

New York Addendum

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New York Addendum

Margaret Beekman Livingston to John Kean Clermont, N.Y., c. 4 May 1788 (excerpt)¹

... The new Constitution is a Very hard morsel. It will not go down I fear with this State[.] in the Manor [i.e., Clermont Manor] it will I think do as they finished yesterday² but Dutchess is much divided, ulster and Orange all antifeederal, Albany divided. But it is said long Island and Staten Island & N York have the Majority This much for politics—

1. RC, Special Collections Research Library and Archive, Liberty Hall Collection 1780s. Address page endorsed: "To the care of Mrs. Kean, N York."

2. Probably a reference to the completion of the five-day state elections held 29 April through 3 May in which New York assemblymen, state senators, and delegates to the New York ratifying Convention were elected.

Melancton Smith's Notes in the New York Convention 30 June 1788 and 1 July 1788¹

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[30 June 1788]

On great political questions it is natural for men of underst[andin]g to differ—Few of them are capable of clear demonstration—most of them will admit of plausible things on either side—Superior talents are frequently on one side and not uncommonly on ye wrong side—

In the present controversy, the gentleman who advocate this const. in its present form, have much ye advantage—they possess great abilities have extensive information, and what gives them great advantage have been habituated to public speaking, they have words at command and are able to express their sentiments not only with ease but elegance—the hon[orable] Gent[leman] from New York in particular, who has so elaborately on two successive days argued in favour of ye Clause has talents capable of reasoning plausibly on either side of any political quest[i]on—his remarks are ingenuous, and his manner engaging—But still no reasoning can change the nature of things or make truth falsehood—When the hon[orable] Gentleman's zeal leads him to represent those who differ from him as dealing in mere verbiage and contradicting all writers & reasoners on the subject—we are not to conclude ye [that] all his

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assertions are axioms, but weigh arguments in [an] impartial scale of reason—but I forbear ye Gent[leman] has apologized—

Let us then attend w[ith] care to ye gentm's reasoning. I endeavour[ed] when I spoke before on yt subject, to show yt as yt system was complex consisting of ye gen[eral] and State Govts., each ought to retain ye means of their own ex[istence?]. That if ye general govt. extended to every source of Revenue[,] it, being armed with all the force and revenue of ye union[,] and according to the common course of things would [then?] subvert ye State govts.—That yt ought to be guarded ag[ainst] because a consol[idate]d gov[ernmen]t over the union could not be exercised upon republican princ[iple]s—

To combat these princ[iple]s and to establish the propriety of this clause the hon[orable] G[entleman] from N.Y. has attempted to prove
1st. That this govt. may be safely trusted

2d. That it is necessary

3d. That no danger will follow to ye S[tate] Govts.

To show ye safety of trusting, he observes yt the Govt. is [Representative] properly balanced and checked—The legislature divided into two branches, ye executive into one—all chosen mediately or immediately by ye people—that ye judiciary was [separate]d [from?] these and rendered Indep[enden]t—No doubt the Idea of limiting the powers in such a govt. being necessary owed its origin to the present times & is contrary to the opinions of all writers.

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If I underst[and] ye G[entleman] his Idea is yt in a govt. formed on ye true princ[iple]s of Rep[ublicanism or Representation?], as he has exp[resse]d them—there is no necessity of limitting or restricting ye powers—as suff[icient] security will be had in ye Organ[ization]—does that accord with ye princ[iple]s opin[ions] & reasons of all writers and reasoners?—it cert[ainly] does not with the reasoners on govt. in yt Country if ye Const[itution]s of ye States are an evid[en]ce how they reasoned, for they all constitute many restrictions and guards—

The ques[tion] whether this govt. is so constructed, as to afford security for a beneficial exercise of its extensive powers partly as it relates to a fair & adequate represent[ation]: has already been largely discussed—The hon[orable] Gen[tleman] has only repeated the same arguments w[hi]ch he before urged, and w[hi]ch have been replied to—But, I do not wonder at his repeating them—For it is evident, that unless it can be maintained yt ye Repres[entation] is such as is adequate and safe, no argument in any degree plausible can be offered to justify comm[ittin]g such extensive powers to ye genl. govt.—If yt is not proved Arg[umen]ts to prove ye necessity of inv[estin]g the gen. gov. with these powers w[oul]d be only attempting to prove yt it was ne-

cess[ar]y we sh[oul]d change our govts fr[o]m free to those not so— or in other words abandon ye Idea of Rep[resentative] govts. As impracticable—but at ye same time, if yt can be proved, if it can be shown yt it is a thing attain[e]d to extend in Rep. govt. over ye whole union, preserving its Spirit in true princ[iples]—I am fully persuaded yt it will follow yt ye State govts. are not only useless but injurious—It is absurd & in my Idea folly in ye extreme to maintain 13 seper[a]te Legislatures comp[ose]d of 1500 to 2000 Rep[resentatives] with all ye forms and pageantry of power, when all ye exp[resse]d powers of Legis[lation] may be as securely

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exercised and more ben[eficial]ly by one Legis[lature] consist[ing] of less than a 13th part of ye number—This plan therefore is inconsistent. It is needless to repeat what has heretofore been offered [to] shew yt is an adequate repres[entation] of ye people cannot be collected yt whole continent, and yt ye one proposed is not, nor can be of yt description—

I shall only say, that a free govt. is one self governed or governed by its own will. that unless ye people will be [rep?] upon all Laws, whatever ye form in exercise of ye Govt. be it is not free—That if ye people could declare yr will be yr own [– – –] suff[?] yt would be ye most perfect freedom—That ye [greater?] a repres[entation] approaches to this ye greater degree of freedom—That there is no limitation to be set to this, only yt a great body meeting in one place, cant express yr will—ye power must be deleg[ate]d and ye number limited to such as will render it practicable to deliber[ate]—within this bound, there is no danger of excess—It is demons[trated]—yt ye more you extend ye numb[er] ye more likely to express yr will. They are more propor[tional] to ye people, and as ind[ividual]s are nearer their will—They are more strongly connected—& yr S have more Symp[ath]y—will be more diffused, and yrfore better acquaint[ed]—more affectedly wh[er]e is done & yrfore more inter[este]d—

From hence it follows, that the more numerous ye Repres[entative]s ye more secure—unless you extend ye number to such a degree as to subject them, to the same inconvenienc[y] as ye people thems[elves] are subject to when meet to deliber[a]te—

It is true yt is ye best reason for forming checks on this b[ody?].

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of one less numerous & more permanent—of dividing ye Leg[islatur]e exec[utive] & judicial —But still, while ye people by their Repr. consent

to all Laws, they are free and self governed—&—their cannot be too much of this freedom in any State—

If these princ[iples] are true, it follows demonstrably yt there is and always will be, more freedom or security in ye State govts. than in ye genl. because yy always can have a more adeq[ua]t[e] Repe—

It follows also, that Repub. govts. of mod[es]t extent—can enjoy more liberty yn yt of great extent—the fewer ye Repres. ye farther f[ro]m ye people—but ye question is how g[rea]t must ye distance be—the hon[orab]l[e] Gent[lema]n says there is no data to prove whether one for 4000[0] or one for 30,000—Thus much is certain yt one for 4—or one for 30

Though it be true yt ye nearer ye Reps. is to the people, ye nearer it app[roache]s to ye true princi[ples] of Lib[ert]y—yet it is also true, yt it is not necess[ar]y in order to follow ye will of ye people yt we sh[oul]d carry ye number to yt extent—Delaware need not have as many as Mass—Here then is room for opinion—but still there is extremes yt are obvious—It is certain yt all ye world cannot be formed into one Rep[ubli]c—The hon[orab]le Gent's. reasoning seems to lead to this—for he says you may delegate to any extent—nay ye more extensive the more secure—

One for 30,000, an extreme of which we have no example in a free govt.—I need not repeat what has been said, yt the people cannot in so diffuse a Repr—delegate ye power w[i]t[h] discretion & propriety—that so few cannot understand the condition of their Cons[tituents]—

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that they will not suff[icientl]y sympathize with them—that they will not be attached to their Interest &c—they may not be rep[resented] and rep[resente]d so forever—

The honl. Gentn. Himself has s[ai]d he will not positively assert yt the present Rep. is adequate, but supposes yt in 28 Years they will arrive at 200, w[hi]ch will be a suff[icien]t number according to his own opinion therefr., we are to commit. yt gr[eat] body, vast powers, when in doubt whether yy are adeq[uate]ly repr[esented] or not, trust[in]g yt ye evil will be cured in 28 Years—

It is true, he supposes we may be secured from an abuse of power, from ye Spir[i]t of ye people & a number of extraneous circumstances—But before 28 years ye govt. will assume such a form [of] habits, as not to be changed but by force—or else it will expire.—

An honl. Gen. from N York The Gen[tlema]n says the authorities all[uded] to prove a Rep[ublican? or Representative?] govt. cannot be

extensive, misunderstood[.] They apply only to democracies—I admitted they did—but said still sd. [—] were right & still say, they apply, because the [bulk or best?] of these auth[oritie]s say a Despotism alone, is proper for extensive Count[rie]s—I am justifi[ed] in my Opinion, by men of ye first ab[ility or abilities?] in our own Country—An honl. Gent. in Penns. Who was a member of ye genl. Conv[entio]n as well as of the State Conv[ention] has stated ye same Idea, and asserted it was an opinion yt prevailed in ye genl. Conv[entio]n—The extent of Country says he for w[hi]ch ye new Cons[titutio]n was req[ui]red prod[uce]d another diff[icult]y in ye business of ye Con[stitution or Convention?] &c—

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I am coun[tere]d in ye same opinion by another hon Gen[tleman] from N.Y who spoke on ys subject—who admits that an adeq[ua]te Repr is impracticable on the plan of consold—On ye whole I presume the truth of the pos[ition] yt an adeqt. Rep. for ye security of Lib[ert]y not prac[tica]l in ye US. under one govt. and therefore yt its powers must be limited—

This perhaps may be admitted, but it is s[ai]d wh[a]t shall be its lim[it]s—The powers in this clause it is s[ai]d is a neces[sar]y power common defence, implies a power of war offensive & defensive—from this necess[ity] follows yt a comm[an]d of revenue—unl[imite]d?—when an end is req[ui]red—ye means sh[oul]d be given to attain it—The maxim is true as appl[i]ed to govt. generally—but not as appl[i]ed—The care of ye comm[o]n defence may be lodged in one dept[artment] of govt.—The prov[ide]d ye means in another—This ye case in G.B.—Our govt. consists of parts—each are to be supp[lie]d and ye power of drawing forth its resources, must be lodged somewhere—The question is where can be the most securely and prud[entl]y lodged—

The amend[men]t does not deprive ye govt. of the comm[an]d of the resources, it only changes ye manner of yr being called forth—Let us enquire whether

1. They ~~cannot~~ will not be as effectually comm[ande]d—
 - 2d. Whether not more securely or with less oppo[sition]—
- Will they not be as eff[ectivel]y drawn forth—

I observe ye amendment leaves ye general govt. the exclusive comm[an]d of impost; and a right to lay duties—This will in all prob[abilit]y provide for the ordinary expences of the union—But it leaves the laying of Taxes &

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excises, through ye State Legis[ature]s in cases of Requ[isition]—

That ye State govts. will have equal ability to raise money by taxes & excises, [wt?] ye general, is evid[en]t from several consid[eratio]ns, yt cannot be disp[ute]d—are admitted—

They will be best acq[ua]inte]d with yt mode of laying ye taxes—

They will have most ye conf[idence] of ye people—if yt power is left—Laws must be executed by conf unless ye G w[oul]d have recourse to a st[andin]g army—

If then the nec[essar]y supplies are not [to] be raised, it must be [from?] indispos[— —]—

Woul]d they be refuse? it, under this amend[ment]—I think not

For 1. It is to be presumed yt ye States will have an affect[ion] for ye union and do all yy can to provide for it—if not ye union must dissolve—

2. They will be under ye add[itiona]l inf[luenc]e of fear—they will do all yy can to prevent Cong[ress] from interfering in ye police—this will have ye influence necess[ar]y—

Many Arg[umen]ts offered to prove ye States will not before examine them. I will remark on some things advanced by ye hon. Gent. from N. York—

He obs[erve]d that to reserve ye impost & excise unreas[onable], because it wd commit to ye genl. govt. too small a prop—

He calculates ye expences of the State govts. [approximately?] 1/14 of what ye general govt. is, and founds it on ye properties in G. Brit[ai]n—his statem[en]t of the expences in G. Britain, may be accurate, but I ask, will they apply to us—

Does he not include in his estimate the Inter[est] of between 2 & 300 Million of nati[ona]l Debt—

of an immense navy such as this country will never have [nor?] want—of a large standing army w[hic]h I hope we shall never submit to

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of Garrisons, Fleets, and ~~civil~~ other expences, for the support & encour[agement] of their possessions in Asia, Africa & America, w[hic]h I trust we shall never seek—this shews ye utter improb[abilit]y of ye dem[on]d remark—

If we examine facts in our own country, we shall find, yt ye civil hist of ye several States amo[un]t together to 3 wh[ole] times as much of yt of the union—yt ye State debts taken tog[ethe]r are nearly equal to yt of ye union—The impost since ye peace, has raised in ye union nearly as much as all ye other sources of revenue—When under one

system, yy will increase, and the Post office will [afford?] a small addit[io]n—These remarks prove yt for present demands, ye resources wh[ich] ye sole comm[an]d of are as adeq[uate] as yt of ye States—suppos[in]g each appropriated—But, the amendm[en]t does not confine ye union to these, but only changes ye mode of supplying—

But both ye honl. Gent[lemen] from N. York insist yt no dependance at all is to be placed upon requis[ition]s and that the remedy proposed in case of default will be ineffectual—

The system of requis[ition]s has been repres[ented] as absurd—like a govern[en]t asking vol[untar]y contribut[ion]s—The case not similar—State govts. capable of calm delib[eration]—must be supp[lie]d or suppose]d? to regard ye public good—and never to want inclination if yy had ability—

The experience of requis[itions] has been adduced, I ask ye honl Gentl—whether he believes Congress could have received more money by Taxes, if they had had ye power than has been p[ai]d on requis[ition]s—

The deficiencies of the States on requisitions exaggerated, & not imputed to their [proper?] causes—

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The States have been repres[ente]d as refus[ing] to pay when able—not so—The States most def[aul]t? Georgia, N. Carolina & N. Hampshire—It has arose from their peculiar circum[stances]—Georgia was overrun by ye Enemy—laid waste & reduced to extreme poverty—No power could have raised money from her by Taxes, above ye absolute necess[itie]s of her govt—She made exertions during ye War—and claims consid[erable] Sums due f[ro]m ye Cont[inent]—N. Carolina did suffer in ye war, and made large suppl[ies] as I am inf[orme]d for ye Southern Army—and is very poor N. Hampshire—poor—lab[orin]g under debt—All the States burdened w[ith] State engagem[en]t incurred in ye war & carried taxes as far as yy w[oul]d bear—ye cause of failure been inability not disinclination—

[Marginal Note]: S. Carolina p[ai]d their [Certf] in [consequence?] of Conts. w Mr. Morris

When all dissatisfact[ion] or disputed facts about impost removed, every State will do all they can—no more can be done—

The provision in the clause giving power to lay ye taxes in case of failure repd. ineffectual—because ye State if they refuse, will have all ye body of ye people combined to? oppose it—& [there]fore Congress could not collect without an armed force—

I presume under yt clause Cong[ress] would never have occasion to exercise yt power—The States w[oul]d see & apprehend ye consequ[ences] & would levy ye taxes if possible.

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2d. Will there be more security & less danger of oppr[ession]—This I think evident—because the Legisl[ature] of ye State will best know ye means of collecting—

Be most effected by it & most likely to consult ye incl[ination] of ye people—

But it is said, that the taxes will be heavier on this mode because the genl. govt. will make req[uisition]s upon estimates, in w[hi]ch they cannot be exact—& will allow for deficiencies—

Suppose this true yet, there or these? will be powerful motives to induce to oeconomy on ye plan of Requis[ition]s—vastly more than to balance this—It is not to be presumed demands of money will be made, unless indispos[ed] upon estimates—the object designated—because the Repr[esentatives] of ye States, will exp[ec]t to be called to [act?]—they will see ye diff[icult]y of collecting if ye States are defaulters—

On ye other hand, all govts. are apt to be profuse if they can attain money easily—

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3d. We enquire whether there is no danger to the State governments from invest[in]g this power—

It is evident, this amend[ment] will render ye State Govts. essential to the genl.—As the system now stands yy are not so, in ye exercise of one power—when ye govt. is once formed. They may act in every respect without their intervention—They never need to come together, except for ye purpose of chusing Senators—It is therefore import[ant] to preserve [themselves? or State Government]—

That ye gen. will destroy ye States, appears clearly demonstrable, from yt maxim, yt the power which comm[an]ds the force [or?] resources of a country, have all power—or at least all other is held at their will—The purse & ye Sword concentrates here—every yg [i.e., thing] else will follow—It is said yt does not apply to our case—but it does exactly as ye State govts are conce[rne]d—

The gen. Legis. have unlimited authority, over both the purse & ye Sword—if ye State govts. are [allowed] to exist—In G.B. they are divided & by yt means, each of the parts of ye Govt—retains ye means of defence—

It is s[ai]d the genl. governm[en]t will have no inducem[en]t to encroach—because ye State govts. necessary props—But it is adm[itted] they will be rival powers—& [– – –] yt ye genl. govt. shd. be incontrollable or incontrovertible?—how are yy props they are comp[eten]t. to do every thing, though ye State Govts. should

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not meet at all—

[1 July 1788]

It is s[ai]d it will be committing suicide—as no Senate or President—For the Election of Presid[en]ts ye Legislature may provide by a [perpetual] Law—

It may be necessary ye Legisl. sh[oul]d meet for Sen[ator]s but will the forms of ye State governments be kept up for no other purpose—

It is said the State Govts. will have more numerous repres[entatives]—But this will operate to induce ye people to consent to abolish them—They will have more numerous offices—Not true w[ith] respect to Offices ye object of ambition—judicial and dependencies—Revenue—Military &c.

—They will have more [of] ye Confidence of ye People—a good reason to commit to them yt exercise of as many powers as com[ensurate?] w[ith] public good—This confed[eration] will be lost, when yy reserve only ye phantom of power—

Many imp[ortan]t powers vested remain in ye state govts.—all ye imp[ortant] I contend in ye gen[eral]—

It is said, no danger of concurrent jurisd[iction]—this shall be cons[idere]d hereafter

The inconsistency of those who refused [impost?]

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Obj. to restrict ye power respe[cti]ng Excise—

That it will be again yt State because we shall not be manuf[acturin]g will reduce them to lay heavy imposts—

imposts will find their level—

The excise improper—

1st. because it will be unequal, and that of ye general govt. will not be able to lay it—

2. The number of Inhab[itant]s being yt ratio, will operate equally, as number of Inhab[itant]s—will be proportionate to—

3. for a long time manuf[acturin]g will require cherishing and encouragement[en]t—and excise sh[oul]d be left w[ith] State for ye purpose—

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Mr. Hamilton: Two principles in govt: Security and strength—
 one body quick sensibility.—
 the other firm, not to yeild
 The Argument applies to assembly—
 What can the Senate do with ye assembly—
 The house of Assembly, have all prejudices and will carry ym into the
 Senate—
 Instances, Rhode Island—
 frequently happens
 The Senate of some States chose [– – –]
 and therefore—
 People liable to impos[e]—convey their predjudices to their repres.—
 they to ye general govt—
 State Legisl. a partial view. on one side power of combining a great
 Check—
 the fear of the State, of offending them—will have a powerful influ-
 ence—
 The State Legislatures provide for the Election of the President—
 Local Interests—a small tax on Salt—
 Sacrifice of Country to Country—
 will yield to impulses of indep[enden]t
 in Congress, the question always how will it affect my place?

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sensib[ilit]y of 2 Years & [there]with
 4 Years must [distrust?] 6 Years
 5. 3–1
 house of Represent[ative]s secure us—
 Experience proves—for this is the case with all confed[erate]d govts—
 Rights of the States—and the local Interests—distinct—
 local Interests will decrease if you give the genl. govt. stability—
 faction—they calculate as though it was perpetual—
 will not factions be known—
 it supposes yt State Legislatures
 —The source of faction has been from local Interests—
 The factions to be effectual
 must be convey[e]d to the house of Represent[atives]—
 The Idea of dependance will operate
 never sh[oul]d bring the other States to agree to recall

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Responsibility and a desire reward—

An Executive forms ambit[iou]s motives—a knowledge of his being obliged to leave his off[ice] takes off restraint—

Banishes experience from public councils—

It often happens, you have a man of great virtue & talents—a war arises—

This man ye Soul of ye Senate—

you may be ruined—

pick up men any where—

men—

Rotation bad—one third to go out—he will appoint them all to offices—

Not many offices to tempt the Senators—

The Judges perma[nen]t—

The foreign ambass[adors]—

Offices in Customs—

little Offices no temp[tatio]n—

Offices not frequently corrupt

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Our circumstances altered

The States will not agree to this amendment—

Disunion—

League—

Suppose ye States acq[ua]inte]d w[ith] ye objects of ye general govt.

1s. yy are not well acq[ua]inte]d

2d. Cannot harmonize

The object of ye general govt.

Ye good of ye whole

The Leg[islatur]e not chosen for ye purpose of being acq[ua]inte]d

The State gov. not acq[ua]inte]d w[ith] foreign affairs—

This supposes ye State will recall without examin[atio]n—

our constitution supposes ye Legislature may be misinf[orme]d—

Oath of Office—

If he acts ill they will remove him—

Men have viewed ye subj[ec]t o[ff] on one side—

Men like a head strong horse

To continue checks—

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The Senate cannot do one thing alone—

Cannot try impeach[ment]s—

[but?] be imp[ortan]t—

No power in appointing officers—a check upon—

Legisl[ature] checked by Reps—

[— — —].—

Money bills, they cannot originate—

Memb[er]s of Congress, left out in this State—

Deleg[ate]s of other States have interfered in ye Election of Deleg[ates?] in this—many interfered again—

Foreign nation may

Corrupt a State Legisl[ature?]—

—The Senator may have state Secrets—

If factions exist now, rotate will not [cure?] them—

If they

To send Senators to school

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Mr. Jay—

has been well argued. The Govts. sh[oul]d be cons[idere]d so as not to clash or interfere—

But national objects require national resources

—But here rises a question sh[oul]d a part controul the whole—

No object—but what the gentl[men] state for ye abuse—security ag[ains]t this our own choice—

w[ith] state prejudices—self Interest influence ym to do—

The diff[iculty?] of Req[uiremen]t if they refuse—the same views that influence one State, will influence the rest—

—ambitious men may lead to [this?]—

Weight in want of inform.

But consider direct Taxes—

Are either specific or general operating on all property—

This remark don't apply, instance Coaches, Slaves &c—

Each State provide a system to give their memb[e]r

All these difficulty vanishes—

Not possible to object to the manner if effectual to procure ye money—

May adopt, by explaining the concurrent Jurisdiction—

By what Rules will you distinguish the pro[visions?]

[Marginal Note]: how do they know foreign from home manuf[ac]tures—

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Demands for Cont[inenta]l Money not regarded

—Supplies not regarded—

All the States deficient—

Georgia. Always cons[idere]d. the assertions of demand of States a mere pretence—

[Marginal Note]: this removed by the Const.—

Inability not a good excuse—because gen. Wash. says they might have done more—

[Marginal Note]: my opinion conforms to the Generals—

The Gentn. says, no direct tax can be laid—

Melancholly, if true—does ye Gent. suppose the people will not support the union—

admitted there sh[oul]d be a power of taxation—yet said no tax can be raised. the States will not suffer it—

[Marginal Note]: did not say w[hic]h States will not submit, but yt I suppd.

The Gent[leme]n pleased to say—this power will destroy ye State Govs.—The Legis[ature] will never meet but to chuse Senators—

Why is this to be supposed—How are they now applied—

The only difference—the State now raises ye impost—not under ye [- - -]—

All the difference—

A dissolution of the State govts.—

W[oul]d dissolve ye genl.—if they sh[oul]d raise all the money. They must apportion—

Observations appl[ie]d to foreign powers—

The Governm[en]t is ourselves—

If to be scanned w[ith] an eye of extreme jealousy—

It is imposs[ibl]e to have a Cons[itution]—No objections to be offered but those founded in reason—

Arg[umen]t. to day to correct some error and [vindicate?] his honour—

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Observed that it will be unequal—very ben[eficial] to other States—what reason for the opin—

[Marginal Note]: Being equal, it will not be laid

The States intd. have agreed but—leave to thems[elv]es to judge—

—This tax equal, already shewn—if no [prov?]

Connect[icut] Became a great manufac[turin]g State, will cease to import, & so pay no taxes—

Said the impost will find its *level*—

Does not know wh[a]t it means—

In another respect it will find its level, readily—be ever done—The States too much justice

To ask such a thing—

Excise substituted as a commutation Pa. impost—
 If Congress will not go into it, why then take it away—
 [Marginal Note]: [fair?] to give the State means of subsist[ence]—
 Excise on Spirits proper to promote Morality—
 The Constitution, not made for the present day—
 The World makes use of this—
 Each State before adoption has a right of taxation—
 The 8th Sect. gives Congress powers of taxes—
 Compare this clause, with another, prohibiting the laying imposts on
 imports or exports—
 If the States & general govt. have a right to tax, they have a mean of
 supp[ressio]n—
 No doubt can arise—
 The Gentn has taken up the Law point—hopes he has knowledge to
 have
 The Gen[tleman] from Dutchess, says every man does not

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underst[an]d and may be diff[icult]y—
 Differs with ye honl. Gentn.—all the gen. govern[men]t
 —will have preference—both States concurse? Jury
 —the thing seized belong to tht. State who first seizes—
 The State ceases to be sovereign only in those cases, relinquished—
 The Memb[er]s of each State repres. & infd.—
 Laws of ye States—
 Polls of the States—
 The observ[ation] of a compelling power—the power not open[in]g
 for good, but evil—
 If not complied with, ye matter will be controverted—after the
 [warmth?] and union to keep faith, in ye exercise of this power—never
 would be raised—
 No man w[oul]d accept ye office of Collector—like a stamp officer—
 we know requisition, worse than vanity—
 Who stepped forth in yt day, what did requisition do—Congress G.
 Washington called & called in vain
 —Our Legisl.—cried—
 Cannot form funds for borrowing, because uncert.
 —four Discourses—one almost as long as the whole—

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The taking yt power to pay their debts, will create confidence—
 Power to interfere private confidence—

The exercise impracticable would not collect
—give this Arg't. fair play, it will follow, that they must apply [to] the State govts.—

Purse and the Sword carries confused Ideas
—powers sh[oul]d be divided—

The State of Pennsylv—& ye State of N. York—

[Margin Note]: The union is ye gen Govt
diff.—no controul over each other—govt. implies union—what union—
if they form no—union—

The genl. Gov. must controul the State govt. or ye State govts. the genl.—

To great national objects, the general govt. supreme—

It does not alter the case, both acting under the same author[ity]—
[Margin Note]: I ask, if they interfere,—who is to judge better Then—

Why keep this purse—Why this Sword—the States do not want the purse—13 hands holding Swords—unless to draw it through their hands—

No purpose to be ans[were]d by keeping this power—Necessary to support the Arguments heard out of Door—

Laying of Taxes necessary, to pledge specific Taxes—
Sd. The Government to be made for a day

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Mr. Duane—We are not before this Committee, to try Char[acte]rs but ye merits

~~To show ye~~ The Hon^l remarks upon abilities not candid—said one of ye Gentn. could [– – –]

Will be very candid—stick to the point—state fairly—
The govt. of Great Brit—

The head of ye Gen govt. ye Presid[ent]

The Legislative hold ye purse—

To introduce a fourth power—

[Margin Note]: This refutes a concur[ren]t Juri[sdiction]

The next observ[er]; pert.—because the Gentn. is certain the States will comply—increases in his confidence—first that probable—

Experience hand[e]d. from State, conclusive

Papers offered not as Opinion but evidence

~~1st.~~ That the State in emt. danger for want of the efficiency of Requis—
The war protracted by it—

Not the inability—but to want of equal exertions—

If these facts proved ye Requ. have failed both before and since ye peace, it amo[un]ts. to near demonstr—

Resol. of Senate produced—

These Resolutions have been s[ai]d to have originated in despondency?—

Resol. of Senate Octr. 10, 1780—

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this resolution perfectly accords w[ith] the amend[men]t—

Novr. 14, 1781—Confed[eratio]n came to hand

Novr. 21, 1781 Resolve of Senate—

Circular Letter of Gen Washington—as a Witness to facts—The war could have terminated in less time, had ye resources of ye Country been drawn out—

Have had some experience as a Servant in Congress and a melancholly witness of their inefficacy—No care can happen emergent—*accord[in]g to this amend[men]t Requis. is to be the basis of ye present Gov—*

The State debts more than ye natl—

We must take up things, as they will be—

hopes to see a navy—

[Margin Note]: never will want such a navy as G.B—

I sd.?) large army

As exigencies will happen, standing army may be necessary—

We must raise an Army, to take the Posts or Forts?—

hopes the spirit of America not fled—

No moment what, our present Circums[tances]—

Doubts the State debts as much union—

nothing infered from present Circumstances—

The Gentn. notwith[standin]g his zeal, will alter his conclusion

Said Georgia has an [accot?]. N. Carolina, [supd?]. genly runs operation—Requis[ition]s not been p[ai]d to inability

When he left Congress the States was all deficit.

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Gentn—disagree—the one holds—The State Govts—

They hold the State Govts—must have resources—lay taxes—

They say

To Confine the States in a Dung[eo]n—

Contradicts yt Argt.—they say they cant do it

—from nothing, nothing comes—

liken to children—

No fair reasoning—

The State govern[men]ts will be destroyed because, they have no power

Power over property.—
 Life—
 The present Confed—War & Peace
 Treaties
 Ambassadors—
 improperly possess Commerce—
 power taking away—
 regul[atin]g Militia
 —raising money—
 This defd. by ye use of applying the Money—
 confidence, does not arise from raising money
 two objects—one for State purposes
 The other—for general &c—
 Only the mode changed—were obliged to do it under this Confed—

1. In 2017, these manuscript notes taken by Melancton Smith were sold to a private collector by Seth Kaller, Inc., Historical Documents & Legacy Collections, 235 Main St. Suite 510, White Plains, NY 10601. Kaller generously supplied copies of the notes printed here. In the notes, Melancton Smith reports on speeches delivered by Smith, Alexander Hamilton, John Jay, and James Duane.

Melancton Smith: Speech in the New York Convention Friday, c. 11 July 1788

In this speech, probably delivered on 11 July, Melancton Smith urges that the New York Convention should ratify the Constitution with conditional, explanatory, and recommendatory amendments. The manuscript of the speech is located in the Manuscript and Special Collections of the New York State Library in the Papers of John Williams (Box 8, folder 36). Smith reversed his position and supported unconditional ratification of the Constitution on 23 July 1788.

~~For this and~~ We ought not Vote to agree implicitly to a form of govt. which will diminish or destroy it. Events may nevertheless turn up which make it in some measure expedient and prudential to accede entirely to a form of govt. greatly defective—but no event can possibly happen which will ~~cause the adoption~~ render it necessary to adopt a govt. repugnant to the feelings of our Constituents—repugnant to the ideas which they and we entertain of civil liberty—for it ought to be deeply imprinted in our minds as an important truth that of all possible evils slavery is the greatest. It is needless at this time to enter into a discussion of the Constitution upon this point—it has been sufficiently discussed—every member has had a fair opportunity to make up his mind on the subject—I have made up my own, and my opinion is, that if it is not ~~greatly~~ amended, that we have during the late revolution

been fighting for a shadow and ~~[flaunting a?]~~ ~~[—]~~ expending our property for an airy nothing. I mean no reflection upon the Honble. Gentlemn. opposed in sentiment to [them?]. their intentions are I believe patriotic and honest—and I also believe they endeavour as ardently wish to promote their Country's good as any others present. I sincerely As they have always & generally shewn in this Committee a conciliatory disposition, they will I presume, concur with us in the great works of reformation, and amend the propositions of the Honble. Gentlmn. from Albany¹ and unite their endeavors with ours to reform a govt. which the general voice of America declares to be defective and needful of amendmts.

If they however think fit to spurn at our exertions to ~~promote in a union of sentiment in this Committee if and to reject~~ promote liberty and union—if they see proper to disagree with our proposals, let me Sir beseech them not to cheapen our ears & insult our understandings with ~~[—]~~ descriptions of imaginary dangers. ~~We have been~~ We are well convinced, that We have been too often ~~[—]~~ favored with such descriptions representations of this nature, which do more honor to the fancy than the judgmt.—~~which~~ A man of sense will think before he acts—a man of probity will act firmly & honestly, and after he has marked out the line of his conduct, the language of honor and ~~the the~~ promise of the voice of exertion of oratory may will never cause him to ~~several~~ step out of the road of his duty.

Will the first Congress under the new Constitution be wise men or fools? The Gentlemen on the other side have during the whole course of the debates professed to believe in the probability of the former—Why then do they dispute it in this instance only?

We sir have been threatened ~~with~~ to be assaulted with all the evils of Pandora's Box if we do not agree with the gentlemen on the other side of the question—We have heard described all the hobgoblins and bugbears ~~which~~ as the consequences of unconditional non-adoption which a most luxuriant fancy can exhibit delineate—We have seen all the arts of politicians exhibited before us in full view and all the tricks of statesmen played off before us—But sir we should be but little acquainted with mankind, if we were ignorant that men when they wish to carry a favorite point address themselves to the passion's instead of the reason—Fear is a powerful and prevailing passion—it has often been addressed since the sitting of this Convention and I have often been surprised to see gentle[men] who commenced with recommending the consideration of this subject without passion and without prejudice continually endeavor to excite them—~~either~~ by tragic descriptions or & comic exhibitions.

In the situation we now are[,] we ought to divest ourselves of every consideration [—] passion inconsistent with our Country's good— We ought neither to be led astray by fear, flattery, or ambition. We ought to remember that we are the mere deputies of the people sent here to do an important piece of business which it would be impossible for them to attend to to give our negatives to a Constitution viewed by them as pregnant with slavery[.] I am convinced that nothing [—] but a love of peace and union could have induced the members on the side of the opposition to have gone so far—this mode however upon the whole seems to promise ~~the greatest advantage~~ well—it admits us into the union—it places in some measures a centinel over the purses and persons of the people against the encroachments of the genl. govt.—it secures the freedom of elections, the root of all rights and the neck of liberty. In a word it blends together the advantages blessings of union and liberty—

1. Probably a reference to the plan of ratification proposed by John Lansing, Jr., of Albany on 10 July 1788 that called for three types of amendments to the Constitution: conditional, explanatory, and recommendatory (RCS:N.Y., 2118–30n).

**Melancton Smith: Compilation of New York Convention's
Amendments, c. 19–26 July 1788¹**

Preamble agreed

Article 1 Sect: 1 agreed

2 Sect: 2 1st Clause agreed

2d. Clause doubtful—proposed to double the
number of Repres. and make the ratio of
increase 20,000 until they amount to 300.

3d. Clause d[itt]o.

4. Clause agreed

5. Clause agreed

Sect 3. 1 Clause—The term of service too long—
there should be a rotation in the Senate—it
would be desireable to have the time of ser-
vice 3 years and that no person be eligible
more than 3 out of six—

2 Clause agreed

3 d[itt]o.

4th. Clause—Instead of a Vice Presidt. the Senate shall choose a Presidt. who shall exercise the office of Presidt. in case of vacancy.—

5th. Clause altered agreeable to the

6th. Clause—Query—Should not the Court of Impeachments be differently formed[?] perhaps it would be well to lodge it with ye. first judges of the States.

7th. Clause—If the above amended [to] give power to the Court to furnish at discretion not extending to life.

Sect: 4. 1st. Clause—The power in Congress to make and alter the regulations of Elections shall not be exercised unless in Cases where the State shall neglect to make them.—

Article 1st. Sect. 4. 2d. Clause agreed.

Sect: 5. 1st. D[itt]o.

2 agreed

3. — The journals shall be published monthly—nothing shall be kept secret without the assent of $\frac{2}{3}$ and every member shall have a right to require the yeas and nays to be entered on every question.

Sect. 6. 5 — Each state shall pay their own members of Senate & Assembly. No Senator or Representative shall during ye. time for which he is elected be eligible to any office under the U.S.

Sect. 7. 1 Clause agreed

2 Clause — but no such order resolution or vote shall have the force of a Law—

Sect. 8. 1st. Clause — Take the Massats. amendt.² and add provided no excise be laid except on spirituous liquor & no duties be laid on any real property.

- 2 Clause — With the assent of 2/3 of both houses.
 - 3 Clause agreed
 - 4 — provided they shall pass no laws of naturalization—
 - 5 — agreed—Quere as to bankruptcies
 - 6 — provided that this power shall not extend to laying out, repairing, or altering roads in any of the states.—
 - 7 Clause agreed
 - 8 — To strike this out & insert trials in all cases in which the supreme Court has not original jurisdiction shall first be held in the supr. Court—
 - 9 — agreed
 - 10 — D[itt]o.
 - 11 — Nor shall it be lawful to maintain a standing army in time of peace and the assent of 2/3 shall always be necessary for raising troops.
 - 12. agreed
 - 13 — D[itt]o.
 - 14 — provided that the militia of no state shall be marched out of the State without the consent of ye. Legislature.—
 - 15 — provided that this Clause shall not extend any farther than to prescribe the manner in which the militia shall be armed and the mode of their discipline.
 - 16 — provided
 - 17 — provided that no power shall be exercised but such as is expressly given by this Constitution and all other powers not expressly given shall be reserved to the respective States to be by them exercised—
- Sect: 9 1 Clause—Objectionable in the whole but no such duty shall be laid on our afrean Emigrants.

- 2 — agreed
- 3 — provided the meaning of ex post facto laws shall not be understood to prevent calling public defaulters to account but shall be confined to criminal matters.—
- 4 Clause — provided for in a former amendt. & therefore to be struck out.—
- 5 — Congress shall have power to lay duties on articles exported—and shall never grant monopolies, erect trading Companies with exclusive privileges.—
- 6 — provided that an account of Recets. & expenditures be every year transmitted to the sup: Executive of each state to be laid before the Legislatures—
- 7 — Congress shall at no time consent—As the Mass:³
- Sect: 10 1. Clause
 - 2 — agreed—
- Art: 2 Sect. 1. Clauses 1, 2 & 3. Quere shall the Presidt. be reeligible until after he has been out 4 years so that he shall never serve more than 4 years out of any period of 8 years
 - 4 — agreed
 - 5 D[itt]o.
 - 6 — D[itt]o.
 - 7 — D[itt]o.
 - 8 — D[itt]o.
- Sect: 2 Clause 1— provided that the Presidt. shall never command ~~fores~~ in person nor grant pardons for treason without the [page ends here]

1. MS, Melancton Smith Papers, Box 1, folder 36, New York State Library. This incomplete four-page compilation of the New York Convention's consideration of amendments to the Constitution ends abruptly at the bottom of page four. The Convention's consideration of these amendments probably commenced on 19 July 1788.

2. The fourth of nine amendments proposed by the Massachusetts Convention on 6 February 1788 provided that Congress could levy direct taxes only when the revenue from

commercial duties was insufficient and then Congress should requisition the tax on the states which in turn would actually levy the tax to pay its proportion of the requisition. Only if a state failed to pay its quota could Congress levy a direct tax on the delinquent state.

3. The last amendment proposed by the Massachusetts Convention prohibited Congress from consenting to a federal government officer from accepting a title of nobility “from any King, Prince or Foreign State.”

Melancton Smith: Speech in the New York Convention Wednesday, 23 July 1788

MELANCTON SMITH was raised in Dutchess County, New York, where he was a prominent merchant who served as the county sheriff, a justice of the peace, and as a judge on the court of common pleas. He moved to New York City in 1784 where he was one of Governor George Clinton’s most trusted lieutenants and was a founding member of the New York manumission society in 1786. He served in the Confederation Congress in 1785–1787, in which he delivered a speech in July 1786 criticizing Congress’ rejection of New York’s ratification of the Impost of 1783 because of several unacceptable provisos. He expanded the speech in two pamphlets published in October 1786 under the pseudonym “A Republican.”

In 1787, Smith strongly opposed the new Constitution because he feared that it endangered the rights of the people and the sovereignty of the states. With no chance of being elected to the state ratifying convention from strongly-Federalist New York City, Smith was elected to the convention from Dutchess County, which was expected to elect all Antifederalists as its seven delegates. Statewide, Antifederalists won a landslide victory capturing more than two-thirds of the Convention seats. Smith led Convention Antifederalists against the Federalist onslaught led by Alexander Hamilton and John Jay. In fact, Smith characterized himself as the manager of the Convention, which assembled in Poughkeepsie on 17 June 1788.

Knowing that they had no chance to ratify the Constitution, Convention Federalists delayed a final vote hoping for the arrival of favorable news from New Hampshire and Virginia where their conventions also convened in June 1788. Antifederalists steadfastly refused to ratify without conditional amendments. Federalists denounced such a conditional ratification equating it to a rejection that would oust New York from the Union. News of New Hampshire’s ratification on 21 June that satisfied the constitutional-threshold of nine state ratifications did little to quell Antifederalists who sensed that the new government could not succeed without Virginia and New York. Everything changed, however, when news arrived on 2 July that Virginia had ratified. Federalists took heart, while the previously united Antifederalists now fractured as they frantically considered and proposed a variety of strategies all aimed at a limited ratification with conditional amendments or a limited term ratification allowing time for a second constitutional convention to meet and adopt amendments.

Finally, a small core of Antifederalist leaders that probably included Governor Clinton (who was the Convention’s president), Samuel Jones, and Melancton Smith decided that disunion was too dangerous for both the country

and for New York. On 23 July Smith gave a speech that announced a change in his position. Instead of supporting ratification of the Constitution only if accompanied by conditional amendments, Smith announced that Antifederalists should ratify with recommendatory amendments that should be obtained through the procedure provided in Article V of the Constitution. Despite this change, Smith contended that “he was consistent in his principles and conduct” in pursuing “his important and favourite object of amendments with equal zeal as before, but in a practicable way which was only in the mode prescribed by the Constitution.” In announcing this change, Smith said that he followed “equally the dictate of reason and of duty to quit his first ground, and advance so far as that they might be received into the Union.” Smith’s efforts succeeded in obtaining a three-vote majority (30-27) as eleven Antifederalists either did not vote or voted to ratify, including five of the seven Dutchess County delegates.

When news of New York’s ratification was received in New York City, Federalist merchant Seth Johnson believed that “much praise is due M Smith, he found the improbability of having amendments made by the states previous to its becoming a government, & gave up his opinion to what he thought necessary for the tranquillity & advantage of the state. I do not think that he is any more convinced than when he left town. his conduct has been displeasing to many of the anti’s—his moderation & the abilities he has shown in convention has in some degree compensated with the federalists for his opposition.” Henry Knox, serving as the Confederation’s Secretary at War, reported to George Washington that the New York Antifederalist Convention delegates should be praised “for their candor and wisdom in assuming different conduct when it became apparent that a perseverance in opposition would most probably terminate in Civil War, for such and nothing short of it were the prospects.”

The manuscript of Smith’s speech has only been recently discovered in the New York State Library’s Manuscripts and Special Collections in the Papers of John Williams (Box 8, folder 30). In the process of mounting the manuscript pages in a book many years ago, folds were made that obscured the final lines of some of the pages. Additionally, at least three of the pages were incorrectly arranged. The manuscript, which appears to be a draft of the speech, does not appear to be in the handwriting of either Melancton Smith or John Williams. (The manuscript of another undated speech delivered by Melancton Smith on 11 July 1788 has also been located in the John Williams Papers of the New York State Library. In this much shorter speech, Smith reiterates his initial position that the New York Convention should only ratify the Constitution with conditional amendments, despite the fact that Virginia has ratified unconditionally.)

A summary of Smith’s 23 July speech was included in a folio-sized broadside printed by John and Archibald M’Lean as a “Supplement Extraordinary” to the *New York Independent Journal*, 28 July 1788 under the sub-heading “Copy of a Letter from Poughkeepsie, dated Friday, July 25, 1788” (Evans 21172). At the end of the printed 25 July letter from Poughkeepsie, the letter writer stated: “I have been rather particular in stating the business of Wednesday to you, because I think it is of a decisive nature; and I was so well pleased with Smith’s

speech, that I have given you the substance of it with fidelity, and nearly as I could in his own language.” The copy of the letter was reprinted in twenty-five newspapers by 14 August: N.H. (1), Mass. (4), R.I. (2), Conn. (5), N.Y. (5), Pa. (4), Md. (1), Va. (2), S.C. (1).

Smith’s speech significantly impacted his subsequent career. His moderation did not endear him to Federalists, while many Antifederalists viewed him as traitorous. Although he continued in George Clinton’s inner circle, Smith was not chosen as one of New York’s first U.S. senators and, in fact, was never elected to a federal position under the Constitution. In essence, his effort to keep New York in the Union while continuing the effort to amend the Constitution stifled his political career. According to Robin Brooks, Smith’s biographer, “Even though much of Melancton Smith’s life lies in obscurity, for a few days in July, 1788, he came as near as any man ever does to holding the fate of the nascent American nation in his hands. When he broke with most of his friends and political allies to support ratification of the Federal Constitution, he ensured New York’s adherence to the new Union and averted possible civil war, at the cost of his own political career.”

If the first, upon what terms we will accede to this new and momentous compact. In this situation what is it wise to do? Shall we Join the great American family, or shall we withdraw ourselves from It and seek our fortune separately.—Shall we endeavour to give the laws to the other parts of It, and dictate to them the terms of our Admission or shall we with brotherly kindness and confidence take our station in the family transition, and rely on common interest and common prudence for those Alterations and improvements which in our opinion will be calculated to render It more commodious and safe—?

I owe, Mr. Chairman that I do not Approve the building as It Stands though the whole is made of good materials and the different parts of It are in the main well proportioned and distributed. Yet I think It covers too much ground, and leaves too little room for the outhouses, which are equally necessary to the prosperity of the farm. I think too that considering the size of the building there are some additional buttresses wanting and that the fences about it are not as compleat as they ought to be.

To lay aside figures Mr. Chairman I am of opinion that the principal outlines of the proposed government are good; that the formation is in general on true republican principles; and If it did not contain some power which I fear may prove dangerous to the state governments, and If It had provided for some few rights which I Esteem of great importance, I should not scruple upon mature reflection to give it my hearty approbation. As It is I cannot help wishing for amendments. Yet I confess that when I consider how many wise good men, men who have given the fullest evidence of their love of their country, have either been concerned in framing or have since [missing lines]

any doubts and the sense of the people of Maryland appeared decidedly in the Zeal with which they flocked to the polls to support the avowed partisans of the constitution.—Where then are our hopes? Rhode Island neither from her situation, nor strength can afford us succour. It is true that in South Carolina the division among the people was considerable and we have reason to believe that it is still greater in Virginia, but have we not reason to look for the same effects in those States, which has followed the adoption of the Constitution in the others. A reconciliation of the people to the measures success will always be a strong argument in the public mind of the propriety of a thing. But what at any rate can we expect from such distant states? Will they either be disposed or able to assist us? Will they be inclined to make common cause with us in resisting a government they have solemnly adopted? And if they are inclined in what manner can they afford us aid against the populous and powerful states in our immediate vicinity,—I shall hardly mention the state the state of North Carolina, she it is true has not yet adopted: but there is every reason to conclude from her situation, and from the policy by which she is generally guided that she will follow the example of her neighbours—But if she does not the observation already made must satisfy us that we can not look for succour from that quarter—

Let us now turn our eyes upon our own situation, whatever we may may become here after by the settlement of our western territories we should certainly deceive ourselves If we suppose ourselves at present Strong, Circumstances which discover our weakness have been.

Is this a reasonable reliance? Have we not strong evidence that the opposition has greatly diminished in the states in which It was at first greatest? The late election in Massachusetts for Governor senate, and Assembly subsequent to the ratification of the constitution speak the sense of three fourths of the people in favor of It. But is three fourths of the votes hence been given for persons who were the advocates of It.—In Pennsylvania, the Election, subsequent to the adoption have been equally favorable to the friends of the constitution. in Connecticut where the people vote collectively for their council the leaders of the opposition have on several striking instances been left out; and friends to the constitution elected in their places, of the disposition of New Jersey and Delaware are none of us uncertain[.] given their zealous support to the constitution, I think it would be want of brotherly [kindness?] and candor not to suppose It possible that I may view those things which appear to me defects, at least in a stronger light than may be altogether Just, and I am led by this reflection to be the more willing

to commit myself to the joint deliberations of America for such amendments as may be truly desirable.—

Before we take any decisive step upon the subject which may be contrary to the general sense of America, we ought to ask ourselves these several Questions—Are we able to stand alone in spite of the other States? And If we are not, can we reasonably expect that we shall be permitted to stand alone?

That we are not able singly to contend with the rest of the states, is a position which I believe will not be disputed. But some gentlemen may suppose that we should receive aid from the large majorities in some of the other states[.] with great truth pointed out, One of our Counties is an Island so detached from the rest of the state that It is incapable of receiving any support while It borders so immediately on a neighbouring state which has long regarded It with a wishful Eye, as to be incapable of making even a show of resistance. Three other of our counties are also on an Island and that so situate as to be much more easily annoyed by our neighbours than succoured by us. The metropolis of the state and the principal seat of our wealth is also an Island situated at a corner of the state, exposed immediately to the sea, flanked, [flancked?] in all its Extent by a neighbouring state only by a river, and by the same river separated from that part of the state which contains our principal strengths, while it is accessible to another neighbour as enterprising as populous. The same river cuts the state assunder in the whole and intercepts a co-operation of the different parts while each is open to the impression of its neighbours.

These circumstances are sufficient to teach us how misplaced would be a confidence in our own strength. But there are other considerations, If possible, of a still more serious nature[.] we are not ourselves united. That metropolis which I have already mentioned seems almost to a man resolved to embrace the union in every event. The greatest proportion of the inhabitants of the counties in its vicinity and which together with itself form the southern district appear to be in a similar disposition—Those are causes too delicate to be mentioned in this place which would be likely to promote an increase [Missing lines?]

To what condition would the rest of the State be reduced in case of such a seperation we should then have to sustain the whole expence of government with one half of our resources lost and what is still worse should be obliged to pay a heavy tax to the support of a government in which we did not participate, I mean the duties on all the imported commodities consumed by us. This would create such a reverse in our situation, as could only be properly estimated by the experiment—But

it may be asked what reason have we to believe that the other states would act so exceptionable a part as to quarrel with us, or countenance a revolt of a part of our state merely because we exercised our right of Judging for ourselves. To this I answer that the history of the world teaches of that disposition—A respectable proportion of the citizens in the other parts of the state are warmly attached to the proposed government—What reliance could we place in our own strength under those circumstances? What have we not to apprehend from such a situation? A dismemberment of the state however grating or unwelcome the supposition may be seems to be a probable consequence. If It should be thought of, can we prevent It—Besides the strength of the seceding part itself what efforts can be looked for from the divided and disagreeing residue of the state in offensive operations. Let us recollect that the neighbouring States can more readily afford succour than we can [annoy?] Let us also recollect that the important post of west point is in the hands of the union and will probably continue so as that when the states have concentrated in doing a thing, and power to do It. They seldom have many Scruples About the Justice or injustice of the matter—It is evident that the united States would suffer the greatest disadvantages in being cut assunder by a state which did not form a part of them, this would so embarrass their operations, and divide their Strength that self preservation would dictate to them the necessity of removing the Obstacle—The interests of commerce and revenue would equally call for a removal of It—The neighbouring states would never Submit to be taxed by New York for her own benefit and the union at large would never endure the impediments to its commercial and revenue arrangements which the seperation of this state would Occasion,—The united States from the strongest motives of interest and safety would be led to promote and Cherish the dis-embodiment of this part of the state in which our commerce depends, and they would probably even think it Just to facilitate to its inhabitants an adherence to their lies to the union. If they were inclined to prefer them to those by which they were bound to the state.

against those evils what resource have we? Can we form a foreign alliance connection? With whom shall we connect ourselves? Shall we throw ourselves into the Arms of that nation from which at the expensive of so much blood and treasure we have Just severed ourselves? Shall we in order to secure liberty, dissolve our ties with those with whom we have [— — ed] It, fighting side by side in a glorious war, to seek for protection from that power which endeavoured to wrest it from us, and from whose oppression our courage and patriotism alone preserved us—Are we sure that this power would countenance the Attempt? Have

we good ground to believe that Great Britain would cultivate our friendship at the price of the enmity of all the other states?

Expectations of this sort would perhaps be as ill founded as they are dangerous. I have dwelt upon remarks of this kind the longer because though we all mean to avoid a direct rejection what It may be thought can alone bring us to the Conclusion I have described: Yet we seem to have in view a course which I fear may be attended with the same effect, and may be productive of the same consequences—I was once, Mr Chairman a friend to conditional Amendments but after the most mature consideration and expecting upon reflecting seriously on the present state of the question, I am induced to think that they ought not to be persisted in, in any shape.

I am no lawyer Mr Chairman, but as common sense can direct me in such a question, I cannot help concluding that a conditional adoption is a rejection—It seems to me to amount to this—we reject the thing proposed and we propose instead of It something else—Congress cannot Know us but thro the constitution, If we agree to that we are of course received into the union—If we do not agree to It or which is I conceive the same thing—If we agree to it upon condition that It must be altered and made a different thing, we then cannot be received into the union until a further power is given to Congress by the people of the other States, or in other words until a new Constitution is formed.—Their Authority does not now extend to receiving us upon any conditions or terms whatsoever. It must be Yea, or No on our part to become a party to the Government we must in the first instance agree to It as It is, If we do not agree to It as It is, we disagree to It as It is, and If we disagree to It as It is, we reject.—And whatsoever name we may give It[,] our Act will amount in Substance to a rejection.—I am afraid to that It will be considered by the states As the worst kind of rejection

They will be apt to consider It however will we may intend It. As an Expedient to keep out of the union and to save appearances—I own Sir I am unwilling to hazard the consequences—I am unwilling to put our United States out of humour with the Amendments we wish to see established from motives of Resentment against our Conduct—I am clearly of opinion that certain Amendments to the constitution are necessary and that It is our duty to take the most Effectual and prudent means in our power to Obtain them.—the only question then is, what those most Effectual and prudent means are

Three ways or methods are held out to our consideration—vizt. By *previous* conditional amendments, *subsequent* conditional Amendments, and *recommendatory* amendments, As to mere explanatory Amendments

for settling ascertaining doubtful constructions, those can be no difficulty in adopting and insisting on them, provided they be fairly restrained to cases really doubtful, for in all such cases it certainly is right and proper for us to declare in what sense we understand and adopt those parts or paragraphs in the constitution which admit of more than one construction—

Many are the difficulties which will and must attend the plan of *previous* conditional amendments, and the more we examine and investigate the nature and tendency of such a measure, the more I become Convinced that It will operate to defeat the very purposes which we wish so ardently wish to Attain

If we ratify the constitution on condition that it shall not become binding on this state until all the other states shall have adopted our amendments, then we shall of course continue out of the Union until all the other states shall have complied with our terms.—But It must be evident on the least reflection that the national Congress cannot take upon to alter the constitution under which they exist, and which they will be bound to maintain—they therefore cannot admit us into the union by altering the constitution so as to [— — —] us. They must either refer our propositions to the Legislatures of the different states, or take Measures for calling a General Convention to decide on them—In either case a great deal of time will pass away during which we shall continue unconnected with our sister states and a prey to all the evils which naturally flow from foreign and domestic intrigues and from those heats and animosities which party zeal and private Interest or ambition never fail to introduce on such Occasions

From whatever cause it may have happened it is worthy of notice that none of the other States, not even those the most opposed to the constitution, have insisted on *conditional* amendments, why should we distrust them more than they distrust us? They do not insist that we should come down to their terms, and why should we insist that they should come down to our terms,—In private life we think it assuming and Indelicate for any man to dictate to his neighbours, and in public concerns, Especially in republics, It hath always been held right and proper that all measures touching the public weal should be the result of Joint councils and of the Major voice.

If therefore we should in effect tho perhaps in smoother words, tell the other States that we will have nothing to do with them unless they explicitly and literally comply with our terms, would they not have reason to look upon us, rather as imperious dictators than as confidential friends and brothers? Would not their own self respect fortify them to depart from the ground of equality, and would not good policy tell

them that such a strange and dangerous precedent ought not to be established nor even countenanced—In short Sir I cannot forbear thinking that such a measure would defeat those ends. To me it appears to be no less impolitic than indelicate, and that It would neither become us to offer nor the united states to Acquiesce In it. Many of these observations apply with equal force to *subsequent* conditional Amendments.

We perceive Mr Chairman that the most powerful and influential States concur with us in thinking that certain defects in the constitution ought to be remedied—they have declared other sentiments and desires in strong language and they expect that their sentiments and desires should be attended to—They however treat the other states with proper respect—They *propose* but they do not *dictate*[.] They *recommend* but they do not *impose*, why should not we add *our* influence in the national council to their influence and *theirs* to ours? Would not such concord and concurrence in the same measures for the same end promise more success than diverse & clashing ones?

If we give our amendments the form of *conditions*, I fear we shall put ourselves on higher ground than we can maintain—In my opinion men will see the same objects in different lights and we are not to presume that all the other states will agree that the Constitution ought to be altered Just so far and no further than the state of New York may point out—Can we be certain that no defect in it will escape our discernment, can we be sure that our own amendments will be perfect—may not experience yet teach us as it has often done others that our theories have faults which time and practice only could discover.—now if we ratify on conditions *precedent* or *subsequent* then difficulties will be the same, and we shall thereby reduce the other states to very disagreeable alterations. Vizt. Either to humour at the expence and only of their own dignity. But perhaps also at the expence of their Judgments or to have us out of their union or to take or to conive at and encourage such measures for bringing us into it as might be Injurious to our interest and to our honor

It would not be wise or just to refuse to confide in the wisdom and integrity of the other states, without mutual confidence[.] we can never harmonize and as they all manifest confidence in us and in each other we cannot reasonably expect that such strong marks of distrust on our part will not excite their indignation.

We have Sir good reasons to be persuaded that the amendments proposed by every state will be fully considered and discretely decided upon, as we have no right to make a constitution for the other states, so we have no right to Insist that they shall be content with provisions

because we like them.—They will and ought to exercise their own Judgments on every amendment by whatever state proposed. And we ought to be content to submit ours to the General voice, and not demand that the General voice shall declare that to be good which the General Judgment may think imperfect

It is my Judgment Sir impossible that the other states, who are as free as independent and as high spirited as we are, can ever submit to such treatment[.] We should thereby include these men and those states to oppose our wishes who now are disposed to Join with us in promoting them. As my anxiety to have amendments made is well known[.] my motives *cannot* be mistaken. I am persuaded firmly in my own mind that our amendments should be recommendatory, and that If we annex conditions to them we shall depart far from that line of prudence and propriety, which all the other objecting states without exception have concurred in observing.

I cannot agree with Gentlemen who may think that we ought to risk every thing in the endeavours to obtain Amendments.—I think we shall have sufficient security in different states.—both such recommendations before them and with such considerable bodies of people in the different states opposed to the constitution in the present form[.] Congress can never hesitate about the propriety of calling a convention[.] This will be an essential step to putting the wheels of the Government in motion, and from that convention we may reasonably expect a removal of every well grounded clause of Apprehension.—If all that we wish should not be done, It will become us to suppose that our wishes have been in some respects mistaken and therefore Acquiesce in the wisdom of the Majority

If we go into the operation of the System we shall have a voice in the event and shall increase the common interests of the people of America in the common liberty, and are well know[n] that they have shown as strong an attachment to it as we have.—Why then should we doubt that the people of the states in General will be as ready to second and to bring about such amendments as will really tend to the security of liberty as we are? If so those Amendments must take place for It will not be in the power of Congress to prevent It. They must call a convention upon the Application of nine States and indeed when we consider how many states have proposed amendments, and how important those are which have done and will do It, we have a moral certainty that one of the first Acts of the new Government will be to call a convention to consider of the Amendments proposed by the [missing page?]

Strengths, and Strength Safely and respectability.—Disunion on the contrary will not only beget weakness and of Course insecurity against foreign dangers but will occasion strifes and quarrels among ourselves and while It exposes us to all the horrors of internal war, to all the mischiefs of foreign influence and intrigue, will certainly lead to the increase of those military establishments which are of all the enemies to liberty the most deadly and destructive

It can as little be doubted that the respectability which a firm union on proper principles will give us in the Eyes of foreign nations, and the concord of measures which would result from an energetic foed[e]ral government would tend to put our commerce upon a more flourishing footing, and would procure a more ample vent for our commodities thereby increasing the value and productiveness of our Lands—

It is not more generally agreed that Union is necessary than that the old confederation is unfit for procuring the ends of union, and while It has contributed to lay upon us the burthens of a national Government has Obtained for us few or none of the benefits of It, hence It is equally admitted that an important change in the system is necessary. The universal convictions of these truths and the desire of a substantial reform give birth to the convention whose work the constitution now under consideration is and has given a currency to that constitution throughout America which forms one of the most astonishing events in the history of humane affairs—

In the short period of nine months it has become the constitution of ten of the thirteen States, and among these ten includes the states of the greatest wealth, weight and importance

It is now for us to decide whether we will become the eleventh or not, And [missing words]

CITE AS: Smith, Melancton. "Speech in the New York Convention," Wednesday, 23 July 1788, *Papers of John Williams*. Box 8, folder 30. New York State Library's Manuscripts and Special Collections, Albany.