

THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

Ratification of the Constitution by the States

NEW JERSEY

Supplemental Documents

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Contents

Introduction	ix
Symbols	x

Documents

1. Constitution of New-Jersey, 1776	1
2. New Jersey Election Law, 16 December 1783	1
3. The New Jersey Assembly and the Congressional Requisition of September 1785, 18 February–17 March 1786	8
3-A. Assembly Proceedings, Tuesday, 18 February	8
3-B. Assembly Proceedings, Monday, 20 February	8
3-C. Assembly Proceedings, Thursday, 2 March	10
3-D. Assembly Proceedings, Friday, 3 March	11
3-E. Assembly Proceedings, Monday, 13 March	11
3-F. Speech by Charles Pinckney before the Assembly, 13 March	12
3-G. Assembly Proceedings, Tuesday, 14 March	18
3-H. Assembly Proceedings, Friday, 17 March	19
4. The New Jersey Legislature and the Appointment of Delegates to the Annapolis Convention, 14 March 1786–30 May 1787	20
4-A. Assembly Proceedings, Tuesday, 14 March	20
4-B. Assembly Proceedings, Saturday, 18 March	20
4-C. Assembly Proceedings, Monday, 20 March	20
4-D. Council Proceedings, Tuesday, 21 March	20
4-E. Joint Session of the Legislature, 21 March	21
4-F. New Jersey Journal, 30 May 1787	21
5. Jonathan Dayton to David Brearley, [7] June 1787	21
6. Extract of a Letter from Perth Amboy to Basseterre British West Indies, 16 June 1787	22
7. A Friend to New-Jersey, New Jersey Journal, 29 August 1787	23
8. New Jersey Journal, 12 September 1787	25
9. A Zealous Columbian, New Jersey Journal, 12 September 1787	25
10. Robert Morris to Major Wynkoop, New York, 21 September 1787	27
11. Joseph Bloomfield to Jonathan Rhea, Burlington 24 September 1787	28
12. Public and Private Commentaries on the Prospects of New Jersey Ratification, 26 September–20 December 1787	28
13. Pennsylvania Herald, 27 September 1787	30
14. County Petitions to the Legislature, 1–25 October 1787	31
14-A. Gloucester County, 1 October	31
14-B. Burlington County, 3 October	31
14-C. Middlesex County	31
14-D. Middlesex County	31
14-E. Salem County	31
14-F. Salem County	31

15. An Elector, <i>New Jersey Journal</i> , 3 October 1787	31
16. L.E., <i>New Jersey Journal</i> , 3 October 1787	32
17. <i>Philadelphia Independent Gazetteer</i> , 16 October 1787	33
18. The New Jersey Legislature and the Payment of Convention Delegates 31 October–6 November 1787	34
18-A. Assembly Proceedings, Wednesday, A.M., 31 October	34
18-B. Assembly Proceedings, Thursday, A.M., 1 November	34
18-C. Assembly Proceedings, Friday, A.M., 2 November	34
18-D. Council Proceedings, Friday, A.M., 2 November	34
18-E. Assembly Proceedings, Friday, P.M., 2 November	34
18-F. Council Proceedings, Friday, P.M., 2 November	34
18-G. Council Proceedings, Tuesday, A.M., 6 November	35
18-H. Assembly Proceedings, Tuesday, A.M., 6 November	35
18-I. Council Proceedings, Tuesday, A.M., 6 November	35
18-J. Act to Pay Delegates to the State Convention, 6 November	35
19. The Final Decision, <i>New Jersey Journal</i> , 31 October 1787	36
20. A Farmer of New Jersey: Observations on Government 3 November 1787–4 December 1788	39
20-A. “A Farmer, of New-Jersey,” Observations on Government . . . (New York, 1787)	39
20-B. <i>New York Daily Advertiser</i> , 3 November	39
20-C. John Stevens, Jr., to John Stevens, Sr., Hoboken, 9 December	39
20-D. John Stevens, Jr., to John Stevens, Sr., Hoboken, 30 December	39
20-E. William Ross to John Stevens, Jr., New York, 16 May 1788	39
20-F. John Stevens, Jr., to Benjamin Van Cleve, Hoboken 21 November 1788	40
20-G. John Stevens, Jr., to Honorable John Stevens, Sr., Hoboken 4 December 1788	40
21. Newspaper Reports of the Calling of the State Convention 7–20 November 1787	40
21-A. <i>Pennsylvania Journal</i> , 7 November	40
21-B. <i>Connecticut Middlesex Gazette</i> , 12 November	41
21-C. <i>Trenton Mercury</i> , 13 November	41
21-D. <i>Salem Mercury</i> (Massachusetts), 20 November	41
22. Newspaper Reports of Convention Elections 27 November–18 December 1787	41
22-A. <i>Brunswick Gazette</i> , 27 November	41
22-B. <i>Pennsylvania Packet</i> , 1 December	41
22-C. <i>Brunswick Gazette</i> , 4 December	42
22-D. <i>Trenton Mercury</i> , 4 December	42
22-E. <i>New York Daily Advertiser</i> , 5 December	42
22-F. <i>Pennsylvania Packet</i> , 10 December	42
22-G. <i>Trenton Mercury</i> , 11 December	43
23. Newspaper Report of Convention Proceedings on 11–14 December 1787	43
24. <i>Pennsylvania Packet</i> , 15 December 1787	44
25. Newspaper Reports of Convention Proceedings on 18–20 December 1787	45

26. New Jersey Form of Ratification	
18 December 1787	48
26-A. New Jersey Form Sent to Congress, 18 December	48
26-B. New Jersey Form Retained by the State, 18 December	48
27. Walter Rutherford to John Stevens, New York, 18 December 1787	48
28. Reports of New Jersey Ratification	
21 December 1787–11 January 1788	49
28-A. New York Daily Advertiser, 21 December	49
28-B. New York Journal, 21 December	49
28-C. Philadelphia Independent Gazetteer, 21 December	49
28-D. New York Independent Journal, 22 December	49
28-E. Pennsylvania Journal, 22 December	49
28-F. Moore Furman to William Edgar, Trenton, 26 December	49
28-G. New Haven Gazette, 27 December	49
28-H. Pennsylvania Mercury, 28 December	49
28-I. Philadelphia American Museum, December	50
28-J. Abraham Lott to John Neilson, New York, 11 January 1788	50
29. Margery, Letter VIII to Mr. B——n of Cumberland County Philadelphia, 7 January 1788	51
30. New Jersey Journal, 9 January 1788	51
31. Governor William Smallwood to Governor William Livingston Annapolis, 19 January 1788	51
32. Nicholas Van Dyke, Jr., to Nicholas Van Dyke, Sr., Princeton 22 January 1788	52
33. Governor Samuel Huntington to Governor William Livingston Norwich, 23 January 1788	52
34. A Babblcr, New York Daily Advertiser, 19 February 1788	52
35. John Stevens, Jr., to Richard Price, Spring 1788	53
36. New Jersey Journal, 28 May 1788	53
37. Abraham Clark and the Constitution 23 July 1788–6 February 1789	53
37-A. Abraham Clark to Thomas Sinnickson, New York, 23 July	53
37-B. Deposition of Joseph Riggs, Essex County, 31 January 1789	55
37-C. Abraham Clark, New Jersey Journal, 4 February 1789	55
37-D. Deposition of Adam Boyd, Hackensack, 6 February 1789	57
38. The New Jersey Assembly, Thursday, 28 August 1788	58
39. An Act Ceding to Congress a District of Land, 9 September 1788	58
40. An Act for Defraying Sundry Incidental Charges, 9 September 1788	59
Appendix: Items printed or reprinted in New Jersey contained in <i>Commentaries on the Constitution: Public and Private, 1787–1788</i>	60
Index	76

Facsimiles

Facsimiles of the following items can be found on the University of Wisconsin Digital Collection website at <https://digital.library.wisc.edu/1711.dl/Constitution>.

1. Constitution of New-Jersey, 1776
14. County Petitions to the Legislature, 1–25 October 1787
 - 14-A. Gloucester County, 1 October
 - 14-B. Burlington County, 3 October
 - 14-C. Middlesex County
 - 14-D. Middlesex County
 - 14-E. Salem County
 - 14-F. Salem County
- 20-A. “A Farmer, of New-Jersey,” Observations on Government (New York, 1787)
26. New Jersey Form of Ratification, December 1787
 - 26-A. New Jersey Form Sent to Congress, 18 December
 - 26-B. New Jersey Form Retained by the State, 18 December

Introduction

The supplemental documents are intended to provide a fuller documentation and understanding of the debate over the ratification of the Constitution in New Jersey than was possible in the printed volume. This supplement contains official documents, letters, and newspaper items.

Except for some photographic reproductions (facsimiles), the documents consist mostly of literal transcripts. The documents are arranged chronologically except for those on particular subjects which are grouped together. These groupings are:

- The New Jersey Assembly and the Congressional Requisition of September 1785, 18 February–17 March 1786
- The New Jersey Legislature and the Appointment of Delegates to the Annapolis Convention, 14 March 1786–30 May 1787
- County Petitions to the Legislature, 1–25 October 1787
- The New Jersey Legislature and the Payment of Convention Delegates, 31 October–6 November 1787
- A Farmer of New Jersey: Observations on Government, 3 November 1787–4 December 1788
- Newspaper Reports of the Calling of the State Convention, 7–20 November 1787
- Newspaper Reports of Convention Elections, 27 November–18 December 1787
- Reports of New Jersey Ratification, 21 December 1787–11 January 1788
- Abraham Clark and the Constitution, 23 July 1788–6 February 1789

Facsimiles

This Supplement contains 4 facsimiles totaling 87 individual pages. These facsimiles provide a visual representation of original documents, some of which were difficult or impossible to transcribe.

References to these facsimiles (including the document number, title, and footnotes) appear in the text portion of the Supplement with an indication to visit the University of Wisconsin Digital Collection's website (<https://digital.library.wisc.edu/1711.dl/Constitution>) to view the documents themselves.

A list of facsimiles can be found at the end of the Table of Contents.

Appendix

Many newspaper items and pamphlets in the ratification debate had a regional or national circulation. These items are printed in *Commentaries on the Constitution: Public and Private* (CC). The Appendix in this volume lists these *Commentaries* items that were printed or reprinted in New Jersey.

Symbols

Manuscripts

ALS	Autograph letter signed
DS	Document signed
FC	File Copy
MS	Manuscript
RC	Recipient's Copy
RG	Record Group

Short Titles

Evans	Charles Evans, <i>American Bibliography</i> (12 vols., Chicago, 1903–1934).
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Cross-references to Volumes of

The Documentary History of the Ratification of the Constitution

CC	References to <i>Commentaries on the Constitution</i> are cited as “CC” followed by the number of the document. For example: “CC:25.”
Mfm	References to the supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:N.J. 2.” “Mfm” is also used in the running headers as an aide to the reader, and are especially helpful in multipage documents.
RCS	References to the series of volumes titled <i>Ratification of the Constitution by the States</i> are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:N.J., 14.”

Documents

1. Constitution of New-Jersey, 1776

- ◆ To view this document, see Evans 14912, or visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>

2. New Jersey Election Law, 16 December 1783¹

An ACT for regulating the Election of Members of the Legislative-Council and Assembly, Sheriffs and Coroners, of the State of New-Jersey, and of Delegates to represent the said State in the Congress of the United States.

Sect. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That all Elections of Representatives to serve in the Council and General Assembly, and of Sheriffs and Coroners, in this State, shall be annual, and held on the second Tuesday in October yearly and every Year, at the Place of holding the Courts of General Quarter-Sessions of the Peace, in the respective Counties in this State, except in the County of Hunterdon, where they shall be held at the House generally known by the Name of Ringo's Tavern; and the Council and Assembly of this State shall separately meet at Trenton on the second Tuesday next after the said Day of Election annually.

*2. And be it Enacted, That the Sheriff of the County, or the first Judge of the Court of Common-Pleas, or any one of the other Judges of said Court, in case of the Non-Attendance of the Sheriff or first Judge, or the Clerk of the County, in case of the Non-Attendance of the Sheriff, or any one of the Judges aforesaid, or in case of the Non-Attendance of either of the aforesaid Officers, then, any one reputable Freeholder, who shall be chosen by a Majority of the Electors present, shall, between the Hours of ten in the Forenoon, and twelve at Noon, cause publick Proclamation to be made in Presence of the Persons met at the Place of holding the Election, requiring all Persons who intend to stand Candidates, or design to name any Persons as Candidates, to represent the County in the Legislative-Council and Assembly of the State, or for Sheriff or Coroners, to deliver in their Names to him before two o'Clock in the Afternoon of the same Day, or they will be excluded; and shall also conduct the Business of the Election so far as relates to opening the Poll when a Poll is demanded, keeping good Order during the Time of Election, and proclaiming the Persons duly elected after the closing the Poll, for which Purpose the several Clerks shall make Return to him as soon as the Poll is closed, of the Number of Voters for each Candidate: *Provided always,* That if any of the Officers herein directed to superintend the Business of the Election, should be set up as a Candidate for any Office or Appointment at said Election, then, and in such Case, the next in Order shall conduct the said Business.*

3. And be it Enacted, That the Inhabitants of each County entitled to vote for Representatives in the said Council and Assembly when met, at the Place of Election, shall, between the Hours of ten in the Forenoon and twelve at Noon, choose one judicious Freeholder from each Township to serve as Inspectors of

the Election; and in case it should so happen that there should be no Freeholder attending from any one Township, then, and in such Case it may be lawful for the Inhabitants so met to choose any reputable Freeholder attending, that may be best acquainted with the Township, from which there is no Freeholder; and the Persons so chosen shall severally take the following Oath or Affirmation:

I ——— do swear (or affirm, as the Case may be) that I will duly and impartially serve, as one of the Inspectors of this Election; that I will neither receive nor Assent to the receiving the Vote of any Person who I shall have Reason to think is not by the Law of this State entitled to vote in this Election.

4. *And be it further Enacted*, That if any Inspector shall be set up as a Candidate at the said Election, it shall and may be lawful for the Electors who may be present to appoint some proper Person to serve in the Place of him so disqualified; and the Person so appointed shall immediately take the Oath or Affirmation before directed for the Inspectors to take.

5. *And be it Enacted*, That the Inspectors appointed as aforesaid, after being qualified shall, between the Hours of ten in the Morning and one in the Afternoon, choose, by Plurality of Voices, three Persons to serve as Clerks of the Election, whose Business it shall be to take down in Writing the Name of each Candidate, the Name of each Elector, and, when any Vote may be objected against, the Place of Abode of the Voter; and the Clerks so appointed shall severally, before they proceed to Business, take the following Oath or Affirmation, *videlicet*,

I ——— do swear (or affirm, as the Case may be) that I will truly and impartially serve as one of the Clerks of this Election; that I will not enter the Name of any Elector until his Vote has been received and approved by the Inspectors, nor wilfully omit to enter the Name of any Elector whose Vote shall have been approved of by the said Inspectors.

6. *And be it Enacted*, That every Candidate shall be nominated by some Person who is entitled to vote, and enrolled by the Clerks as a Candidate for the Council or Assembly, Sheriff or Coroner, agreeably to such Nomination before any Vote shall be for him received; and the Names of the Candidates so enrolled shall be wrote in fair Characters under the Word Council or Assembly, Sheriff or Coroners, agreeably to the said Nomination and Enrolment, and fixed up in full View at the Door of the House where the Election is held; and if any Person shall stand as a Candidate for more than one Department, his Name shall be entered accordingly, and in like Manner wrote on the Paper fixed up at the Door aforesaid; and no new Candidate shall be set up, or enrolled after two of the Clock in the Afternoon of the first Day of the Election.

7. *And be it Enacted*, That all Inhabitants of this State of full Age who are worth *Fifty Pounds*, Proclamation Money, clear Estate in the same, and have resided within the County in which they claim a Vote for twelve Months immediately preceding the Election, shall be entitled to vote for Representatives in Council and Assembly, and also for all other publick Officers that shall be elected by the People of the County at large, excepting such as may be herein after excluded for Offences committed against the State.

8. *And be it Enacted*, That if any Person's Vote shall be objected against, it shall not be received until he shall have taken the Oaths of Abjuration and Allegiance prescribed by an Act, intituled, *An Act for the Security of the Government of New-Jersey*, passed the nineteenth Day of *September*, One Thousand Seven Hundred and Seventy-six, unless he may have taken the same previous to the Time of Objection; and likewise if required, the following Oath or Affirmation, *videlicet*,

I VERILY believe, that I am twenty-one Years of Age, and worth Fifty Pounds, Proclamation Money, clear Estate, in this State; and that I am and have been for one whole Year last past an Inhabitant of this County.

9. *And be it Enacted*, That if any Person shall at any such Election give, offer, or promise any Fee or Reward, Victuals, Drink, or other Entertainment, or by any undue Influence at any Time, endeavour to prevail on any Person to vote for him, or for any other Person, he shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to be recovered with Costs of Suit, by any Person that will sue for the same in any Court of Record where the same may be cognizable; one Half to the Prosecutor, and the other Half shall be paid to the Collector of the County where the Offence is committed, to be applied for the Use of the County; and if any Person shall vote for Fee or Reward at any Election to be held for the Purposes aforesaid he shall, for every such Offence, forfeit and pay the Sum of *Fifty Pounds*, to be recovered and applied as before directed; and if any Sheriff, Judge, Inspector or Clerk, shall neglect or refuse to perform any of the Duties required by this Act, or shall be guilty of manifest Partiality, or shall attempt in an undue Manner to influence the Election, the Person so offending shall forfeit and pay the Sum of *Fifty Pounds*, to be recovered and applied as before directed.

10. *And be it Enacted*, That if any Person shall appear at said Election with any Weapons of War, or use any Threats that may tend to put any of the Electors in Fear of personal Danger, or shall maliciously or advisedly propagate any false Report concerning any Candidate at such Election, with a View to prevent his being elected, or that shall have an evident Tendency thereto, he shall, for every such Offence, forfeit the Sum of *Twelve Pounds*, to be recovered and applied in Manner aforesaid; and the Person guilty of Defamation shall be liable to an Action for Scandal or Defamation by the Party injured.

11. *And be it Enacted*, That all future Elections of Representatives to serve in the Council and General Assembly of this State, and of Sheriffs and Coroners in the Counties of *Bergen, Essex, Middlesex, Monmouth, Cumberland, Cape-May, Morris and Sussex*, shall be *viva voce*; and that all Elections for the Purposes aforesaid to be held in the Counties of *Somerset, Burlington, Gloucester, Salem and Hunterdon*, shall be by Ballot; and that every Elector in said Counties which vote by Ballot shall openly and in full View of all the Inspectors deliver his Vote or Ticket to one of the Inspectors, who, on Receipt thereof, shall, with an audible Voice, pronounce the Name of such Elector, and if no Objection is made to the Voter, put the Ticket immediately into the Election-Box.

12. *And be it Enacted*, That the Sheriff of each of the said Counties directed to vote by Ballot shall provide a good and convenient Box with a Lock and Key thereto, and deliver the same to the Inspectors of the Election as soon as they are qualified as aforesaid; and in case the Election shall be adjourned, the said

Box, with the Tickets locked up therein, shall be kept by such Person as a Majority of the Inspectors shall for that Purpose appoint, and the Key shall be kept by the Sheriff or other Person who may conduct the Election as directed in the second Section of this Act, till the Election shall be again opened; and at the Close of every Election the Box containing the Tickets shall, in the Presence of the Inspectors, be opened by one of them, and all the Tickets therein contained taken out by him one at a Time, who shall call out distinctly while the Ticket remains in his Hand, the Names contained therein, and to what Appointment, and then deliver the same to one other of the Inspectors to be by him distinctly read off, after which the Ticket shall be delivered to the Sheriff or other Person conducting the Business of the Election as aforesaid, to be by him filed; and the Clerks shall severally enter in distinct Columns all the Names contained in each Ticket, and the Appointment therein set forth; and when this is done, the Number of Votes for each Candidate shall be carefully cast up, and by the Sheriff, or other Person conducting the Business of the Election, distinctly, and with an audible Voice, be publickly declared unto the People: *Provided always*, That if any Ticket delivered in as aforesaid shall contain more Names than it ought to contain, or otherwise appear to be fraudulent, it shall be rejected as utterly void.

13. *And be it Enacted*, That the Sheriff or other Person conducting the Election as aforesaid, with a Majority of the Inspectors, shall have full Power to adjourn the Election from Time to Time, as Occasion may require; and also to close the same when the Votes or Tickets of all the Electors present are delivered in, or a reasonable Time for that Purpose shall have been allowed: *Provided always*, That the Sheriff or other Person conducting the Election in the County of *Bergen* shall, when a Majority of the Inspectors of the County think it expedient, adjourn the Poll to *Hopper's Town* at any Time during such Election; and the Poll in the County of *Essex* may be adjourned in like Manner to the House where *Jecamiah Smith* now lives in *Elizabeth-Town*, and where *James Lashly* now lives near *Acquackanunck* Bridge at any Time during such Election; and the Poll in the County of *Hunterdon* may be adjourned in like Manner to *Bonnel's* Tavern, the *White-House* in *Readingtown*, to *Quaker-Town*, *Pennington* and *Trenton*, at any Time during such Election; and the Poll in the County of *Burlington* may be adjourned in like Manner to *Bordentown* at any Time during such Election; and the Poll in the County of *Sussex* may be adjourned in like Manner to *Hardiston* and *Oxford* at any Time during such Election; and the Poll in the County of *Middlesex* may be removed to *Bonham-Town* and *Cranberry* at any Time during such Election; and the Poll in the County of *Gloucester* may be adjourned to the Sign of the *Blue-Anchor* on the *Egg-Harbour* Road at any Time during such Election; and the Poll in the County of *Morris* may be adjourned to the House of *Joshua Douglass* in the Township of *Roxbury*, and to *Henry Howell's* in *Troy*, at any Time during such Election; and it shall and may be lawful for the Poll to be closed at any one of the said Places where the Elections are directed to be opened at or adjourned to.

14. *And be it Enacted*, That when the Election is over the Sheriff, or other Person conducting the Business of the Election as aforesaid, and at least three

of the Inspectors, shall deliver, under their Hands and Seals, a Certificate thereof to the Person elected to serve in Council, and a Certificate to each of the Persons elected to serve in the Assembly; the Certificate for the Member of Council shall be as follows, *videlicet*,

WE do hereby certify, to all whom it may concern, that at an Election this Day held in the County of —— (or if it hath been held more Days than one, then at an Election in the County of —— begun on the —— Day of this Instant, and ended this Day) A. B. was duly elected to represent the said County in the Legislative-Council of this State, during the ensuing Year. Witness our Hands and Seals the —— Day of October, Anno Domini 17

And the Certificates for the Members of the Assembly shall be expressed in the same Manner, save only that the Word Assembly shall be used instead of the Word Council; and the said Sheriff or other Person conducting the Business of the Election, and at least three of the Inspectors, shall deliver under their Hands and Seals one Duplicate-Certificate of the Election of the Representative for the Council, and one Duplicate-Certificate of the Election of the Representatives for the Assembly; and the said Sheriff or other Person conducting the Election shall forward the same to be laid, the one for the Member of Council, before the Council, the other before the House of Assembly.

15. *And be it Enacted*, That three of the Inspectors, and at least three reputable Freeholders, shall deliver under their Hands and Seals a Certificate to the Person who shall be elected to serve as Sheriff, and one to each of the Persons who shall be elected to serve as Coroners, which Certificate shall be as follows, *videlicet*, To His Excellency the GOVERNOR, or the Honourable the VICE-PRESIDENT of the LEGISLATIVE-COUNCIL of the State of *New-Jersey*.

WE do hereby certify, that, at an Election held this Day in the County of —— (or if it has been held more Days than one, then, at an Election in the County of —— begun on the —— Day of this Instant, and ended this Day) A. B. was duly elected to serve as Sheriff (or as one of the Coroners, as the Case may be) of the said County for the ensuing Year. Witness our Hands and Seals the —— Day of October, Anno Domini

16. *And be it Enacted*, That if any Person chosen a Member of the Legislative-Council or Assembly shall accept of the Certificate of his Election, and shall afterwards neglect to attend and take his Seat accordingly, he shall, for every Day he shall so neglect to attend, forfeit and pay the Sum of *Three Pounds*, to be sued for and recovered by the Treasurer in any Court where the same shall be cognizable with Costs of Suit, and applied to and for the Use of the State, unless it shall appear by the Minutes of the House to which he belongs, that his Reasons for Non-Attendance have been accepted as satisfactory. *Provided always, and it is hereby Enacted*, That no such Forfeiture shall extend to more than twenty Days, and if any Person so chosen shall neglect to attend for the Space of twenty Days, after the Day herein before directed for the Meeting of the Legislature, he shall, for such Neglect, be rendered incapable of taking his Seat without a new Election, in which Case the Forfeiture shall be sued for and recovered by the Collector of the County, and applied to and for the Use of the County. *Provided*

always, That if any Person so accepting of his Certificate and not attending, shall send forward his Reasons to the President or Vice-President if chosen a Member of Council, or to the Speaker of the House if a Member of the Assembly, and they shall appear satisfactory to the respective Houses to which they are returned, the said Person shall not be liable to the Penalty inflicted by this Act, nor to have his Seat vacated for such Neglect.

17. *And be it Enacted*, That if any Person chosen as aforesaid to serve in Council or Assembly shall neglect as aforesaid, or refuse to take his Seat pursuant to his Election, or shall die or remove out of the State, or be expelled from his Seat by a Vote of the House to which he shall belong, then, and in every such Case the President or Vice-President of the Council, or the Speaker of the House of Assembly, as the Case may be, shall issue a Warrant to the Sheriff of the County where the Vacancy may happen, requiring him forthwith to set up Advertisements in eight of the most publick Places in the County fourteen Days at least before the Day of Election, informing the People when and where the same is to be held; and the Election shall be carried on in all Respects as the annual Elections are before directed to be carried on, and the Return thereof be made accordingly.

18. *And be it Enacted*, That if any Sheriff chosen as aforesaid in any of the Counties of this State shall refuse to serve, or shall neglect to apply for his Commission within one Month after his Election, or shall die or remove out of the County in which he was elected before the Term of his Office is expired, then, and in such Case the Clerk of the County shall immediately advertise a new Election in the same Manner in which the Sheriff is herein before directed to advertise, which Election shall be in every Respect conducted agreeably to the Directions before given in this Act.

19. *And be it Enacted*, That the Sheriff or other Person conducting the Election, and the Inspectors and Clerks of the said Elections, shall be allowed the Sum of *Seven Shillings and Six-pence* each by the Day for their Service, to be paid by the Collector of the County on producing a Certificate of the Time of their Service, signed by the Sheriff or other Person conducting the Business of the Election.

20. *And be it Enacted*, That no Person shall hereafter be elected as a Member of the Legislative-Council or Assembly of this State, unless he shall have been a Freeholder and Inhabitant in the same for at least two Years, and a Citizen of the United States for at least seven Years next before his Election; and also a Freeholder and Inhabitant of the County which he is to represent for one whole Year next before his Election; and if a Member of the Council, worth *One Thousand Pounds*; and if a Member of the Assembly, worth *Five Hundred Pounds*, in Real and Personal Estate in the said County.

21. *And be it Enacted*, That every Person who shall hereafter be elected a Member of the Council or Assembly of this State, shall, before he takes his Seat in either of the said Departments, take and subscribe the Oaths or Affirmations of Abjuration and Allegiance prescribed in an Act, intituled, *An Act for the Security of the Government of New-Jersey*, passed the nineteenth Day of *September*, One Thousand Seven Hundred and Seventy-six; and also the Oath prescribed in the twenty-third Section of the Constitution of this State (except only the Word *State* shall

be substituted instead of *Colony* in the same;) and likewise if a Member of the Council, the following Oath or Affirmation, *videlicet*,

I —— as a Member of the Council for the County of —— do swear (or affirm, as the Case may be) that I am and have been for two whole Years next before my Election a Freeholder and Inhabitant of the State of New-Jersey, and a Citizen of the United States of America for seven Years last past; and also a Freeholder and Inhabitant of said County for one whole Year next before my Election; and that to the best of my Knowledge and Belief, I am worth One Thousand Pounds in Real and Personal Estate in the same County.

And if a Member of the Assembly, then the following Oath or Affirmation:

I —— as a Member of the Assembly for the County of —— do swear (or affirm, as the Case may be) that I am and have been for two whole Years next before my Election a Freeholder and Inhabitant of the State of New-Jersey, and a Citizen of the United States of America for seven Years last past; and also a Freeholder and Inhabitant of said County for one whole Year next before My Election, and to the best of My Knowledge and Belief I am worth Five Hundred Pounds in Real and Personal Estate in the same County.

22. *And be it Enacted*, That any Person elected to serve as a Member of either Branch of the Legislature, shall have full Power and Authority, when a Quorum of either House are met together, to administer the said Oaths or Affirmations to any of his Fellow-Members.

23. *And be it Enacted*, That each and every Person being an Inhabitant of this State, who hath at any Time during the Continuance of the past War with *Great-Britain*, voluntarily joined the Enemy by taking Refuge amongst them, or who hath been, or shall hereafter be, convicted of High Treason, or who hath or shall hereafter forfeit his Estate, or who hath been, or shall be duly convicted of Treason, Felony or Misdemeanor, for going to, taking Refuge with, or affording any Aid and Assistance to the said Enemy, or who hath been fined or imprisoned for refusing to give Testimony of their Allegiance by taking the Oath or Affirmation of Abjuration and Allegiance to this State, prescribed by an Act, intitled, *An Act for the Security of the Government of New-Jersey*, each and every of the afore-said described Persons is and are hereby declared to be incapable forever of being set up as a Candidate for any Office at the said annual Elections, or of being admitted into, holding or exercising, any Office of Trust or Profit, either civil or military, or of voting for Representatives of the Legislative-Council or Assembly, Sheriffs or Coroners, in this State.

24. *And be it Enacted*, That the Council and Assembly in Joint-Meeting, at the first Sitting of the Legislature after the annual Election, and at any other Time when the same may be necessary, shall elect and choose any Number of Delegates not less than three nor more than seven to represent this State in the Congress of the United States, and shall agree upon the Form of Credentials to be given them of their Appointment, which Credentials, signed by the Chairman of the Joint-Meeting, shall authorize the said Delegates to sit and vote on the Part of this State, in the Congress of the United States, during the Year or Time for which they are elected, unless in that Time superseded by a new Appointment.

25. *And be it Enacted*, That no Person shall be hereafter elected a Delegate to represent this State, in the Congress of the United States, unless he hath been a Freeholder within this State for at least three Years, and an Inhabitant of the same for at least seven Years next before his Election, and worth *One Thousand Pounds* in Real and Personal Estate, within this State.

26. *And be it Enacted*, That every Delegate who shall be appointed to represent this State, in the Congress of the United States, shall, before he takes his Seat in Congress, take and subscribe, before any one of the Judges of the Court of Common-Pleas in this State, who is hereby authorized to administer the same, the Oaths or Affirmations of Abjuration and Allegiance, prescribed by the Act, intituled, *An Act for the Security of the Government of New-Jersey*, passed the nineteenth Day of *September*, One Thousand Seven Hundred and Seventy-six; and also the following Oath or Affirmation, *videlicet*,

I ——— do swear (or affirm, as the Case may be) that I am and have been for seven Years last past a Resident, and for three Years last past a Freeholder of the State of New-Jersey; and to the best of my Knowledge and Belief am worth One Thousand Pounds in Real and Personal Estate within the same.

A Copy of which Oaths or Affirmations shall be as soon as convenient filed in the Secretary's Office of this State by the Judge administering the same.

27. *And be it Enacted*, That the Act, intituled, *An Act for regulating the Election of Members of the Legislative-Council and Assembly, Sheriffs and Coroners, of the State of New-Jersey; and also to direct the Election of Delegates to represent the said State, in the Congress of the United States*, passed the twenty-fourth Day of *December*, One Thousand Seven Hundred and Seventy-nine; and the several supplementary Acts thereto, together with the Act to amend the same, shall be, and the same are hereby severally repealed.

Passed at Trenton, December 16, 1783.

1. *Acts of the Eighth General Assembly of the State of New-Jersey . . .* (Trenton, 1784), chapter XI, 15–23.

3 A–H. The New Jersey Assembly and the Congressional Requisition of September 1785, 18 February–17 March 1786

*3-A. Assembly Proceedings, Saturday, 18 February*¹

The House resumed the Consideration of the Requisition of Congress of the 27th September last; and, after some Time spent thereon,

Ordered, That the further Consideration thereof be postponed until Monday next at three o'Clock, P.M.

3-B. Assembly Proceedings, Monday, 20 February

The House resumed the Consideration of the Requisition of Congress of the 27th September last; and, after some Time spent thereon,

A Motion was made by Mr. A. Clark, seconded by Mr. Nicoll, in the following Words:

That notwithstanding the Legislature of this State, to give Efficacy to the Opposition made against Great-Britain in their Attempts to subjugate these United States, did assent to the general Confederation agreed to by Congress; yet this was done upon a Remonstrance to Congress against the Injustice and Inequality of the same, and a confident Reliance upon the Wisdom, Justice and Magnanimity of the several States to make such Alterations as upon more mature Deliberation might appear equitable: Such Alterations, though often in Part recommended by Congress, have not yet been obtained; nor hath the Requisition of Congress of April 1783, for a general Impost and Revenue, been complied with by all the States, especially by the States of New-York and Georgia: Though the Requisition is founded upon the most just and equal Principles, urged by Congress in the most forcible and persuasive Language; and the same being a Measure in the general Opinion absolutely necessary to the Existence of the United States in their confederated Capacity: While our neighbouring States, by their State-Imposts, are draining this State of Sums annually to a much larger Amount, as we have Reason to suppose, than our Quota of Specie called for by the late Requisition: That although this State hath at all Times manifested a Readiness to contribute a just Proportion towards the Publick Expence of the Union; yet cannot agree to Expenditures for the Promotion of Commerce of which we have no Participation, and at the same Time submit to contribute so largely as we now do to raise Revenues for the commercial States, while we share no Part of such Revenues, and over and above such Exactions to pay our full Proportion of Publick Debts into the Treasury of the United States, especially as nearly our whole Quota of the Publick Debt is due to citizens of this State for which it is our Duty to provide: And moreover the present Requisition of Congress directs Certificates for Payment of all Arrears of Interest to be issued, which will probably amount to a much larger Sum than the Taxes called for will sink in a considerable Time; and if the Mode directed in the said Requisition for issuing Interest-Certificates should be continued in succeeding Years, those Certificates, which may happen to be a Surplus over and above the Sum called for by Taxes in any one Year, as they draw no Interest, must be reduced to little or no Value, to the great Loss and Injury of most of the Publick Creditors, especially those of this State, by Reason of the large Proportion they hold of Publick Securities: For all which and many other Reasons which might be offered,

Resolved, That this House cannot, consistent with the Duty they owe to their Constituents, comply with the Requisition of Congress of the 27th of September last in the Mode therein directed, or agreeable to the Spirit thereof, or any other of a similar Nature requiring Specie, until all the States in the Union shall comply with the Requisition of April 1783 for an Impost and Revenue; or at least until the several States, having the Advantage of Commerce which they now enjoy solely from the joint Exertions of the United States, shall forbear exacting Duties or Imposts upon Goods and Merchandise for the particular Benefit of their respective States, thereby drawing Revenues from other States whose local Situations and Circumstances will not admit their enjoying similar Advantages from Commerce.

On the Question, Whether the House agree to the said Motion and Resolution? It was carried in the Affirmative, as follows:

Yeas.	Yeas.	Yeas.	Nays.
Mr. Terhune,	Mr. Bunn,	Mr. Whilden,	Mr. Sinnickson,
Mr. Blauvelt,	Mr. Blaire,	Mr. Lambert,	Mr. Swain,
Mr. Nicoll,	Mr. Kelley,	Mr. Houghton,	Mr. Sheppard.
Mr. Garritse,	Mr. R. S. Smith,	Mr. Cook,	
Mr. A. Clark,	Mr. Biddle,	Mr. Starke,	
Mr. Combs,	Mr. J. Smith,	Mr. Burgin,	
Mr. Schuurman,	Mr. Cooper,	Mr. Bowen,	
Mr. Bonney,	Mr. T. Clark,	Mr. Hankinson,	
Mr. Walton,	Mr. Davis,	Mr. Beardslee,	
Mr. Schenck,	Mr. Hall,	Mr. Longstreet.	
Mr. Stillwell,	Mr. Baker,		

3-C. Assembly Proceedings, Thursday, 2 March

Mr. A. Clark, with Leave, presented the following Instructions to the Delegates representing this State in the Congress of the United States:

To the Honourable Lambert Cadwalader, John Cleves-Symmes and Josiah Hornblower, Delegates representing the State of New-Jersey in Congress.

GENTLEMEN,

We, the Representatives of the State of New-Jersey in Council and Assembly met, think it a Duty we owe to our Constituents, particularly at the present Crisis, to apprise you of our Sentiments on certain Subjects of high Publick Concern.

The Legislature of this State, early in the late Revolution, represented to Congress their Ideas on sundry Parts of the Confederation, and, among the Rest, on the general Subject of Commerce and Duties upon Trade. You observe them entered on the Journals of the 25th of June 1778. At that Time the Publick Debt was not an Object of so great Attention, otherwise doubtless it would have been first in their Thoughts upon the Appropriation of those Duties. When the Revenue-System of 18th April 1783 was passed in Congress, we were then in Hopes that our Situation, between two commercial States, would no longer operate to our Detriment; and that those States, and others in their Predicament, were at Length convinced of the selfish and palpable Injustice of subjecting others to their Exactions, and then applying those Exactions to the Augmentation of their respective private Revenues.

The same contracted and destructive Policy that hath long subsisted still continues; and as we are convinced that neither Publick Credit can be supported, the Publick Debts paid, or the Existence of the Union maintained, without the Impost-Revenue in some beneficial, effective Manner, it has become our Duty to instruct you,

To vote against each and every Ordinance, Resolution and Proceeding whatsoever, which shall produce any Expence to New-Jersey, for the Promotion or Security of the Commerce of these States, or any of them, from which neither the Union in general, nor this State in particular, derives any Advantage, until all the States shall effectually and substantially adopt and carry into Execution the Impost above mentioned.

You will see, by the above Representation, that the Legislature of this State have uniformly held the same Justice of Sentiment respecting the Vacant or Crown Lands, as they were formerly called; relative to which you are instructed,

To vote against each and every Ordinance, Resolution and Proceeding whatsoever, which shall tend to charge this State with any Expence for acquiring, gaining Possession of, or defending such Territory claimed by, or which is to accrue to, the exclusive Benefit of any particular State or States, and not to the Union at large.

The Legislature has beheld, with much Concern, Gratuities, Advances of Money, and partial Payments, made by Congress to importuning Creditors and others, not regulated by any general and equal System, which not only empoverish the Treasury, but produce Discontents, and furnish bad Precedents;

You are therefore instructed not to assent to any such Payments, or to the Payment of any particular Debts, other than foreign Loans, in Preference to others of a like Nature, whereby a Discrimination of Creditors may take Place. It were well if the Publick could pay all promptly, but as that is impracticable, it is absolutely necessary to act upon settled uniform Plans in paying as far as the Revenue can extend.

The above Instructions were read, agreed to by the House, and ordered to be engrossed.

3-D. Assembly Proceedings, Friday, 3 March

The engrossed Instructions to the Delegates representing this State in the Congress of the United States was read and compared;

Ordered, That the Speaker do sign the same.

Ordered, That Mr. R. S. Smith do carry the said Instructions to the Council for Concurrence.

Mr. R. S. Smith reported, that he had obeyed the Order of the House.

3-E. Assembly Proceedings, Monday, 13 March

Agreeably to the Order of the Day the Honourable the Committee of Congress attended the House, and remonstrated against the Resolution of the House of the 20th Ultimo, and having laid before the House the Report of the Committee of Congress of the 15th Ultimo, concerning the System of general Revenue recommended by Congress on the 18th of April 1783, and a Schedule of the French and Dutch Loans shewing the Periods of their Redemption, with the annual Interests payable thereon until their final Extinction, for which Provision is yet to be made.

The Committee, after having urged the Impropriety of the Resolution of this House of the 20th Ultimo, and requesting that the said Resolution might be rescinded, withdrew, and then

The House adjourned to three o’Clock, P. M.

3-F. Speech by Charles Pinckney before the Assembly, 13 March²

On Monday last, the committee of congress, consisting of the hon. Charles Pinckney, of South Carolina, the hon. Nathaniel Gorham, of Massachusetts, and the hon. William Grayson, of Virginia, had an audience of the assembly of New-Jersey, agreeably to the resolution of congress of the 7th instant, and the appointment of the house, assigning that day.

The resolution of congress, appointing the committee, and stating its purposes—and the resolutions of congress of the 15th of February last, respecting the revenue-system of [18th] April, 1783, were read; and a schedule of the foreign loan laid before the house.

Mr. Pinckney then addressed the house in nearly the following terms:

Mr. Speaker,

The united states in congress assembled, have been informed, that this house on the 20th ultimo, resolved that they could not, consistently with their duty to their constituents, assent to the requisition of September last, for federal supplies. Upon this information, they conceive it incumbent on them, as guardians of the general rights and interests of the confederacy, by a deputation of their own body, to present to the view of the house, the absolute necessity there is for a strict and punctual compliance with the requisitions of congress, and the consequences which must attend an adherence to the present determination of the assembly.

When these states united, convinced of the inability of each to support a separate system, and that their protection and existence depended on their union—policy, as well as prudence, dictated the necessity of forming one *general* and EFFICIENT GOVERNMENT, which, while it protected and secured the whole, left to the several states, those rights of *internal sovereignty*, which it was not necessary to delegate, and which could be exercised without injury to the federal authority. In them were placed all the essential powers which constitute a nation—such are, the exclusive rights of peace and war; of sending and receiving embassies; of forming treaties and alliances; and equipping and raising fleets and armies. To them, also, was delegated the power of obtaining loans on the faith of the united states; and of apportioning to the several members of the union, their quotas of the public expenses. The mode established by the confederation, for ascertaining their respective quotas, was, at that time, supposed equal and practicable. Experience, however, has proved the contrary; and the states, though frequently urged, having neglected to furnish returns of the value of their lands, and the buildings and improvements thereon, agreeably to the article, congress were induced to recommend an alteration of it. This has been under reference for some time. Ten of the states have complied; and many of them furnished returns of their inhabitants, in conformity to the recommendation. New Jersey has done both. It is the best information we have been able to obtain, of the comparative strength and resources of the states, and the only

one on which the requisitions for public supplies, could be equally or properly founded.

The states having thus, by their voluntary act, formed one government, as essential to the protection of the whole—and placed in a supreme controuling power the administration of its general concerns, and to which they were to look up for support—each state is bound, according to its abilities, to furnish a proportion of the expenses; and the whole are jointly and severally pledged for the public engagements, foreign and domestic. The mode prescribed by the confederation, being, as I have observed, impracticable, it follows, that the proportions are to be quoted agreeably to the best lights in the possession of the union: for while the government exists, its members are bound to contribute to its maintenance. New Jersey has not only assented to the mode by which she is rated, but furnished the returns on which the assessment could be made with exactness: she certainly cannot, therefore, complain of bearing an undue proportion. She will not, I trust, upon reflexion, suppose she can, either consistently with her duty to the union, or with safety to its welfare, refuse to comply with the requisition. If she has been over-rated, upon stating the excess in evidence to congress, she will always receive the relief she may be justly entitled to. If, on the other hand, she conceives herself unequally situated, or that she does not participate in those common benefits which the general government was expected to dispense to all its members—if she thinks, with, me, that its powers are inadequate to the ends for which it was instituted, and that they should be increased—there can be no doubt of the conduct she ought to pursue. She ought immediately to instruct her delegates in congress, to urge the calling of a general convention of the states, for the purpose of revising and amending the federal system. In this constitutional application, she will meet with all the attention and support she can wish. I have long been of opinion, that it was the only true and radical remedy for our public defects; and shall with pleasure assent to, and support, any measure of that kind, which may be introduced, while I continue a member of that body.

If her resentments had been otherwise directed—if her endeavours had been used to produce a compliance with the general impost, on the part of those states which have not yet acceded—so far from injuring, she would have been entitled to the applause of the union. But what can be her object in refusing the requisition? Must it not be the means of involving the states, who were friendly to her interests in the general confusion that will probably ensue? and so far from obtaining the ends she proposes, may it not divert the attention of government from that system which could alone relieve the nonimporting states, and apply it wholly to her? For with what propriety could compulsory means be used against a state, for not assenting to a measure, in which we confess she had a right to deliberate, when we suffer another in silence, and with impunity, to refuse a requisition she is constitutionally bound to comply with?

Suffer me here to remark, that the present requisition is founded upon more advantageous principles, than any hitherto adopted—I mean as far as it respects the eight northern states: for of the 11,400,485 dollars, being the total specie value of the loan-office-debt, 9,998,880, being more than seven-eighths of the whole, were loaned in the seven eastern states. The state of New Jersey is in

proportion a very considerable creditor of the union. How far, therefore, it becomes her to support the measures of congress, in providing for the interest of this debt, and in supporting its credit, is left to the good sense of the house to determine.

The several requisitions of September, 1782, April, 1784, and September, 1785, which have been just stated to the house, and their principles fully explained, obviate every objection, with respect to a larger number of certificates being issued, than are provided for; and prove that certificates will not issue from the loan-offices to a greater amount than the interest of the domestic debt to December, 1784. If all the states comply with the several requisitions, the funds, on which the interest-certificates depend, will be sufficiently extensive to discharge the whole.

Much objection is made to the commutation for half-pay, allowed the army. On this subject, I shall only remark, that the late congress found an act of a former one finally adopted, and the national faith pledged to carry it into execution. The military certificates are so exchanged, that it would be impossible now, even if it was proper, to discriminate between them and the other public securities. To an army, however, who have evinced such magnanimity and patience under every suffering, their country are surely bound by the strongest ties of gratitude and affection: and if it could be ever admissible to make a distinction between the public creditors, they certainly possess the purest claims to preference and attention.

That the commercial states are indebted to the joint efforts of the whole, for the advantages they enjoy—and that it is their duty to devote a part of them to the national service—will be readily admitted. Upon these principles, congress have again, by the address of the 15th of February last, which you have just heard read, presented the revenue-system to the view of those states that have not complied. In once more bringing this recommendation before them, they have stated that there will be due, in the course of the next year, a part of the principal of two of the foreign loans, and afterwards a part of the other loans, agreeably to the stipulations of the same, to be paid annually, by instalments, until the whole is extinguished—which must, until that event, proportionably increase the sums called for; that the whole of the domestic debt is not yet liquidated, and that its amount will probably be enlarged beyond its former estimate; that the treaties necessary for the protection of our commerce from the piratical states of Barbary—the safety of our frontiers from the savages—and the establishment of magazines in different parts of the union—may perhaps increase the estimate of the military department; and that the supplies, for federal purposes, will probably be greater than they have hitherto been; that they contemplate with pleasure the prospect of extinguishing a part of the domestic debt by the sales of western territory—but that, as a considerable time must intervene before it can be surveyed and disposed of, no immediate aid can be drawn from this source; and that since a sufficient sum for the exigencies of government, and the interest due on the public debt, was not to be expected from any of the means authorised by the confederation, it follows, that unless some more efficient and productive fund could be discovered, we should soon be exposed to the greatest national difficulties and disgrace.

While it is in the power of the states to prevent these incumbrances, and to do justice to their creditors, congress will certainly continue to urge them to it. They have again presented to their view, the system which has been so long under reference to their legislatures, as the only one calculated to assert the credit and relieve the distresses of the union.

In examining the conduct of the states, they will find that all, except New York and Georgia, have in some degree, though perhaps not effectually, complied with the first part of the recommendation for investing the united states with the power of levying the impost. The assent of so large a majority of the states, including some of the most important in commercial and other resources, shews that they were impressed with the necessity and propriety of its motives. Convinced of the importance of the federal government, and that on its existence their political welfare and consequence must depend, they have liberally dedicated to its support, a part of the advantages derived from its establishment: nor have they considered this as more than justice to the citizens of those states whose situation renders them dependent upon their imports for supplies—that they had therefore wisely determined to make the welfare of the union their first object, reflecting that in all federal regulations, something must be yielded to aid the whole; and that those who may expect support, must in their turn be ready to afford it. How far their example may induce the legislatures of those states to adopt the same liberal conduct, is now left to themselves to decide. We still, however, trust that these states will be not less mindful of the public welfare, or less disposed to give vigour and efficacy to a government upon which all must eventually depend for the protection and security of the invaluable blessings they enjoy[.]

Our latest advices inform us, that Georgia has acceded—New York is now deliberating, and it is hoped, that a measure so just in itself, and so necessary at this time, to strengthen the federal credit, will meet with her concurrence; if not—we reflect with pleasure, that a great majority of the most important states in the union, have upon every occasion, by their acts and ready assent to the recommendations of congress, manifested so warm and zealous an affection to the federal compact, as leaves no doubt of a system soon being formed, which will, in its operation, relieve every embarrassment and inequality complained of. But this will altogether depend upon the concerted measures of such states as are friendly to the system. By divisions upon the subject of the requisition, you will not only prevent congress from taking the necessary measures to obtain this desirable end, but furnish the non-complying states with new and forcible arguments against it—arguments founded on the impropriety of investing the exercise of important powers to a government so feebly and injudiciously constructed, as to be not only incapable of executing those they at present possess, but to be a very unsafe deposit of such further authorities as are required by the system under their consideration. The danger, they contend, arises from the inequality of representation, and the want of a proper distribution of the powers of government. Be assured, that whenever they have it in their power, they will attempt a reform. Perhaps I do not go too far in asserting, that a perseverance in your refusal, may afford them this opportunity, by dissolving those ties which bind us as a nation: for should the other states suspend their supplies, to the

common treasury, until New Jersey complies with the requisition, the existence of the federal government must be endangered—probably cease.

It is certainly more the interest of the small, than it can be of the large states, to preserve the confederation upon its present principles. We are aware of the necessity which compelled the latter to confederate upon terms allowing each state an equal vote in the national councils. Had the system been formed in a time of peace—when no uncommon danger pressed—when deliberation was unaccompanied with apprehension, and the large states preferred conceding the point of proportionable representation, however important, to the greater evil of being again reduced to the power of Great Britain—can it be thought that any union would have been formed upon principles so unequal and oppressive as the present?

Let us for a moment suppose the confederation dissolved, and an assembly of the states convened for the purpose of adopting a system calculated to render the general government firm and energetic—is it not to be reasonably expected, that the large states would contend and insist upon a greater influence than they at present possess? Would they again consent to unite upon principles which should allow states not contributing a twelfth part of their quotas to the public expenses, an equal vote with themselves! It is not even to be hoped. It ought, therefore, to appear exceedingly important to the small states to maintain a system so advantageous to their particular interests, when they reflect that in the event of another confederation, they cannot expect to be placed in a situation, to which they are neither entitled by common justice, or an equal attention to the rights of the other members of the union.

Though our present disorders must be attributed, in the first instance, to the weakness and inefficacy of the general government, it must still be confessed they have been precipitated by the refractory and inattentive conduct of the states; most of whom have neglected altogether the performance of their federal duties; and, whenever their state policy or interests prompted, used their retained rights to the injury and disgrace of the federal head. Be assured, sir, the united states can have no danger so much to dread as that of disunion: nor has the federal government, when properly formed, any thing to fear, but from the licentiousness of its members. We have no hereditary monarchy, or nobles with all their train of influence and corruption, to contend with; nor is it possible to form a federal aristocracy. Parties may, for a time, prevail in the states; but the establishment of an aristocratic influence in the councils of the union, is remote and doubtful. It is the anarchy, if I may use the term, or rather the worse than anarchy, of a pure democracy which *I fear—where the laws lose their respect, and the magistrates their authority; where no permanent security is given to the property and privileges of the citizens; and no measures pursued, but such as suit the temporary interest and convenience of the prevailing parties*, I cannot figure to myself a government more truly degrading; and yet such has been the fate of all the ancient, and will, without great care, be probably the fate of all the modern republics. The progress has been regular—from order to licentiousness—from licentiousness to anar-

chy—and from thence to despotism. If we review the confederacies of Greece, we shall find, that each in its turn became a prey to the turbulence of its own members, who, refusing to obey the federal head, and, upon all occasions, insulting and opposing its authority, afforded an opportunity to foreign powers to interfere and subvert them. There is not an example in history, of a confederacy being enslaved or ruined by the invasions of the supreme authority; nor is it possible: for depending, as it must, upon the members for support and maintenance, it will always be in their power to check and prevent its injuring them.

It would be unnecessary in me to detail the inconveniencies which must result from your persisting in a conduct pregnant with the most alarming evils. I trust that the application which is now made, will be the means of your rescinding an act which has so much excited the public attention.

The situation of our commerce, languishing under the most ruinous and opprobrious restraints in foreign ports, demands a wise and well-concerted system of policy to support it. The hostile conduct of the savages on our frontiers—the unexampled behaviour of Great Britain in holding our posts contrary to the treaty, bridling the country, and depriving us of the advantages which would otherwise arise from it; *and above all, that due and sacred regard which a nation ought ever to pay to her engagements, as the only solid basis of her honour and prosperity*, at this time particularly, call for our strenuous and united exertions. To these important considerations, all motives of state policy should yield. We should recollect, that the grievances and inequalities particular states may complain of, can only be relieved by the timely and judicious interference of the federal authority, and that this once dissolved, the interests of the lesser states may not only be oppressed, but become a prey to the more important, and such a scene of intestine discord and confusion ensue, as every friend to the peace and liberties of his country must wish to avert. A temptation will be offered to the great maritime powers of Europe to interfere in our politics, and this country, which, under a wise and liberal system, might be the happiest, become one of the most miserable and contemptible in existence.

For these and a variety of reasons which might be added, but which are too obvious to render my stating them to you necessary, I am induced to hope the house will rescind their resolution. If they should not—in what other light can the united states view their conduct, than that of a breach of the confederation, and a solemn recession of this state from its union and protection?—A measure, which I am convinced, a state so deserving as this is, in point of services and exertions, could not have had in the most distant contemplation. This act has, however, exceedingly raised the public anxiety: and as the measures of congress must in a great degree depend upon your determination, either to rescind, or adhere to your refusal, we are to request an answer as soon as the importance of the subject will conveniently admit.

Mr. Pinckney used a number of other arguments, explaining and enforcing the principles of the requisition, proving that it was not intended as a substitute for, nor could, by any means, be construed to interfere with, the revenue system

of April 18, 1783; stating the consequences which must result from a refusal of it, and urging the house to comply with the expectations of congress, in passing it.

Mr. Gorham and mr. Grayson followed mr. Pinckney; and by a variety of arguments, proved, in a very able and pointed manner, the impolicy of New Jersey's refusing the requisition, it being clearly her interest to support the confederation. The latter gentleman urged with great force the impropriety of this state's risking the dissolution of the union, as in the event of another confederation, it could not be supposed the lesser states would be allowed to confederate upon equal terms with the more important.

In consequence of the above deputation the assembly passed the following resolution. . . .

[Here follows the Assembly's resolution of 17 March rescinding its resolution of 20 February. See Assembly Proceedings, 17 March, below.]

3-G. Assembly Proceedings, Tuesday, 14 March

The House resumed the Consideration of the Communications made by the Honourable the Committee of Congress Yesterday; whereupon

A Motion was made by Mr. A. Clark, seconded by Mr. Schenck, that the House agree to the following Order:

That the Honourable Committee of Congress be informed, that this House, anxiously desirous of promoting among all the States a lasting Union established upon Principles of Justice and Equality, are ready to accede to any Measures founded on such a Basis.

That the present Confederation, in whatever Light the same may be considered with Regard to Equality, hath not been strictly adhered to in the Requisition of September last.

The Valuation of the Land and Buildings have not been taken by any State, nor the Mode recommended by Congress for settling the Quotas by the Number of Inhabitants, which superceded the Requisition for such a Valuation, been agreed to by all the States so far as to become a federal Rule, on which Account the Requisition of September last can be considered only as recommendatory, and therefore, for the Reasons contained in the Resolution of this House of the 20th of February last, cannot be complied with further than by providing for the annual Payment of Interest due to our Citizens, which it is supposed will nearly amount to the whole Quota of this State on the national Debt.

This House entertains the most grateful Sense of the liberal Assistance afforded by the friendly Powers in Europe, by loaning Money to the United States; and sincerely regret the Want of proper Funds to discharge the Interest. This, it must be acknowledged, is not owing to any Neglect of Congress; they have done all in their Power to raise the Sums necessary for that Purpose, and their present Inability to make prompt Payment must be charged only to those States which have refused to grant the United States the Duties and Imposts which they now collect, as well from States destitute of any foreign Commerce, as from their own Citizens, and which, if paid into the common Treasury at

the Disposal of Congress, will probably be more than sufficient to raise the Specie required.

The above Motion was read, and the Consideration thereof postponed.

3-H. Assembly Proceedings, Friday, 17 March

The House resumed the Consideration of the Motion made by Mr. A. Clark on the 14th Instant; whereupon,

A Motion was made by Mr. T. Clark, seconded by Mr. R. S. Smith, to postpone the Motion of Mr. A. Clark in order to take up the following, to wit,

Whereas this House, apprehensive that a Compliance with the Requisition of Congress of the 27th September last would have a Tendency to confirm the States who have not complied with the Resolutions of Congress of the 18th April 1783 for a general Impost and Revenue in their Opposition to the Plan therein recommended, and considering all temporary Expedients inadequate to raise a Fund sufficient to discharge the Interest on the national Debt, and to provide for other Expenditures necessary for the Support of the federal Government, and for other Reasons assigned in the Preamble to the Resolution of this House of the 20th Ultimo, did resolve, that this House cannot, consistent with the Duty they owe their Constituents, comply with the Requisition of Congress of the 27th September last, until all the States in the Union shall comply with the Requisition of the 18th April 1783, or until the several States having the Advantage of Commerce shall forbear exacting Duties from other States for their own particular Benefit: And whereas a Deputation from Congress to this House have, by Order of Congress, communicated sundry Evils which may arise to the Union by the Determination of this House if adhered to:

The House therefore, having re-considered the said Resolution, are of Opinion, that, although the said Requisition, from a Want of Conformity to the Rule of adjusting the Quotas of the several States contained in the 8th Article of the Confederation, the Alteration of which Rule not having been acceded to by all the States can of Course be binding upon none, must be considered only as recommendatory; notwithstanding which, being willing to remove as far as in their Power every Embarrassment from the Counsels of the Union, and that the Failure of Supplies from temporary Demands, though clearly evinced from Experience, may not be imputed to the State of New-Jersey only, do therefore

Resolve, That the said Resolution of the 20th February last be, and the same is hereby rescinded and made void.

On the Question, Whether the House agree to postpone the Motion of Mr. A. Clark of the 14th Instant? It was carried in the Affirmative.

On the Question, Whether the House agree to the said Motion made by Mr. T. Clark? It was carried in the Affirmative.

1. The Assembly proceedings are taken from *Votes and Proceedings of the Tenth General Assembly of the State of New-Jersey . . . Second Sitting* [15 February–24 March 1786] (Trenton, 1786).

2. Philadelphia *American Museum*, August 1787, pp. 153–60. The address was also printed in the *New Jersey Gazette* on 20 March 1786. See also Edmund C. Burnett, ed., *Letters of Members of the Continental Congress*, VIII (Washington, D.C., 1936), 321–30.

4 A-F. The New Jersey Legislature and the Appointment of Delegates to the Annapolis Convention, 14–30 May 1787

4-A. Assembly Proceedings, Tuesday, 14 March¹

A Message from His Excellency the Governor by Mr. Secretary Reed, accompanied with a Resolution of the Honourable the Delegates of Virginia, of the 25th of January last, to appoint Commissioners to meet Commissioners to be appointed by the other States to take into Consideration the Trade of the United States.

A Letter from Edmund Randolph, Esquire, of the 19th February, respecting the Time and Place of the Meeting of the Commissioners for the Purpose of framing such Regulations of Trade as may be judged necessary to promote the general Interest. And,

A Letter from His Excellency Governor Henry, of the 25th February, respecting the above Appointment.

Which Message, and the several Papers accompanying the same, were read, and ordered a second Reading.

4-B. Assembly Proceedings, Saturday, 18 March

The Message from His Excellency the Governor of the 14th Instant was read a second Time, and committed to Messrs. Sinnickson and R. S. Smith, to report thereon.

4-C. Assembly Proceedings, Monday, 20 March

Mr. Sinnickson and Mr. R. S. Smith, the Committee to whom was referred the Message from His Excellency the Governor of the 14th Instant, reported as follows:

That the Matter recommended in His Excellency's Letter, and the several Papers accompanying the same, requires the Attention of the Legislature, and thereupon submit the following Resolution:

Resolved, That the Legislature, in a Joint-Meeting of both Houses, will appoint Commissioners who, or any one of whom, shall meet such Commissioners as may be appointed by the other States in the Union at a Time and Place to be agreed on, to take into Consideration the Trade of the United States; to examine the relative Situation and Trade of the said States; to consider how far an uniform System in their commercial Regulations and other important Matters may be necessary to their common Interest and 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 assembled effectually to provide for the Exigencies of the Union, which was read, and unanimously agreed to.

Ordered, That Mr. Marsh do carry the said Resolution to the Council for Concurrence.

4-D. Council Proceedings, Tuesday, 21 March²

The Council having taken into Consideration the Resolution from the House of Assembly relative to appointing Commissioners to meet Commissioners to be

appointed by the other States to examine the relative Situation and Trade of the said States, &c.

Resolved, That the House do concur therein.

4-E. *Joint Session of the Legislature, Tuesday, 21 March*³

The Council and Assembly met at the House of Mr. Drake in Trenton, when the following Gentlemen were appointed Commissioners to meet the Commissioners of the other States upon commercial and other Matters, to wit:

Abraham Clark, William C. Houston, James Schuurman,	}	Esquires.
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4-F. *New Jersey Journal, 30 May 1787*

We have the satisfaction of informing the public, that *eight* states, of the twelve that have appointed delegates to the Fœderal Convention, were represented in Convention, at Philadelphia, the 12th instant, and that it was expected a few days would complete the Fœderal [Re]presentatives.

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 FœDERAL 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. The Assembly proceedings are taken from *Votes and Proceedings of the Tenth General Assembly of the State of New-Jersey . . . Second Sitting* [15 February–24 March 1786] (Trenton, 1786).

2. *Journal of the Proceedings of the Legislative Council of the State of New-Jersey . . . the Second Sitting of the Tenth Session* [15 February–24 March 1786] (Trenton, 1786).

3. “Minutes and Proceedings of the Joint-Meeting,” *ibid.*, 47–48.

5. Jonathan Dayton to David Brearley, [7] June 1787¹

Contrary to my wish I have been nominated in the Assembly & very contrary to my expectation, appointed in the joint-meeting to a seat in the federal convention. Believe me sir, I feel about me on this occasion all that diffidence with which the consciousness of my youth & inexperience as well as inability to discharge so important a trust, cannot but impress me.

The honor which must naturally attend my being associated with such very respectable characters as colleagues. The improvement to be derived from hearing the sentiments & communications of so learned an Assembly, were, I confess, the motives which influenced me, perhaps too powerfully, to accept the appointment. Were I less assured of your friendly aid & advice wherever I might need it, were the gentlemen joined with you, men of less eminent abilities than they

are, I should have been utterly discouraged from entering upon the task—I can never, sir, pretend to lay claim to any merit in common with you all but that which my zeal to serve & be useful to my country may give me a title to. I shall return to Elizabeth tomorrow to visit my family where I shall continue until I am informed by a letter from you or one of the other gentlemen that my attendance in Philadelphia is necessary to keep up the representation. When this happens I shall immediately repair thither regretting the necessity which calls either of you from his station & leaves it to be occupied by one so very far his inferior—

Mr. Houston has formally resigned in consequence of his ill state of health— Mr. Clark has also resigned, but in his usual way that is very *informally*, because he thinks there is a kind of incompatibility in the two appointments. I am therefore unfortunately the only one on the list of supernumeraries—

You will oblige *me* much by writing to me by the return of the first post, & at such other times & as often as your leisure will permit—

1. FC, Gratz Collection, Federal Convention, Historical Society of Pennsylvania.

6. Extract of a Letter from Perth Amboy to Basseterre British West Indies, 16 June 1787¹

“This country is in a most wretched situation, their trade is cut up in such a manner that it can hardly be said they have any. There is now an additional Congress, y’clep’d a Convention now sitting at Philadelphia, to plod out ways and means to make the people still more wretched if possible. It is expected they intend to vest some man with sovereign power, by the name of protector, dictator, or king. In the back parts of the northern states, one Shays, who the Boston Assembly has declared a rebel, is now busy in raising an army, with which it is very likely, he will gain the first battle, as there are not less than one hundred thousand men able to bear arms, that espouse his cause, some of whom the Bostonians took prisoners last winter and condemned them to be hanged, but were obliged to reprieve in consequence of Shay’s party taking some of their principal men to retaliate upon. There are some towns in Connecticut which have sent their militia companies to join him instead of sending them against him: and in this state as well as New-York it is thought he has two friends to one enemy, tho’ they keep themselves pretty still.

“The United States of America, all the world knows, are over head and ears in debt, they cannot even pay the interest; they have no army, and cannot raise one for want of a treasury; they have not a single ship of war; they are obliged to reduce the pay of their state officers to lessen the expences of government. The only thing they can do is to make laws to cheat their creditors; whether England and France will allow themselves to be cheated by them, as individuals are obliged to, I will not pretend to say. What is above related can be proved by the most incontestible authority.” (*To be a falshood.*)

1. Printed: New York *Daily Advertiser*, 22 August 1787. Reprinted: *Pennsylvania Journal*, 25 August.

7. A Friend to New-Jersey
New Jersey Journal, 29 August 1787

To the CITIZENS of NEW-JERSEY.

At a time of difficulty and distress, every member of the community, who interests himself so much in the public welfare, as to employ his thoughts on what may be beneficial to the common weal, has a right to communicate them to the public; and if he conceives they may be of service, it becomes his duty so to do.—From these motives I am induced to submit mine to the consideration of my countrymen, in hopes that some person may improve the ideas, and impress the minds of the citizens of this state with proper sentiments on this occasion, by more powerful arguments than I am able to suggest.

With an anxiety natural to every well-wisher to his country, I have long beheld the legislature at a loss to raise a revenue in this state, by other means than taxing the industrious farmer, mechanic, and labourer.—The raising money by an impost upon all goods, wares, and merchandize imported into this from the neighbouring states, and by an excise upon certain goods, wares, and merchandize retailed in this state, have been the two modes proposed—the first has been referred, *shamefully* referred from session to session for several years, and the latter is now adopted by “An act for laying an excise on sundry articles retailed or consumed within this state,” passed at Burlington, the fourth of July last, which is to be carried into effect from and after the first day of October next, by collectors and their deputies authorized by the said act.

This act entirely new to us, will probably be disagreeable to many, in the first attempts to carry it into execution; and it gives so great a power to the collector and his deputies, that unless they are cool considerate men, who have the interest, peace and welfare of their country at heart, great mischiefs may arise from the enforcing it, which it is the intent of this address to guard against.

To persons capable of forming an opinion on the subject, there can be little doubt but a very considerable sum of money may be raised by this act, if under proper direction, and as it is the first essay of the kind, and perhaps rather imperfect, it behoves every friend to his country, by every means in his power, to have it carried into execution by honest judicious men, acquainted with business and mankind, who disdain to enrich themselves by purchasing, for a song, the prospect, I may say *certainly*, of receiving large sums of money levied by a tax on their fellow citizens, for discharging the public debt—men whose love for their country, will influence them with proper feelings for the public as well as individuals; who will make use of their power solely for the purposes for which it was given, and employ their judgment, not only to make the collection properly, but to discover the defects of the law, and point out where it may be amended and improved—and who will honestly and disinterestedly shew to their representatives in general assembly, the utmost farthing raised by this act, and submit to them to say what shall be an equivalent for their trouble in collecting it.

And that such men as these may have it in their power to serve their country in this way, I propose that any number of the citizens of each and every county in the state, who approve of the measure, should advertise a meeting of such of the citizens as chuse to attend, at some convenient place in the county, in order to fix upon the persons proper for collector and deputies, to carry this proposal into execution, under the direction of the act, with such improvements as may occur; and that this meeting may be previous to the third Tuesday, which is the 18th day of September next, the day appointed to sell by auction the office of collector.

It is to be wished, that at these meetings the *wanton* depreciation of our paper money, in the neighbouring states of New-York and Pennsylvania, may be taken into consideration—and why we so long submit to pay these states more than 40,000*l.* per annum, without making one effort to free ourselves from so disgraceful a vassalage.

Deplorable indeed is our situation, when the credit of our money depends upon the breath of a few brokers and extortioners (the bane of society, whom no laws can controul) in our sister states, whilst we are subject to a tribute to those states, which even Great-Britain, in the hour of her greatest arrogance, would have disdained to exact. It will likewise be highly proper at these meetings to consult who will be fit men to represent the different counties of the state, in the next general assembly.

And now, my countrymen, will you set down inactive, and suffer the rapacious hands of the avaricious and self-interested, to grasp and hoard up in their coffers, the produce of a tax, justly laid on you, as a part of the small price of our glorious independence? Or, will you give one day to your country, to take into consideration, the propriety of this or some other measure, in aid of a law, which, if advisedly carried into execution, will not only answer a present good purpose, but enable those in whose hands you place it, to direct the framing of one more efficacious? Will you tamely bear the impositions of New-York and Pennsylvania, who have laid a duty on all merchandize brought into their ports, and refund a drawback on such as we purchase for our consumption, by which means we pay more than 40,000*l.* per annum, which they apply to the exigencies of their respective governments?—Between united republics the most unheard-of instance of injustice!—But what can we expect from New-York? She, at an early period, seized with an armed force, the governor and other public officers of New-Jersey, and confined them in her gaols—She prevented, by unlawful means, vessels from coming into our ports—She obstructed and distressed our trade, in such a manner, that it obliged us to raise large sums of money, to defray the expence of Agents sent to England to solicit redress—She invaded part of our territory, and detains it from us to this day, without the shadow of right.—And since the revolution, her citizens have by many mean artifices and misrepresentations to foreigners, checked the flattering prospect we lately had of introducing foreign commerce into our ports. These, my countrymen, are facts—your records will prove them to be such, and of such importance that I doubt not they will command your immediate and serious attention.

And here my countrymen and fellow citizens, permit me, by every power of persuasion, to call your particular attention to the choice of men to represent you in the next general assembly, before whom the proceedings and resolves of the general convention, now held at Philadelphia, will doubtless be laid for ratification. This is perhaps a matter of more importance than ever came under the consideration of the senators of New-Jersey, and on which our existence as a state, and of the united states as a nation, may probably depend.—Commit, therefore, this important trust to men of approved integrity and abilities; and, in your choice, lay aside all prejudices and partiality to either profession or calling—Seek for wisdom and knowledge, wherever they are to be found, resting assured that men acquainted with the laws of their country and of nations, will be but qualified to judge of that system of government that may be referred to their consideration.—And you, my countrymen, who may, from proper motives, be the happy choice of your fellow-citizens on this interesting occasion, will do well to consider, that you have no rite to withhold your time or services from your country, when she calls upon you for an exertion of those talents, with which nature has so bountifully endowed you, and which recommend you to this important trust.

8. *New Jersey Journal*, 12 September 1787¹

A letter from Philadelphia, dated the 9th inst. from a Member of the Convention, mentions, that they have gone through all the business that was before them, and are only waiting to give it the final polish, preparatory to its being laid before the public.

1. Jonathan Dayton, one of New Jersey's delegates to the Constitutional Convention, wrote his father, Elias, on 9 September 1787 that, "We have happily so far finished our business, as to be employed in giving it its last polish and preparing it for the public inspection. This, I conclude, may be done in three or four days, at which time the public curiosity and our desire of returning to our respective homes, will equally be gratified" (Max Farrand, ed., *The Records of the Federal Convention of 1787* [3 vols., New Haven, Conn., 1911], III, 80).

9. *A Zealous Columbian* *New Jersey Journal*, 12 September 1787

My Countrymen,

The eyes and expectations of our citizens from all quarters of the continent, appear to be directed towards the Grand Convention, as if they expected from them, not only immunity from the political evils which we have experienced in consequence of the present defective system of government, but also, as if they looked for the bequeathment of every thing requisite to make a people rich and happy, without any industry, activity, œconomy, or any of the like exertions of their own. It is to be hoped they may not wait till they feel before they perceive their mistake—as they have done with respect to the necessity of an amendment in the form of government, as repeatedly urged by Congress for years past, but that they might be prevailed with to pursue those measures by which they may

raise themselves to opulence, the only source of national happiness and respectability, let the system of government be what it may.

To this end every friend to his country should advise and persuade the people to adopt such measures as he should conceive would minister to public or private advantage. With this most sincerely in view, the following hints are respectfully submitted to your consideration.

1st. For encreasing the number of SHEEP and quantity of WOOL.—It is conceived that each county might keep on its commonage, even should there be no more than the highways, 5000 sheep, on the average, some many more, some perhaps less. This would be 65,000 in the state more than is now kept; which, by their fleece, allowing 3 lb. per head, and two shillings per pound, would enrich the state yearly the sum of 19,500*l.* the increase being allowed for each years maintenance of the flocks, which it is expected will be more than sufficient to do; and if so, it will manifestly be the best way of keeping them: for many that have money to spare have purchased sheep and have given all the increase and all the fleece (except one pound per head) to those who would keep them, and have then thought it great interest for their money; whereas they might, it is presumed, receive double or treble as much, i.e. two or three pounds per year. Would each township make up 1 or 2 flocks in proportion to its size and quantity of commonage, and put them under the care of a shepherd, who would attend them from the end of winter till it began again, for little or no other compensation but the privilege of nightly selling their manure: Though the expence of hiring a shepherd to each flock of 5 or 700, would be indeed but a trifle per head for the summering of them. And these flocks would chiefly be made up by those who have not heretofore kept any; such as live in towns and villages, and such in the country as have not pasture land of their own, who still could produce fodder sufficient for wintering a considerable number. This, be assured, is not altogether theory or unsubstantial conjecturing, but has been reduced to practice in some parts of the state, by which the advantages are proved to be sufficiently great, to encourage the trial more generally; and it is conceived there can be no objection sufficiently weighty to counter-balance so great an advantage.

Secondly, For the establishment of MANUFACTURES.—Another measure for advantaging the state, which is with diffidence suggested, regard the appropriation of our poor taxes; they, it is conceived, would make a tolerable fund for the maintainance of a woolen and linen manufactory, in each county, and still support the poor more comfortably than they have heretofore been: by reason of their being better clad, more regularly victualled, and better housed. Suppose each county was to erect a house for accommodating all its poor, and some man, or set of men, hired to take charge of them, and to purchase up wool and flax with the money raised for the support of the poor, which should be manufactured in this house, the superintendant or manager assigning to each pauper, such parts of the business as he should judge him able to perform; the provision for the house being procured by the sale of their cloths and linens.

Might not more be done by the poor of this kind of service, than the whole tax raised for their support would procure to be done by hired hands? If so,

would not the whole of this tax which amounts to from 5 to 700*l.* in each county be saved in the first instance; and also the county supplied at once with a considerable quantity of coarse cloths and linens, which could be afforded so low as effectually to discourage their importation? No doubt but it would be necessary to hire some hands, to perform the heaviest parts of the business, but still so much would be done by the poor, as greatly to lessen the expence on the whole. If it was doubted whether a manager on a fixed salary would exert himself as much for the public interest as he might; without doubt there are many men of distinguished reputation and property, in each county, who would take charge of such a house, and obligate themselves to support the poor very comfortably, for a much less sum than is yearly raised for that purpose; or they would obligate themselves to give to the county such a per centum on the sum so as not to lessen the stock: provided they were authorised to require such services from all in the house; and that they were not compelled to do more than they might with ease perform, and that it might be known that they were comfortably supplied, let it be made the duty of some man or men (to be elected in each township, still under the title of overseers of the poor) to inspect this house, and the circumstances and supplies of their own poor, and make report thereof to their respective towns. Let not any ones feelings be hurt by a proposal of exacting labor from the poor. Does charity require us to administer more than according to their necessities? Or that they should have such a supply as to exempt them from that ordination of heaven, to which all the rest of Adam's descendents are obliged to submit. Easy industry would have so salutary an effect on their minds as well as bodies, as no friend to them could wish them to miss.

And it is presumed that many poor families who are not as yet burthens to their towns, but whose situations, for want of steady employment, is very indigent, would be greatly benefited by such an institution, and still do business on such reasonable terms as would be very advantageous to the community also.

And such an institution would afford a mild, but useful mode of correction for petty crimes and misdemeanors, by exacting some days labor from every tresspassor; and vagrants might here be detained on moderate wages, until they could give satisfaction with regard to their characters, that so many objects of distress and danger, might not be seen strolling through our country, exacting undeserved charity from us.

I am your brother,

10. Robert Morris to Major Wynkoop New York, 21 September 1787¹

I am just returned home & find your favor of the 18th. Instant left by Mrs. Wynkoop.—Since I saw you I have both written & spoken to the late Sheriff of Sussex, about his deputies conduct on your execution, & had fair promises.—I have since been informed by the Gentleman who does my Sussex business that the place was sold & a part of the money offered to him, which he wished me to decide whether he should receive for me, as it was not within his general instructions. As I supposed you had attended the sale and settled the matter to

your satisfaction, I thought it would be improper for me to interfere; & directed him not to receive any money unless the whole was tendered, but to tell the Sheriff I expected it would be settled with you.—My principle reason was a distrust of the Jersey money which will not now pass here under a discount of upwards of 20. per Cent. If it does not mend I have no doubt but you will be a considerable Sufferer by the Sheriffs neglect yet I am very doubtfull whether you can in Jersey make your self whole by prosecuting him. As I hardly expect to find a jury there who will say an officer is in fault for delaying a sale, or that the Money is depreciated since July. Altho' it passes here & in Philadelphia at a discount.—

This conduct in the Jersey Sheriff is a species of Malladministration that I have not hitherto been able to find any relief for either in my own or in my clients behalf. If notwithstanding you can find a Gentln of the Jersey bar, who can give you any well grounded assurances that you will stand an equal chance for justice against the Sheriff. I do not wish to discourage your attempt. Perhaps there will be a remedy under the New Constitution if it is adopted, but without this or some other beyond my expectation, we may bid farewell to justice.

1. FC, Robert Morris Papers, Rutgers University Library.

11. Joseph Bloomfield to Jonathan Rhea Burlington, 24 September 1787 (excerpt)¹

I have nothing more to add than to wish You all the Happiness You can propose to Yourself & Country, *under the New Fæderal Constitution*, which I sincerely Pray (as every Friend to America will) That the same may be adopted without a dissenting State—nay one dissenting voice.

1. ALS, Joseph Bloomfield Miscellany, New Jersey Historical Society.

12. Public and Private Commentaries on the Prospects of New Jersey Ratification 26 September–20 December 1787

Pennsylvania Gazette, 26 September (excerpt)

We hear from Delaware and New-Jersey, that the fœderal government has been received in each of those states with universal satisfaction. . . .

James Madison to James Madison, Sr.
New York, 30 September (excerpt)¹

The eccho from Connecticut & New Jersey, as far as it has reached us, denotes a favorable disposition in those States.

Henry Knox to George Washington
New York, 3 October (excerpt)²

. . . The people of Jersey and Connecticut who are not commercial embrace it with ardor. . . .

James Madison to Edmund Randolph

*New York, 21 October (excerpt)*³

. . . N. Jersey appears to be zealous. Meetings of the people in different counties are declaring their approbation & instructing their representatives. . . .

Moore Furman to William Edgar

*Trenton, 22 October (excerpt)*⁴

P. S. From what has transpired of the sentiments of the People in this State there is reason to believe that the Constitution will be adopted.

Lambert Cadwalader to Edward Lloyd

*New York, 23 October (excerpt)*⁵

. . . In Jersey I believe there is scarcely a dissenting Voice. . . .

John Stevens, Jr. to John Stevens, Sr.

*New York, 27 October (excerpt)*⁶

. . . New Jersey will not boggle about it. . . .

Gouverneur Morris to George Washington

*Philadelphia, 30 October (excerpt)*⁷

. . . 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.

William Grayson to William Short

*New York, 10 November (excerpt)*⁸

. . . The reason assigned by it's favorers is that they derives great advantages by imposing duties on ye. imports of Jersey & Connecticut,—In Jersey, nothing is more popular [than the Constitution].

James Madison to Edmund Randolph

*New York, 18 November (excerpt)*⁹

. . . I discovered no evidence on my journey through N. Jersey, that any opposition whatever would be made in that State. . . .

Henry Knox to Nathan Dane

*New York, 21 November (excerpt)*¹⁰

New Jersey warmly for it excepting Mr A[braham] Clark who now & then gives it a Kick.

James Madison to George Washington
*New York, 20 December (excerpt)*¹¹

... N. Jersey is now in Convention, & has probably by this time adopted the Constitution. Genl. [William] Irvine of the Pena. Delegation who is just arrived here, and who conversed with some of the members at Trenton tells me that great unanimity reigns in the Convention.

*New York Journal, 20 December (excerpt)*¹²

The convention of New-Jersey is appointed. That state is much prejudiced in its favour.

There are, however, *some*, who have the supealative impudence to declare their unprejudiced sentiments.

1. RC, Madison Papers, Library of Congress.
2. RC, Washington Papers, Library of Congress (printed CC:126).
3. RC, Madison Papers, Library of Congress (printed CC:182).
4. Printed: Historical Research Committee of the Society of the Colonial Dames of America (comp. and ed.), *The Letters of Moore Furman . . .* (New York, 1912), 73–74.
5. RC, Edward Lloyd Papers, Maryland Historical Society (printed CC:184).
6. RC, Stevens Family Papers, New Jersey Historical Society (printed CC:200).
7. RC, Washington Papers, Library of Congress (printed CC:213).
8. RC, Short Papers, Library of Congress (printed CC:248).
9. RC, Madison Papers, Library of Congress (printed CC:270).
10. RC, Dane Papers, Beverly Historical Society (printed CC:275).
11. RC, Washington Papers, Library of Congress (printed CC:359).
12. Reprinted: *New Jersey Journal*, 26 December 1787 and *Brunswick Gazette*, 1 January 1788. See CC:362 for the entire text and national circulation.

13. Pennsylvania Herald, 27 September 1787

Extract of a letter from a gentleman in Cumberland county, West-Jersey,
dated the 19th Sept. 1787.

“The sale of our *Excise-Office* took place yesterday after noon.—In the morning previous thereto, a very large and respectable number of freeholders convened at the court house, to devise such measures as should answer the law, at the same time obviate its pernicious effects.—Jonathan Elmer, Esq. was chosen chairman.—After a short but pertinent address from the chair, we proceeded to the election of a committee, in whom we vested full power to negotiate the business.—The persons chosen were Col. David Potter, Major Daniel Maskell, and Doctor Thomas H. M’Calla. Had you been present, there was sufficient latitude to have exercised your risible faculties.—It was put up at one penny by the Doctor, the second bidder made it six pence, the third two and six pence. No person offering higher, it was struck off, for the sole use and behoof of the county. Notwithstanding the ill reception this law has met amongst us, there are no set of people to be found who are greater friends to good order, more attached to the constitution and government, than we are here.—The design or spirit of the law created no uneasiness; the *mode of collection*, was the only stumbling block.—Should our assembly at their next sitting, expunge that clause,

which *forms* the *office*, and appoints officers with low and fixed salaries, it would be received with the greatest satisfaction. Whilst writing this, I have just received information by a gentleman of veracity, that the office in Salem county, was struck off at fourteen pence—We are anxious to hear what our Convention of Patriots have done. Our fervent and most sanguine wishes are, that they may have framed a government, which will make the United States in reality *One*.”

14 A–F. County Petitions to the Legislature, 1–25 October 1787¹

14-A. Gloucester County, 1 October

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

14-B. Burlington County, 3 October

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

14-C. Middlesex County

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

14-D. Middlesex County

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

14-E. Salem County

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

14-F. Salem County

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

1. DS, Bureau of Archives and History, New Jersey State Library. At least one of the Salem County petitions was read in the Council on 24 October. On 25 October the Assembly received and read several other petitions, which were read a second time the following day.

15. An Elector

New Jersey Journal, 3 October 1787

To the ELECTORS of ESSEX COUNTY.

GENTLEMEN: With all the anxiety which a good man feels for his country, I beg leave to recommend, as the objects of your choice the ensuing election, the following gentlemen for the Assembly, viz. Abraham Clark, Josiah Hornblower, and Jonathan Dayton, Esqrs. — and for Council, Elias Boudinot, Esq.

From the sapience and experience of the above characters, should they meet your approbation, what may we not expect?—They are men of *tried souls*; whose attachment to your interest preponderates every other consideration.

Too long, my countrymen, have you suffered evils from injudicious legislators.—That person who is qualified for the arduous business of legislation, must have a heart devoted to the public, and a head equal to understanding its true interest. Without these qualifications, in vain may you expect to see better times.

Divest yourselves, gentlemen, of those contracted politics that have biased you hitherto—view things impartially, and I defy you to point out a better nomination.—This is an important era, on which much depends: For God's sake let us not abuse our privileges, by sending men unskilled in the science of government, who will heap upon us all the evils of Pandemonium, while they think they are doing us infinite service.—Take a retrospect of your laws for some time past, and see what doing and undoing has been pursued. Now, let me ask, is not ignorance the source from which this mischief flows? Yes, my friends, it is. Is not a man highly culpable, who suffers himself to be the dupe of a party, when he is sensible that a wooden statue, which could be made to articulate the adjectives *yes* or *no*, as suggested by a prompter, would answer every purpose as well.

If these gentlemen meet your acquiescence, let us, as many as possible, give them our influence; and meet in squads, as may be convenient, previous to the day of election, so that unanimity may prevail, and our election not be protracted, as is but too common the case.

16. L.E.

New Jersey Journal, 3 October 1787

Mr. Kollock,

The United States keep a table at the annual expence of 9000 dollars, for the purposes of national dignity.—Mistaken idea. Governmental dignity does not depend upon *turtle soups*, or *fricasees*, but upon the rigorous execution of the laws; the preservation of public faith, the payment of national debts, and the delicate distinction of its society.—National hospitality might be used as a state expedient to promote fœderal sentiments, and remove the prejudices of some hungry demagogues to congressional government.—The clamor of patriots is often the effect of hunger, and is as often hush'd by a *sop* in the pan. The political Cerberous should be patt'd, strok'd, and fed, not with *livers* and *lights*, but with calf's head, and they will soon, like the spaniel, crawl on their belly, wag their tail, and kiss your feet. When they are in this situation, you may put brass collars on them, engraved U. S. *Cherry-street*; and you may couple the hungry pack with fœderal chains, mount the state horses, and pursue the antifœderal Fox, with a tallio! tallio! hoiks.

If hospitality is used as a weapon of party, you may embarrass some of your opponents who would sacrifice the idol *popularity* if it cost a *dinner*.

Man is called an *animal rationalis*, but reason seldom governs him.—The passions and appetites are the keys of the instrument, which produce concord if touched with address, and discord if handled awkwardly. There are some minds

which would not be convinced by reasoning, yet may be influenced by four Claret and meagre Champaigne. National hospitality should have a political design, and should not be lavished on flagitious and notorious enemies of the United States, because they can return invitations; nor upon European debtors who are fugitives from their creditors, because they are strangers; nor on English *factors, ryders, pattern carriers*, &c. who will criticise your *porter* and *roast beef*. And will analyze with a sensible experience, and national sagacity, your *calapashes* and *calapees*. This is not society which does credit to the hospitality of the United States.—Few of the Old Officers know the presidential-house.

Sept. 28, 1787.

17. Philadelphia Independent Gazetteer, 16 October 1787¹

To the Honorable the Legislature of the State of New-Jersey,
The Petition of the Justices, and Freeholders, of the County of Burlington,
Respectfully sheweth,

That they have read, and considered with attention, the Constitution for the United States of America, as proposed by the late Federal Convention; that the same appears to them well calculated to amend the defects of the former constitution, and to promote the lasting welfare and happiness of the union.

They therefore humbly request, that your honorable body, in conformity to the opinion of the said Convention, would recommend to the people of this state, immediately to chuse delegates for a state-convention; in order to take into consideration the said federal constitution, and, if approved of, to ratify the same in behalf of the state of New-Jersey.

By order of the board,

JOSHUA M. WALLACE, Chairman.

Burlington, 3d October, 1787.

(Copy.)

At a meeting of the inhabitants of the county of Burlington, entitled to vote for representatives, in the Council and General Assembly, held at Burlington, on Tuesday the 9th day of October, 1787.

Resolved, That it is the sense of this meeting, that our representatives should be instructed, and they are hereby instructed to move in the Legislature, or to support the motion, "That the Legislature of this state recommend to the people, immediately to chuse delegates for a state-convention, in order to take into consideration the constitution proposed by the late Federal Convention, and, if approved of, to ratify the same, in behalf of the state of New-Jersey."

By direction of the meeting,

JOSHUA M. WALLACE,

Judge of the election, for representatives, held said day.

(Copy.)

1. Reprinted in the *New Jersey Journal* on 24 October and the *Trenton Mercury* on 6 November and in thirteen other newspapers from New Hampshire to Pennsylvania by 7 November.

**18 A-J. The New Jersey Legislature and the Payment of Convention Delegates
31 October–6 November 1787**

18-A. Assembly Proceedings, Wednesday, A.M., 31 October¹

Mr. Van-Cleve, with Leave, presented the Draught of a Bill, intituled, “An Act to provide for the Payment of the several Officers of Government of New-Jersey for one Year, to commence the twelfth Day of October, Seventeen Hundred and Eighty-seven, and to end the twelfth Day of October, Seventeen Hundred and Eighty-eight;” which was read, and ordered a second Reading.

18-B. Assembly Proceedings, Thursday, A.M., 1 November

The Bill, intituled, “An Act to provide for the Payment of the several Officers of the Government of New Jersey for one Year to commence the twelfth Day of October Seventeen Hundred and Eighty-seven, and to end the twelfth Day of October Seventeen Hundred and Eighty-eight,” was read a second Time, debated, and ordered to be engrossed.

18-C. Assembly Proceedings, Friday, A.M., 2 November

The engrossed Bill, intituled, “An Act to provide for the Payment of the several Officers of the Government of New-Jersey for one Year, to commence the twelfth Day of October Seventeen Hundred and Eighty-seven, and to end the twelfth Day of October Seventeen Hundred and Eighty-eight,” was read and compared, *Resolved unanimously*, That the same do pass.

* * * * *

Ordered, That the Speaker do sign the said Bills.

Ordered, That Mr. Van-Cleve do carry the said Bills to Council for Concurrence.

18-D. Council Proceedings, Friday, A.M., 2 November²

Mr. Van-Cleve, from the House of Assembly, presented to this House, for Concurrence, the three following Bills: A Bill intituled, “An Act to provide for the Payment of the several Officers of the Government of New-Jersey for one Year, to commence the 12th Day of October 1787, and to end the 12th Day of October 1788:” . . . which three several Bills were read, and ordered a second Reading.

18-E. Assembly Proceedings, Friday, P.M., 2 November

Mr. van-Cleve reported, that he had obeyed the Order of the House.

18-F. Council Proceedings, Friday, P.M., 2 November

The Bill, intituled, “An Act to provide for the Payment of the several Officers of the Government of New-Jersey for one Year, to commence the 12th Day of October 1787, and to end the 12th Day of October 1788,” was read a second Time, and ordered a third Reading.

18-G. Council Proceedings, Tuesday, A.M., 6 November

The Bill, intituled, “An Act to provide for the Payment of the several Officers of the Government of New-Jersey for one Year, to commence the 12th Day of October 1787, and to end the 12th Day of October 1788,” was read a third Time; on the Question, Whether the said Bill do pass? It was carried in the Affirmative, Nem. Con.

Ordered, That the President do sign the same.

Ordered, That Mr. Haring do wait on the House of Assembly, and acquaint them that the said Bill is passed by this House.

18-H. Assembly Proceedings, Tuesday, A.M., 6 November

Two Messages from the Council by Mr. Haring.
Council-Chamber, November 6, 1787.

* * * * *

Ordered, That Mr. Haring do wait on the House of Assembly and acquaint them that the Bill, intituled, “An Act to provide for the Payment of the several Officers of the Government of New-Jersey for one Year, to commence the twelfth Day of October Seventeen Hundred and Eighty-seven, and to end the twelfth Day of October Seventeen Hundred and Eighty-eight,” is passed by this House without Amendment.”

18-I. Council Proceedings, Tuesday, A.M., 6 November

Mr. Haring reported, that he had obeyed the several Orders of the House of this Day.

*18-J. Act to Pay Delegates to the State Convention, 6 November (excerpt)*³

And be it Enacted by the Authority aforesaid, That the said Treasurer shall pay to each of the Delegates who shall attend on the Part of this State in the State Convention, the Sum of Ten Shillings lawful Money of this State per Day, for each Day he shall have attended, on producing a Certificate thereof, signed by the Chairman or President of the said Convention, and any two of the Members thereof.

1. The Assembly proceedings are taken from *Votes and Proceedings of the Twelfth General Assembly of the State of New-Jersey* . . . [23 October–7 November 1787] (Trenton, 1787).

2. The Council proceedings are taken from the *Journal of the Proceedings of the Legislative-Council of the State of New-Jersey* . . . [23 October–7 November 1787] (Trenton, 1787).

3. An Act to Provide for the Payment of the several Officers of the Government of New-Jersey . . . , *Acts of the Twelfth General Assembly of the State of New-Jersey* . . . (Trenton, 1787), chapter CCXXII, 449–51.

19. **The Final Decision, New Jersey Journal, 31 October 1787**

The FINAL DECISION.

Awake America! extend thine eyes,
 A course sublime, along thy native skies;
 There, through the vast of ambient air, behold
 The lasting doors of destiny unfold.
 With glitt'ring pomp array'd, from realms of light,
 Fate all-controlling, reaches into sight;
 He in his hand the shining scales suspends,
 In which the lot of earthly pow'rs depends.
 Now O Columbia! now thy cause is try'd,
 The balance hangs well trim'd on either side;
 Freedom ascends the one, with garlands crown'd,
 And wreaths of laurel o'er her temples bound,
 But lately gather'd from the sanguine plain,
 Where brethren bled, and Britons sons were slain;
 Where, arm'd with terror, loud tremendous war,
 Spread desolation through our coasts afar.
 The great, the immortal Washington attends,
 To save the falling States, and help his friends:
 With zeal he takes the part for which before
 He bravely stood, mid seas of streaming gore.
 The Goddess' call he once again obeys,
 And yields to toilsome care his tranquil days.
 A constitution, for the present made,
 Found weak and feeble, cries for speedy aid;
 He now a new one to our land extends,
 Which he, in council with the wise commends.
 Wisdom, the solid base, the chiefest plan,
 The gen'ral good, and liberty of man.
 Self-Int'rest in the other, like a storm,
 Of blasting whirlwinds, rears her Hydra-form;
 Ten thousand feuds, with civil discord join'd,
 Around her wait, and full employment find;
 She strives to fill the earth with fierce alarms,
 And grasp the whole, with wide extending arms.
 If she could sway the Spanish silver shores,
 And gain the gold of all the eastern stores,
 Not satisfied with these, her lust would crave
 Some wealth unknown, beyond some fancied wave.
 She now inspir'd with horrid arts and ways,
 From Pluto's court, the grand attempt essays.
 Thus in suspense, impends our doubtful state,
 While anxious, gazing nations round us wait,

To see a new-born empire rise to fame,
Or fall in one eternal blot of shame. —
Should freedom's weight bear down, we stand confest,
With heav'nly Peace, and Independence blest.
Th' opprest shall find a safe asylum here,
Enjoy their own, nor savage tyrants fear.
A heart-felt joy shall greet the rural swain,
While Ceres crowns his fields with waving grain:
While, from his orchard, Bacchus fills the bowl
With nect'reous juice, to cheer the panting soul.
While fat'ning flocks, and snowy lambkins feed,
With num'rous herds, along the flow'ry mead.
Then Agriculture shall perfection gain,
Improve the wilds, and bless the fertile plain;
Shall, join'd with Arts, and Manufactures run,
Expand and shine beneath the setting sun.
Where now the Indian tribes abide, who know
No pleasures but excess of human woe,
Where lowly huts, and cottages abound,
And death spreads horror o'er the purple ground,
Fine towns and cities shall in splendour rise,
And gilded spires assail the vaulted skies.
Fair Science, bursting all her chains, shall blaze
Through countries yet unknown, her genial rays.
Our realms shall own no western bounds but those
On which th' immense Pacific Ocean flows;
Our ships triumphant there shall safely ride,
Bound o'er the main and beat the dashing tide;
The distant Indian, and Atlantic sway,
While boundless wat'ry wastes, with fear obey.
At once the gifts of all the trading world,
In riches vast, shall be to us unfurl'd;
While all the universe, in wonder round,
Struck with amazement, and respect profound,
Blessing our lot, shall to our union bend,
Well pleas'd to serve, and fearing to offend.
The pow'rs which envy fires, shall rise in vain,
And we unshock'd, from age to age remain.
Firm as the pond'rous rock which guards the shore,
Where ever-raging seas in tumults roar;
While storms and winds insult the murky deep,
Convolving surge on surge, the billows sweep
A dark'ning cloud, with full collected might,
Rush on, and dreadfully proclaim the sight;
Unmov'd, in proud defiance stands the stone,

While they fall back, and heave an awful groan.
 But should the other Monster take the lead,
 Rejecting Justice, make her wiles succeed,
 Our pleasing future views at once will die,
 And Anarchy the place of Power supply.
 Some daring cit, perhaps an upstart—Shays,
 With all the force th' infernal fiends can raise,
 Will spread his bloody insigms far and wide,
 And march to empire, through the crimson tide.
 Our spacious towns, the marts for foreign isles,
 Where business reigns, and lovely concord smiles,
 Will fall in flames, and in their ruins hide
 Their gallant sons, of Adam's race the pride.
 Our dearest offspring, friends, and loving wives,
 Will all in one destruction loose their lives;
 Nor hoary hair, nor smiles of tender age,
 At all will melt the cruel victors rage.
 Myriods of furies fire a despot's soul,
 Which naught but his insatiate lusts controul;
 He makes himself an arbitrary lord.
 While life and death await his dreadful word;
 His vassals at his haughty feet must fall,
 Resign their liberty, their store, their all!!!

Thus now, my countrymen, before our eyes,
 At our own option, fame or ruin lies.
 Ye brave Americans! if yet you claim
 The glorious right, to bear so great a name,
 At last arouse! Let all that's dear inspire
 Those breasts which once display'd a gen'rous fire;
 Secure that property for which you fought,
 Which num'rous lives and free-spent treasure bought
 Can you so soon, in dark oblivion waste
 Such ard'ous toils, and ills so lately past?
 Can you magnanimous, to slav'ry break;
 Bow down your necks, the yoke of bondage take?
 Methinks you all declare for Freedom's cause,
 To prop her strength, consolodate her laws,
 And fix so pure a government, to sway
 Till time shall sink, and nature fade away.

**20 A–G. A Farmer of New Jersey: Observations on Government
3 November 1787–4 December 1788¹**

20-A. “A Farmer, of New-Jersey,” *Observations on Government* . . .
(New York, 1787)

◆ To view this document, see Evans 20465, or visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>

1. The five letters in this group of documents (20 C–G) are all in the Stevens Family Papers, New Jersey Historical Society. The letter to Benjamin Van-Cleve is transcribed from a file copy, while the other four letters are taken from recipient copies.

20-B. *New York Daily Advertiser*, 3 November

This Day is Published,
And to be SOLD by WILLIAM ROSS, in Broad-street,
No. 33, and by the PRINTER hereof,
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.
By A FARMER of NEW-JERSEY.

20-C. *John Stevens, Jr., to John Stevens, Sr.*
Hoboken, 9 December (excerpt)

. . . I sent Col. [John] Cox a Phamphlet written by a Jersey Farmer, please to read it and let me know how you like it. The Constitution must either be wholly received or wholly rejected. It is in vain to expect that any kind of federal government can ever take place, if the State Conventions are to make amendments.

20-D. *John Stevens, Jr., to John Stevens, Sr.*
Hoboken, 30 December (excerpt)

I have Sent Mama a political Pamphlet which was written by a very good friend of hers the sentiments of which I hope will not displease her.

20-E. *William Ross to John Stevens, Jr.*
New York, 16 May 1788

I am much obliged by your Note of the 13th, and in compliance with your Request have counted the Number of Books remaining in my Hands—which I find to be 364—. This, with 100 remitted Mr. Cruikshanks of Philadelphia, 24 sent you per Note, and 20 sold in this City, compleats the Number; and I shall be glad to receive your Order with respect to what remains with,

Sir

Your Humble Servant
William Ross—

New-York, May 16, 1788—Received from John Stevens Jun. Esq; Seventeen Pounds Sixteen Shillings; being the Balance of an Account for printing Five Hundred Pamphlets, entitled Observations on Government, &c.

William Ross—

*20-F. John Stevens, Jr., to Benjamin Van Cleve
Hoboken, 21 November 1788 (excerpt)*

I have taken the liberty of directing to your care a number of pamphlets, which tho' they may not contain a great many new and just observations on government, were however written with the [sincerest?] intentions of promoting the public welfare. Be pleased, sir, to present them in my name, to such of the members of the Legislature, as you think proper. They were written and sent to the press about a year ago. You are at liberty to communicate the contents of this as well as the draft of a new Constitution, to as many of the members as you please—When you have done with the Drafts be so kind as to leave it in the care of Mr. S. Stockton as I have no copy—

*20-G. John Stevens, Jr., to Honorable John Stevens, Sr.
Hoboken, 4 December 1788*

I wrote you a few days ago by Gilbert, since which I have received yours by Mr. Rutherd. It would be very convenient to me to be a representative to Congress, tho' I am not very sanguine as I am not inclined to take the pains that some will in order to get in; I have a few days ago writen to the speaker, and have mentioned the matter to him, I also sent him a number of my pamphlets to distribute among the members, and a draught of a constitution for this state, together with a pretty long letter, which I desired he might communicate to the House. So you see I have given them a sample of my abilities, by which to judge how well I may be qualified for this Business. If therefore you think there is any chance I have no sort of objection to my name being made use of. Rachel and the Children are all well, Robert runs alone and grows very lively and diverting. Love to Mama.

21 A–D. Newspaper Reports of the Calling of the State Convention 7–20 November 1787

21-A. Pennsylvania Journal, 7 November¹

Extract of a letter from Trenton, November 1.

There is not the least probability that the tender will be taken off the Jersey Paper Money, but am inclined to think a law will pass, ordering all principal to be burned that may be paid into the Loan office, which of consequence will lessen the quantity in circulation, and perhaps may be of some use in preventing it growing worse. I am informed it keeps in pretty good credit in the eastern part of the State. Both Houses have unanimously resolved, that delegates be ap-

pointed on the fourth Tuesday of this instant, to meet in Convention at Trenton the second Tuesday in December. William Livingston, Esq; was yesterday appointed Governor.

21-B. Connecticut Middlesex Gazette, 12 November

The General Assembly of New-Jersey have passed a resolution appointing the fourth Tuesday of November instant, for the election of members of a Convention, to take into consideration the proposed plan of government for the United States: The said Convention to meet at Trenton on the second Tuesday of December next.

21-C. Trenton Mercury, 13 November²

On Thursday last the honorable the Legislature of this State rose *sine die*. During their sitting the following acts were passed, viz.

* * * * *

3. An act to authorise the people of this state to meet in convention to deliberate upon, agree to, and ratify the constitution for the United States, proposed by the late General Convention.

* * * * *

12. An act to provide for the payment of the several officers of the government of the state of New-Jersey for one year, to commence the 12th day of October, 1787, and to end the 12th day of October, 1788.

21-D. Salem Mercury (Massachusetts), 20 November

The legislature of New-Jersey have unanimously recommended the appointment of a Convention of the people of that State, to take into consideration the proposed plan of national government—and fixed the time of the meeting of said Convention on the second Tuesday in December, in Trenton.

1. Reprinted: *Pennsylvania Packet*, 8 November; *Carlisle Gazette*, 14 November.

2. Reprinted: *Brunswick Gazette*, 20 November; *New Jersey Journal*, 21 November; *Pennsylvania Journal*, 21 November; *New York Journal*, 24 November.

22 A–G. Newspaper Reports of Convention Elections 27 November–11 December 1787

22-A. Brunswick Gazette, 27 November¹

This day is appointed by the legislature of this state for the election of members to meet in convention, to take into consideration the new Fœderal Constitution.

22-B. Pennsylvania Packet, 1 December

Thomas Reynolds, George Anderson, and Joshua M. Wallace, Esquires, are elected to represent the county of Burlington in the Convention of New-Jersey.

22-C. *Brunswick Gazette*, 4 December²

The following is a list of the members chosen by the counties annexed, to serve in the Convention of this state.

Essex. John Chetwood, David Crane, and Samuel Hay, Esquires.

Somerset. The Rev. Jacob R. Harbenbergh, the Rev. John Witherspoon, and Frederick Frelinghuysen, Esq.

Middlesex. John Neilson, John Beatty, and Benjamin Manning, Esquires.

Hunterdon. The Hon. David Brearley, Joshua Corshon, and John Stevens, Esquires.

Burlington. George Anderson, Thomas Reynolds, and Joshua M. Wallace, Esquires.

Monmouth. Elisha Lawrence, — Breese, and — Crawford, Esquires.

No other returns are yet come to hand.

Tuesday next is the day appointed by the General Assembly for the meeting of the State Convention at Trenton.

22-D. *Trenton Mercury*, 4 December³

Tuesday last came on the election of delegates to serve in a state convention, when the following gentlemen were elected for the under-mentioned counties.

Essex County. John Chetwood, Samuel Hay, David Cram [sic], Esqrs.

Middlesex do. John Neilson, James Schureman, John Beatty, Esqrs.

Monmouth do. Elisha Lawrence, Samuel Breese, William Crawford, Esqrs.

Somerset do. John Witherspoon, Jacob R. Hardenbergh, F. Furlinghuysen, Esqrs.

Burlington do. Thomas Reynolds, Joshua Maddox Wallace, George Anderson, Esqrs.

Hunterdon do. John Stevens, Hon. David Brearley, Joshua Corshon, Esqrs.

Sussex ditto. Peter [sic] Ogden, Robert Hoops, Thomas Anderson, Esqrs.

22-E. *New York Daily Advertiser*, 5 December⁴

On Saturday evening last, at the close of the poll at Morris-Town, the following gentlemen were declared duly elected to serve as Members for the county of Morris, in the Convention to be holden at Trenton on Tuesday next, the 11th inst.

William Woodhull, John Jacob Faesch, and William Windes, Esquires.

22-F. *Pennsylvania Packet*, 10 December

The following gentlemen are elected members of the Convention of New Jersey:

For Middlesex County.—Dr. Beatty, Colonel John Neilson and Mr. Manning. Somerset.—Dr. Witherspoon, the Rev. Mr. Hardenburgh, and Colonel Frelinghuysen.

Essex.—John Chetwood, Esq, Colonel Samuel Hay, and Mr. David Crane.

Morris.—William Woodhull, John Jacob Faesch, and William Windes, esquires.

22-G. *Trenton Mercury*, 11 December

Since our last, we have received the following returns of the State Convention.
Morris County. William Winds, John J. Faisch, William Woodhull.
Bergen County. John Fell, Peter Zabriskie, Cornelius Hennion.

1. Reprinted: *New York Journal*, 30 November; *Providence Gazette*, 8 December; and *Worcester Magazine*, 13 December.
2. Reprinted: *New York Journal*, 7 December.
3. Reprinted: *Pennsylvania Mercury*, 7 December.
4. Reprinted: *New York Packet*, 7 December.

23. Newspaper Report of Convention Proceedings on 11–14 December 1787¹

STATE CONVENTION.

DECEMBER 11, 1787.

This day the Honorable the Members of Convention for this State assembled at this place.

A Correct List of the Members returned.

Bergen County. John Fell, Peter Zabriskie, Cornelius Hennion, Esqrs.
Essex county—John Chetwood, Samuel Hay, David Crane, Esqrs.
Middlesex county—John Neilson, John Beatty, Benjamin Manning, Esqrs.
Monmouth county—Elisha Lawrence, Samuel Breese, William Crawford, Esqrs.
Somerset county—John Witherspoon, Jacob R. Hardenbergh, Frederick Frelinghuysen, Esqrs.
Burlington county—Thomas Reynolds, Joshua Maddox Wallace, George Anderson, Esqrs.
Gloucester county—Richard Howell, Andrew Hunter, Benjamin Whiteall, Esqrs.
Salem county—Whitten Cripps, Edmund Weatherby, Samuel Dick, Esqrs.
Cape-May county—Jesse Hand, Jeremiah Eldridge, Mathew Whilden, Esqrs.
Hunterdon county—John Stevens, Hon. David Brearley, Joshua Corshon, Esqrs.
Morris County. William Winds, John J. Faesch, William Woodhull, Esqrs.
Cumberland county—David Potter, Jonathan Bowen, Eli Elmer, Esqrs.
Sussex county—Robert Ogden, Robert Hoops, Thomas Anderson, Esqrs.

DECEMBER 12.

All the delegates, except one, from the several counties in this state having met in convention, proceeded to chuse, by ballot, a President, when the Honorable John Stevens, Esq. was elected. The convention then proceeded to the choice of a Secretary, when Samuel Witham Stockton, Esq. was elected.

A committee was appointed to frame rules for the government of the convention.

DECEMBER 13.

The Rev. Mr. Armstrong, by a resolution of convention, was requested to open the business every morning with prayer.

After reading the act of the legislature of this state, passed at Trenton, Nov. 1, 1787, authorising the people thereof, by their delegates to meet in convention, to deliberate upon, and if approved of by them, to ratify the Constitution for the United States, proposed by the General Convention, held at Philadelphia:

And after reading also the said proposed constitution, it was resolved, That the Federal Constitution be read by sections, and upon each section's being read, every member do make his observations on the same, if any he hath to make, and that after debating on such section, the question be taken, whether any further debate be thereon had, and if the said question be determined in the negative, that the convention do then proceed in like manner to the next section, until the whole be gone through; upon which the general question shall be taken, Whether this Convention, in the name and in behalf of the People of this State, do ratify and confirm the said Constitution.

DECEMBER 14.

On motion, it was ordered, That the doors of the convention be open during their sitting; and the convention proceeded to consider and deliberate upon the Federal Constitution.

They have since continued their deliberations and debates thereon, from day to day, and it is conjectured, that they will finish their proceedings by the middle of this week.

1. *Trenton Mercury*, 18 December 1787, Reprinted, in whole or in part, in the *Pennsylvania Mercury*, 21 December; *Pennsylvania Journal*, 22 December; *Pennsylvania Packet*, 22, 29 December; *New Jersey Journal*, 26 December; *New York Journal*, 28 December; *Connecticut Courant*, 31 December; *State Gazette of South Carolina*, 17 January 1788.

24. Pennsylvania Packet, 15 December 1787¹

Extract of a letter from Trenton, December 13.

“Our convention met on Tuesday, and by a resolution requested the Rev. Mr. Armstrong to open the business of the day with prayer: thus you see we hold public prayers in greater estimation in New-Jersey than they were held in Pennsylvania, notwithstanding the members of our convention consist, like yours, of gentlemen of *different* religious sects. John Stevens, esq. is elected president, and Samuel Stockton, esq. secretary of the convention.”

1. Reprinted four times in New York and once in Connecticut, Massachusetts, and Pennsylvania. The *Massachusetts Centinel*, 2 January 1788 partially reprinted this item under the heading, “*Extract of a letter from Trenton, December 20.*” Another sentence was added stating that “On Friday they unanimously ratified and confirmed the Federal Constitution—and have since risen.” The *Centinel*'s version was reprinted twice in Massachusetts and twice in New Hampshire by 15 January.

25. Newspaper Reports of Convention Proceedings on 18–20 December 1787

[December 18]

The state of New-Jersey, by their delegates in convention, did on the 18th inst. adopt the NEW FEDERAL CONSTITUTION, proposed and agreed upon, by the deputies of the United States in General Convention held at the city of Philadelphia, on the 17th of September last, as follows:—

After reciting the several proceedings under which they were appointed.—

“NOW Be it known, That WE, the delegates of the state of New-Jersey, chosen by the people thereof, for the purposes aforesaid, having maturely deliberated on and considered the aforesaid proposed Constitution, DO HEREBY, for and on the behalf of the people of the said state of New-Jersey, agree to, ratify, and confirm the same and every part thereof.

Done in Convention, by the unanimous consent of the members present, this eighteenth day of December, in the year of our Lord 1787, and of the Independence of the United States of America the 12th.”

[*Brunswick Gazette*, 25 December]

* * * * *

In order in some degree to satisfy the curiosity and wishes of the people at large, who could not with convenience attend the proceedings of our State Convention, a correspondent has favoured us with the continuation, since our last paper, of an authentic though short history of them.

STATE CONVENTION.

DECEMBER 18, 1787.

The Convention have from day to day continued their deliberations on the proposed Fœderal Constitution, and after debating it by sections, agreeably to the resolution of yesterday, it was again read, after which several well connected, sensible and learned speeches were made on the subject, in which a general review was taken of all the different articles in their relation to one another, on the close of which this general question was taken “*Whether this Convention, in the name and behalf of the People of this State, do ratify and confirm the said Constitution,*” which was determined UNANIMOUSLY in the affirmative.

Mr. Brearley, Mr. Witherspoon, Mr. Neilson, Mr. Beatty and Mr. Hunter were appointed a committee to draw up the form of the ratification, &c. which, after reciting the fœderal constitution, the resolution and act of the Legislature of this State, authorising the People, by their delegates, to meet in convention, &c. concluded in these words: “NOW BE IT KNOWN, that WE the Delegates of the State of New-Jersey, chosen by the People thereof, for the purposes aforesaid, having maturely deliberated on, and considered the aforesaid proposed Constitution, DO hereby, for and on the behalf of the People of the said State of New-Jersey, AGREE TO, RATIFY AND CONFIRM the same, and every part thereof.—DONE IN CONVENTION by the *unanimous* consent of the members present, this eighteenth day of December, 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, &c.”

On motion, it was resolved, that the Secretary be directed to cause two copies of the Fœderal Constitution, together with the form of the ratification, &c. as agreed to, engrossed on parchment, to be produced to the convention for the purpose of signature; one for the Congress of the United States, and the other to be deposited among the archives of this State.

DECEMBER 19.

Agreeably to the resolve of yesterday, the before-mentioned copies were produced for the purpose of signature.—Whereupon all the members of the convention present proceeded to subscribe their names thereto and the Secretary to attest the same.

After which it was resolved, that the convention should go in procession to the Court House the same day at one o'clock, and that the Secretary be directed to read the ratification of the constitution in the hearing of the people.

The Convention accordingly at one o'clock went in procession from the place of their sitting to the Court-House, preceded by Capt. Hanlon's well disciplined Light Infantry Company, completely uniformed and accoutred, and joined by the Judges of the Supreme and Inferior Courts, and other magistrates, the Attorney General, and the gentlemen of the town and vicinity; where, after proclamation made, the ratification of the new constitution was read by the Secretary, amidst the acclamations and huzzas of the people.—After which, fifteen rounds were fired by Captain Hanlon's company; thirteen of which were for the United States of America, and a volunteer for each of the states of Delaware and Pennsylvania, they being the only states which, with this state, have as yet ratified the new fœderal constitution. The procession returned in the same order.

The Convention resolved, that the ratification &c. as agreed to by them, should be delivered by the President of the Convention to the President of Congress, in Congress assembled: and that the duplicate, thereof should be delivered by the Secretary to the Governor of this State for the purpose of being lodged among the archives of the State.

DECEMBER 20.

It was this day resolved unanimously that it is the opinion of this Convention that the State of New-Jersey should offer a cession to Congress of a district not exceeding ten miles square for the seat of the government of the United States, over which they may exercise executive [sic] legislation.

On motion it was resolved unanimously, that the President be requested in the name of the Convention to thank the Rev. Mr. Armstrong for his attendance and services during their sitting.

It was also resolved unanimously, that the thanks of the Convention be presented to the President for his able and faithful discharge of the duties of the chair.—Which resolution being read, the President rose and expressed his gratitude for the honour the Convention had done him by their appointment of him to the chair, and that their approbation of his conduct gave him the most

heart-felt satisfaction; adding, that during the many years of his life, which had been employed in the service of his country, he had known but few instances in publick bodies of such uniform good order and unanimity, as had prevailed in that Convention.

The business of the Convention being thus concluded. It was resolved that this Convention do adjourn, without day; whereupon the President desolved the Convention accordingly. After which the members of this honorable body, having previously invited a number of the magistrates and other gentlemen, to partake with, them, dined together at Mr. Vandergrist's tavern—at which entertainment the joy and satisfaction of the occasion was fixed in every heart, and apparently in every countenance.—After dinner the following toasts were drank.

1. The New Constitution.
 2. The United States in Congress.
 3. The President and Members of the late Fœderal Convention.
 4. The Governor and State of New-Jersey.
 5. The States of Delaware and Pennsylvania.
 6. May the Independence of the Union, reared on the basis of the New Constitution, be perpetual.
 7. The Princes and States in alliance with the United States.
 8. May the Interest of the United States be ever deemed the Interest of each State.
 9. Religion, Learning, Agriculture, Arts, Manufactures and Commerce, in harmony and mutual subserviency to each other.
 10. The memory and posterity of those who have fallen in the late war.
 11. May the gratitude of the American *Citizens* be equal to the valour and patriotism of the American *Soldiery*.
 12. The Daughters of America.
 13. May the United States be the asylum of invaded Liberty.
- Volunteer*.—May the American drums soon beat Reveille to the dawn of the new government, and Tattoo to Anarchy and Confusion.
- Ditto*. Universal Liberty, Justice and Peace.

Our correspondent observes, that it must give every real friend to his country great pleasure, when he hears of the entire cordiality and unanimity which prevailed in the Councils of our Hon. Convention.—The representation from the several counties, except Salem, was complete and full, during the whole session; two members, from Salem, attended but the third, viz. Doctor Samuel Dick, we are informed, was unavoidably detained at home on account of the illness of some of his family. When we examine the list of the members returned to our Convention, we shall find them to be truly respectable and among the first characters in the State; and there is not much doubt, but there will be the same unanimity among the people at large in supporting the new government, or has been found among the adopters of it. [*Trenton Mercury*, 25 December]

[December 20.]

The convention of this state the 20th ult. resolved unanimously that it is the opinion of this convention, that the state of New-Jersey should offer a cession to Congress of a district not exceeding ten miles square for the seat of the government of the United States, over which they may exercise executive [sic] legislation. [*New Jersey Journal*, 2 January 1788]

* * * * *

[December 20]

On Thursday the delegates of the convention, with the inhabitants of Trenton and its neighbourhood, dined at Mr. Vandegrift's tavern, in which company the most perfect harmony presided, and after dinner the following toasts were drank, viz. [*Brunswick Gazette*, 25 December]

[For the toasts, see the *Trenton Mercury*, 25 December.]

26. New Jersey Form of Ratification, 18 December 1787¹

26-A. *New Jersey Form Sent to Congress, 18 December 1787*¹

- ◆ To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and Bill of Rights . . . , 1787–92, National Archives.

26-B. *New Jersey Form Retained by the State, 18 December 1787*¹

- ◆ To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>

1. Engrossed MS, Rutgers University Library.

27. Walter Rutherford to John Stevens New York, 18 December 1787 (excerpt)¹

. . . I hope this will find you returned from the Convention, we hear Delaware and Pensilvania shewed you a good Example.—apprehensive, there will be more Opposition in this State. . . . Jersey paper is 1/6th. discount as it reads, at the Stores and Markets, does not pass in large Payments,—much of it in Town Flour @ 36/ or 37/ ~~39~~ Barrel, and no Demand. Butter 9d. and Factors overstocked.—The Packet much looked for to decide the News of War or Peace, Sir John Temple and Mr Otto think there will be no War, the general Opinion, otherwise. France was never so ill prepared, and Britain is involved in Debt, yet they will run all hazzards to recover Holland, who you will observe by the papers have lately lent Congress one Million of Guilders equal to £90.909..Sterg—

1. RC, Stevens Family Papers, New Jersey Historical Society.

28 A–J. Reports of New Jersey Ratification, 21 December 1787–11 January 1788*28-A. New York Daily Advertiser, 21 December*¹

Last Wednesday the Convention of New-Jersey *unanimously* assented to and ratified the NEW FEDERAL CONSTITUTION.

28-B. New York Journal, 21 December

We learn from undoubted authority, that the state of New-Jersey adopted the new constitution, in toto, the day before yesterday; particulars of their debates on this subject are not yet come to hand.

*28-C. Philadelphia Independent Gazetteer, 21 December*²

Extract of a letter from a gentleman in Trenton to his friend in this city, dated December 18th, 1787.

“I can with pleasure inform you, that this day the Convention of New-Jersey passed and ratified the constitution of the United States *unanimously*.”

*28-D. New York Independent Journal, 22 December*³

Extract of a letter from a gentleman in New-Jersey, to his friend in this city dated December 19.

“Yesterday the Convention of this State unanimously approved of the new Constitution for the United States.”

*28-E. Pennsylvania Journal, 22 December*⁴

The State Convention convened at Trenton for the purpose of taking into consideration the constitution formed by the Continental Convention, after a Weeks deliberation, unanimously agreed to the same, and having finished their business, broke up on Wednesday [Thursday] last.

*28-F. Moore Furman to William Edgar
Trenton, 26 December*⁵

I gave you the earliest notice in my power of the Conduct of our Convention, and think it remarkable that the Legislature and Convention should be unanimous. I hope it will go on untill Nine states at least (I hope all) do confirm it—

*28-G. New Haven Gazette, 27 December*⁶

The State Convention of New-Jersey *Unanimously approved and ratified* the Federal Constitution on the 18th instant.

*28-H. Pennsylvania Mercury, 28 December*⁷

NEW BRUNSWICK, December 25.

The state of New-Jersey, by their delegates in convention, did on the 18th inst. adopt the NEW FEDERAL CONSTITUTION, proposed and agreed upon, by the deputies of the United States in General Convention held at the city of Philadelphia, on the 17th of September last, as follows:—

After reciting the several proceedings under which they were appointed.—

“NOW Be it known, That WE, the delegates of the state of New-Jersey, chosen by the people thereof, for the purposes aforesaid, having maturely deliberated on and considered the aforesaid proposed Constitution, DO HEREBY, for and on the behalf of the people of the said state of New-Jersey, agree to, ratify, and confirm the same and every part thereof.

Done in Convention, by the unanimous consent of the members present, this eighteenth day of December, in the year of our Lord 1787, and of the Independence of the United States of America the 12th.”

28-I. Philadelphia American Museum, December

The convention of the state of New Jersey met at Trenton, on the eleventh instant; and continued their session by adjournments until the eighteenth, when, after a full and fair investigation of the new constitution, the adoption of it was unanimously agreed to, and the ratification of it signed by all the members.

28-J. Abraham Lott to John Neilson

*New York, 11 January 1788 (excerpt)*⁸

That your State have so unanimously adopted the new proposed Confederation, gains them much honor in the estimation of every real friend to America; And must hand down to the latest posterity the Names of the Members of the Convention, as Fathers of their Country.

1. Reprinted twice in both New York and South Carolina and once in Georgia by 24 January 1788.

2. The letter was written by Moore Furman to Tench Coxe (see RCS:NJ., 195). The *Gazetteer* printing of the letter was reprinted five times in Pennsylvania and once in both New York and Virginia by 12 January 1788.

3. Reprinted three times each in Massachusetts and Connecticut, and twice in Rhode Island by 3 January 1788.

4. Reprinted eleven times from Massachusetts to Virginia by 9 January 1788.

5. RC (photostat), Edgar Papers, New York Public Library.

6. Reprinted three times in Connecticut by 10 January 1788.

7. The *Mercury* printed this account under the dateline “New-Brunswick, December 25.” The only extant copy of the *Brunswick Gazette* of 25 December is partially mutilated, and therefore the *Mercury* has been used to transcribe this news item. It was reprinted three times in Massachusetts, twice in New York, and once each in Rhode Island and Connecticut by 14 January 1788.

8. RC, Neilson Papers, Rutgers University Library.

**29. Margery, Letter VIII to Mr. B——n of Cumberland County
Philadelphia, 7 January 1788 (excerpt)¹**

Dear Sir,

I thank you kindly for the small fillip your riot at Carlisle has given to my hopes.—My spirits have indeed for some time past been upon a rapid ebb—The three adoptions in the course of a fortnight, treading as it were “upon the kibe” of each other, untuned my whole frame—Things went in Delaware and Pennsylvania nearly as we could have expected; but what hurt me exceedingly was the *unanimity* of New-Jersey—we had at least expected a dissentient or two from the county of Essex, which would have saved appearances—It had been proposed to send Jonathan [Bayard Smith] up to Trenton, at the time the Convention was sitting, to try what he could do; but it was overruled on account of his having been driven out of that state with disgrace—However I was of opinion he might as well have gone; things could not have been worse, and there was not a man among us could have put on his effrontry, after so many severe *manual exercisings*.

1. This fictitious letter, possibly written by Federalist publicist, Benjamin Rush, was printed in the *Pennsylvania Mercury* on 20 March 1788. For the entire letter, see Mfm:Pa. 549. “Margery” was a reference to George Bryan.

30. New Jersey Journal, 9 January 1788

A pigmy antifederal frigid reptile, of Staten-Island [John C. Dongan], who surreptitiously obtained a seat in the legislature, has been heard to exult that the blood of the federalists of New-Jersey would make excellent manure for their impoverished land.—What this Vicar of Bray, who, a few years since, was a vehement supporter of loyalty, but now a strenuous republican, meant to convey by the expression we shall not attempt to define; it is obvious—and should the nefarious miscreant put his foot on this shore, he may be treated according to his demerit.

**31. Governor William Smallwood to Governor William Livingston
Annapolis, 19 January 1788¹**

Sir,

I have the Honōr of acknowledging the receipt of your Excellencys Letter acquainting me that the State Convention of New Jersey has unanimously ratified the fœdral Constitution.

The Legislature have appointed the third Week in April next for the meeting of the State Convention in this City and I flatter myself that the fœdral Constitution will then be [ratified?] here 'tho perhaps not without [much] opposition.

1. RC, Livingston Papers, Massachusetts Historical Society. Smallwood was governor of Maryland.

**32. Nicholas Van Dyke, Jr., to Nicholas Van Dyke, Sr.
Princeton, 22 January 1788 (excerpt)¹**

No doubt you have before this time been informed by the faithful Centinel of the Delaware state,² of the ratification of the proposed Constitution, by the State of New-Jersey. This gave occasion to a gentleman [John C. Dongan], at present a member of the Legislature of Staten Island, whom Some of the Caesareans stile, “a *pygmy antifederal, frigid reptile*, to exult that the blood of the federalists of N. Jersey, would make excellent manure for their impoverished land.” The sharpness of this witticism so wounded the inhabitants of N: Jersey, that one of them has ventured to assert, “that if the nefarious miscreant should ever put his foot on this shore, he will be treated according to his demerit.” From this it appears, that the opposers of that almost perfect plan, have not all been removed by the solid arguments adduced by its advocates.

1. RC, Papers of Descendants, The Longwood Manuscripts, Group 4, Box 11, Eleutherian Mills Historical Library, Greenville, Delaware.

2. *The Delaware Gazette, or, the Faithful Centinel*.

**33. Governor Samuel Huntington to Governor William Livingston
Norwich, 23 January 1788¹**

Sir

I am honoured with your Excellency's favour of the 9th Instant, acquainting me that the State over which You have the honour to preside, hath unanimously ratified the foederal Constitution.

I have now the pleasure to inform You, that this State hath also ratified the same Constitution, by a majority of more than three to one.

1. RC, Livingston Papers, Massachusetts Historical Society. Huntington was governor of Connecticut.

**34. A Babblers
New York Daily Advertiser, 19 February 1788**

The Federalists are often induced to laugh at old *Margery's* bombastical intimations of conspiracy, &c. the following anecdote, shews something of this kind more worthy of public notice; altho' perhaps, equally contemptible, as to the danger of its consequence: A leading Jersey character, was lately on his way from this State, to the Legislature of Jersey, with an intention to procure the defection of that State from Federal measures: By some means his secret got air, upon which being publicly charged with the design, he denied his having said he was authorised from Government, but acknowledged that he was assured by several leading men here, that Jersey should fully participate of our impost, provided her Legislature could be brought to retract.

February 18.

35. John Stevens, Jr., to Richard Price, Spring 1788 (excerpt)¹

“To form a national government, sufficiently energetic to coerce obedience, and at the same time to leave such a degree of independent sovereignty to the states individually as would prevent a complete consolidation, was no easy task. Local interests and prejudices, the pride of state sovereignty, an aversion to innovation; these, and such like considerations, had well nigh rendered abortive the labours of our genuine and best-informed patriots. Yet the features of the new Constitution are, I trust, so happily blended as to produce one WHOLE which, for strength and beauty, I may venture to call unrivalled.”

1. Printed: Archibald Douglas Turnbull, *John Stevens: An American Record* (New York and London, 1928), 96.

36. New Jersey Journal, 28 May 1788

It has been said, and perhaps with truth, that all governments incline to decay, and that the most free must end in tyranny. This observation will be acknowledged to be at least founded on probability, when we contemplate the rise and fall of ancient nations, and compare them with the *origin, progress, and present State* of MODERN. Civilization and corruption are ever found to advance with equal steps. A nation, therefore, as it increases in age, must increase the power of her magistrates, as the only resource for controlling the multiplied vices of the people. Hence a Democracy has usually been succeeded by Aristocracy, and aristocracy by a Monarchy. But though it may be impossible to prevent the Free Republics of America from *finally* meeting the fate of the other kingdoms of the earth, yet it is undoubtedly in the power of the citizens of them to *place the sad catastrophe at a distance*. And, if it is in their power, it would be a *sacriligious contempt of the noblest gift of Heaven, to be inattentive to those measures necessary to effect so great a purpose*.—WHAT THEN IS TO BE DONE? This is a question addressed to ALL, and to which PATRIOTISM and RELIGION demand a manly and deliberate attention. Nothing is more true, than that Civil and Religious Tyranny are twin Monsters; and that he, who dares surrender his LIBERTY, dares, in contempt of his GOD, to SUBMIT HIS SOUL TO A SHACLE.

37 A–D. Abraham Clark and the Constitution, 23 July 1788–6 February 1789

37-A. *Abraham Clark to Thomas Sinnickson*
*New York, 23 July*¹

I am favoured with yours of the 12th instant by Major Story which I recd. yesterday,—his Journey I find has been unsuccessful.

As to my sentiments respecting the New System of Government, altho' you do not ask, yet, as I find by your Letter it will be Acceptable, I think it not amiss to give them.—They have at no time been concealed.—I never liked the System in all its parts. I considered it from the first, more a Consolidated government than a federal, a government too expensive, and unnecessarily Oppressive in its

Operation; Creating a Judiciary undefined and unbounded.—with all these imperfections about it, I nevertheless wished it to go to the States from Congress just as it did, without any Censure or Commendation, hoping that in Case of a general Adoption, the Wisdom of the States would soon amend it in the exceptionable parts; Strong fears however remained upon my mind untill I found the Custom of Recommending amendments with the Adoptions began to prevail.— This set my mind at ease. It became clear in my opinion from the Oppositions, and the general concurrence in proposing amendmts. that the present plan must undergo some alterations to make it more agreeable to the minds of the great Numbers who dislike it in its present form. The Amendments I wish are not numerous;—many proposed by the different Conventions appear of but little Consequence, yet some are important and must be Acceded to if ever the Government sits easy. From this State of the matter, wishing amendmts. as I do, you will readily conclude I anxiously wish every state may come into the adoption in order to effect a measure with me so desireable; in which case, from the general current of amendments proposed, we shall retain all the important parts in which New Jersey is interested.

To your quere about our paper money, I dare not venture a Conjecture what effect the new Government will have upon it: I Suppose however, no interference will be had in that or any Law now in force so far as respects Citizens of the same State. In Continental affairs, and between Citizens of different States I Suppose the case will be otherwise. our paper probably will not then be received in the Treasury of the United States, or in our State by Citizens of another State, in which Case it will cease to be a legal tender.

As to the Arrears of Taxes payable to the Continental Receiver, I believe our paper will readily be received: The difficulty of obtaining money from the exhausted state of our finances makes our money, notwithstanding the loss sustained upon it, eagerly sought after; I know public Creditors are anxious to Obtain orders on our Loan officers when they can hear he hath any of our paper on hand; large orders have been given upon him which the holders Accepted in expectation of receiving paper only: As to Specie they know at present none is expected.

If any remedy is applied to our paper money it must come through our Legislature: I believe it would have a good effect if the Interest and such of the principle as may be paid in was destroyed, and the amount of the Interest raised by taxes.

It is said the Speaker is about calling our Legislature on account of the Adoption of the New Constitution; this is altogether unnecessary as the New Congress will not be convened before February, the Situation of several States require such a distant time; the Usual time of meeting in October will be soon enough to make the necessary provision for appointing officers &c.

We have been some time in Suspense about the event of the New Constitution in this State [New York]; The Accounts of last evening were that the Convention had Adjourned to a future day; if that is the Case they mean at next meeting to adopt it. before I seal this I may likely hear whether the above report is true or not.

P.S. I cannot find that the Acct. of the Conventions Adjourning is Supported by any good Authority.

*37-B. Deposition of Joseph Riggs
Essex County, 31 January 1789²*

BE IT REMEMBERED, that on the 31st day of January, Anno Domini 1789, personally appeared before Matthias Ward, Esq. one of the Judges of the Inferior Court of Commonpleas for the county of Essex—Joseph Riggs, Esq. who being duly sworn, saith, that he is an inhabitant of the city of New-York, and that Abraham Clark, Esq. a member of congress from New-Jersey, was frequently at his house after the new constitution had been published; and the said Abraham Clark, Esq. frequently expressed his disapprobation of it—declaring that he did not like a consolidated government—but wanted each state to retain its independent sovereignty—And said he only wanted the present congress to have a little more authority; and that he would oppose the new constitution [with] all in his power.—These sentiments he not only expressed once, but frequently in the hearing of this deponent, and that of a number of other persons who were from time to time in his house.

JOSEPH RIGGS.

Sworn before me the day
and year above written.

MATT. WARD.

37-C. Abraham Clark, New Jersey Journal, 4 February 1789

To a person desirous of passing quietly through life with as little show and parade as possible, wishing rather to deserve esteem, than to obtain applause, any address to the public respecting himself, must be disagreeable, and, in some cases improper; yet in others, not only excusable but a duty. A charge, however false, which remains uncontradicted is readily believed. Every man in public life must expect to pass through ill, as well as good report, and though his calumniators are often too insignificant to merit a reply, or even occasion any resentment, yet it may sometimes happen otherwise. At present I am attacked, not openly in the public prints that I have heard of, but in a secret manner by letters, certificates, &c. sent privately into every part of the state, containing gross misrepresentations, and the most palpable falshoods, in order to prejudice the minds of the citizens against me at the coming election, and prevent my being appointed to a confidential trust: A trust of so much importance to the citizens of New-Jersey, that a diffidence of my abilities to execute it in a proper manner to their advantage, forbids any attempt of mine to push myself into it. It is however my duty, as well in private as in public life, to remove every unjust and illiberal charge against me, more especially, as in the present case, when coming from persons who, if they had a disposition for it, might render useful services to the community; I need not name them, they are characters well known in Jersey, as is also the cause of their clamours which may be considered as very remote from their regard to the interest of the citizens of the state. Those letters and certificates I have mentioned though intended as private stabs, from their number and circulation are become public and very notorious. One of their insinuations is that I am antifoederal, and an enemy to the new government. The charge of antifoederalism is of so general and undefined a nature, that had it

not been followed by that of an enemy to the government, I should not have thought it worthy of notice, as that epithet is frequently given to all those who dare venture to suspect the least defect in the Constitution, in which is included by far the greatest part of the inhabitants of the United States: How far this charge is applicable to me, I leave the impartial public to judge. That I used every means in my power in the different stations I filled, to obtain an efficient government, is well known and cannot be denied. When the plan of the new government appeared, I found it not such as I had wished and expected; I perceived, as I supposed, some parts of it bearing too hard upon the liberties of the people, and giving some unnecessary powers to those who were to administer it: This I never scrupled to mention when my opinion was desired. Notwithstanding my dislike to some parts, considering the situation the United States was in, and the provision made in the Constitution for amendments, I cheerfully gave my assistance to send it to the states for their consideration, judging that New-Jersey, from its local situation and circumstances, could not with propriety reject it, notwithstanding its imperfections; presuming at the same time, that the new Congress would endeavor to amend it as soon as other important business for putting the government into operation would admit. This I yet hope and expect will, in a proper time, be effected in Congress, but not by a future general convention, which would be inexpedient and dangerous to the union by leaving us without government for years to come. The story so industriously propagated, that I made offers to, and used endeavors with the Convention of Jersey to prevent their ratifying the Constitution, is so far from being true, that I never exchanged one word to my remembrance or belief, with any one member of our Convention on the subject of the Constitution, until long after its ratification, or ever wrote to one of them upon that subject; nor did I use any means whatever tending to a rejection of it, which I had a right to do if I thought proper, when the Constitution was under consideration; a right which I trust I shall at all times, if necessary, exercise without fear or scruple, when our liberties are the subject of deliberation. This in brief, as near as I can state it, is the sum total of my antifoederalism and enmity to the new government, if any are pleased to call it such.

One of my opposers, in concurrence as I am told with others, has gone so far as to obtain, or fabricate which has been circulated through the state, certifying, that I had tendered state securities in discharge of a debt, there being a law for that purpose in certain cases; a silly charge if true, too trifling to be noticed, were it not that great things are expected from it by its publishers. The truth after all is, that I never was possessed of such a kind of certificate as the law authorized a tender of, and that I never by myself or by any other person, either tendered or offered a certificate of any kind in payment of a debt, or for sale, except for the purchase of land over the Ohio.

Another insinuation of those civil gentlemen, my opposers (from which they draw an inference that I shall promote dissensions in the government) is, that I am opposed to a certain gentleman which it is expected will be the highest officer in the government: A gentleman high in my estimation, and who in preference to all others, I wish may have the appointment to that important station.

This insinuation, I am told, is founded upon a supposed transaction in Congress many years ago, which I have good reason to believe never happened, and which I never heard any intimation of till a few months past.

In addition to the above, my letters are taken up and secreted, or the direction altered, and sent a contrary way to what was intended; in order to prevent a seasonable discovery of the nefarious practices of my enemies.

From this short statment of facts, which duty obliges me to make, the public will judge what kind of gentlemen I have to contend with; I shall not however, at this time, make any remarks upon their illiberal and indecent conduct, but leave them to such farther measures as they may think proper to pursue; they will no doubt continue very busy, and should they confine themselves to truth, or alledge that I have not abilities equal to the important trust of a representative, I shall not contend with them. It is strange they should attempt to propogate falshoods about me, when, from the errors I have probably committed in a long course of public service, one would imagine they might have mustered up truths sufficient to publish to my disadvantage.

I must not conclude without observing, that the present is an important crisis; a new united government is to be put into operation, every thing under providence, depends upon the persons who are to conduct it; for unless wisdom and cool deliberation direct our councils, dissentions will probably arise that may end in our final ruin; which may Heaven prevent, is the sincere prayer of the public's

Most obedient and humble servant,

ABRA. CLARK.

*37-D. Deposition of Adam Boyd
Hackensack, 6 February 1789³*

Being called upon to certify what Mr. Abraham Clark said to me on the subject of the Federal Constitution, when serving in quality of a member of the general assembly for the county of Bergen, in the fall of 1787, at Trenton; and conceiving it to be proper, in order to prevent mistakes, I beg leave to give a fair state of the matter as far as I can recollect. On the evening of the day on which the assembly adjourned [6 November 1787], Mr. Clark came to my lodging and enquired if the assembly was like to break up, and being answered that they had already adjourned, he expressed a regret that he had missed the opportunity of conversing with the members previous to their adjournment—said he thought it necessary that a convention should be appointed to alter the state constitution, as its powers were almost destroyed or swallowed up by the new government; that he thought New-Jersey had been too precipitate in adopting the new plan of government, since he was well informed that New-York would have made large concessions to this state in consideration of their declining that measure; and that they would not only have given up the impost, but would be willing to refund the amount of the duties by them collected in a state capacity—that people talked of taring and feathering him, but that if they would provide him with a good coat, which would last five or six years, he would be satisfied; for that within that time, they would build a temple for it. He said farther, that the new government would be very respectable abroad, but oppressive at home, if it was exer-

cised as it then stood—declared himself an enemy to the appellate jurisdiction by the new constitution allowed to congress—that he was opposed to the power of altering the times and places of election therein given—to direct taxation without controul—and that he thought the executive and legislative branches were too much blended, &c. &c.

1. RC, Conarroe Autograph Collection, Signers, Declaration of Independence, Historical Society of Pennsylvania.

2. *New Jersey Journal*, 4 February 1789.

3. *Brunswick Gazette*, 10 February 1789.

38. The New Jersey Assembly, Thursday, 28 August 1788

Proceedings, P.M.¹

The Speaker laid before the House a Letter from the Secretary of the late Convention, accompanied with a Copy of the Minutes of the said Convention; which Letter was read, and the said Minutes ordered to be preserved among the Papers of this House.

1. *Votes and Proceedings of the Twelfth General Assembly of the State of New-Jersey . . .* (27 August–9 September 1788) (Trenton, 1788).

39. An Act Ceding to Congress a District of Land, 9 September 1788¹

An ACT ceding to Congress a District of Land, not exceeding ten Miles square, and Powers of exercising a Jurisdiction over the same, for the Seat of the Federal Government.

Whereas in and by the Constitution for the United States, lately ratified and confirmed by the People of this State, duly met in Convention for that Purpose, among other Things it is provided, that the Congress of the United States therein mentioned shall have Power 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 whereas the Convention aforesaid did recommend as their Opinion, that the State of New-Jersey should offer a Cession to Congress of a District not exceeding ten Miles square, for the Seat of Government of the United States, over which they may exercise an exclusive Legislation: And also whereas from the local Situation of this State, and the many relative Advantages it derives therefrom, it becomes an eligible Situation for the Seat of the Government of the United States; it is therefore the Duty of the People thereof to cede to the Congress of the United States, if they should think proper to accept the same, any such District and Tract of Land within this State as they may hereafter elect and choose for the Seat of Government agreeably to the said Constitution; therefore,

Sect. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That this State shall and will and do hereby cede to the Congress of the United States all such District and Tract of Land within this State as shall be elected, chosen and actually appropriated by

the said Congress, not exceeding ten Miles square, as and for and so long as the same shall continue the Seat of Government of the said United States, so far as relates to the Exercise of the Powers, Jurisdiction and Authorities vested in said Congress by the Constitution aforesaid, reserving to all and every Person whomsoever their Estates, Real and Personal within the same, and all other Rights, Franchises and Privileges, not vested in the said Congress by the Constitution aforesaid.

2. *And be it further Enacted by the Authority aforesaid,* That, after such District and Tract of Land shall be so as aforesaid elected, chosen and appropriated, to and for the Seat of Government of the United States as aforesaid, all Authority, Power and Jurisdiction whatsoever, of this State, in and over the said District and Tract of Land, excepting such Authority, Power and Jurisdiction, as are not vested in the Congress aforesaid by the Constitution aforesaid, during the Time the same shall continue the Seat of Government as aforesaid, shall cease, be discontinued and wholly relinquished, any Law, Usage or Custom, to the contrary notwithstanding.

Passed at Trenton, September 9, 1788.

1. *Acts of the Twelfth General Assembly of the State of New-Jersey . . .* (Trenton, 1788), chapter CCXXX, 462–63.

**40. An Act for Defraying Sundry Incidental Charges
9 September 1788 (excerpt)¹**

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for the Treasurer of this State, and he is hereby required to pay to the several Persons herein after named the following Sums, to wit,

* * * * *

To William Rogers, for his Attendance as Doorkeeper for the Convention, Two Pounds Ten Shillings.

* * * * *

To Samuel-W. Stockton, Esquire, Secretary to the late Convention, for Days Wages, Stationary, and Hire of Clerks, for copying the Minutes of Convention, Twenty-one Pounds Eight Shillings.

* * * * *

To Francis Witt, for the Use of a Room, Firewood and Candles, for the late Convention, Three Pounds Eleven Shillings.

1. *Acts of the Twelfth General Assembly of the State of New-Jersey . . .* (Trenton, 1788), chapter CCXXXV, 469–70.

Appendix

Items Printed and Reprinted in New Jersey Contained in
Commentaries on the Constitution: Public and Private, 1787–1788

New Jersey Newspapers, 1787–1788

Brunswick Gazette, New Brunswick
Federal Post, Trenton
New Jersey Journal, Elizabeth Town
Trenton Mercury

CC:No.	Item/New Jersey Reprints
CC:1	Resolution of Congress, 21 February 1787 <i>New Jersey Journal</i> , 28 February
CC:3-A	The Idea of Separate Confederacies Boston <i>Independent Chronicle</i> , 15 February 1787 <i>New Jersey Journal</i> , 28 February
CC:3-C	Lycurgus New York <i>Daily Advertiser</i> , 2 April 1787 <i>New Jersey Journal</i> , 23 May
CC:5-B	Extract of a letter from Halifax, via St. Johns, dated 8 February 1787 New York <i>Journal</i> , 15 March 1787 <i>New Jersey Journal</i> , 21 March
CC:7	Providence <i>United States Chronicle</i> , 29 March 1787 <i>New Jersey Journal</i> , 25 April
CC:11	<i>Virginia Independent Chronicle</i> , 11 April 1787 <i>New Jersey Journal</i> , 25 April
CC:12	<i>Massachusetts Centinel</i> , 11 April 1787 <i>New Jersey Journal</i> , 25 April
CC:13	<i>Newport Herald</i> , 12 April 1787 <i>New Jersey Journal</i> , 2 May
CC:16-A	John Adams: <i>A Defence of the Constitutions</i> Preface, <i>Massachusetts Gazette</i> , 20 April 1787 <i>New Jersey Journal</i> , 23 May
CC:16-B	Letter LIII New York <i>Daily Advertiser</i> , 9 May 1787 <i>New Jersey Journal</i> , 23 May

CC:No.	Item/New Jersey Reprints
CC:16-F	Philadelphia <i>Freeman's Journal</i> , 12 September 1787 <i>Trenton Mercury</i> , 18 September
CC:18-A	Agrarian Unrest and the Constitution <i>Albany Gazette</i> , 3 May 1787 (not extant) <i>New Jersey Journal</i> , 23 May
CC:18-B	<i>Massachusetts Centinel</i> , 16 May 1787 <i>New Jersey Journal</i> , 30 May
CC:20-A	Worcester Magazine, 17 May 1787 <i>New Jersey Journal</i> , 23 May
CC:22	Richard Price: On the American Government Philadelphia <i>Independent Gazetteer</i> , 16 May 1787 <i>New Jersey Journal</i> , 23 May
CC:24	<i>Pennsylvania Herald</i> , 19 May 1787 <i>New Jersey Journal</i> , 30 May
CC:26	Baltimore <i>Maryland Gazette</i> , 22 May 1787 <i>New Jersey Journal</i> , 6 June (excerpt)
CC:29	Harrington: To the Freemen of the United States <i>Pennsylvania Gazette</i> , 30 May 1787 <i>New Jersey Journal</i> , 6 June (excerpts)
CC:30-B	Reports of Constitutional Convention Proceedings <i>Pennsylvania Herald</i> , 2 June 1787 <i>New Jersey Journal</i> , 13 June
CC:30-C	<i>Pennsylvania Herald</i> , 13 June 1787 <i>New Jersey Journal</i> , 20 June
CC:30-D	Extract of a Letter from Philadelphia, 15 June 1787 Baltimore <i>Maryland Gazette</i> , 19 June <i>New Jersey Journal</i> , 4 July
CC:30-F	<i>Pennsylvania Gazette</i> , 18 July 1787 <i>New Jersey Journal</i> , 25 July
CC:30-J	<i>Pennsylvania Herald</i> , 8 August 1787 <i>New Jersey Journal</i> , 15 August
CC:30-K	<i>Pennsylvania Herald</i> , 15 August 1787 <i>New Jersey Journal</i> , 22 August
CC:30-L	<i>Pennsylvania Gazette</i> , 5 September 1787 <i>New Jersey Journal</i> , 12 September
CC:31	Philadelphia <i>Independent Gazetteer</i> , 5 June 1787 <i>New Jersey Journal</i> , 13 June (paragraph 1)
CC:35-A	<i>Pennsylvania Herald</i> , 9 June 1787 <i>New Jersey Journal</i> , 13 June

CC:No.	Item/New Jersey Reprints
CC:38	Richard Price to William Bingham <i>Philadelphia Independent Gazetteer</i> , 20 June 1787 <i>New Jersey Journal</i> , 27 June
CC:40-D	<i>Pennsylvania Gazette</i> , 8 August 1787 <i>New Jersey Journal</i> , 15 August
CC:42	Civis <i>Pennsylvania Packet</i> , 25 June 1787 <i>New Jersey Journal</i> , 22 August (paragraph 2)
CC:43	Philadelphia <i>Independent Gazetteer</i> , 26 June 1787 <i>New Jersey Journal</i> , 4 July
CC:44	Philadelphia <i>Independent Gazetteer</i> , 27 June 1787 <i>New Jersey Journal</i> , 4 July
CC:46-D	<i>New York Journal</i> , 12 July 1787 (excerpt) <i>New Jersey Journal</i> , 18 July
CC:47-B	David Daggett: Oration Delivered in New Haven, 4 July 1787 <i>New Jersey Journal</i> , 16 January 1788 (excerpts) No New Jersey reprints
CC:51-C	<i>Pennsylvania Herald</i> , 18 August 1787 <i>New Jersey Journal</i> , 22 August <i>Trenton Mercury</i> , 11 September
CC:53	Charleston <i>Columbian Herald</i> , 26 July 1787 <i>Trenton Mercury</i> , 11 September
CC:54	Philadelphia <i>Independent Gazetteer</i> , 27 July 1787 <i>New Jersey Journal</i> , 8 August
CC:57	<i>Pennsylvania Gazette</i> , 1 August 1787 <i>New Jersey Journal</i> , 8 August
CC:59	An American <i>Massachusetts Centinel</i> , 4 August 1787 <i>New Jersey Journal</i> , 22 August
CC:63	<i>Pennsylvania Gazette</i> , 15 August 1787 <i>New Jersey Journal</i> , 22 August
CC:64	<i>New York Journal</i> , 16 August 1787 <i>New Jersey Journal</i> , 22 August
CC:67	Philadelphia <i>Independent Gazetteer</i> , 22 August 1787 <i>New Jersey Journal</i> , 29 August (omits last sentence)
CC:68	<i>Pennsylvania Gazette</i> , 22 August 1787 <i>New Jersey Journal</i> , 29 August
CC:69	Philadelphia <i>Freeman's Journal</i> , 29 August 1787 <i>New Jersey Journal</i> , 12 September <i>Brunswick Gazette</i> , 18 September

CC:No.	Item/New Jersey Reprints
CC:70	<i>Pennsylvania Gazette</i> , 29 August 1787 <i>New Jersey Journal</i> , 5 September
CC:71	<i>Pennsylvania Gazette</i> , 29 August 1787 <i>New Jersey Journal</i> , 5 September
CC:72	<i>Pennsylvania Gazette</i> , 5 September 1787 <i>New Jersey Journal</i> , 12 September <i>Brunswick Gazette</i> , 18 September <i>Trenton Mercury</i> , 25 September (paragraph 1)
CC:73	<i>Pennsylvania Gazette</i> , 12 September 1787 <i>New Jersey Journal</i> , 19 September
CC:74	<i>Pennsylvania Gazette</i> , 12 September 1787 <i>Brunswick Gazette</i> , 18 September <i>New Jersey Journal</i> , 19 September
CC:77-A	Benjamin Franklin's Speech (Northern Version) <i>Boston Gazette</i> , 3 December 1787 <i>New Jersey Journal</i> , 19 December Benjamin Franklin's Speech (Southern Version) <i>Virginia Independent Chronicle</i> , 5 December 1787 <i>Trenton Mercury</i> , 25 December
CC:87	Philadelphia <i>Independent Gazetteer</i> , 21 September 1787 <i>Brunswick Gazette</i> , 2 October
CC:94	Daniel Shays to the Antifederal Junto in Philadelphia Philadelphia <i>Independent Gazetteer</i> , 25 September 1787 <i>Brunswick Gazette</i> , 2 October <i>Trenton Mercury</i> , 2 October
CC:96-A	Destiny and George Washington <i>Delaware Gazette</i> , 26 September 1787 <i>Brunswick Gazette</i> , 9 October <i>New Jersey Journal</i> , 10 October
CC:96-B	<i>Pennsylvania Gazette</i> , 10 October 1787 <i>Brunswick Gazette</i> , 23 October <i>Trenton Mercury</i> , 6 November
CC:98	Philadelphia <i>Independent Gazetteer</i> , 26 September 1787 <i>Trenton Mercury</i> , 30 October
CC:100-A	An American Citizen I: On the Federal Government Philadelphia <i>Independent Gazetteer</i> , 26 September 1787 <i>Trenton Mercury</i> , 9 October
CC:101	<i>Pennsylvania Gazette</i> , 26 September 1787 <i>New Jersey Journal</i> , 3 October (paragraphs 3–8) <i>Trenton Mercury</i> , 9 October (paragraph 3)
CC:108	<i>Maryland Journal</i> , 28 September 1787 <i>Brunswick Gazette</i> , 16 October

CC:No.	Item/New Jersey Reprints
CC:161	<i>Boston Gazette</i> , 15 October 1787 <i>Trenton Mercury</i> , 30 October (paragraph 2) <i>New Jersey Journal</i> , 31 October
CC:162	Marcus <i>New York Daily Advertiser</i> , 15 October 1787 <i>New Jersey Journal</i> , 14 November <i>Brunswick Gazette</i> , 20 November <i>Trenton Mercury</i> , 20 November
CC:168	One of the People <i>Massachusetts Centinel</i> , 17 October 1787 <i>Trenton Mercury</i> , 13 November (excerpt)
CC:171-A	<i>Pennsylvania Journal</i> , 17 October 1787 <i>New Jersey Journal</i> , 24 October
CC:177	Governor John Hancock: Speech to the Massachusetts General Court <i>Massachusetts Gazette</i> , 19 October 1787 <i>Trenton Mercury</i> , 20 November
CC:183-A	An American Citizen IV: On the Federal Government Broadside, Philadelphia, 21 October 1787 <i>Trenton Mercury</i> , 30 October <i>Massachusetts Centinel</i> , 7 November 1787 (paragraph 15 of broadside) <i>Brunswick Gazette</i> , 11 December
CC:192	The Report of Connecticut's Delegates to the Constitutional Convention <i>New Haven Gazette</i> , 25 October 1787 <i>New Jersey Journal</i> , 28 November
CC:198	<i>Newport Herald</i> , 25 October 1787 <i>Brunswick Gazette</i> , 20 November (paragraph 1 only)
CC:203	M.C. <i>Pennsylvania Herald</i> , 27 October 1787 <i>Brunswick Gazette</i> , 6 November
CC:225	Foreigner I <i>Philadelphia Independent Gazetteer</i> , 2 November 1787 <i>Brunswick Gazette</i> , 1 January 1788
CC:227-A	Elbridge Gerry to the Massachusetts General Court <i>Massachusetts Centinel</i> , 3 November 1787 <i>New Jersey Journal</i> , 28 November
CC:233-B	Anecdote <i>Pennsylvania Herald</i> , 7 November 1787 <i>New Jersey Journal</i> , 14 December

- CC:No. Item/New Jersey Reprints**
- CC:235 Mathew Carey: The Prayer of an American Citizen
Philadelphia *American Museum*, 7 November 1787
New Jersey Journal, 2 January 1788
- CC:Volume 1 *New York Journal*, 27 September 1787
Appendix I *Trenton Mercury*, 6 November
- CC:Volume 1 *Pennsylvania Gazette*, 10 October 1787
Appendix I *New Jersey Journal*, 17 October (paragraphs 3, 5–6)
Brunswick Gazette, 23 October (paragraphs 2, 6)
- CC:Volume 1 *Pennsylvania Herald*, 3 November 1787
Appendix I *Trenton Mercury*, 20 November
- CC:Volume 1 *Pennsylvania Packet*, 3 November 1787
Appendix I *New Jersey Journal*, 14 November
Brunswick Gazette, 27 November
- CC:Volume 1 *Massachusetts Centinel*, 7 November 1787
Appendix I *New Jersey Journal*, 21 November
- CC:Volume 1 *Pennsylvania Gazette*, 7 November 1787
Appendix I *New Jersey Journal*, 14 November
- CC:251 *Massachusetts Centinel*, 10 November 1787
New Jersey Journal, 28 November
Trenton Mercury, 4 December
(excerpt from paragraph 2 only)
- CC:253 *Boston Gazette*, 12 November 1787
Trenton Mercury, 4 December (paragraphs 1–2)
- CC:268 An American: The Crisis
Massachusetts Centinel, 17 November 1787
New Jersey Journal, 16 January 1788
- CC:276-A George Mason: Objections to the Constitution
Massachusetts Centinel, 21 November 1787
New Jersey Journal, 12 December
- CC:280 *Pennsylvania Gazette*, 21 November 1787
Trenton Mercury, 4 December
- CC:284 A Countryman II
New Haven Gazette, 22 November 1787
New Jersey Journal, 5 December
- CC:289 James Wilson's Speech of 24 November 1787 in the
Pennsylvania Convention
Summary, *Pennsylvania Packet*, 27 November 1787
Brunswick Gazette, 4 December
New Jersey Journal, 5 December
Summary, *Pennsylvania Herald*, 28 November 1787
New Jersey Journal, 12 December

CC:No.	Item/New Jersey Reprints
CC:329	<i>Massachusetts Gazette</i> , 7 December 1787 <i>Brunswick Gazette</i> , 1 January 1788
CC:339-A	President John Sullivan on the Constitution <i>Salem Mercury</i> , 18 December 1787 <i>New Jersey Journal</i> , 2 January 1788
CC:Volume 2 Appendix I	<i>Pennsylvania Gazette</i> , 21 November 1787 <i>New Jersey Journal</i> , 28 November (paragraph 2)
CC:Volume 2 Appendix I	<i>Pennsylvania Herald</i> , 21 November 1787 <i>New Jersey Journal</i> , 28 November
CC:Volume 2 Appendix I	<i>New Jersey Journal</i> , 5 December 1787 <i>Trenton Mercury</i> , 18 December
CC:Volume 2 Appendix I	<i>Connecticut Courant</i> , 10 December 1787 <i>Brunswick Gazette</i> , 1 January 1788
CC:362	<i>New York Journal</i> , 20 December 1787 <i>New Jersey Journal</i> , 26 December <i>Brunswick Gazette</i> , 1 January 1788
CC:377	One of the People: Antifederal Arguments <i>Maryland Journal</i> , 25 December 1787 <i>Brunswick Gazette</i> , 8 January 1788
CC:386-A	<i>Maryland Journal</i> , 1 January 1788 <i>Trenton Mercury</i> , 22 January <i>New Jersey Journal</i> , 23 January <i>Brunswick Gazette</i> , 12 February
CC:388	Samuel Adams and the Constitution <i>Massachusetts Gazette</i> , 28 December 1787 <i>New Jersey Journal</i> , 9 January 1788
CC:395	The New Roof <i>Pennsylvania Packet</i> , 29 December 1787 <i>Trenton Mercury</i> , 22 January 1788
CC:402	<i>New Hampshire Spy</i> , 1 January 1788 <i>New Jersey Journal</i> , 30 April <i>Brunswick Gazette</i> , 6 May
CC:407	An Old Man <i>Carlisle Gazette</i> , 2 January 1788 <i>Brunswick Gazette</i> , 15 January <i>New Jersey Journal</i> , 16 January
CC:413	Oliver Ellsworth and William Samuel Johnson: Speeches in the Connecticut Convention, 4 January 1788 <i>Connecticut Courant</i> , 7 January 1788 (Ellsworth) <i>Brunswick Gazette</i> , 29 January

CC:No.	Item/New Jersey Reprints
CC:424-D	<i>Massachusetts Centinel</i> , 9 January 1788 <i>Brunswick Gazette</i> , 5 February
CC:448	<i>Pennsylvania Packet</i> , 14 January 1788 <i>New Jersey Journal</i> , 23 January
CC:481	<i>State Gazette of South Carolina</i> , 28 February 1788 <i>Brunswick Gazette</i> , 18 March
CC:Volume 3 Appendix I	<i>Pennsylvania Gazette</i> , 19 December 1787 <i>Brunswick Gazette</i> , 25 December
CC:Volume 3 Appendix I	<i>Pennsylvania Packet</i> , 19 December 1787 <i>Brunswick Gazette</i> , 1 January 1788
CC:Volume 3 Appendix I	Newspaper Reports of the Calling of State Conventions <i>Pennsylvania Packet</i> , 20 December 1787 <i>New Jersey Journal</i> , 2 January 1788 <i>Massachusetts Centinel</i> , 22 December 1787 <i>New Jersey Journal</i> , 2 January 1788
CC:Volume 3 Appendix I	<i>Pennsylvania Packet</i> , 21 December 1787 <i>New Jersey Journal</i> , 2 January 1788
CC:Volume 3 Appendix I	<i>Pennsylvania Packet</i> , 25 December 1787 <i>New Jersey Journal</i> , 2 January 1788
CC:Volume 3 Appendix I	<i>New Jersey Journal</i> , 26 December 1787 No New Jersey reprints
CC:Volume 3 Appendix I	<i>Pennsylvania Herald</i> , 29 December 1787 <i>Brunswick Gazette</i> , 15 January 1788
CC:Volume 3 Appendix I	Political Society of Richmond, Virginia <i>Pennsylvania Gazette</i> , 2 January 1788 <i>New Jersey Journal</i> , 19 March
CC:Volume 3 Appendix I	Pillars of the American Republic <i>Massachusetts Centinel</i> , 9 January 1788 <i>Brunswick Gazette</i> , 5 February <i>Massachusetts Gazette</i> , 15 January 1788 (paragraph 2) <i>Brunswick Gazette</i> , 29 January (incomplete) <i>New Jersey Journal</i> , 6 February
CC:Volume 3 Appendix I	<i>Massachusetts Centinel</i> , 19 January 1788 <i>Brunswick Gazette</i> , 19 February (paragraph 1 only)
CC:Volume 3 Appendix I	<i>Pennsylvania Packet</i> , 19 January 1788 <i>New Jersey Journal</i> , 30 January
CC:Volume 3 Appendix I	The Minority of the Connecticut Convention <i>New Haven Gazette</i> , 24 January 1788 <i>Brunswick Gazette</i> , 26 February

CC:No.	Item/New Jersey Reprints
CC:Volume 3 Appendix I	Philadelphia <i>Freeman's Journal</i> , 30 January 1788 <i>New Jersey Journal</i> , 6 February
CC:Volume 3 Appendix I	<i>Pennsylvania Gazette</i> , 30 January 1788 <i>New Jersey Journal</i> , 6 February (paragraph 2) <i>Brunswick Gazette</i> , 12 February (paragraph 2)
CC:508	Massachusetts Convention: Amendments to the Constitution Hancock's Original Proposal <i>Massachusetts Centinel</i> , 2 February 1788 <i>New Jersey Journal</i> , 20 February
CC:523	<i>Charleston City Gazette</i> , 11 February 1788 <i>New Jersey Journal</i> , 2 April
CC:529-A	<i>New Haven Gazette</i> , 14 February 1788 <i>Brunswick Gazette</i> , 4 March <i>New Jersey Journal</i> , 5 March
CC:552	A Yankee <i>Pennsylvania Mercury</i> , 21 February 1788 <i>New Jersey Journal</i> , 5 March (verse only)
CC:554-B	<i>Massachusetts Centinel</i> , 27 February 1788 <i>New Jersey Journal</i> , 12 March
CC:557	John Adams on the Constitution <i>New York Journal</i> , 23 February 1788 <i>New Jersey Journal</i> , 2 April
CC:559	John Williams on the Constitution <i>Albany Federal Herald</i> , 25 February 1788 <i>Brunswick Gazette</i> , 11 March
CC:594	<i>Pennsylvania Gazette</i> , 5 March 1788 <i>New Jersey Journal</i> , 12 March
CC:602	Arthur Lee's Report on Virginia Antifederalism <i>Philadelphia Independent Gazetteer</i> , 7 March 1788 <i>New Jersey Journal</i> , 12 March
CC:608-A	The Fabrick of Freedom <i>Philadelphia Federal Gazette</i> , 8 March 1788 <i>Brunswick Gazette</i> , 21 October
CC:622	A Landholder XII <i>Connecticut Courant</i> , 17 March 1788 <i>New Jersey Journal</i> , 9 April (excerpt)
CC:627	<i>Massachusetts Centinel</i> , 19 March 1788 <i>Brunswick Gazette</i> , 8 April <i>New Jersey Journal</i> , 9 April

CC:No.	Item/New Jersey Reprints
CC:629	Virginia <i>Independent Chronicle</i> , 19 March 1788 <i>Brunswick Gazette</i> , 8 April
CC:638-A	George Washington to Caleb Gibbs <i>Massachusetts Centinel</i> , 22 March 1788 <i>Brunswick Gazette</i> , 8 April <i>New Jersey Journal</i> , 9 April
CC:Volume 4 Appendix I	<i>New York Packet</i> , 1 February 1788 <i>Brunswick Gazette</i> , 5 February
CC:Volume 4 Appendix I	New York <i>Daily Advertiser</i> , 2 February 1788 <i>New Jersey Journal</i> , 6 February <i>Brunswick Gazette</i> , 12 February
CC:Volume 4 Appendix I	False Reports on North Carolina Ratification <i>Massachusetts Gazette</i> , 5 February 1788 <i>New Jersey Journal</i> , 20 February <i>New York Journal</i> , 14 February 1788 <i>Brunswick Gazette</i> , 4 March <i>Pennsylvania Gazette</i> , 5 March 1788 <i>New Jersey Journal</i> , 12 March
CC:Volume 4 Appendix I	New York <i>Daily Advertiser</i> , 5 February 1788 <i>New Jersey Journal</i> , 13 February
CC:Volume 4 Appendix I	A Correspondent Observes <i>Newport Herald</i> , 7 February 1788 <i>Brunswick Gazette</i> , 25 March (excerpt)
CC:Volume 4 Appendix I	Last Intelligence from Boston <i>New York Journal</i> , 7 February 1788 <i>Brunswick Gazette</i> , 19 February
CC:Volume 4 Appendix I	New York <i>Daily Advertiser</i> , 8 February 1788 <i>New Jersey Journal</i> , 13 February
CC:Volume 4 Appendix I	Philadelphia <i>Freeman's Journal</i> , 13 February 1788 <i>New Jersey Journal</i> , 20 February
CC:Volume 4 Appendix I	<i>Newport Herald</i> , 14 February 1788 <i>New Jersey Journal</i> , 5 March
CC:Volume 4 Appendix I	Accounts from England <i>Pennsylvania Packet</i> , 18 February 1788 <i>New Jersey Journal</i> , 27 February
CC:Volume 4 Appendix I	<i>Massachusetts Gazette</i> , 19 February 1788 <i>New Jersey Journal</i> , 5 March <i>Brunswick Gazette</i> , 11 March
CC:Volume 4 Appendix I	<i>Massachusetts Centinel</i> , 20 February 1788 <i>New Jersey Journal</i> , 5 March (paragraphs 1, 3 only) <i>Brunswick Gazette</i> , 11 March (paragraphs 1, 3 only)

CC:No.	Item/New Jersey Reprints
CC:Volume 4 Appendix I	<i>Pennsylvania Gazette</i> , 20 February 1788 <i>New Jersey Journal</i> , 27 February (paragraphs 2–6) <i>Brunswick Gazette</i> , 4 March (paragraph 2 only)
CC:Volume 4 Appendix I	<i>Pennsylvania Mercury</i> , 21 February 1788 <i>New Jersey Journal</i> , 27 February
CC:Volume 4 Appendix I	<i>New York Packet</i> , 29 February 1788 <i>Brunswick Gazette</i> , 11 March
CC:Volume 4 Appendix I	<i>Providence Gazette</i> , 1 March 1788 <i>Brunswick Gazette</i> , 18 March
CC:Volume 4 Appendix I	<i>New York Morning Post</i> , 3 March 1788 <i>New Jersey Journal</i> , 5 March (both extracts)
CC:Volume 4 Appendix I	<i>Massachusetts Centinel</i> , 8 March 1788 <i>New Jersey Journal</i> , 19 March (paragraph 3 only) <i>Brunswick Gazette</i> , 25 March (paragraphs 1–2 only) <i>New Jersey Journal</i> , 26 March (paragraph 1 only)
CC:Volume 4 Appendix I	<i>Massachusetts Centinel</i> , 15 March 1788 <i>Brunswick Gazette</i> , 1 April
CC:Volume 4 Appendix I	<i>Pennsylvania Gazette</i> , 19 March 1788 <i>Brunswick Gazette</i> , 25 March (paragraphs 1–2)
CC:Volume 4 Appendix II	Thomas Greenleaf <i>New York Journal</i> , 10 January 1788 <i>New Jersey Journal</i> , 16 January
CC:Volume 4 Appendix II	Philadelphia <i>Freeman's Journal</i> , 16 January 1788 <i>Brunswick Gazette</i> , 22 January <i>New Jersey Journal</i> , 23 January
CC:Volume 4 Appendix II	<i>Brunswick Gazette</i> , 22 January 1788 No New Jersey reprints
CC:Volume 4 Appendix II	<i>Brunswick Gazette</i> , 29 January 1788 No New Jersey reprints
CC:Volume 4 Appendix II	<i>New Jersey Journal</i> , 30 January 1788 No New Jersey reprints
CC:Volume 4 Appendix II	<i>Massachusetts Centinel</i> , 16 February 1788 <i>Brunswick Gazette</i> , 11 March <i>New Jersey Journal</i> , 12 March
CC:Volume 4 Appendix II	<i>Maryland Journal</i> , 29 February 1788 <i>New Jersey Journal</i> , 12 March (paragraphs 1–2)
CC:Volume 4 Appendix II	Philadelphia Newspaper Printers' Petition, 20–29 March 1788 <i>Pennsylvania Packet</i> , 31 March 1788 Philadelphia <i>Freeman's Journal</i> , 2 April 1788 <i>Brunswick Gazette</i> , 15 April

CC:No.	Item/New Jersey Reprints
CC:Volume 4 Appendix II	<i>New Hampshire Spy</i> , 28 March 1788 <i>Brunswick Gazette</i> , 15 April
CC:658	<i>Pennsylvania Gazette</i> , 2 April 1788 <i>Brunswick Gazette</i> , 15 April
CC:680	Benjamin Rush to David Ramsay Charleston <i>Columbian Herald</i> , 14 April 1788 <i>New Jersey Journal</i> , 11 June <i>Brunswick Gazette</i> , 24 June
CC:683	A Citizen of New-York: An Address to the People of the State of New York Pamphlet, New York, 15 April 1788 <i>New Jersey Journal</i> , 7, 14 May
CC:685	Peter Prejudice: The New Breeches Philadelphia <i>Federal Gazette</i> , 15 April 1788 <i>New Jersey Journal</i> , 30 April
CC:710	Fabius VII <i>Pennsylvania Mercury</i> , 26 April 1788 <i>Brunswick Gazette</i> , 6 May
CC:716-A	Amendments Proposed by William Paca in the Maryland Convention <i>Maryland Journal</i> , 29 April 1788 <i>Brunswick Gazette</i> , 13 May <i>New Jersey Journal</i> , 14 May
CC:Volume 5 Appendix I	Annapolis <i>Maryland Gazette</i> , 10 April 1788 <i>Brunswick Gazette</i> , 29 April
CC:Volume 5 Appendix I	Philadelphia <i>Federal Gazette</i> , 12 April 1788 <i>Brunswick Gazette</i> , 29 April
CC:Volume 5 Appendix I	The Federal Hat <i>New Hampshire Spy</i> , 15 April 1788 <i>New Jersey Journal</i> , 11 June
CC:Volume 5 Appendix I	<i>Salem Mercury</i> , 15 April 1788 <i>Brunswick Gazette</i> , 6 May <i>New Jersey Journal</i> , 7 May
CC:Volume 5 Appendix I	<i>Pennsylvania Gazette</i> , 30 April 1788 <i>Brunswick Gazette</i> , 6 May (paragraphs 1–2)
CC:Volume 5 Appendix I	<i>Pennsylvania Mercury</i> , 1 May 1788 <i>Brunswick Gazette</i> , 6 May
CC:Volume 5 Appendix I	<i>Pennsylvania Packet</i> , 2 May 1788 <i>New Jersey Journal</i> , 7 May
CC:Volume 5 Appendix I	<i>Pennsylvania Gazette</i> , 7 May 1788 <i>New Jersey Journal</i> , 14 May (paragraph 1)

CC:No.	Item/New Jersey Reprints
CC:Volume 5 Appendix I	<i>Maryland Journal</i> , 9 May 1788 <i>Brunswick Gazette</i> , 27 May
CC:747	<i>Maryland Journal</i> , 16 May 1788 <i>New Jersey Journal</i> , 4 June
CC:753	South Carolina Convention Amendments, 23 May 1788 Charleston <i>Columbian Herald</i> , 26 May As Part of the Form of Ratification Read in Congress on 6 June <i>Brunswick Gazette</i> , 10 June
CC:784	<i>New Jersey Journal</i> , 18 June 1788 <i>Brunswick Gazette</i> , 24 June
CC:785	New Hampshire Convention Amendments, 21 June 1788 <i>New Hampshire Spy</i> , 24 June <i>New Jersey Journal</i> , 16 July
CC:790	Virginia Convention Amendments, 27 June 1788 <i>Brunswick Gazette</i> , 22 July <i>New Jersey Journal</i> , 23 July
CC:793	<i>Pennsylvania Mercury</i> , 28 June 1788 <i>Brunswick Gazette</i> , 22 July <i>Federal Post</i> , 5 August
CC:799-E	James Wilson Oration, Philadelphia, 4 July 1788 <i>Pennsylvania Gazette</i> , 9 July 1788 <i>New Jersey Journal</i> , 23 July
CC:799-F	Francis Hopkinson: An Ode Broadside, Philadelphia, 4 July 1788 <i>Brunswick Gazette</i> , 22 July
CC:815	<i>Massachusetts Spy</i> , 24 July 1788 <i>Trenton Federal Post</i> , 12 August (partial)
CC:816	William Pitt Smith: Ode on the Adoption of the Constitution <i>New York Journal</i> , 24 July 1788 <i>New Jersey Journal</i> , 30 July <i>Brunswick Gazette</i> , 5 August
CC:818-A	New York Declaration of Rights and Form of Ratification Poughkeepsie, N.Y., <i>Country Journal</i> , 29 July 1788 <i>New Jersey Journal</i> , 6 August
CC:818-B	Recommendatory Amendments Poughkeepsie, N.Y., <i>Country Journal</i> , 12 August 1788 <i>New Jersey Journal</i> , 6 August
CC:818-C	New York Convention Circular Letter, 26 July 1788 Poughkeepsie, N.Y., <i>Country Journal</i> , 5 August <i>New Jersey Journal</i> , 13 August <i>Brunswick Gazette</i> , 26 August

CC:No.	Item/New Jersey Reprints
CC:845	Resolution of Congress Calling the First Federal Elections Broadside, New York, 13 September 1788 <i>New Jersey Journal</i> , 18 September <i>Brunswick Gazette</i> , 23 September
CC:Volume 6 Appendix I	<i>New Hampshire Spy</i> , 13 May 1788 <i>Brunswick Gazette</i> , 3 June
CC:Volume 6 Appendix I	<i>Massachusetts Gazette</i> , 13 May 1788 <i>Brunswick Gazette</i> , 3 June
CC:Volume 6 Appendix I	<i>New Jersey Journal</i> , 14 May 1788 <i>Brunswick Gazette</i> , 20 May
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 14 May 1788 <i>New Jersey Journal</i> , 21 May (paragraph 2)
CC:Volume 6 Appendix I	<i>New York Daily Advertiser</i> , 26 May 1788 <i>Brunswick Gazette</i> , 3 June <i>New Jersey Journal</i> , 4 June
CC:Volume 6 Appendix I	<i>New York Journal</i> , 29 May 1788 <i>Brunswick Gazette</i> , 10 June (both paragraphs)
CC:Volume 6 Appendix I	Providence <i>United States Chronicle</i> , 5 June 1788 <i>Brunswick Gazette</i> , 24 June <i>New Jersey Journal</i> , 25 June
CC:Volume 6 Appendix I	<i>New York Daily Advertiser</i> , 7 June 1788 <i>New Jersey Journal</i> , 11 June
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 11 June 1788 First paragraph (Extract of a letter from Virginia, 4 June) <i>New Jersey Journal</i> , 18 June
CC:Volume 6 Appendix I	<i>Massachusetts Centinel</i> , 14 June 1788 <i>New Jersey Journal</i> , 25 June <i>Brunswick Gazette</i> , 1 July
CC:Volume 6 Appendix I	<i>Pennsylvania Packet</i> , 16 June 1788 <i>Brunswick Gazette</i> , 24 June
CC:Volume 6 Appendix I	<i>Massachusetts Centinel</i> , 18 June 1788 <i>Brunswick Gazette</i> , 1 July
CC:Volume 6 Appendix I	<i>New Jersey Journal</i> , 25 June 1788 No New Jersey reprints
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 25 June 1788 <i>Brunswick Gazette</i> , 8 July
CC:Volume 6 Appendix I	Ship News—Extra <i>Massachusetts Centinel</i> , 2 July 1788 <i>New Jersey Journal</i> , 16 July <i>Brunswick Gazette</i> , 22 July

CC:No.	Item/New Jersey Reprints
CC:Volume 6 Appendix I	The American Convention <i>Massachusetts Centinel</i> , 2 July 1788 <i>New Jersey Journal</i> , 30 July
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 16 July 1788 <i>New Jersey Journal</i> , 30 July <i>Brunswick Gazette</i> , 5 August
CC:Volume 6 Appendix I	<i>Massachusetts Centinel</i> , 23 July 1788 <i>Brunswick Gazette</i> , 5 August (paragraph 1) <i>New Jersey Journal</i> , 6 August (paragraph 1)
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 23 July 1788 <i>New Jersey Journal</i> , 30 July
CC:Volume 6 Appendix I	<i>Pennsylvania Mercury</i> , 29 July 1788 <i>New Jersey Journal</i> , 6 August
CC:Volume 6 Appendix I	The Alterations <i>Pennsylvania Gazette</i> , 6 August 1788 <i>New Jersey Journal</i> , 13 August
CC:Volume 6 Appendix I	Virginia Gives a President <i>Pennsylvania Gazette</i> , 6 August 1788 <i>New Jersey Journal</i> , 13 August
CC:Volume 6 Appendix I	<i>Pennsylvania Gazette</i> , 13 August 1788 <i>New Jersey Journal</i> , 20 August (paragraph 2)
CC:Volume 6 Appendix I	<i>Massachusetts Centinel</i> , 20 August 1788 <i>Federal Post</i> , 9 September (all 3 paragraphs)
CC:Volume 6 Appendix I	Lansingburgh, N.Y., <i>Federal Herald</i> , 25 August 1788 <i>New Jersey Journal</i> , 10 September <i>Brunswick Gazette</i> , 16 September
CC:Volume 6 Appendix I	<i>Newport Herald</i> , 28 August 1788 <i>New Jersey Journal</i> , 24 September
CC:Volume 6 Appendix I	<i>Pennsylvania Packet</i> , 3 September 1788 <i>New Jersey Journal</i> , 10 September

Index

- ADAMS, JOHN (Braintree, Mass.): *Defence of the Constitutions*, 39
- AGRICULTURE: toasted, 47
- AMENDMENTS TO ARTICLES OF CONFEDERATION: failure to adopt, 9, 25; recommended as remedy for N.J. grievances, 13. *See also* Articles of Confederation
- AMENDMENTS TO CONSTITUTION: Constitution should not be delayed for, 25–26, 39; needed after adoption of Constitution, 53–54, 56. *See also* Constitution, U.S.
- AMERICAN REVOLUTION: toast to fallen soldiers of, 47
- ANDERSON, GEORGE (Burlington Co., N.J.): elected Convention delegate, 41, 42; in Convention, 43
- ANDERSON, THOMAS (Sussex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- ANNAPOLIS CONVENTION: appointment of commissioners to, 20–21
- ANTIFEDERALISTS: discerning viewers of Constitution labelled as, 55–56; N.J. early ratification of Constitution criticized by, 51, 52
- described as: foxes, 32; pigmy frigid reptiles, 51
- ARISTOCRACY: democracy leads to, 53; doubtful under Constitution, 16. *See also* Government, debate over nature of; Monarchy
- ARMSTRONG, JAMES FRANCIS (Hunterdon Co., N.J.): in Convention, 44, 46
- ARMY: debt owed to soldiers, 14; toast to fallen soldiers of Revolution, 47. *See also* Military
- ARTICLES OF CONFEDERATION: commerce suffering greatly under, 17; is defective, 25; inequality of representation under, 15; necessary amendments have not been added to, 9, 13, 25; small states benefit under, 16. *See also* Amendments to Articles of Confederation; Confederation Congress
- “A BABBLER”: text of, 52
- BAKER, JOHN (Cape May Co., N.J.): in Assembly, 10
- BARBARY STATES: U.S. debt increase for protection against, 14
- BEARDSLEE, CHARLES (Sussex Co., N.J.): in Assembly, 10
- BEATTY, JOHN (Middlesex Co., N.J.): elected Convention delegate, 42; in Convention, 43, 45
- BIDDLE, JOSEPH (Burlington Co., N.J.): in Assembly, 10
- BLAIRE, ROBERT (Somerset Co., N.J.): in Assembly, 10
- BLAUVELT, ABRAHAM (Bergen Co., N.J.): in Assembly, 10
- BLOOMFIELD, JOSEPH (Burlington Co., N.J.)
- letter from, 28
- BONNEY, JAMES (Middlesex Co., N.J.): in Assembly, 10
- BOUDINOT, ELIAS (Essex Co., N.J.): recommended for Council, 31
- BOWEN, JONATHAN (Cumberland Co., N.J.): in Assembly, 10; in Convention, 43
- BOYD, ADAM (Bergen Co., N.J.): deposition of, 57–58
- BREARLEY, DAVID (Hunterdon Co., N.J.): elected Convention delegate, 42; in Convention, 43, 45
- letter to, 21–22
- BREESE, SAMUEL (Monmouth Co., N.J.): elected Convention delegate, 42; in Convention, 43
- BROADSIDES, PAMPHLETS, AND BOOKS: John Adams, *Defence of the Constitutions*, 39; Jean-Louis DeLolme, *Constitution of England*, 39; “A Farmer, of New Jersey” (John Stevens, Jr.), *Observations of Government*, 39–40. *See also* Newspapers
- BUNN, EDWARD (Somerset Co., N.J.): in Assembly, 10
- BURGIN, JOHN (Cumberland Co., N.J.): in Assembly, 10
- BURLINGTON COUNTY, N.J.: petitions N.J. legislature to call state convention, 31

- CADWALADER, LAMBERT (Hunterdon Co., N.J.): as delegate to Congress, 10
—letter from, 29
- CAPITAL, U.S.: N.J. cedes land to Congress for, 46, 48, 58–59
- CELEBRATIONS: Trenton, 46; toasts, 47, 48
- CHETWOOD, JOHN (Essex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- CLARK, ABRAHAM (Essex Co., N.J.): in Assembly, 9, 10, 18, 19, 21; resigns, 22; recommended for Convention, 31; criticizes Constitution, 29, 53–58
—letter from, 53–54
—speeches of, 9–10, 10–11
- CLARK, THOMAS (Gloucester Co., N.J.): in Assembly, 10, 19
- COMBS, JOHN (Middlesex Co., N.J.): in Assembly, 10
- COMMERCE: domination of N.J. by N.Y. and Pa., 9, 24; federal government needed to regulate, 17, 24–25; increase in sheep needed, 26; increase of domestic manufactures needed, 26–27; protection of from Barbary pirates, 14; toasted, 47. *See also* Economic conditions under the Confederation; Impost
- COMMON DEFENSE: requisitions needed for, 14, 17
- CONFEDERATION CONGRESS: inability to collect requisitions by, 12–18; N.J. Convention delivers ratification of Constitution to, 46; N.J. refuses compliance of requisition by, 9–10; N.J. rescinds non-compliance of requisition by, 19; toasted, 47. *See also* Articles of Confederation
- CONNECTICUT: ratifies Constitution, 52
- CONSTITUTION, U.S.: final edit of, 25, 25n; N.J. ratification of sent to Congress, 46; N.J. ratification of read to the people, 46; toast to, 47
—described as metaphor: almost perfect plan, 52; federal compact, 15; noblest gift of Heaven, 53; one whole, 53
See also Amendments to Constitution; Ratification, prospects for
- CONSTITUTIONAL CONVENTION: difficult task of, 53; members of toasted, 47
- CONSTITUTIONAL CONVENTION, SECOND: would endanger Union, 56
- COOK, ELLIS (Morris Co., N.J.): in Assembly, 10
- COOPER, JOSEPH (Gloucester Co., N.J.): in Assembly, 10
- CORRUPTION: advances in step with civilization, 53; Articles of Confederation lacks defense against, 28; leads to anarchy, 16–17; U.S. Constitution will lack monarchical, 16
- CORSHON, JOSHUA (Hunterdon Co., N.J.): elected Convention delegate, 42; in Convention, 43
- COX, JOHN (Sussex Co., N.J.), 39
- COXE, TENCH (Philadelphia)
—letters to, 49; cited, 50n
- CRANE, DAVID (Essex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- CRAWFORD, WILLIAM (Monmouth Co., N.J.): elected Convention delegate, 42; in Convention, 43
- CRIPPS, WHITTEN (Salem Co., N.J.): in Convention, 43
- CRUIKSHANKS, WILLIAM (Philadelphia), 39
- DANE, NATHAN (Beverly, Mass.)
—letter to, 29
- DAVIS, WILLIAM (Monmouth Co., N.J.): in Assembly, 10
- DAYTON, ELIAS (Essex Co., N.J.)
—letter to quoted, 25n
- DAYTON, JONATHAN (Essex Co., N.J.): recommended for Convention, 31
—letter from, 21–22; quoted, 25n
- DEBT, U.S.: foreign creditors may use force to recover, 48; owed to Eastern States, 13–14; owed to soldiers, 14; N.J.'s share of, 9, 11; requisitions needed to pay, 12–18; sale of western lands to pay, 14. *See also* Requisitions
- DEBTS, STATE: paper money for, 54. *See also* Requisitions
- DELAWARE: ratifies Constitution, 48; toasted, 47
- DEMOCRACY: danger of foreign invasion under, 17; danger of, 16; is historically followed by aristocracy, 53. *See also* Government, debate over nature of
- DESPOTISM: anarchy leads to, 16–17
- DICK, SAMUEL (Salem Co., N.J.): listed as a Convention delegate, 43; illness prevents attendance in Convention, 47
- DONGAN, JOHN C. (Richmond Co., N.Y.): criticizes N.J. Federalists for ratification of Constitution, 51, 52

- DRAKE, MR. (Trenton, N.J.): in Assembly, 21
- ECONOMIC CONDITIONS UNDER THE CONFEDERATION: crippling public debt, 12–18. *See also* Commerce; Debt, U.S.; Debts, state; Manufactures
- EDGAR, WILLIAM (Union Co., N.J.)
—letters to, 29, 49
- EDUCATION: toasted, 47
- ELDRIDGE [ELDRIDGE], JEREMIAH (Cape May Co., N.J.): in Convention, 43
- ELECTION LAW, N.J.: N.J. Assembly passes act regarding, 1–8
- “AN ELECTOR”: text of, 31–32
- ELMER, ELI (Cumberland Co., N.J.): in Convention, 44
- ELMER, JONATHAN (Cumberland Co., N.J.): as chair of county meeting, 30
- ESSEX COUNTY, N.J.: recommendations to electors of for Assembly election, 31–32
- EUROPE: threat of subversion by without Union, 17; possibility of war with, 48. *See also* France; Governments, ancient and modern; Great Britain
- FAESCH, JOHN JACOB (Morris Co., N.J.): elected Convention delegate, 42; in Convention, 43
- “A FARMER, OF NEW JERSEY” (John Stevens, Jr.): text of, 31, 39
- FEDERALISM: poem praising, 36–38
- FELL, JOHN (Bergen Co., N.J.): elected Convention delegate, 43; in Convention, 43
- FRANCE: toasted, 47. *See also* Europe; Governments, ancient and modern
- FRELINGHUYSEN, FREDERICK (Somerset Co., N.J.): elected Convention delegate, 42; in Convention, 43
- “FRIEND TO NEW-JERSEY”: text of, 23–25
- FURMAN, MOORE (Hunterdon Co., N.J.)
—letters from, 29, 49; cited, 49, 50n
- GARRITSE, HENRY (Morris Co., N.J.): in Assembly, 10
- GLOUCESTER COUNTY, N.J.: petitions legislature to call state Convention, 31
- GORHAM, NATHANIEL (Charlestown, Mass.): in Assembly, 12, 18
—speech cited, 18
- GOVERNMENT, DEBATE OVER NATURE OF: anarchy leads to, 16–17; aristocracy will not be created under Constitution, 16; danger of pure democracy, 16–17; republics must be attempted, 53; all governments end in tyranny, 53; democracy can lead to monarchy, 53. *See also* Aristocracy; Democracy; Monarchy; Republican form of government; Tyranny
- GOVERNMENTS, ANCIENT AND MODERN: all Greek confederacies were subverted by foreign powers, 17
—The Netherlands: toast to, 47; U.S. debt owed to bankers of, 48
See also Europe; France; Governments, ancient and modern; Great Britain
- GRAYSON, WILLIAM (Prince William Co., Va.): in Assembly, 12, 18
—letter from, 29
—speech cited, 18
- GREAT BRITAIN: could assist The Netherlands in recovering U.S. war debt, 49; retains possession of western posts, 17. *See also* Europe; Governments, ancient and modern
- HAND, JESSE (Cape May Co., N.J.): in Convention, 43
- HANKINSON, AARON (Sussex Co., N.J.): in Assembly, 10
- HANLON, CAPT. (Hunterdon Co., N.J.), 46
- HAPPINESS: only a federal government will bring, 17; opulence is the only source of national, 25–26
- HARDENBERGH, JACOB R. (Somerset Co., N.J.): elected Convention delegate, 42; in Convention, 43
- HARING, PETER (Bergen Co., N.J.): in Council, 35
- HAY, SAMUEL (Essex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- HENNION, CORNELIUS (Bergen Co., N.J.): elected Convention delegate, 43; in Convention, 43
- HENRY, PATRICK (Prince Edward Co., Va.)
—letter from cited, 20
- HOOPS, ROBERT (Sussex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- HORNBLOWER, JOSIAH (Essex Co., N.J.): as delegate to Congress, 10; recommended for Convention, 31
- HOUGHTON, JOAB (Hunterdon Co., N.J.): in Assembly, 10
- HOUSTON, WILLIAM C. (Hunterdon Co., N.J.): in Assembly, 21; resigned, 22

- HOWELL, RICHARD (Gloucester Co., N.J.):
in Convention, 43
- HUMAN NATURE: man is driven mostly by
passions and appetites, 32
- HUNTER, ANDREW (Gloucester Co., N.J.):
in Convention, 43, 45
- HUNTINGTON, SAMUEL (Norwich, Conn.)
—letter from, 52
—letters to cited, 52
- IMPOST: of N.Y. and Pa. dominate N.J.
commerce, 9, 24. *See also* Commerce;
Taxation
- IMPOST OF 1783: read before N.J. Assem-
bly, 12; N.J. rejects requisition due to
lack of compliance with, 9–11; N.Y. re-
jects, 14–15. *See also* Commerce; Taxa-
tion
- INDIANS: federal government needed to
combat, 17; U.S. debt increases from
war with, 14
- IRVINE, WILLIAM (Carlisle, Pa.): says Con-
vention supports Constitution, 30
- JUDICIARY, U.S.: is weak under Articles of
Confederation, 28; will have too much
power under Constitution, 53–54
- KELLEY, DAVID (Somerset Co., N.J.): in As-
sembly, 10
- KNOX, HENRY (Boston/New York City)
—letters from, 28, 29
- KOLLOCK, SHEPARD (Essex Co., N.J.)
—letter to 32–33
- LAMBERT, JOHN (Hunterdon Co., N.J.): in
Assembly, 10
- LARGE VS. SMALL STATES: small states
benefit under Articles of Confedera-
tion, 16
- LAWRENCE, ELISHA (Monmouth Co., N.J.):
elected Convention delegate, 42; in
Convention, 43
- “L.E.”: text of, 32–33
- LIBERTY: surrender of submits one’s soul
to a shackle, 53. *See also* The People;
Sovereignty
- LIVINGSTON, WILLIAM (Essex Co., N.J.):
appointed governor, 41; in Convention,
46; toasted, 47
—letters from cited, 38, 51, 52
—letters to, 51, 52
- LOYD, EDWARD (Talbot Co., Md.)
—letter to, 29
- LONGSTREET, CHRISTOPHER (Sussex Co.,
N.J.): in Assembly, 10
- LOTT, ABRAHAM (New York City)
—letter from, 50
- M’CALLA, THOMAS H. (Cumberland Co.,
N.J.): in county meeting, 30
- MADISON, JAMES (Orange Co., Va.)
—letters from, 28, 29, 30
- MADISON, JAMES, SR. (Orange Co., Va.)
—letter to, 28
- MAGAZINES
—*American Museum* (Philadelphia) (Ma-
thew Carey): reports N.J. ratification of
Constitution, 50
See also Broad­sides, pamphlets, and books;
Newspapers
- MANNING, BENJAMIN (Middlesex Co.,
N.J.): elected Convention delegate, 42;
in Convention, 43
- MANUFACTURES: employing the poor with
domestic, 26–27; toasted, 47. *See also*
Commerce
- “MARGERY”: fictitious letters of, 51, 52
- MARSH, DANIEL (Essex Co., N.J.): in As-
sembly, 20
- MASKELL, DANIEL (Cumberland Co., N.J.):
in county meeting, 30
- MIDDLESEX COUNTY, N.J.: petitions legisla-
ture to call state Convention, 31
- MILITARY: U.S. war debt and, 14. *See also*
Army
- MONARCHY: democracy can lead to, 53;
Constitution will lack corruption of, 16.
See also Aristocracy; Government, debate
over nature of; Great Britain
- MORRIS, GOUVERNEUR (Philadelphia)
—letter from, 29
- MORRIS, ROBERT (Middlesex Co., N.J.)
—letter from, 27–28
- NEILSON, JOHN (Middlesex Co., N.J.):
elected to N.J. Convention, 42; in Con-
vention, 43, 45
—letter to, 50
- NEW JERSEY: burdened by imposts of N.Y.
and Pa., 9; gains honor by unanimous
ratification of Constitution, 50; large
creditor to U.S., 13–14; ratifies Consti-
tution, 45–50, 51, 52; will benefit from
federal regulation of commerce, 17,
24–25
- NEW JERSEY ASSEMBLY: act on payment of
officers, 34–35; appoints commissioners

- to Annapolis Convention, 20–21; cedes land to Congress for federal capital, 58–59; counties petition for Convention, 31, 33; Charles Pinckney's speech to regarding unpaid requisitions, 12–18; election law, 1–8; pays incidental charges for Convention, 59; proceedings of, 8–19, 20, 21, 34–35, 58
- NEW JERSEY CONSTITUTION (1776): document of, 1
- NEW JERSEY CONVENTION: election of delegates to, 41–43; proceedings of, 43–44, 45–48; ratification celebration at Mr. Vandergrist's tavern, 47, 48; ratification procession by, 46; ratifies Constitution, 45; recommends cession of land for federal capital, 46, 48
- NEW JERSEY GOVERNOR: toasted, 47
- NEW JERSEY LEGISLATIVE COUNCIL: proceedings of, 20–21, 34–35
- NEW YORK: commercially dominates N.J., 9, 24; rejection of Impost of 1783 by, 14–15; will ratify Constitution, 54. *See also* Antifederalists
- NEWSPAPERS: N.J. Convention proceedings in, 43–44, 45–48; reports on calling of N.J. Convention, 40–41; reports on election of delegates to N.J. Convention, 41–43; reports of N.J. ratification, 49–50
- CONNECTICUT NEWSPAPERS
- Middlesex Gazette*: printed, 135–36
- New Haven Gazette*: printed, 168
- DELAWARE NEWSPAPERS
- Delaware Gazette*, 175, 175n
- MASSACHUSETTS AND MAINE NEWSPAPERS
- Salem Gazette/Mercury*: printed, 41
- NEW JERSEY NEWSPAPERS
- Brunswick Gazette*: printed, 41, 42, 45, 50n
- New Jersey Journal*: printed, 21, 23, 25–26, 31–32, 36–38, 48, 51, 53, 55–58
- Trenton Mercury*: printed, 41, 42, 43, 45–48
- NEW YORK NEWSPAPERS
- Daily Advertiser*: printed, 39, 42, 49
- Independent Journal*: printed, 49
- New York Journal*: printed, 30, 49
- PENNSYLVANIA NEWSPAPERS
- Independent Gazetteer*: printed, 33, 49
- Pennsylvania Herald*: printed, 30–31
- Pennsylvania Journal*: printed, 40–41, 49
- Pennsylvania Mercury*: printed, 49–50, 50n
- See also* Broad sides, pamphlets, and books; Magazines
- NICOLL, ISAAC (Bergen Co., N.J.): in Assembly, 9, 10
- OATHS: for N.J. delegates, 8; for N.J. election officials, 2; for N.J. electors, 3; for members of N.J. legislature, 5, 6–7
- OGDEN, ROBERT (Sussex Co., N.J.): elected Convention delegate, 42; in Convention, 43
- OTTO, LOUIS-GUILLAUME (France): says European war unlikely, 48
- PAPER MONEY: could cease to be legal tender under Constitution, 54; depreciation of N.J., 24, 28, 48. *See also* Economic conditions under the Confederation
- PENNSYLVANIA: commercially dominates N.J., 9, 24; ratifies Constitution, 48; toasted, 47
- THE PEOPLE: civilizations advance in concurrence with vices of, 53; N.J. Convention procession reads ratification of Constitution to, 46. *See also* Sovereignty
- PETITIONS: to the legislature calling for Convention, 31, 33
- PINCKNEY, CHARLES (Christ Church Parish, S.C.): in Assembly, 12, 18
- speech of, 12–18
- POETRY: The Final Decision, 36–38
- POLITICAL CONDITIONS UNDER THE ARTICLES OF CONFEDERATION: anarchy leads to despotism, 16–17
- POTTER, DAVID (Cumberland Co., N.J.): in county meeting, 30; in Convention, 43
- POVERTY: domestic manufacturing will alleviate, 26–27
- PRICE, RICHARD (England)
- letter to, 53
- PROPERTY, PRIVATE: valuation of inadequately reported by Confederation states, 18
- PSEUDONYMS: A Babler, 52; An Elector, 31–32; A Farmer, of New Jersey (Stevens), 31; A Friend to New-Jersey, 23–25; "L.E.," 32–33; Margery, 51, 52; A Zealous Columbian, 25–27
- RANDOLPH, EDMUND (Henrico Co., Va.)
- letter from cited, 20
- letters to, 29

- RATIFICATION, PROSPECTS FOR: Del. favors, 28; Md. favors, 51; N.J. favors, 28–30, 31; N.Y. probable, 54; N.Y. questionable, 48
- REED, BOWES (Hunterdon Co., N.J.): in Assembly, 20
- RELIGION: civil and religious tyranny are twin monsters, 53; toasted, 47
- REPRESENTATION: disproportionate under Articles of Confederation, 15. Republican form of government
- REPUBLICAN FORM OF GOVERNMENT: is a gift that must be attempted regardless of historical failures, 53. *See also* Government, debate over nature of
- REQUISITIONS: Charles Pinckney's speech to N.J. Assembly on unpaid, 12–18; Confederation states' obligations regarding, 12–13, 18; N.J. rescinds non-compliance with, 19; N.J.'s non-compliance with, 9–11. *See also* Debt, U.S.; Taxation
- REYNOLDS, THOMAS (Burlington Co., N.J.): elected Convention delegate, 41–42; in Convention, 43
- RHEA, JOHN [JONATHAN] (Sullivan Co., N.C.)
—letter to, 28
- RIGGS, JOSEPH (Essex Co., N.J.): deposition of, 55
- ROGERS, WILLIAM (Hunterdon Co., N.J.): pay for, 59
- ROSS, WILLIAM (New York City): ad in newspaper as book seller, 39
—letter from, 39–40
- RUSH, BENJAMIN (Philadelphia): possible author of fictitious letter, 51n
- RUTHERFORD, WALTER (New York City/Hunterdon Co., N.J.): delivers letter, 40
—letter from, 48
- SALEM COUNTY, N.J.: partial attendance at Convention, 47; petitions N.J. legislature to call Convention, 31
- SCHENCK, PETER (Monmouth Co., N.J.): in Assembly, 10, 18
- SCHUREMAN, JAMES (Middlesex Co., N.J.): in Assembly, 10, 42
- SHAYS, DANIEL (Pelham, Mass.), 22; in poem, 38
- SHEEP: increasing numbers of recommended, 26
- SHEPPARD, JOHN (Cumberland Co., N.J.): in Assembly, 10
- SHORT, WILLIAM (Surtly Co., Va./France)
—letter to, 29
- SINNICKSON, THOMAS (Salem Co., N.J.): in Assembly, 10, 20
—letter to, 181–84
- SMALLWOOD, WILLIAM (Charles Co., Md.)
—letter from, 51
—letter to cited, 51
- SMITH, JONATHAN BAYARD (Philadelphia): in satirical letter, 51
- SMITH, JOSEPH (Burlington Co., N.J.): in Assembly, 10
- SMITH, RICHARD S. (Burlington Co., N.J.): in Assembly, 10, 11, 19, 20
—speech cited, 12
- SOVEREIGNTY: of states as obstacle to Constitution, 53. *See also* The People
- SPAIN: toasted, 47
- STARKE, JOHN (Morris, N.J.): in Assembly, 10
- STATES UNDER THE ARTICLES OF CONFEDERATION: fail to pay federal requisitions, 12–18; Constitution was challenged by sovereignty and local interests of, 53
- STEVENS, JOHN, JR. (Bergen Co., N.J.)
—letters from, 29, 39, 40, 40, 53
—letters to, 39–40, 48
- STEVENS, JOHN, SR. (Hunterdon Co., N.J.): elected Convention delegate, 42; elected president of Convention, 43, 44; in Convention, 46–47; toasted, 47
—letters to, 29, 39, 40
- STILLWELL, JOSEPH (Monmouth Co., N.J.): in Assembly, 10
- STOCKTON, SAMUEL WITHAM (Hunterdon Co., N.J.): to share a letter, 40; elected secretary of Convention, 43, 44; in Assembly, 45–46; pay for, 59
—letters from cited, 58
- SWAIN, NEZER (Cape May Co., N.J.): in Assembly, 10
- SYMMES, JOHN CLEVES (Sussex Co., N.J./Ohio): as delegate to Congress, 10
- TAXATION: Confederation states' obligations regarding, 12–13; N.J. excise tax, 23, 31; N.J. paper money to Continental receiver, 54. *See also* Impost; Requisitions
- TEMPLE, JOHN (England): says European war unlikely, 48
—letter from, 352
- TERHUNE, JACOB (Bergen Co., N.J.): in Assembly, 10

- TOASTS, 47
- TYRANNY: all governments end in, 53. *See also* Monarchy
- UNITED STATES: as asylum of invaded Liberty, 47; federal government will be too expensive, 53; citizens of toasted, 47. *See also* American Revolution
- VAN CLEVE, BENJAMIN (Hunterdon Co., N.J.): in Assembly, 34
—letter to, 40
- VAN DYKE, NICHOLAS, JR. (Princeton, N.J.)
—letter from, 52
- VAN DYKE, NICHOLAS, SR. (Princeton, N.J.)
—letter to, 52
- VIRTUE: declines as nations age, 53
- WALLACE, JOSHUA M. (Burlington Co., N.J.): chairman Burlington Co. election board, 33; elected Convention delegate, 41, 42; in Convention, 43
- WALTON, ELISHA (Monmouth Co., N.J.): in Assembly, 10
- WAR: possibility of with Europe, 48. *See also* American Revolution; Army; Military
- WARD, MATTHIAS (Essex Co., N.J.): as county judge, 55
- WASHINGTON, GEORGE (Fairfax Co., Va.): in poem, 36
—letters to, 28, 29, 30
- WESTERN LANDS: sale of to pay U.S. debt, 14
- WETHERBY, EDMUND (Salem Co., N.J.): in Convention, 43
- WHILLDIN, MATTHEW (Cape May Co., N.J.): in Assembly, 10; in Convention, 43
- WHITTALL, BENJAMIN (Gloucester Co., N.J.): in Convention, 43
- WINDES, WILLIAM (Morris Co., N.J.): elected Convention delegate, 42; in Convention, 43
- WITHERSPOON, JOHN (Somerset Co., N.J.): elected Convention delegate, 42; in Convention, 43, 45
- WITT, FRANCIS (Trenton, N.J.): pay for, 59
- WOMEN: toasted, 47
- WOODHULL, WILLIAM (Morris Co., N.J.): elected Convention delegate, 42, 43; in Convention, 43
- WYNKOOP, MAJOR (Sussex Co., N.J.)
—letter to 27–28
- ZABRISKIE, PETER (Bergen Co., N.J.): elected Convention delegate, 43; in Convention, 43
- “A ZEALOUS COLUMBIAN”: text of, 25–27

1. Constitution of New-Jersey, 1776.



CONSTITUTION

O F

NEW-JERSEY.

B U R L I N G T O N :

Printed and Sold by *ISAAC COLLINS*, 1776.



C O N S T I T U T I O N

O F

N E W - J E R S E Y .

WHEREAS all the constitutional Authority, ever possessed by the Kings of *Great-Britain* over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society; Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn. And whereas *George* the Third, King of *Great-Britain*, has refused Protection to the good People of these Colonies; and, by assenting to sundry Acts of the *British* Parliament, attempted to subject them to the absolute Dominion of that Body; and has also made War upon them in the most cruel and unnatural Manner, for no other Cause than asserting their just Rights, all civil Authority under him is necessarily at an End, and a Dissolution of Government in each Colony has consequently taken Place.

AND

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AND WHEREAS in the present deplorable Situation of these Colonies, exposed to the Fury of a cruel and relentless Enemy, some Form of Government is absolutely necessary, not only for the Preservation of good Order, but also the more effectually to unite the People, and enable them to exert their whole Force in their own necessary Defence; and as the Honourable the Continental Congress, the Supreme Council of the *American Colonies*, has advised such of the Colonies, as have not yet gone into the Measure, to adopt for themselves respectively such Government, as shall best conduce to their own Happiness and Safety, and the Well-Being of *America* in general; We, the Representatives of the Colony of *New-Jersey*, having been elected by all the Counties in the freest Manner, and in Congress assembled, have, after mature Deliberation, agreed upon a Set of Charter-Rights, and the Form of a Constitution, in Manner following, *Videlicet*:

I. THAT the Government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

II. THAT the said Legislative Council and Assembly shall be chosen, for the first Time, on the second *Tuesday* of *August* next; the Members whereof shall be the same in Number and Qualifications as is herein after mentioned; and shall be and remain vested with all the Powers and Authority to be held by any future Legislative Council and Assembly of this Colony, until the second *Tuesday* in *October*, which will be in the Year of our Lord One Thousand Seven Hundred and Seventy-seven.

III. THAT

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III. THAT on the said second *Tuesday* in *October*, yearly and every Year for-ever (with the Privilege of adjourning from Day to Day as Occasion may require) the counties shall severally choose one Person to be a Member of the Legislative Council of this Colony, who shall be and have been for one whole Year next before the Election, an Inhabitant and Freeholder in the county in which he is chosen, and worth at least *One Thousand Pounds*, Proclamation Money, of Real and Personal Estate within the same county: That, at the same Time, each county shall also choose three Members of Assembly; provided, that no Person shall be entitled to a Seat in the said Assembly, unless he be and have been for one whole Year next before the Election, an Inhabitant of the county he is to represent, and worth *Five Hundred Pounds*, Proclamation Money in Real and Personal Estate in the same county: That, on the second *Tuesday* next after the Day of Election, the Council and Assembly shall separately meet; and that the consent of both Houses shall be necessary to every Law, provided that seven shall be a Quorum of the Council for doing Business; and that no Law shall pass, unless there be a Majority of all the Representatives of each Body personally present and agreeing thereto. *Provided always*, That if a Majority of the Representatives of this Province in Council and General Assembly convened, shall, at any Time or Times hereafter, judge it equitable and proper to add to or diminish the Number or Proportion of the Members of the Assembly for any county or counties in this Colony, then, and in such case, the same may, on the Principles of more equal Representation, be lawfully done, any Thing in this Charter to the contrary notwithstanding; so that the whole Number of Representa-

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tives in Assembly shall not at any Time be less than thirty-nine.

IV. THAT all Inhabitants of this Colony of full Age, who are worth *Fifty Pounds*, Proclamation Money, clear Estate in the same, and have resided within the county in which they claim a Vote for twelve Months immediately preceding the Election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other publick Officers that shall be elected by the People of the county at Large.

V. THAT the Assembly, when met, shall have Power to choose a Speaker, and other their Officers; to be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; prepare Bills to be passed into Laws, and to empower their Speaker to convene them, whenever any extraordinary Occurrence shall render it necessary.

VI. THAT the Council shall also have Power to prepare Bills to pass into Laws, and have other like Powers as the Assembly, and in all Respects be a free and independant Branch of the Legislature of this Colony; save only that they shall not prepare or alter any Money Bill, which shall be the Privilege of the Assembly; that the Council shall, from Time to Time, be convened by the Governor or Vice-President, but must be convened at all Times when the Assembly sits; for which Purpose the Speaker of the House of Assembly shall always immediately after an Adjournment give Notice to the Governor or Vice-President of the Time and Place to which the House is adjourned.

VII. THAT

[7]

VII. THAT the Council and Assembly jointly at their first Meeting, after each annual Election, shall, by a Majority of Votes, elect some fit Person within the Colony to be a Governor for one Year, who shall be constant President of the Council, and have a casting Vote in their Proceedings; and that the Council themselves shall choose a Vice-President, who shall act as such in the Absence of the Governor.

VIII. THAT the Governor, or, in his Absence, the Vice-President of the Council, shall have the Supreme executive Power, be Chancellor of the Colony, and act as Captain-General and Commander in chief of all the Militia, and other military Force in this Colony; and that any three or more of the Council shall, at all Times, be a Privy Council to advise the Governor in all cases, where he may find it necessary to consult them; and that the Governor be Ordinary or Surrogate General.

IX. THAT the Governor and Council (seven whereof shall be a Quorum) be the Court of Appeals in the last Resort in all Causes of Law as heretofore; and that they possess the Power of granting Pardons to Criminals after Condemnation in all Cases of Treason, Felony, or other Offences.

X. THAT Captains, and all other inferior Officers of the Militia, shall be chosen by the companies in the respective counties; but Field and General Officers by the Council and Assembly.

XI. THAT the Council and Assembly shall have Power to make the Great Seal of this Colony, which shall be kept by
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the Governor, or, in his Absence, by the Vice-President of the Council, to be used by them as Occasion may require ; and it shall be called *The Great Seal of the Colony of New-Jersey*.

XII. THAT the Judges of the Supreme Court shall continue in Office for seven Years, the Judges of the Inferior Court of Common Pleas in the several counties, Justices of the Peace, Clerks of the Supreme Court, Clerks of the Inferior Courts of Common Pleas, and Quarter-Sessions, the Attorney-General and Provincial Secretary, shall continue in Office for five Years, and the Provincial Treasurer shall continue in Office for one Year ; and that they shall be severally appointed by the Council and Assembly in Manner aforesaid, and commissioned by the Governor, or, in his Absence by the Vice-President of the Council. *Provided always,* That the said Officers severally shall be capable of being re-appointed at the End of the Terms severally before limited ; and that any of the said Officers shall be liable to be dismissed, when adjudged guilty of Misbehaviour by the Council on an Impeachment of the Assembly.

XIII. THAT the Inhabitants of each county, qualified to vote as aforesaid, shall, at the Time and Place of electing their Representatives, annually elect one Sheriff, and one or more Coroners ; and that they may re-elect the same Person to such Offices, until he shall have served three Years, but no longer ; after which three Years shall elapse before the same Person is capable of being elected again. When the Election is certified to the Governor or Vice-President, under the Hands of six Freeholders of the county for which they

they were elected, they shall be immediately commissioned to serve in their respective Offices.

XIV. THAT the Townships, at their annual Town-Meetings for electing other Officers, shall choose Constables for the Districts respectively ; and also three or more judicious Freeholders of good Character to hear and finally determine all Appeals relative to unjust Assessments in Cases of publick Taxation ; which Commissioners of Appeal shall, for that Purpose, sit at some suitable Time or Times to be by them appointed, and made known to the People by Advertisements.

XV. THAT the Laws of this Colony shall begin in the following Style, viz. *Be it enacted by the Council and General Assembly of this Colony, and it is hereby enacted by the Authority of the same :* That all Commissions, granted by the Governor or Vice-President, shall run thus—*The Colony of New-Jersey to A B &c. Greeting :* And that all Writs shall likewise run in the Name of the Colony : And that all Indictments shall conclude in the following Manner, viz. *against the Peace of this Colony, the Government, and Dignity of the same.*

XVI. THAT all Criminals shall be admitted to the same Privileges of Witnesses and Counsel, as their Prosecutors are or shall be entitled to.

XVII. THAT the Estates of such Persons as shall destroy their own Lives shall not, for that Offence, be forfeited ; but shall descend in the same Manner as they would have done had such Persons died in a natural Way ; nor shall any Article, which may occasion accidentally the Death of any
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one,

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one, be henceforth deemed a Deodand, or in anywise forfeited on Account of such Misfortune.

XVIII. THAT no Person shall ever within this Colony be deprived of the inestimable Privilege of worshipping Almighty God in a Manner agreeable to the Dictates of his own Conscience; nor under any Pretence whatsoever compelled to attend any Place of Worship, contrary to his own Faith and Judgment; nor shall any Person within this Colony ever be obliged to pay Tithes, Taxes, or any other Rates, for the Purpose of building or repairing any Church or Churches, Place or Places of Worship, or for the Maintenance of any Minister or Ministry, contrary to what he believes to be Right, or has deliberately or voluntarily engaged himself to perform.

XIX. THAT there shall be no Establishment of any one religious Sect in this Province in Preference to another; and that no *Protestant Inhabitant* of this Colony shall be denied the Enjoyment of any civil Right merely on Account of his religious Principles; but that all Persons, professing a Belief in the Faith of any Protestant Sect, who shall demean themselves peaceably under the Government as hereby established, shall be capable of being elected into any Office of Profit or Trust, or being a Member of either Branch of the Legislature, and shall fully and freely enjoy every Privilege and Immunity enjoyed by others their Fellow-Subjects.

XX. THAT the Legislative Department of this Colony may, as much as possible, be preserved from all Suspicion of Corruption, none of the Judges of the Supreme or other
Courts,

[11]

Courts, Sheriffs, or any other Person or Persons possessed of any Post of Profit under the Government, other than Justices of the Peace, shall be entitled to a Seat in Assembly; but that, on his being elected and taking his Seat, his Office or Post shall be considered as vacant.

XXI. THAT all the Laws of this Province, contained in the Edition lately published by Mr. *Allinson*, shall be and remain in full Force, until altered by the Legislature of this Colony (such only excepted as are incompatible with this Charter) and shall be, according as heretofore, regarded in all Respects by all civil Officers, and others, the good People of this Province.

XXII. THAT the Common Law of *England*, as well as so much of the Statute-Law, as have been heretofore practised in this Colony, shall still remain in Force, until they shall be altered by a future Law of the Legislature; such Parts only excepted as are repugnant to the Rights and Privileges contained in this Charter; and that the inestimable Right of Trial by Jury shall remain confirmed, as a Part of the Law of this Colony without Repeal for-ever.

XXIII. THAT every Person, who shall be elected as aforesaid to be a Member of the Legislative Council or House of Assembly, shall, previous to his taking his Seat in Council or Assembly, take the following Oath or Affirmation, *viz.*
I, A B do solemnly declare, that, as a Member of the Legislative Council (or Assembly as the Case may be) of the Colony of New-Jersey, I will not assent to any Law, Vote or Proceeding, which shall appear to me injurious to the publick Welfare of said Colony,

[12]

Colony, nor that shall annul or repeal that Part of the third Section in the Charter of this Colony, which establishes that the Elections of Members of the Legislative Council and Assembly shall be annual, nor that Part of the twenty-second Section in said Charter respecting the Trial by Jury, nor that shall annul, repeal or alter any Part or Parts of the eighteenth or nineteenth Sections of the same. And any Person or Persons, who shall be elected as aforesaid, is hereby empowered to administer to the said Members the said Oath or Affirmation.

Provided always, and it is the true Intent and Meaning of this Congress, That if a Reconciliation between Great-Britain and these Colonies should take Place, and the latter be again taken under the Protection and Government of the Crown of Great-Britain, this Charter shall be null and void, otherwise to remain firm and inviolable.

*In Provincial Congress, New Jersey,
Burlington, July 2, 1776.*

By Order of Congress,

SAMUEL TUCKER, President.

Extract from the Minutes,

WILLIAM PATERSON, Sec.



14-A. Gloucester County Petition to the Legislature, 1 October.¹

To the Honorable the General Assembly of the State
of New Jersey
The Petition of the Inhabitants of the County
of Gloucester
respectfully sheweth.

That your Petitioners have
seen with great Pleasure the proposed Constitution
of the United States and they conceive it to
be wisely calculated to form a perfect Union
of the States, as well as to secure to themselves
the Blessings of Peace Liberty & Justice they
have taken this Method of expressing their
earnest desires that the said Constitution may
be adopted as speedily as possible by the State
of New Jersey in the manner recommended by
the Resolutions of the late Honorable Convention

October 1. 1787.

Joseph Cooper	Andrew Pat. ^r of
Sam. Hugg	In ^t Bingham
Sam Cooper	Joseph Paul
Elizens	William Hollingshead
Daniel Sutherland	James Hopkins
Simeon Lane	Samuel
Tho ^s West	Charles West
Abraham Inskeep	Tho ^s Heston
Bony Whitall	Jos ^s Kanneeman
	Joseph Gibson Jun ^r
	Anthony Allen
	Ja ^s ob Dozms
	Josiah Carens

1. DS, Bureau of Archives and History, New Jersey State Library.

<p>John Jones Thomas Carpenter James Matthews Isaac Gray John Sanders Samuel S. Black John Winter Robert Taylor Jonathan Griffin Samuel Stratton George S. Bennett John H. Schermer Jonathan Barker Edward West William Lewis John Ware Thomas Langley Samuel Bennett John Roberts John S. Bennett John S. Bennett Robert Sparks James Hawley</p>	<p>Samuel Blanning Elisha Clark John Thomas John Thomas Junr Co. Matthews Andrew Hartney Thomas Mori Thomas Langley Samuel Lanning Samuel Allen Noah Wiley Nathan Jones William Ellis Samuel Tolson Co. Campbell Aaron Bennett Saml Tenkin 64</p>
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Gloucester Petition

No. 2.

To the Hon^{ble} of the Federal
Congress may be referred

to -

14-B. Burlington County Petition to the Legislature, 3 October.¹

To the Hon^{ble} the Legislature of the State
of New Jersey.

The Petition of the Justices & Freeholders of
the County of Burlington, respectfully sheweth

That they have read and considered with attention
the Constitution for the United States of America,
as proposed by the late Federal Convention: that
the same appears to them well calculated to amend
the Defects of the former Constitution and to promote
the lasting Welfare and Happiness of the Union.

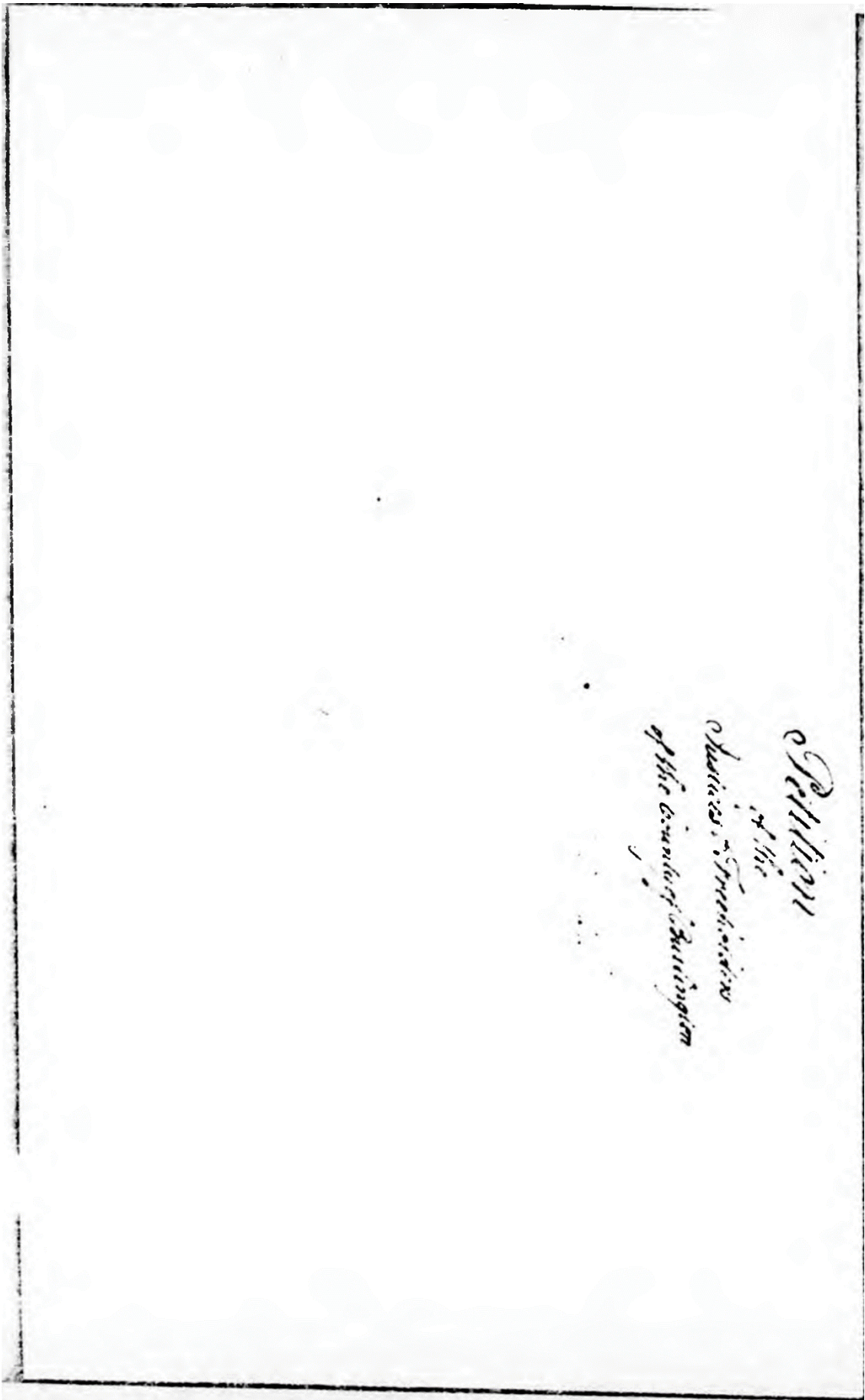
They therefore humbly request that Your Honorable
Body, in conformity to the Opinion of the late Conven-
tion, would recommend to the People of this State im-
mediately to elect Delegates to a State Convention,
in order to take into Consideration the said Federal
Constitution and if approved of to ratify the same
in Behalf of the State of New Jersey.

By Order of the Board

Joshua M. Wallace. Chairman

Burlington 3^d Oct 1787

1. DS, Bureau of Archives and History, New Jersey State Library.



*Petition
of the
Chairmen & Trustees
of the County of Burlington*

14-C. Middlesex County Petition to the Legislature.¹

To the Honorable the Legislative Council and General
 Assembly of the State of New Jersey —

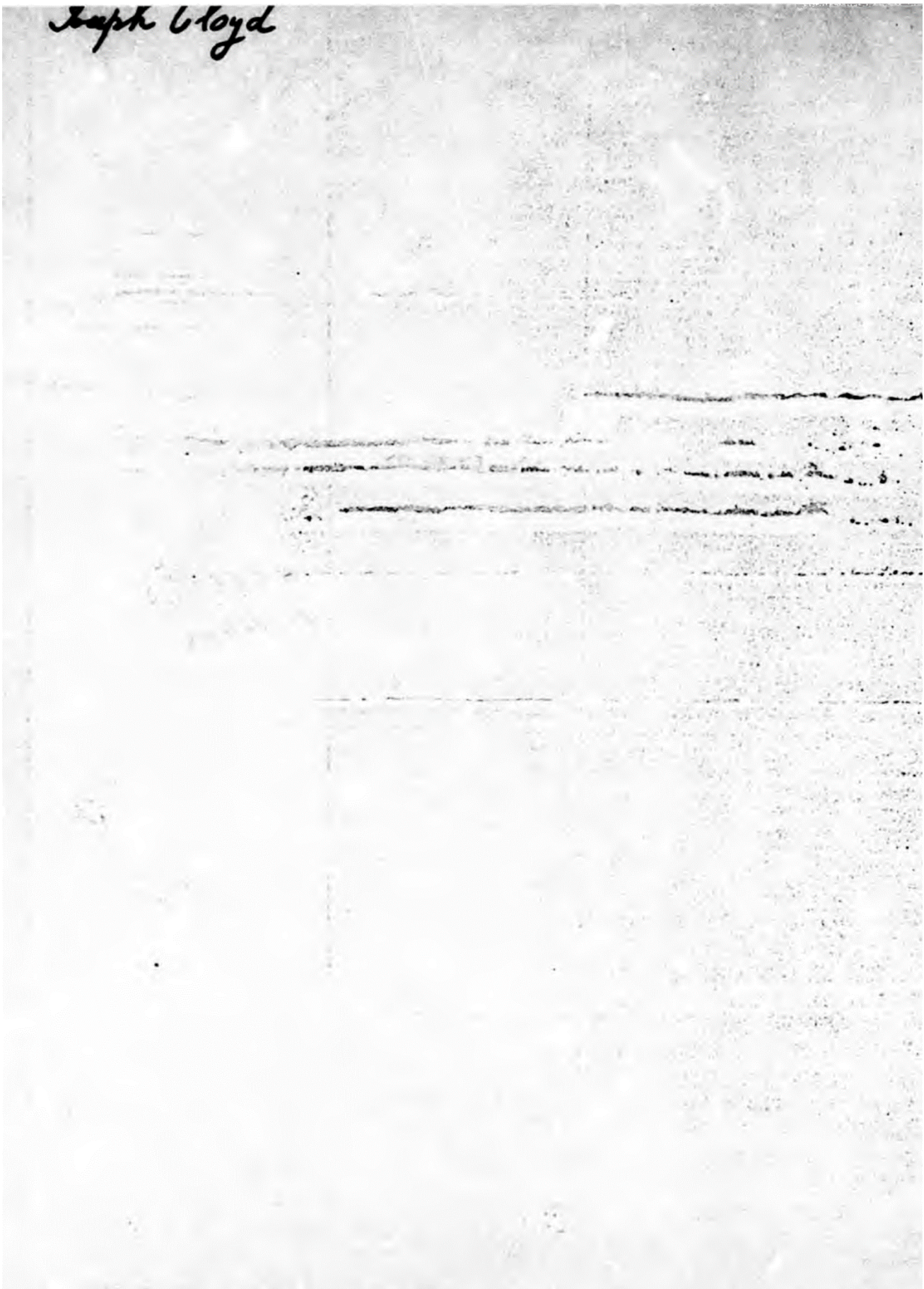
The Petition of the Subscribers
 Sheweth
 That your Petitioners have seen with entire satisfaction the
 form of a federal Government, agreed to by the Convention of Delegates
 from the several states composing the Union, lately held in the
 City of Philadelphia, recommended by the Honorable the Congress
 to the several states, by their unanimous Resolve bearing date
 the 28 September 1787 —

Your Petitioners beg leave to take this
 earliest opportunity to communicate to your Honorable body
 their approbation of the aforesaid proceedings and pray that
 the measure for appointing a Convention for the purpose of
 adopting the said form of Government may without delay
 be provided for

Chas. R. Howard	William Heath	Sam ^l Douglass
David Corvill	William Tenbrook	Wm ^l Hoop
George Hart	Wm ^l Tenbrook	William Evans
Abraham Lane	Richard Shippey	Jos ^l & Jos ^l etc
Christianus Luyman	John Bowen	Thomas Darby
John Lutton	John Aulen	John Myer
John Van Dyke	John Voorhees	Charles Wilton
Alexander Dickson	Benjamin Low	Thomas Aulen
William Beachford	James H. Low	John D. ...
Joseph ...	Richard ...	Jermiah Guiles
		Joseph ...
		Richard ...

1. DS, Bureau of Archives and History, New Jersey State Library.

Joseph Lloyd



14-D. Middlesex County Petition to the Legislature.¹

To the Honorable the Legislative Council
and general assembly of the State of New
Jersey —

The Petitioners The Subscribers
Sheweth

That your Petitioners have seen with entire
satisfaction, the form of a federal Government, agreed to by
the convention of Deputies from the several States composing the
Union, lately held in the City of Philadelphia, recommended
by the Honorable the Congress to the several States, by their
unanimous Resolves bearing date the 20th Sept. 1787 —

Your Petitioners beg leave to take
this earliest opportunity to communicate to your Honorable
body their approbation of the aforesaid proceedings, and
to pray that the measure of appointing a Convention for the
purpose of adopting the said form of Government may with
out delay be provided for

Philip French, John Colwood, Joseph Elden —
John Smith, John J. Hart, Jacob Hartley
— — — — — William J. J. — — — — —
— — — — — John Elden — — — — —
— — — — — John Dennis, — — — — —
— — — — — John Co. — — — — —
— — — — — — — — — — —
— — — — — — — — — — —
James Cole, John Co. — — — — —
— — — — — — — — — — —
John Taylor, — — — — —

1. DS, Bureau of Archives and History, New Jersey State Library.

Abraham Schuyler George Cook
 Matthew Wright Thomas Paul
 Robert Hyde Gabriel Sillcock
 John Schuurman Nathan France
 John Guest John W. Trench
 Paul J. Schantz
 John C. Thompson Cornelius Sanderson
 Peter Van der Plighe John J. Cooper
 John Lyle Edward Stripes
 John Lyle Junr Alexander J. Jansz
 Moses Cook Richard Van Aerden
 William Miller Paul Voorhes
 Wm. Applegate Henry Sillcock
 William Heyder James Hartwick
 Joseph D. Moore George Hance
 William Van Dusen
 Lewis Lammie
 Matthew Egerton
 John Voorhes
 John Voorhes Junr
 John Henry
 John D. Wood
 Comd. Tom Brewster
 Peter Durmont
 John D. Alley
 John Plum
 Andrew Lett
 Nicholas H. Brown
 Peter Thomas
 John Cook
 Jacob Curtis
 John Schuchert
 John Lewis
 Thomas Egbert
 Shelby Annett
 John H. Dudley

14-E. Salem County Petitions to the Legislature.¹

To the Honorable Legislature (Council and
 General Assembly) of the State of New Jersey

The Petition of a number of the Freeholders &
 other Inhabitants of the County of Salem.

Humily sheweth that the year 1789 has
 been seen & most wisely deliberated upon the new
 Constitution framed & recommended by the Honorable
 Convention lately held in the City of Philadelphia.
 It was considered, after the most serious and
 unprejudiced examination of the different Pro-
 visions & Sections of Articles of the Constitution,
 that nothing but the immediate adoption of it
 can save the united States in General, & this
 State in particular from absolute ruin.
 We therefore pray that, without loss of time you
 will unanimously resolve upon creating or
 appointing a committee agreeable to the recommendation
 of the Grand Convention, & of Congress for the
 final ratification of the New Constitution.

James James
 H. W. Hall
 John Hall
 John Jones
 Robert Jones
 Thomas Jones

John Sullivan
 John Lloyd
 Will. Wood
 John Currier
 Daniel Guy
 John Smith
 John Brown
 John White
 John Black

1. DS, Bureau of Archives and History, New Jersey State Library.

Samuel Sharp	Jonas Keen
Thomas Carney	Christopher Howard
Isiah Boggs	Samuel Lyman & Co
David Davis	Peter Dudgeon
Robert Johnson	David Colson
Carlus King	John Gosting
Geo. Morrison	Joseph Atkinson
John Simmons	Oliver Smith
John Sharp	John Thompson
Wid. G. Hays	Louis Smith
Samuel Siler	Samuel D. Ricker
Thomas A. Hays	Ezekiel Ballinger
Jacob Light	William Dickson
James Brisley	Isaac Barber Junr
Isaac Garrison	Eli Stea Head
John Shinn	Benjamin Robinson
Hugh Hines	Ed. Weeks
Cornelius Austin	Henry Barber
David Austin	Mark Nicholson
William Fox	Sam. Garrison
James Parvin	John Thomas
Benjamin Elliott	David Muller
	Samuel G. H. H. H.
	John M. Peak
Jonathan Hancock	
John H. H. H.	Oliver H. H. H.
James H. H. H.	John H. H. H.
Peter H. H. H.	James H. H. H.
Samuel H. H. H.	John H. H. H.
John H. H. H.	William H. H. H.
John H. H. H.	John H. H. H.
John H. H. H.	
John H. H. H.	



*Petition from
Salem*

RECEIVED

20-A. "A Farmer, of New-Jersey," Observations on Government . . . , New York, 1787.

OBSERVATIONS

ON

GOVERNMENT,

INCLUDING SOME

ANIMADVERSIONS

OF

Mr. ADAMS'S DEFENCE

OF THE

CONSTITUTIONS OF GOVERNMENT

OF

THE UNITED STATES OF AMERICA:

AND ON

Mr. DE LOLME'S

CONSTITUTION OF ENGLAND.

By A FARMER, OF NEW-JERSEY.

NEW-YORK, PRINTED BY W. ROSS, IN BROAD-STREET.

M.DCC.LXXXVII.

OBSERVATIONS

ON GOVERNMENT, &c.

On procuring Mr. Adams's book, I set down with the utmost eagerness and impatience to the perusal of it. From its title I had formed high expectations that all the intricate and perplexing circumstances which have embarrassed this subject, would be clearly developed; judge then of my extreme mortification, when, after having followed the Doctor thro' all the rubbish which with *profound erudition* and infinite pains he has collected from the storehouses and magazines of antiquity, I came to the conclusion, without encountering one single passage or argument which could be styled "A Defence of the " Constitutions of Government of the United " States of America." In short we must be constrained to call him, notwithstanding his great abilities, nothing more than a state empiric, who prescribes one single remedy for all disorders: Let what will be the situation of the patient, let the disorder proceed from what cause it may, you have only to administer a
dose

(4)

lose of "Orders" and "Balances," and the body politic will be immediately restored to health and vigour. But what winds up the ridicule of this business to the highest pitch, is, that not a single scruple of this universal and so much boasted political nostrum, is to be found in any one of the governments of the United States. But lest I may be thought to have misunderstood the meaning Mr. Adams has annexed to the term "Orders," I shall transcribe a few passages from his book; which puts this matter, I think, out of all doubt.

He tells us, "That a nobility and gentry, in a popular government, not over-balancing it, is the very life and soul of it."

The writings of philosophers "are very much to our purpose, to shew the utility and necessity of different orders of men, and of a equilibrium of powers and privileges."

"The only remedy is to throw the rich and the proud into one group, in a separate assembly, and then tie their hands.

"There can be no government of laws without a balance; and there can be no balance without *three orders*; and that even three orders can never balance each other, unless each in its department is independent and absolute.

"The Lacedemonian republic may then, with propriety, be called monarchical, and had the three essential parts of the best possible government; it was a mixture of monarchy, aristocracy, and democracy.

"Unless

(5)

“ Unless three powers have an absolute vote
 “ or negative to every law, the constitution
 “ can never be preserved.

“ Orders of men, watching and balancing
 “ each other, are the only security;—power
 “ opposed to power, and interest to interest.

“ Experience has ever shewn, that education
 “ as well as religion, aristocracy as well as
 “ democracy and monarchy, are, singly, totally
 “ inadequate to the business of restraining the
 “ passions of men, of preserving a steady go-
 “ vernment, and protecting the laws, liberties,
 “ and properties of the people. Nothing has
 “ ever effected it but *three different orders of*
 “ *men*, bound by their interest to watch over
 “ each other, and stand the guardians of the
 “ laws.

But that we may not flatter ourselves that we possess in any shape this invaluable political nostrum, he tells us expressly, that “ in Ame-
 “ rica the balance is nine-tenths on the side of
 “ the people : indeed there is but *one order*.”

Thus then we have neither “ Balances” nor
 “ Orders.” And that we may no longer enter-
 tain the fond delusive idea of having established
 our governments and our liberties on a firm
 basis, he tells us further, that “ without *three*
 “ *orders*, and an effectual balance between them,
 “ in every American constitution, it must be
 “ destined to frequent unavoidable revolutions.”
 Again, “ It is impossible to erect even the
 “ smallest government, among the poorest peo-
 “ ple, without different orders, councils, and
 “ balances.”

(6)

“balances.” This is certainly a most singular mode of defending a cause.

Here I might leave the Doctor to reconcile these absurdities and inconsistencies in the best manner he can; but as the doctrine of the necessity of orders and balances in government has had a number of powerful advocates among the men of letters in Europe, it becomes us therefore to bestow the utmost care and attention towards investigating this subject, so particularly important to us at this time. Should the principles advanced by Adams, Le Lolme, and others, prove to be well founded, we have hitherto been only in pursuit of a phantom. The delusive dream which has amused the imaginations of generous exalted natures in every age and country, must at length be abandoned. We must at last be constrained to open our eyes; we must make the humiliating and mortifying acknowledgment that man is incapable of governing himself, but must of necessity resign himself to the guidance of one or more masters. And is the cause of human nature to be thus abandoned? Must the ætherial spark of liberty, which has ever been so ready to kindle into a flame in the human breast, be suffered to expire? No, my fellow countrymen! let us make one more generous effort in favour of human nature; let us endeavour to risque her from the opprobium which these writers have cast upon her.

The following observations therefore, tho' they may fail of conviction, will, I trust, be
taken

(7)

taken in good part by my fellow countrymen, as the well-meant, tho' perhaps unavailing endeavours of a fellow citizen, in defence of our democratic forms of government.

Man is by nature a gregarious animal. Interest urges him, with an impulse almost irresistible, to associate with his kind; and reason and experience convinces him how necessary society is to his welfare. In a solitary state his corporal powers are exceeded, and his mental faculties are nearly equalled by many other animals. It is astonishing indeed to reflect to what a degree the powers of his body and the faculties of his mind are increased and enlarged by means of society. But thro' the influence of passion, and not always comprehending that "true self-love, and social, are the same," he is often induced to violate the natural rights of his companions: Hence the necessity of civil government.

But is it not surprizing that tho' government has been established among various nations of mankind from time immemorial, its principles should be so little understood. The art of government seems by no means to have kept an equal pace with other arts, in advancing towards perfection; it still remains in its infancy, whilst other arts have almost attained to maturity. The reason why mankind have made so slow a progress in an art, which of all others is of the greatest consequence to happiness in this life, I take to be this,—that since the times we have any records of, to this day,

(8)

no fair experiments have been made of the effects which the various forms of which government is capable, would produce. Since the revival of letters it has been discovered that it is only from a great variety of well conducted experiments that a system of true philosophy can be established. Of the multitude of different governments which have subsisted in the world, all that history furnishes us any account of, were the effect either of chance or violence. As we have not yet sufficient data whereon to ground our conclusions, we should therefore be extremely cautious of deciding in favor of any one form of government in exclusion of every other possible form. Mr. De Lolme found, on comparison, that the government of England dispenses to its subjects a greater degree of civil liberty than that of any other country; he has therefore been led to fix on what he calls the constitution of England, as the model of perfection: I say, what he calls the constitution of England, for I cannot find that the people of that country have any thing like what a subject of these States would denominate a constitution; that is, an original compact entered into by every individual of society, wherein a certain form of government is chalked out and established.

Mr. De Lolme, in his book on "the constitution of England," has endeavoured to prove that all the various parts which go into the composition of the present government of England, are indispensably necessary to secure
liberty

(9)

liberty to the people; but what must appear very extraordinary to a subject of these States, is the great pains he takes to prove that liberty cannot be secured without introducing a king into government. Towards the close of his book, he has this remarkable passage, " If we
 " could, for an instant, suppose the English
 " form of government, instead of having been
 " the effect of a lucky concurrence of fortunate
 " circumstances, had been established from a
 " settled plan, by a man who had discovered
 " beforehand, and by reason, all those advantages
 " resulting from it which we now perceive
 " from experience; and had undertaken
 " to point them out to other men capable of
 " judging what he said to them; the following
 " is, no doubt, the manner in which he would
 " have spoken to them:

" Nothing is more chimerical (he would
 " have said) than a state of either total equality
 " or total liberty amongst mankind. In
 " all societies of men, some power will necessarily
 " arise: this power, after gradually becoming
 " confined to a smaller number of persons, will,
 " by a like necessity, at last fall into the hands
 " of a single leader; and these two effects (of
 " which we see constant examples in history)
 " flowing from the ambition of one part of
 " mankind, and the various affections and
 " passions of the other, are absolutely
 " unavoidable. Let us therefore admit this
 " evil at once, since it is impossible to avoid
 " it; let us of ourselves establish a chief among

B

" us,

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us, since we must, sometime or other, submit
 " to one."

Wretched indeed would be the condition of mankind was the doctrine here inculcated, true. Indeed, by his too great earnestness to establish a favourite system, Mr. De Lolme has involved himself in inconsistencies, and destroyed the foundation which was necessary for the support of it; for it surely would be idle and preposterous to propose any one form of government in preference to another, if from the nature of human affairs power must *unavoidably* fall into the hands of a single leader. Was this really the case, despotism would have been universally established in the world long before the present æra; and what would have rendered the situation of mankind truly deplorable, would have been the impossibility of effecting a change. To suppose a people incapable, by any system of government which can be contrived, of preventing the supreme power of the state from centering ultimately in the hands of a single leader or chief, appears to me a very absurd position: and indeed when we look into history we shall find it by no means warranted by experience; for notwithstanding all the popular governments, of which we have any account, have been most miserably defective in guarding against the usurpations of power, yet we find that most of them have subsisted for ages, and that many of them still subsist. " The total
 " ruin of the Roman republic (Mr. De Lolme
 " tells us) was principally brought about by
 " the

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“ the exorbitant power to which several of it’s
“ citizens were successively enabled to rise ;”
and that “ one of these powerful citizens, in
“ process of time, found means to exterminate
“ all his competitors : he immediately assumed
“ to himself the whole power of the State, and
“ established forever after, an absolute mo-
“ narchy.” But an appeal particularly to the
history of the Roman republic, is by no means
favourable to his principles. Romulus, who
was the founder of the city, established therein
a monarchical government ; which after a con-
tinuance of no less than 250 years, was finally
overthrown by the people, without any kind
of intervention or assistance of foreign nations.
On the expulsion of Tarquin, and subversion
of monarchy, a republican form of government
was erected ; which continued with very little
variation until the perpetual dictatorship of
Sylla ; a period of upwards of four hundred
years. In all this tract of time, so far were
the senate (who long continued to possess the
largest share in government) from encreasing
their power, that the history of this period
exhibits to us a continued series of encroach-
ments made by the people, upon their privi-
leges. And indeed it must appear manifest to
every attentive and impartial researcher, that
the subversion of the republic was ultimately
owing to causes purely extrinsic. Had Rome
been satisfied with her own territories, instead
of extending her empire over the greater part
of the then known world, she might possibly

(12)

have remained free even to this day ; but by means of the enormous adventitious power and wealth, which some of her citizens had acquired by the conquest of large kingdoms, they were enabled to turn their arms against the state itself, and finally to subvert the government.

But let us contrast the principles above mentioned, viz. that all power must finally, by an unavoidable necessity, become united in a single leader ; with what he advances a little farther on. " It is also necessary (says he) " that we the people, should have an influence " upon the government ; it is necessary for our " own security ; it is no less necessary for the " security of the government itself ;—let us " therefore, as we are unfit, collectively, to " manage public affairs, appoint express and " acknowledged representatives, who will be " accountable to us for the evils of the state." Here he lays down the necessity, as well as possibility of restraining power. But how are the people to appoint representatives, after having resigned the government into the hands of a single leader ? " The power (he tells us) " which necessarily arises in all societies of men, " will at last fall into the hands of a single " leader ;" and if this " is absolutely unavoidable," it is surely to no purpose to talk of appointing representatives ; if the people cannot prevent the establishment of a single leader, it is idle to expect they can restrain the exercise of his power.

Mr.

(13)

Mr. De Lolme tells us that " the first peculiarity of the English government, as a free government, is its having a king,—its having thrown into one place the whole mass (if I may use the expression) of the executive power, and having invariably and forever fixed it there. By this very circumstance also, has the depositum of it been rendered sacred and inexpugnable; by making one great, very great man in the state, has an effectual check been put to the pretensions of those who otherwise would strive to become such; and disorders have been prevented, which, in all republics, have brought on the ruin of liberty, and before it was lost, obstructed the enjoyment of it."

But this is in direct contradiction to history. The depositum of the executive power, has not been preserved sacred and inexpugnable; for did not the parliament strip Charles the 1st, of all his prerogatives, and finally take even his life? Did not the nation expel his son from the kingdom, and place the crown on the head of a stranger? Again, " disorders have been prevented." What a strange assertion is this; there is scarce a page of the history of England but contains ample testimonials to the contrary. What shall we call the contest between the two houses of York and Lancaster? What name shall we give to the reigns of Henry VIII, and his daughter Mary? What shall we call the war between Charles and his subjects? The reigns of Charles the 1st, and his brother James? And even

(14)

even in the present century, what shall we call the rebellions in 1715 and 1745? So far from preventing disorders, was not the crown the sole cause of all these intestine wars and civil broils? In truth, a government like that of England, consisting of three independent powers, two of which self-existing, must of necessity have the seeds of disorders in the very construction of it. On any dispute arising among these powers, as two of them are not only independent of each other, but of the people also, there can be no tribunal in the nation whose authority can command the peace; the sword only must decide the controversy.

The security of the liberties of a people or state, depends wholly on a proper delegation of power. The several component powers of government should be so distributed that no one man, or body of men, should possess a larger share thereof than what is absolutely necessary for the administration of government. That the dangerous consequences accruing to liberty, from the necessity arising in all governments of delegating power somewhere, are to be prevented by accumulating into one *mass* not only a variety of powers, which, if disunited, might be executed as well, or perhaps better, but many of which are dangerous and inimical to liberty, and by no means essentially necessary, appears wholly irreconcilable to my ideas of just reasoning. But if we look into the history of England, we shall find that experience has confirmed what reason so plainly dictates.

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From the conquest of the kingdom by William the Norman, to the revolution in 1688, it is demonstrable that the prerogatives claimed and exercised by the crown, during this long period of the English history, have been totally incompatible with liberty. The constitution afforded no protection to the liberties of the people, when attacked by the regal power; they had no alternative left but either to submit quietly to despotic sway, or to take up arms against their sovereign; and indeed during the short period of forty years before the revolution they were reduced to the necessity of beheading one king, deposing another, and altering the line of succession.

It is the boast of Englishmen, that at the revolution the prerogatives of the crown were ascertained, limited and restrained. But if we take a view of the powers the sovereign is at this time possessed of, it will be found that tho' a number of odious but insignificant prerogatives have been surrendered; the real power of the prince is greater than ever. To evince this I shall first give a detail of the prerogatives now possessed by the crown.

1. The king is invested with imperial dignity.
2. His kingship, or imperial dignity, is hereditary, perpetual and immortal. The king never dies;—Henry, Edward, or George, may die, but the king survives them all.
3. He has the sole prerogative of making war and peace.

4. Of

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4. Of making treaties, leagues, and alliances with foreign states and princes, on whatever conditions he thinks proper.
5. Sends and receives ambassadors.
6. He is a constituent part of the supreme legislative power.
7. He has the sole command of the fleets and armies, with the appointment of all the offices and places dependent thereon, both military and civil: he alone can levy troops, equip fleets, and build fortresses.
8. He is the source of all the judicial power in the state; he is the chief of all the tribunals, and the judges are only his substitutes; every thing is transacted in his name; the judgments must be with his seal, and are executed by his officers.
9. By a fiction of the law he is looked upon as the universal proprietor of the kingdom.
10. He can pardon offences.
11. He is the fountain of honour, office, and privilege; creates peers of the realm, and distributes titles and dignities.
12. He is the head and supreme governor of the national church. In this capacity he appoints the bishops, and the two archbishops; he alone convenes, prorogues, or dissolves the convocation of the clergy; his assent likewise is necessary to the validity of their acts.
13. He is the superintendent of commerce; he has the prerogative of regulating weights and measures; he alone can coin money, and can give currency to foreign coin.

In

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14. In fine, what seems to carry so many powers to the height, is its being a fundamental maxim that THE KING CAN DO NO WRONG. He is above the reach of all courts of law ; he is accountable to no power in the nation whatever, and his person is sacred and inviolable.

In addition to this formidable catalogue of the prerogatives of the crown, I shall take the liberty of transcribing a passage taken from the commentaries of the late judge Blackstone.—
 “ It is to be considered (says he) that every
 “ prince, in the first parliament after his accession,
 “ has by long usage a truly royal addition
 “ to his hereditary revenue settled upon him
 “ for his life; and has never any occasion to
 “ apply to parliament for supplies, but upon
 “ some public necessity of the whole realm.
 “ This restores to him that constitutional independence,
 “ which at his first accession seems,
 “ it must be owned, to be wanting. And then,
 “ with regard to power, we may find perhaps
 “ that the hands of government are at least
 “ sufficiently strengthened; and that an English
 “ monarch is now in no danger of being overborne
 “ by either the nobility or the people.
 “ The instruments of power are not perhaps
 “ so open and avowed as they formerly were,
 “ and therefore are the less liable to jealous and
 “ invidious reflections; but they are not the
 “ weaker upon that account. In short, our
 “ national debt and taxes (besides the inconveniences
 “ before mentioned) have also in their
 C “ natural

(18)

“ natural consequences thrown such a weight
“ of power into the executive scale of govern-
“ ment, as we cannot think was intended by
“ our patriot ancestors ; who gloriously strug-
“ gled for the abolition of the then formidable
“ parts of the prerogative, and by an unac-
“ countable want of foresight established this
“ system in their stead. The entire collection
“ and management of so vast a revenue, being
“ placed in the hands of the crown, have given
“ rise to such a multitude of new officers, crea-
“ ted by and removeable at the royal pleasure,
“ that they have extended the influence of
“ government to every corner of the nation.
“ Witness the commissioners, and the multi-
“ tude of dependents on the customs, in every
“ port of the kingdom ; the commissioners of
“ excise, and their numerous subalterns, in
“ every inland district ; the postmasters, and
“ their servants, planted in every town, and
“ upon every public road ; the commissioners
“ of the stamps, and their distributors, which
“ are full as scattered and full as numerous ;
“ the officers of the salt duty, which, though
“ a species of excise and conducted in the same
“ manner, are yet made a distinct corps from
“ the ordinary managers of that revenue ; the
“ surveyors of houses and windows ; the recei-
“ vers of the land tax ; the managers of lot-
“ teries ; and the commissioners of hackney
“ coaches ; all which are either mediately or
“ immediately appointed by the crown, and
“ removeable at pleasure, without any reason
“ assigned :

(19)

"affigned: these, it requires but little pene-
 "tration to see, must give that power, on
 "which they depend for subsistence, an influ-
 "ence most amazingly extensive. To this may
 "be added the frequent opportunities of con-
 "ferring particular obligations, by preference
 "in loans, subscriptions, tickets, remittances,
 "and other money-transactions, which will
 "greatly increase this influence; and that over
 "those persons whose attachment, on account
 "of their wealth, is frequently the most desi-
 "rable. All this is the natural, though per-
 "haps unforeseen consequence of erecting our
 "funds of credit, and to support them estab-
 "lishing our present perpetual taxes: the whole
 "of which is entirely new since the restoration
 "in 1660; and by far the greatest part since
 "the revolution in 1688. And the same may
 "be said with regard to the officers in our
 "numerous army, and the places which the
 "army has created. All which put together,
 "gives the executive power so persuasive an
 "energy with respect to the persons themselves,
 "and so prevailing an interest with their friends
 "and families, as will amply make amends for
 "the loss of external prerogatives.

"But though this profusion of offices should
 "have no effect on individuals, there is still
 "another newly acquired branch of power;
 "and that is, not the influence only, but the
 "force of a disciplined army: paid indeed ulti-
 "mately by the people, but immediately by
 "the crown; raised by the crown, officered by
 "the

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" the crown, commanded by the crown. They
 " are kept on foot it is true only from year to
 " year, and that by the power of parliament :
 " but during that year they must, by the nature
 " of our constitution, if raised at all, be at the
 " absolute disposal of the crown. And there
 " need but a few words to demonstrate how
 " great a trust is thereby reposed in the prince
 " by his people. A trust, that is more than
 " equivalent to a thousand little troublesome
 " prerogatives.

" Add to all this, that besides the civil list,
 " the immense revenue of seven millions ster-
 " ling, which is annually paid to the creditors
 " of the public, or carried to the sinking fund,
 " is first deposited in the royal exchequer, and
 " thence issued out to the respective offices of
 " payment. This revenue the people can never
 " refuse to raise, because it is made perpetual
 " by act of parliament : which also, when well
 " considered, will appear to be a trust of great
 " delicacy and high importance."

Cloathed with such imperial majesty,—invested with such an accumulation of power,—a numerous well disciplined standing army at his command,—and an immense permanent revenue, (which the people can never refuse to raise, because it is made perpetual by act of parliament) deposited annually in the royal exchequer ; which it is at any time in his power to divert to what purposes he pleases ;—what force remains in the nation to withstand the efforts of an enterprising prince ?

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(21)

If Charles the First, who had no standing army, and whose revenues were comparatively trifling, was however able to support a war against his subjects for a dozen years together, we may very fairly conclude that a British king has it now in his power to make himself an absolute monarch whenever he chuses.

But when we consider the means, which from long practice have become almost absolutely necessary, and to which a minister is constrained to recur in order to acquire and maintain an influence in parliament, and in the nation at large, it really becomes a question whether the nation would not be a considerable gainer by such a revolution.

In a government so systematically venal as that of England at present, when administration can expect to be supported in their measures by pecuniary motives alone, an unbounded dissipation of the public revenue becomes unavoidable, nay, it becomes absolutely necessary; abuses are not only to be winked at, but the authors of them, at all events, supported. Contracts are given, not to those who make the most advantageous offers, but to those who have the greatest parliamentary interest; thus, from the minister of state, down to the lowest officer, a combination is formed to plunder the nation. Venality and corruption become one common tie, whereby the various parts of this infamous system of administration are knit together in one common interest.

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Viewing matters in this light, it would be evidently to the advantage of the nation that the government was an absolute monarchy, rather than the present limited one. All this profusion of expence would then become unnecessary. Ministers then, no longer dependent on a purchased majority, instead of encouraging, would glory in the detection of abuses, and would study œconomy in the management of the finances, as the most effectual means of recommending themselves to the favour of their prince.

It is justly observed by Montesquieu, that to leave the crime of high treason indeterminate, is alone sufficient to make any government degenerate into arbitrary power; and history shews us how ready the kings of England have ever been to avail themselves of this terrible engine of state. By creating a multiplicity of constructive treasons, they have been enabled most wantonly to sport with the lives of their fellow creatures. A knight, in Edward the IIIrd's time, was found guilty of this crime, merely for detaining one of the king's subjects till he paid him 90l. Killing the king's father or brother, or even his messenger, has also been deemed treasonable. We have two instances in the reign of Edward the IVth, of persons executed for treasonable words: the one a citizen of London, who said he would make his son heir to the *crown*, (meaning the sign of the house in which he lived); the other a gentleman, whose favourite buck the king killed in hunting;

(23)

hunting; whereupon he wished it, horns and all, in the king's belly.

By means of this infernal engine were the famous Sidney, the virtuous Ruffel, sacrificed to glut the vengeance of offended royalty. The one for a treatise on government, found in his closet; the other for being present at a conversation said to be treasonable. Their distinguished patriotism, inflexible integrity, and superior abilities, it seems had gained them too great an influence with the wise and virtuous part of the nation; and it was apprehended, were they suffered to live they might prove an invincible bar to the arbitrary designs which were then carrying on by a wicked king and a wicked ministry.

In the subsequent reign, how many hundreds were butchered by the inhuman Jefferies, for daring to take up arms against a tyrant, whom the nation were obliged shortly after to expel the kingdom.

Blackstone has given us a dreadful catalogue of strange and unheard of treasons, invented at different times, between the reigns of Edward the IVth, and queen Mary; but particularly in the reign of that bloody tyrant Henry the VIIIth. Some of these were preposterous and ridiculous to the last degree; for instance, a woman, not a virgin, marrying with the king. The believing the king to have been lawfully married to Anne of Cleves.

To have some idea of the high notions of regal sway, which some of the princes of that kingdom

(24)

kingdom had imbibed, I will just repeat what James the Ist, has more than once advanced in his speeches to parliament.—“ As it is atheism
 “ and blasphemy in a creature to dispute what
 “ the Deity may do, so it is presumption and
 “ sedition in a subject to dispute what a king
 “ may do in the height of his power: good
 “ christians will be content with God’s will,
 “ revealed in his word; and good subjects will
 “ rest in the *king’s will*, revealed in his law.”

One would naturally be led to suppose that in forming a free government, that this would be universally admitted as a fundamental maxim,—that no more power be delegated than is necessary to the due administration of government. To those who are unacquainted with the mysterious and hidden virtues of “ Orders
 “ and Balances,” it would appear unaccountably inconsistent in a band of patriots engaged in forming a constitution of government for freemen, to place a king, cloathed with all the dignities and prerogatives of a British monarch, at the head of it. Is hereditary succession,—the disposition of honors,—the creation of nobility,—the supremacy of an established church,—to be accountable to no one for the administration of affairs,—added to all the other prerogatives of the crown of England, the exercise of which the administration of government may necessarily require: I say, are the whole of these unessential but dangerous prerogatives, to be vested in a first magistrate for no other purpose but that the balance of power

(25)

may be preserved? For according to this system of orders and balances, the equilibrium must be supported "with the utmost exactness." To deprive him therefore of the least scruple of this huge collection of formidable, but totally unnecessary prerogative, would instantly overturn the balance, and of course the government. But further, let not these framers of a constitution, imagine that equal representation and frequent elections, would be an improvement; either more prerogatives, in this case, must be thrown into the scale on the side of the crown, or it would infallibly kick the beam.

Had Mr. Adams been a native of the old, instead of the new world, we should not have been so surpris'd at his system. When he looks around him there, he sees wealth and power every where in the hands of a few,—nobility almost universally established. When human affairs have already come to this pass, I know of no contrivance which the wit of man has yet invented, by means of which this aristocracy may be kept within bounds, but by placing the people on one side of them, and the king on the other; but it must be acknowledged, that even this celebrated expedient of balancing powers, derived from different sources, self-existing and independent, is liable to great objections. Reason and experience both teach us how extremely difficult it must be to adjust the balance so as to preserve an equilibrium. By the struggles of one or other of these powers for mastery, the commonwealth is in continual

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danger of being subverted, and more than once has the government of England been actually shaken to it's centre by the conflicts between them.—History furnishes us with abundant proofs of this. William, when he had conquered the country, parcelled it out among his barons; they soon began to feel their power; they made war on their king, reduced him to their own terms, and the people to the vilest degree of vassalage and slavery. Then came on the contest between the two houses of York and Lancaster, which lasted near a century, and spread devastation and slaughter thro' every part of the kingdom. The two roses at length were united in Henry the VIIIth. By this time, what with forfeitures, the statutes of alienation, the incorporation of cities, and the great increase of commerce, property had in a great measure shifted hands; the barons were no longer in a condition to contend with royalty; indeed, after Henry had stripped and plundered the church of their immense wealth, the aristocratic and democratic parts of the government were nearly annihilated; nay, he may with the strictest propriety be stiled an absolute monarch, for by one act, his servile parliament transferred to him the whole of the legislative power without reserve, by giving the king's proclamation the force of a law. Indeed Blackstone confesses "that this statute must have proved fatal to the liberties of England, had it not been *luckily* repealed in the minority of his successor, about five years after."

(27)

At the accession of James, the people began to feel their importance. James injudiciously broached doctrines and insisted on prerogatives which was not adapted to the times; Charles pursued his father's policy, and the consequence was the loss of his head, and a total subversion of the government. The former government was however again restored, and Charles the II^d. ascends the throne; but in less than thirty years another revolution happens,—his brother James is dethroned and driven from the kingdom. Since this period two attempts have been made to restore the crown to James's lineal descendant. Thus we will find that since the conquest, even in the best of times, liberty has been very insecure; and that the struggles among these independent powers, for mastery, are continually throwing the government into disorder; and, as might reasonably be expected, are generally terminated by a civil war and a revolution.

These evils are inherent in the very nature of this system; the equilibrium of these independent powers so much talked of, never has been, and probably never will be effected in the English, or in any other government erected on this plan. But were we for a moment to admit the possibility of this scheme of balancing, and that a government was set in motion in which these powers were exactly poised; how long, I would ask, could this fanciful equilibrium be preserved? So fluctuating is the tide of human affairs, that in an instant the scales would be jostled out of place; one side or other would inevitably

(28)

inevitably preponderate; the heaviest side would soon become sensible of its superiority, and never be at rest until it had acquired the whole weight of power, or until it was stopped in its career by some violent convulsion in the state, by which a new adjustment of the balance might be brought about.

Now what I would infer from this, is, that however eligible this scheme may be where an aristocracy is already established, yet as we are clearly not yet in this predicament,—as there is not the last trace or vestige of an aristocracy to be discovered yet in any one of these States, it surely would be prudent in us to be thoroughly convinced of the absolute and unavoidable necessity of the case, before we submitted ourselves to a system of government so manifestly defective.

One would naturally suppose that, in the construction of a free government, we should endeavour so to connect the interest of those in power with that of the community at large, as to make the promotion of the public good, and their own private advantage, inseparable; but the writers whose schemes I am combating, have pursued a mode the very reverse of this. By introducing "independent and self-existing powers" in the government, an interest is erected in the state distinct and separate from that of the community at large. That good government should consist in making the interest of the governors distinct and separate from that of the governed, appears incomprehensible
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(29)

to me, and repugnant to all my ideas of right and wrong.

To think of securing liberty, and giving permanency to government, by an operation so delicate in its nature as the nice adjustment of independent and opposing powers, on the pivot of a balance, is surely a most chimerical attempt.

There may be some sort of propriety in the expression, for aught I know, when we talk of the balance of power subsisting between independent nations and states; but I never could be reconciled to the propriety, or indeed comprehend the meaning of this figure of rhetoric, when applied to the constituent parts of one and the same government. This martialing of power against power, in battle array, does not accord with my idea of perfection in government. There is certainly a degree of absurdity in this fanciful allusion, this supposed similitude subsisting between the powers of government and the powers of the balance. Good government requires constant activity; but to be suspended in equilibrio, is to be in a state of total inaction. All government necessarily requires a supreme authority lodged somewhere, to superintend and direct the operations of every other part: now, this office belongs exclusively to the legislature. To suppose otherwise would be to erect a power in the state, superior to the laws; that is, to be above government, consequently not a part of it. Equilibrium implies an equality of opposing weights or powers. The
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legislative power, as I have just proved, is supreme; but the executive, in order to produce an equipoise or balance, must be equal to it; and therefore must be supreme also. Here are then two supreme independent powers in one government; which is to the full as absurd as to suppose the soul actuated by two independent wills.

Mr. Adams's exposition of the true meaning of a balance of power, is entertaining enough. He tells us, "it is best conceived by considering what the nature of a balance is. It supposes three things: first, the part which is held, together with the hand that holds it; and then the two scales, with whatever is weighed therein. In a state within itself, the balance must be held by a third hand, who is to deal the remaining power, with the utmost exactness, into the several scales. The balance may be held by the weakest, who by his address, removing from either scale, and adding his own, may keep the scales duly poised: when the balance is broken by mighty weights falling into either scale, the power will never continue long, in equal division, between the two remaining parties; but, till the balance is fixed anew, will run entirely into one. This is made to appear by the examples of the Decemviri in Rome, the Ephori in Sparta, the four hundred in Athens, the thirty in Athens, and the Dominatio Plebis in Carthage and Argos."

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(31)

Would any man, who heard Mr. Adams descanting in these terms, imagine himself to be listening to the wise aphorisms of a grave Doctor of Laws? Would he not rather suppose him, by his language, to be some posture master, or rope dancer? Indeed the Doctor has done more towards overturning the "balance," and forever banishing the word from the republic of letters, than all my weak efforts can possibly do.

If we must recur to mechanical, in order to explain the operations of political powers, I would compare a well constituted government to a jack. The weight is the power from whence the motion of every part originates. However complicated in its construction, tho' one wheel may be made to impel another *ad infinitum*, yet without the weight, the machine must forever remain at rest. Thus too, if the weight should be opposed by an equal weight, the same effect will be produced; the machine must of course cease to move. But as the friction of the wheels will be greater in one part than in another; and as the meat too, if not very nicely spitted, will give more resistance in one part of its revolution than in another; to counteract therefore the irregularities which these causes would produce in the movements of the machine, a flyer has been added, by the operation of which an equability of motion is all times preserved. The flyer indeed is of admirable use; let the tendency to disorder proceed from what cause it may,—whether the
weight

(32)

weight should at times be too great or too little,—the friction in some parts increased for want of cleaning or oiling,—the meat put on the spit without sufficient attention to its true centre of gravity: whether the tendency to disorder arises from one or from a complication of these causes, the efficacy of the flyer in preserving regularity and equability of motion, is constantly and invariably the same. It is scarcely necessary to add, that in government the weight or origin of power, is the people, and the people only; the jack is the machinery of the government; the motions of which are regulated by adding a check or flyer.

The government of England is held up to us as the model of perfection. The most extravagant encomiums have been bestowed indiscriminately upon every part of it. That it dispenses to its subjects more civil liberty than any other we are acquainted with (except these States) whether antient or modern, is readily admitted. It becomes then the business of philosophy to investigate the sources from whence these beneficial effects have flown, and to discover whether in its construction it contains any thing *peculiar* to itself.

In the first place then, we find at the head of the government a king vested with very extensive powers and prerogatives, which are by no means friendly to liberty. Next we find a body of upwards of 300 nobles, whose honors and privileges are hereditary, and who constitute a separate branch of the legislature.

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But kings and nobles are no new things in the world, as mankind have found to their cost. In these respects, the government of England is certainly not singular; and it is matter of surprize to me, that Messrs. Adams, De Lolme, and others, should ever have thought of rearing a temple to liberty with such materials as these. It must be from some other quarter that this celebrated government derives its superior degree of excellence.

What constitutes then the *distinguishing characteristic* of the English government, is its having adopted a mode of framing and executing laws totally different from all the world besides, if we except these States. From two of the most easy and most simple expedients imaginable, have flown all those beneficial effects which have excited the wonder and admiration of the world. By choosing *representatives* for a limited time, to *make* laws, and judges merely *pro hac vice* from among themselves, to *enforce* these laws, have the people in England been able to attain to, and preserve a degree of liberty before unknown.

It is legislation by *representation*, and trial by *jury*, which form the strong and striking features of the English government; to these *peculiarities*, and these only, must its pre-eminence be attributed.

Wherever an attempt has been made to establish a democratic government, one very gross error seems to have prevailed universally.— In order to secure the general liberty of the whole, it has been thought absolutely necessary

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that each individual should be entitled to a personal vote, in the administration of government. Now this privilege, however specious it may appear in theory, has ever been productive of infinite mischief, when reduced to practice. The people are constantly duped by artful and designing men; they are instruments ever ready to be converted to the worst of purposes; this fatal evil has, and ever will, render the establishment of a perfect democracy, a thing impracticable. Large bodies of people assembled together in a tumultuous manner, are in their very nature, incapable of deliberating; they of consequence can do no more than assent to, or reject such propositions as are made to them. Now those who are entrusted with the right of proposing, sometimes by inflaming the passions of the multitude with harangues on popular topics, at other times by artful and insidious contrivances, find no great difficulty in winding them to their purpose: thus it is that laws come to be enacted very prejudicial, and often subversive of liberty.

It was thus the tribunes in the Roman republic, were enabled to abuse their trust.—I shall here recite two remarkable instances: upon the expulsion of the decemviri (a tyranny erected by the senate) the tribunes taking advantage of the great popularity they had gained by their activity on that occasion, prevailed with the people to consent to a law, by which the resolutions of the *comitia tributa* (an assembly in which they were admitted to propose new laws) was made binding upon the whole commonwealth.

(35)

monwealth. By this manœuvre they became, in a great measure, masters of the legislature, and raised to themselves an *imperium in imperio*. But they did not rest satisfied here; they aimed next at the executive power; and to this end they proposed a law, by which one of the two consuls was to be taken from the body of the people; and to induce them to a compliance with their views, they at the same time proposed a law for lowering the interest of money; and another, that no citizen should possess more than five hundred acres of land: the two latter were laws of the most popular nature, and accordingly were assented to by the tribes; whilst the former was rejected. They then insisted that the three rogations should be voted for jointly; and by that artifice, overcoming both the opposition of the senate and the reluctance of the people, they at length obtained their ends; and, by means similar to these, they became capable of filling all the other great offices of state.

These then are striking instances of the extreme folly of the people at large attempting to exercise legislative power. The plebeians, at Rome, for a long time insisted to have particular magistrates chosen from their own body, to protect their interests, and defend their persons against the arbitrary power exercised by the consuls. After much struggling they at length gained their point, and tribunes were appointed; but what unaccountable conduct was it to raise, by their own suffrages, those tribunes to a participation of the very power they were intended to

(36)

to be a check upon; but to such an extravagant length did they carry this mistaken notion of retaining power in their own hands, as necessary to secure liberty, that they often insisted upon the privilege of trying and determining causes.

When Mr. Grenville moved the House of Commons, that a remedy should be provided for "the infamous manner in which the house exercised its jurisdiction on elections," he appealed to the consciences of every gentleman in the house, whether any of them would chuse to determine their property before a House of Commons, if a jury of porters or chairmen, could be obtained for that purpose." But if a House of Commons, consisting of three or four hundred members, made so wretched a court of judicature, what shall we say of one consisting of citizens to the amount, perhaps, of as many hundreds of thousands.

Thus it may be easily conceived, that so long as mankind remained under the influence of this mistaken opinion, no attempt to establish a popular government could succeed. The people ever have been, and ever will be unfit to retain the exercise of power in their own hands; they must of necessity, delegate it somewhere; hence the immense importance of those admirable contrivances which the English have had the honor of inventing and adopting; viz. a *representative* legislature, and a trial by *jury*.

By the first of these happy expedients, are the people enabled most effectually to guard against the

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the abuses in the exercise of the legislative authority, and that too in a way the most easy and gentle, without the least commotion or violence. At certain stated periods the people in their respective districts convene together, and proceed to the election of a determinate number of representatives; these representatives are immediately clothed with the powers of legislation; but at the expiration of the term for which they were delegated, they become immediately divested of all the authority which was conferred upon them at their election, and are again reduced in every respect to the condition of private citizens: thus, should the people at any time be dissatisfied with the conduct of a representative; should he betray or neglect to study the interests of his constituents, the remedy is always at hand, and can be applied without endangering in the least the peace of the community; they have only to dismiss him from their service, and employ some other more worthy of this important trust.

I must however observe, that the people of England do by no means enjoy this inestimable blessing of a representative legislature, in its fullest extent. The legislature with them is composed of three distinct independent branches, only one of which depends for its existence on the suffrages of the people, the other two possess an hereditary right to legislation. But even this dependent branch is not so much so as it might and ought to be; owing to the great inequality of representation, and the want of more frequent elections.

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(38)

We come now to the trial by jury.—When we reflect how frequently the sword of justice has been (even in the best governments, and in those whose object has been professedly to secure liberty to the people) diverted from the punishment of the guilty, to the perpetration of the most horrid cruelties on the innocent, we cannot sufficiently admire the wisdom or good fortune of our English ancestors, in adopting and transmitting to us a mode of trial by which the judicial authority is happily confined to its proper objects, and is dreaded by none but the guilty alone.

The powers of legislation may be delegated to the same man or body of men, for a considerable length of time, (for one, two, three, or even seven years) without great danger; for as their acts respect the state generally, their powers will not probably be wantonly abused; but, the dispensing of justice is a trust of so delicate a nature, so dreadful in its operations, when not kept within due bounds, that to give it without reserve, to a body of men possessing any degree of permanency, would be highly dangerous.

By means of this excellent contrivance of a trial by jury, the sword of justice is divested of half its usual terrors. It is intrusted in the hands of no man or body of men, one moment longer than is necessary; when the occasion no longer exists it is again locked up, and no one knows who next shall wield it. Mr De Lolme has very justly observed that “such is the happy
“ nature of this institution, that the judicial
“ power

(39)

" power (a power so formidable in itself) which
 " is to dispose, without finding any resistance,
 " of the property, honor, and life of individu-
 " als; and which, whatever precautions may
 " be taken to restrain it, must in a great degree
 " remain arbitrary, may be said in England to
 " exist,—to accomplish every intended end,—
 " and to be in the hands of nobody." Indeed
 so admirably is this mode of trial contrived for
 the security of all ranks and conditions of men,
 that whilst it continues without innovation, it
 will be almost impossible to infringe upon *civil*
 liberty, even tho' the State itself may have lost
 her *political* liberty.

But it has been found from experience, that
 a government by representation, consisting of a
 single house of representatives, is in some degree
 liable to the same inconveniences which attend
 a pure democracy; a few leading men influ-
 ence the majority to pass laws calculated not
 for the public good, but to promote some sinis-
 ter views of their own. To prevent this, ano-
 ther representative branch is added: these two
 separate houses form mutual checks upon each
 other; but this expedient has not been found
 to be altogether effectual. If the legislative
 power, even tho' vested in two distinct houses,
 is left without any controul, they will inevi-
 tably encroach upon the executive and judicial;
 besides, not possessing an extensive legal know-
 ledge, there will be a want of consistency and
 uniformity in the laws. But further, as pre-
 judices always prevail, more or less, in all po-
 pular governments, it is necessary that a check
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(40)

be placed somewhere in the hands of a power, not immediately dependent on the breath of the people, in order to stem the torrent, and prevent the mischiefs which blind passions and rancorous prejudices might otherwise occasion. The executive and judicial powers should of course then be vested, with this check or controul, on the legislature; and that they may be enabled fully to effect this beneficial purpose, they should be rendered as independent as possible.

When we take a comparative view of the governments of these States, that of England, and those of other governments upon the republican plan, the first object that strikes us is the solid foundation on which the former are erected. Whilst the governments of the old world can trace their origin from no better source than that of chance or violence, it has been our peculiar blessing to be placed in such a situation that we have been enabled "to turn to shape, and "to give a local habitation" to what has hitherto been an "airy nothing." Our governments are universally founded on ORIGINAL COMPACT; they are the result of pre-concerted plan, and calm deliberation. In vain have Englishmen boasted of a constitution; in vain shall we search their records for an original compact. No one part of the government can be said to be unalterably fixed and established. The parliament are without any controul whatever; they are, in the language of their lawyers OMNIPOTENT; and I think Coke tells us they can do every thing except making a man a woman.

(41)

woman. One would suppose that if any thing whatever would be held sacred and unalterable, it would be *representation*; as every thing depends on this privilege of the people: without it, liberty would expire in a moment;—yet what changes and fluctuations have there been both with respect to the equality of representation and the duration of parliament. Parliaments were formerly *annual*, and continued so with very little variation, to the times of Henry the VIIIth, who prolonged the period of their existence as best suited his purposes; but under Philip and Mary, *annual* parliaments were again restored. In Charles the IIId's time, parliaments were made *triennial*; but during the subsequent troubles, the long parliament, as it is called, continued to sit twelve years, 'till they were kicked out by Cromwell. Under Charles the IIId, the triennial bill was repealed, and the period of parliament was left to the arbitrary pleasure of the crown; accordingly the pensioned parliament continued eighteen years. At the restoration, the parliament was again reduced to triennial; but upon the accession of George the First, the pretended danger, in case of an election, of having a tory parliament returned, was urged as an argument to prove the necessity of a prolongation of the term; and accordingly parliaments were made *septennial*; and have continued so ever since. Thus we find the constitution, (if indeed there is such a thing) has fixed no bounds to the period of parliament; but has left to the discretion of parliament itself to lengthen or shorten

(42)

ten its own duration, as they in their wisdom shall judge expedient; and accordingly we find parliaments have been annual,—triennial,—septennial,—duodennial,—octodennial,—and, for ought we can say, may soon become perennial. As to the equality of representation, I shall just observe, that out of 513, the number of members sent by England to parliament, the boroughs and cinque ports send no less than 382. Some of these boroughs contain but one voter; many of them not more than ten, and the major part of them less than one hundred.

It is not unentertaining to hear judge Blackstone defining the precise period at which the constitution of England had arrived to its highest pitch of perfection. After recapitulating the important concessions made by the crown, in favour of liberty, at the restoration of Charles the Second to the throne, he ventures to pronounce as "incontestable, that by the law, "as it then stood, the people had as large a "portion of real liberty as is consistent with a "state of society; and sufficient power, residing in their own hands, to assert and preserve "that liberty, if invaded by the royal prerogative;—for which I need but appeal to the "memorable catastrophe of the next reign; for "when Charles's deluded brother attempted to "enslave the nation, he found it beyond his "power: the people both could, and did resist "him; and in consequence of such resistance, "obliged him to quit his enterprise, and the "throne together." Certainly the learned judge has not written here with his usual accuracy and

(43)

and precision; he has not distinguished between the *legal* right of restraining power within just limits, (which ought to be provided for by the constitution of a State) and the *natural* right of repelling force by force; to which mankind are sometimes under the necessity of recurring. Now it was by the exercise of this latter right, with the assistance of a foreign aid, that the people of England were enabled to expel the tyrant James. James had attempted to overturn the liberties of the nation, and to establish civil and religious tyranny; the people, for want of *legal* and *constitutional* means of restraining power, were reduced to the necessity of opposing him by *force*; and, in direct violation of the law, made war on their sovereign lord the king. Is it not astonishing then that the judge, to prove his position, viz. "that *by the law*, as it then stood, the people had sufficient power residing in their own hands to assert and preserve liberty, if invaded by the royal prerogative;" should appeal to an act of the people, so far from being authorized *by the law*, that it was in fact the subversion of both law and government; and I think it may fairly be retorted upon him, "that what appears incontrovertible is this, that *by the law*, as it then stood, the people had" *not* "as large a portion of real liberty as is consistent with a state of society," or they would not so soon have been reduced to the necessity of dissolving the very bonds of *society*. And further, "that the true balance between liberty and prerogative, was" far from being "*happily* established; " for

(44)

“ for which I need but to appeal to the memorable catastrophe of the next reign,” when this imaginary balance was *unhappily* overturned.

The constitution of a State, as I have before observed, is that original compact entered into by every individual of a society, whereby a certain form of government is chalked out and established unalterably, except by the people themselves: thus by a constitution then, when applied to civil society, we do not mean government itself, but the manner of its formation and existence. When we say such a man has a good constitution, we do not mean merely that he is in a good state of health, but, recurring to the first principles of life, we mean that the component parts of his body are happily disposed with respect to each other; of which good health is the natural consequence: so too, when we say such a State has a good constitution, we do not mean merely that the laws are well framed and well executed, but, recurring to the first principles of government, we mean that the component parts thereof are happily disposed with respect to each other; of which good government is the natural consequence. This happy disposition of parts, this soundness of constitution to the former, is the gift of nature; to the latter, is derived from original compact. Now as there are a thousand ways by which government, as well as the human frame, may be thrown into disorder, the advantage of a good constitution is this, that it has of itself a natural tendency to restore health and

(45)

and vigour, and thereby supersede the necessity of recurring to violent and dangerous remedies.

An original compact or constitution, in which the powers of government are nicely defined and precisely ascertained, is a support to liberty, so great, so powerful, that this alone would compensate for a thousand little defects in the construction of a government. We cannot look into the history of any free people, without being forcibly struck with the truth of this; we find every where, that one of the principal sources of arbitrary power, was the want of having the boundaries of the different powers of government, marked out and established. It is unnecessary to ransack the history of republican governments for proof of this; it stares you in the face every where. Among the Romans particularly, we find no bounds fixed any where; the people, the senate, the consuls (as the one or the other got uppermost) assumed the exercise of every power: there were no less than three distinct modes of legislation; the decrees of the Senate, acts of the Centuries, and resolutions of the Tribes.

The judicial power, which as Montesquieu justly observes, is a sure criterion by which to judge of the goodness of a government, was always a mere instrument of tyranny; the senate, the people, the consuls, the tribunes, the dictators, the prætors, the quæstors, &c. all claimed a right to exercise this dangerous power; and their procedures stript of all forms of justice, were rather exertions of violence than legal judgments. The consequences of
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(46)

all this confusion and uncertainty in the administration of affairs, was the most arbitrary proceedings imaginable; every thing was conducted with violence, the state was continually agitated with tumults and seditions, the people were harrassed and perplexed, they saw the government in the utmost disorder, but knew not how or where to apply a remedy. Had the boundaries of the powers lodged in different parts of the government, been chalked out with precision, it is manifest it must have gone a great way toward restoring peace and tranquility to the nation. These boundaries could not have been overturned without giving the alarm; each part of the government would have stood a centinel upon the rest, and the people would have known where to have pointed their resentment.

The next circumstance which is peculiar to the people of these States, is the perfect equality which exists amongst us. We have no such thing as orders, ranks, or nobility; and notwithstanding all that Mr. Adams and Mr. De Lolme have said on this subject, I will venture to assert that it is almost impossible they should even gain any footing here. It can never be brought about in any way, unless by an immense accumulation of wealth in the hands of a few people; but this is an exceeding improbable event; our laws of descent are every where favourable to the distribution of property, and indeed the landed property in the middle and northern States is nine-tenths in the hands of an yeomanry. It is by commerce only then that
overgrown

(47)

overgrown estates could probably be acquired ; but where there can be no monopolies, where there are no peculiar privilege in favour of any particular place or set of men, where the communication both with foreigners and with one state with another, is every where so easy and practicable, there is little danger to be apprehended from this source of wealth being confined to a few places, or to a few persons : in all probability it will be diffused every where. But admitting that a merchant, by some superior advantage either of abilities or good fortune, has been enabled to amass together immense riches ; would it not be next to a miracle that the heap should descend undiminished to the third or fourth generation : the chance, I should suppose, would be a thousand to one. But admitting that it might be transmitted from father to son without diminution ; in what way would he go about to acquire nobility ? The prejudices of the people would be most violently opposed to him ; the spirit of equality is so deeply rooted amongst us, so strongly impressed on the minds of the people, that it would probably require ages to eradicate it. Foreigners, who are accustomed to view titles and orders, as matters of importance, cannot easily conceive in what contempt the pretensions to these are held by the people of this country ; but after all it would be impossible to succeed in the scheme of forming a nobility, unless a large proportion of the landed property was engrossed in the hands of a few gentry : but for the following reasons, I presume, that so long as our present forms of government

(48)

government subsist there can be very little probability of this event taking place.

1. The landed property in these States is at present nine-tenths of it in the hands of an yeomanry, and generally divided into small farms.

2. From the prevailing temper of the people and the complexion of our laws, these small farms will be divided and subdivided.

3. The proprietors of these small farms will never be disposed to part with their land but at a rate which no man can afford to give, with a view of renting it out.

4. But should a farmer be at any time disposed to sell, he will always find neighbours ready to buy, who from contiguity of situation, can afford to bid much higher than a stranger.

5. Whilst money continues to bear so high an interest, it can never be advantageous to lay it out in the purchase of improved lands, in order to rent them out again.

6. The laws of this country are unfavourable to entails.

7. No man in this quarter of the globe can have any reasonable inducement to leave his estate to one child in exclusion to all the rest of his children.

But the truth of the matter is, that commerce has a natural tendency to diffuse wealth. As soon as commerce began to flourish in England, those immense baronies into which William had parcelled out the kingdom at the conquest, began gradually to crumble to pieces; and at present it is with difficulty the nobility in England can be preserved from beggary, notwithstanding

(49)

withstanding so much has been done to prevent them from dissipating their estates.

As to family it can never have great influence, the door to promotion stands open so wide, that no man of abilities, integrity, and activity, can be kept out long; let his family be ever so low, he must make his way good in despite of all opposition. The consequence will be, that in a few generations scarce a man in these States but may be able to trace his origin from some distinguished character in government. And as we know of no other distinctions of rank but those which an office under government, or a seat in the legislature confers, the whole mass of the people will of course remain nearly upon an equality with respect to birth and family: as to abilities they are merely personal, and cannot by any means be transmitted to posterity, notwithstanding the great pains Mr. Adams has taken to enforce this notion upon us. Mankind are much nearer upon a level in this respect than is generally apprehended. It is knowledge, application, and industry, that form the principal distinction between the generality of men;—these qualifications are manifestly personal. Like comets, there will not probably arise about one or two geniuses in an age; and after all it is by sober sense and close application to business that the affairs of this world are to be managed: genius has too fine an edge for common use.—Swift in one of his letters to Lord Bolingbroke, has a passage so much to the present purpose, that I cannot help transcribing it:—"Providence, which designed the world should be
G governed

(50)

"verned by many heads, made it a business
 "within the reach of common understandings;
 "while one great genius is hardly found among
 "ten millions. Did you never observe one of
 "your clerks cutting his paper with a blunt
 "ivory-knife? Did you ever know the knife to
 "fail going the true way? Whereas, if he
 "had used a razor or a penknife, he had odds
 "against him of spoiling the whole sheet."

The next peculiarity to be found in these
 states is, that we have established governments
 amongst us, approaching nearer to perfect demo-
 cracies than any we have accounts of, either
 antient or modern; all power whatever is vested
 in, and immediately derived from, the people
 only; the rulers are their deputies merely, and
 at certain short periods are removeable by them:
 nay, the very government itself is a creature
 formed by themselves, and may, whenever they
 think it necessary, be at any time new modelled.
 The governments in these States are in fact no-
 thing more than social compacts entered into
 for the mutual advantage of the individuals of
 whom the society is composed. But say these
 gentlemen, Mr. De Lolme, Mr. Adams, &c.
 governments so extremely democratic, can never
 last long: be its construction whatever it may,
 without Orders and Balances, it is impossible
 to prevent a government from degenerating into
 a tyranny: the legislature will finally engross all
 power to themselves, and for prevention of this
 no other remedy can be devised that will prove
 effectual. But are we blindly to take this leap
 in the dark? Is an hereditary monarch and no-
 bility,

(51)

bility, the only possible expedient by means of which power can be limited and restrained? I thank God that the people of these States are not yet reduced to this dreadful alternative; I trust there are other modes, more effectual and far less dangerous, of effecting this purpose. I will readily admit that where the legislative power is confined to one assembly of representatives, without any check or controul placed in the hands of the executive or judicial, the apprehensions of this evil may not be altogether without foundation. Man is easily intoxicated with power; like a sot to his rum bottle, he becomes every day more and more attached to its charms. Tho' it is so short a time since our governments have been put in motion, yet examples have not been wanting of the prevalence of this dangerous thirst after more power in some of our legislatures; a negative therefore lodged in the hands of the executive and judicial powers, is absolutely necessary in order that they may be able to defend themselves from the encroachments of the legislature. Wherever these checks are wanting, the government must necessarily be unsteady and fluctuating; experience must in time convince the people of the necessity of them, and we may reasonably expect they will finally become fundamentals in the constitution of every State in the union.

The different constitutions which have been adopted by these States, are experiments in government entirely new; they are founded upon principles peculiar to themselves: we are indeed indebted to England for those two noble discoveries

(52)

discoveries of a *representative* legislature, and a trial by *jury*; but with respect to the former, the copy is brought to a degree of perfection infinitely beyond the original. The whole of the legislative body, whether consisting of an assembly only, or of an assembly and senate, are chosen by the people; which circumstance renders our governments the most democratic that ever have existed any where. The government of England will be found on examination to be an heterogeneous jumble of incoherent and inconsistent parts; a vain attempt to reconcile the jarring and incompatible interests of monarchy, aristocracy, and democracy. The institutions which we have adopted, may really and truly be called the government of the people, and of the people only; but tho' they are so extremely popular, yet the checks which have been invented, (particularly in some of them) have rendered these governments capable of a degree of stability and consistency beyond what could have been expected, and which will be viewed with surprise by foreigners. In fine, when we consider the advantages of AN ORIGINAL COMPACT,—defining, limiting, and restraining with precision and accuracy the various powers of government,—the equality of representation and frequency of elections,—the admirable checks which have been contrived to controul the legislature;—we shall find that the constitutions of some of these States approach very near perfection, and have left all the governments of the old world, whether ancient or modern, far behind them.

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(53)

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 to 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

(54)

litical 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.

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(55)

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.

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

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.

F I N I S.

ERRATUM in the 7th Page,—for *interest*, read *instin^d*.

Resolved That the strength of the respective Counties after that shall be and they are hereby required to convene County Meetings as may be by Assignments to the High of their Counties of the time place and Terms
 within Standing as aforesaid

And Whereas in Legislature of this State that after on the first day of November last made and pass the following Act. Vizt. That the Act to authorize the High of this State to meet in Convention
 upon, agree to, and ratify the Constitution of the United States, drafted by the late General Convention. The Act Enacted by the Council as a General Assembly of this State, and it is hereby enacted by the
 of the same that it shall and may be thought for the Right thing, by their Delegates to meet in Convention to deliberate upon and if approved of by them to ratify the Constitution for the United States proposed
 by the General Convention held at Philadelphia; and every Act, with or without debate contained, conformably to the Constitution of the Legislature, pass the twenty ninth day of October, American time
 and every other, unless in relation to the contrary in any such resolution be made.

Now be it known that on the 13th day of the month of December 1787 the High of this State for the purpose aforesaid having met and deliberated on, and confirmed the aforesaid
 proposed Constitution; do hereby for and on the behalf of the people of this State, assent to, ratify, and confirm the same and ever last things.

Done in Convention by the unanimous consent of the members present the eighteenth day of December in the year of our Lord one thousand seven hundred and eighty seven, and of the
 Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

Attest, before the signing hereof, the following words, vizt. "GIVEN OF" were indicated between the printed and printed lines on the second sheet.

John A. Howard: President of
 and Delegates from the County of Hudson...

- | | | | |
|--------------------|---|--------------------|--|
| County of Bergen - | John T. ...
David ...
James ...
John ... | County of Bergen - | John ...
William ...
James ...
John ... |
| Essex ... | James ...
John ... | Hudson ... | John ...
William ...
James ... |
| Madison ... | John ...
James ...
William ... | Harris ... | John ...
William ...
James ... |
| Monmouth ... | James ...
William ...
John ... | Camden ... | John ...
William ...
James ... |
| Passaic ... | John ...
James ...
William ... | Essex ... | John ...
William ...
James ... |
| Union ... | John ...
James ...
William ... | | |
| Warren ... | John ...
James ...
William ... | | |
| Westchester ... | John ...
James ...
William ... | | |
| York ... | John ...
James ...
William ... | | |

Attest, I am the Publick Secretary

We the undersigned, do hereby certify that the following persons, who have been chosen by the Legislature to ratify the same, have taken the oaths of office, and have signed and affixed their names and seals to the said Constitution, as follows to wit: —
 To wit: — *[illegible]*
 And we further certify that the said persons, being duly sworn, have taken the oaths of office, and have signed and affixed their names and seals to the said Constitution, as follows to wit: —
[illegible]

[Handwritten note or signature block]

and by the people of the State of New Jersey

County of Bergen	David Dickerson	County of Hudson	James Mott
	William B. Hoopes		John Mott
County of Essex	Joseph D. Smith	County of Mercer	John Mott
	James Mott		John Mott
County of Middlesex	James Mott	County of Monmouth	John Mott
	James Mott		John Mott
County of Morris	James Mott	County of Salem	John Mott
	James Mott		John Mott
County of Somerset	James Mott	County of Sussex	John Mott
	James Mott		John Mott
County of Warren	James Mott	County of York	John Mott
	James Mott		John Mott

[Signature]