 554

- WARREN, JAMES (Mass.): id., 407n; 11, 82n, 325, 407
- WARREN, MERCY OTIS (Mass.), 83n
- WASHINGTON, GEORGE\* (Va.), xxxiii, 243, 353, 362, 372, 406n, 455; delegate to Constitutional Convention, xlvi, 36, 77–78n, 78, 120, 120n, 121n, 122, 138, 145, 163, 167, 179, **209**, **211**, 222, 226, 262n, 566–67n; and Newburgh Conspiracy, 19–20, 60n; and Antifederalist charge that he was duped into signing the Constitution, 61n, 257, 270, 327n, 328n, 330, 379, 458, 521, 579; praise of, 80n, 80, 145, 159, 162, 163, 167, 179, 190, 221, 268, 277, 286, 288, 327n, 344, 345, 364–65, 394, 401, 513, 521, 523, 542, 585; as possible king of U.S., 128, 168n, 169n, 170n, 172–73; as possible first President of U.S., 219, 227, 253, 262, 278, 288, 370, 423, 514
- letters from, **211–12**, 223–24, 358–59, 381–82, 385–86; cited, 20, 23, 30, 60n, 77n, 93n, 169n, 170n, 171n, 223n, 259, 259n, 339n, 346–47n, 347n, 368n, 451, 489n, 493n
- letters to, 261–62, 275–76, 306–7, 348, 367–69, 380–81, 408–10, 513–15; cited, 11, 14, 19–20, 23, 30, 36, 37, 38, 39, 43n, 56n, 60n, 93n, 150n, 151n, 169n, 347n, 410n, 486n, 487n, 489n, 490, 490n, 493n
- circular letter of June 1783, 22, 60–70, 430n, 521
- WEBSTER, NOAH (Pa.), 169n, 193n, 405–6n, 486, 492n
- WEBSTER, PELATIAH (Pa.), 300–2
- “A Citizen of Philadelphia,” 294n, 297–306, 412n, 437
- WEIGHTS AND MEASURES, 15, **203**
- “WELL WISHER TO THE U.S.A., A,” 180–81
- WELTON, JOHN (Conn.), 111
- WEST, BENJAMIN (N.H.), xlvii
- “WEST-CHESTER FARMER,” 56n, 128–30
- WESTERN LANDS, 49, 59, 220, 481; Confederation Congress’ policy concerning, xl, 5, 7, 8, 15, 23–24, 39, 83n, 226, 236, 242n, 275; states cede to Congress, 8, 13, 21; and payment of public debt, 21, 24, 39, 150n, 180, 353, 367, 465–66; British posts in, 76, 523–24; emigration to, 108, 152–53, 191, 193; turmoil in over Jay-Gardoqui treaty negotiations, 110, 149–58; support in for strong central government, 119, 151n, 155; erection of new states in, 155, 180, **208**; Constitution gives Congress power over, **208**
- WETMORE, HEZEKIAH (Conn.): id., 177n; 174, 175, 176
- WHITE, JAMES (N.C.): id., 472n; 472
- WHITEHILL, ROBERT (Pa.), 347n, 586
- WILLIAMSON, HUGH\* (N.C.), xlv
- letters from, 151n, 155–57, 158n, 215–17
- in Constitutional Convention, xlv, **210**; speech by, 197
- WILSON, JAMES\* (Pa.): id., 337n; delegate to Congress, 6, 12, 88; and “An American Citizen,” 431n, 437
- speech by in Philadelphia public meeting, 294n, 327n, 337–39n, 386n, 426; text of, 339–44; circulation of, 313n, 337n, 344n, 347n, 385, 431n; commentaries upon, 338–39n, 386–92, 399–403, 428, 457n, 459–68, 477–80, 484, 506, 524n, 526–29, 529–34, 536, 565n
- in Constitutional Convention, xlv, xlvii, 6, 36, 125, 163, **210**, 212n, 295
- WITHERSPOON, JOHN (N.J.), 12–13, 40n
- WOLCOTT, ERASTUS (Conn.), xlvii
- WOLCOTT, OLIVER, JR. (Conn.): id., 354n; 354
- WOLCOTT, OLIVER, SR. (Conn.): id., 354n; 354
- WOMEN: and Constitution, 127, 292–93; and fourth of July 1787 celebrations, 164, 166
- WORKMAN, BENJAMIN (Pa.)
- “Philadelphensis,” 573–74n; texts of, 574–78, 580–81. *See also* “Philadelphensis”
- WYTHE, GEORGE (Va.): id., 453n; xlv, 163, 450, 455
- YATES, ABRAHAM (N.Y.), xliii, 255n, 411n
- YATES, ROBERT (N.Y.), xxxiv, 411n; delegate to Constitutional Convention, xlv, 223n, 259, 261n
- “Z,” 98–100
- ZENGER, JOHN PETER (N.Y.): id., 392n; 388, 532–33



**THE DOCUMENTARY HISTORY OF THE  
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was composed by A-R Editions, Inc.  
of Madison, Wisconsin, on a  
Mergenthaler Linotron 202  
in a type face called Baskerville,  
and is printed on  
Warren's Olde Style Antique Wove.







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