THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

VOLUME XXXII

Ratification of the Constitution by the States

PENNSYLVANIA

Supplemental Documents

[1]

Mfm:Pa. 1–165

Editorial Staff (1976)

Editor
Merrill Jensen

Associate Editors
John P. Kaminski
Gaspare J. Saladino

Assistant Editors
Douglas E. Clanin
Richard Leffler
Michael E. Stevens

Editorial Assistants
Esther Anken
Gail Walter
Joan Westgate

THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

Volume XXXII

Ratification of the Constitution by the States

PENNSYLVANIA

Supplemental Documents

[1]

Mfm:Pa. 1–165

Editors

John P. Kaminski Charles H. Schoenleber
Jonathan M. Reid Gaspare J. Saladino
Margaret R. Flamingo David P. Fields
Timothy D. Moore

Editorial Assistants

Sarah K. Danforth
Anna M. Biermeier Christopher S. Berry
Samantha J. Huebner

MADISON
WISCONSIN HISTORICAL SOCIETY PRESS
2 0 1 9

The Documentary History of the Ratification of the Constitution is sponsored by the National Historical Publications and Records Commission and the University of Wisconsin-Madison. Preparation of this volume was made possible by grants from the National Historical Publications and Records Commission; the Division of Research Programs of the National Endowment for the Humanities, an independent federal agency; the Lynde and Harry Bradley Foundation; the E. Gordon Fox Fund; the William Nelson Cromwell Foundation; and the Hamilton Roddis Foundation. Any views, findings, conclusions, or recommendations expressed in this publication do not necessarily reflect those of the National Endowment for the Humanities.

Copyright © 2019 by The State Historical Society of Wisconsin
All rights reserved

Manufactured in Canada

♾ This paper meets the requirements of ANSI/NISO Z39.48-1992 (Performance of Paper).

---

library of congress cataloging in publication data [revised]
Main entry under title:
The Documentary history of the ratification
of the Constitution.

Editors for v. 32: John P. Kaminski, Charles H. Schoenleber, Jonathan M. Reid, Gaspare J. Saladino, Margaret R. Flamingo, David P. Fields, Timothy D. Moore.

CONTENTS: v. 1. Constitutional documents and records, 1776–1787.—v. 2. Ratification of the Constitution by the States: Pennsylvania.—v. 3. Ratification of the Constitution by the States: Delaware, New Jersey, Georgia, Connecticut.—v. 4. Ratification of the Constitution by the States: Massachusetts (1).—v. 5. Ratification of the Constitution by the States: Massachusetts (2).—v. 6. Ratification of the Constitution by the States: Massachusetts (3).—v. 7. Ratification of the Constitution by the States: Massachusetts (4).—v. 8. Ratification of the Constitution by the States: Virginia (1).—v. 9. Ratification of the Constitution by the States: Virginia (2).—v. 10. Ratification of the Constitution by the States: Virginia (3).—v. 11. Ratification of the Constitution by the States: Maryland (1).—v. 12. Ratification of the Constitution by the States: Maryland (2).—v. 13. Commentaries on the Constitution, public and private (1).—v. 14. Commentaries on the Constitution, public and private (2).—v. 15. Commentaries on the Constitution, public and private (3).—v. 16. Commentaries on the Constitution, public and private (4).—v. 17. Commentaries on the Constitution, public and private (5).—v. 18. Commentaries on the Constitution, public and private (6).—v. 19. Ratification of the Constitution by the States: New York (1).—v. 20. Ratification of the Constitution by the States: New York (2).—v. 21. Ratification of the Constitution by the States: New York (3).—v. 22. Ratification of the Constitution by the States: New York (4).—v. 23. Ratification of the Constitution by the States: New York (5).—v. 24. Ratification of the Constitution by the States: Rhode Island (1).—v. 25. Ratification of the Constitution by the States: Rhode Island (2).—v. 26. Ratification of the Constitution by the States: Rhode Island (3).—v. 27. Ratification of the Constitution by the States: South Carolina.—v. 28. Ratification of the Constitution by the States: New Hampshire.—v. 29. Ratification of the Constitution by the States: Confederation Congress Implements the Constitution/Vermont.—v. 32. Ratification of the Constitution by the States: Pennsylvania Supplemental Documents (1).

1. United States—Constitutional history—Sources.
I. Jensen, Merrill. II. Kaminski, John P. III. Saladino,
Gaspare J. IV. Leffler, Richard. V. Schoenleber, Charles H.
VI. Reid, Jonathan M. VII. Flamingo, Margaret R. VIII. Lannér-Cusin,
Johanna E. IX. Fields, David P. X. Conley, Patrick T. XI. Moore,
Timothy, D. XII. Stevens, Michael E. XIII. Muller, H. Nicholas III
KF4502.D63 342′.73′029 75–14149
ISBN 978–0–87020–868–3 347.30229 AACR2

To

Linda J. Neusen

Assistant Dean Emeritus
College of Letters and Science

The University of Wisconsin–Madison

Our Colleague and Dear Friend

The perfect administrator,
who has supported Ratification Project staff
for more than a decade

Editorial Advisory Committee

R. B. Bernstein
Charlene N. Bickford
Kenneth R. Bowling
Joanne B. Freeman
Michael J. Klarman
Richard Leffler
Andrew Jackson O'Shaughnessy
Jack N. Rakove

Contents

Acknowledgments xiii
Organization xv
General Ratification Chronology, 1786–1791 xviii
Calendar for the Years 1787–1788 xxi
Introduction xxii
Symbols xxv
Pennsylvania Chronology, 1786–1788 xxvii

1. Philadelphia Independent Gazetteer, 27 December 1786 3
2. Pro Republica, Philadelphia Columbian Magazine, 7–10 January 1787 3
3. Philadelphia American Museum, 7–10 February 1787 6
4. Philadelphia American Museum, 7–10 February 1787 10
5. Remarks on Manners, Government, Law and the Domestic Debt of America—Addressed to the Citizens of the United States, Pennsylvania Packet, 15–21 February 1787 14
   Pennsylvania Packet, 15 February 14
   Pennsylvania Packet, 17 February 21
   Pennsylvania Packet, 19 February 27
   Pennsylvania Packet, 21 February 35
6. "G.," Pittsburgh Gazette, 17 February 1787 42
§ Editors' Note 44
7. Philadelphia Independent Gazetteer, 12 April 1787 44
8. Pennsylvania Gazette, 18 April 1787 45
9–A. A Pennsylvanian, Pennsylvania Gazette, 25 April 1787 50
9–B. Pennsylvania Packet, 17 May 1787 55
9–C. Fragments on the Confederation of the American States, Philadelphia, 1 June 1787 58
10. Political Centinel, Pittsburgh Gazette, 23 June 1787 79
11. Political Centinel, Pittsburgh Gazette, 30 June 1787 84
12. Pennsylvania Herald, 7 July 1787 87
13. Foreign Spectator, Philadelphia Independent Gazetteer, 6 August 1787 88
14. Foreign Spectator, Philadelphia Independent Gazetteer, 7 August 1787 92
15. Foreign Spectator, Philadelphia Independent Gazetteer, 8 August 1787 95
16. Philadelphia Independent Gazetteer, 8 August 1787 98
17. Foreign Spectator, Philadelphia Independent Gazetteer, 10 August 1787 99
18. Foreign Spectator, Philadelphia Independent Gazetteer, 13 August 1787 101
19. Foreign Spectator, Philadelphia Independent Gazetteer, 16 August 1787 104
20. Tar and Feathers, Philadelphia Independent Gazetteer, 16 August 1787 107
21. Foreign Spectator, Philadelphia Independent Gazetteer, 17 August 1787 108
22. Foreign Spectator, Philadelphia Independent Gazetteer, 20 August 1787 112
23. "Z.," Philadelphia Freeman's Journal, 22 August 1787 115
24. Foreign Spectator, Philadelphia Independent Gazetteer, 22 August 1787 119
25. Foreign Spectator, Philadelphia Independent Gazetteer, 24 August 1787 123
26. Foreign Spectator, Philadelphia Independent Gazetteer, 25 August 1787 125

27. Foreign Spectator, Philadelphia Independent Gazetteer, 28 August 1787 128
28. Foreign Spectator, Philadelphia Independent Gazetteer, 30 August 1787 132
29. Halter, Philadelphia Independent Gazetteer, 30 August 1787 135
30. Foreign Spectator, Philadelphia Independent Gazetteer, 1 September 1787 136
31. Philadelphia Independent Gazetteer, 3 September 1787 139
32. Foreign Spectator, Philadelphia Independent Gazetteer, 4 September 1787 139
33. A Distressed Original Public Creditor, Pennsylvania Packet, 4 September 1787 142
34. Pennsylvania Herald, 5 September 1787 142
35. Foreign Spectator, Philadelphia Independent Gazetteer, 6 September 1787 143
36. Foreign Spectator, Philadelphia Independent Gazetteer, 7 September 1787 147
37. Foreign Spectator, Philadelphia Independent Gazetteer, 8 September 1787 150
38. A Friend to Liberty and a good Government, Philadelphia Independent Gazetteer, 8 September 1787 153
39. Foreign Spectator, Philadelphia Independent Gazetteer, 11 September 1787 154
40. Philadelphia Independent Gazetteer, 12 September 1787 157
41. Foreign Spectator, Philadelphia Independent Gazetteer, 12 September 1787 157
42. Foreign Spectator, Philadelphia Independent Gazetteer, 13 September 1787 162
43. Philadelphia Independent Gazetteer, 14 September 1787 165
44. Foreign Spectator, Philadelphia Independent Gazetteer, 15 September 1787 165
45. Assembly Debates (Lloyd), Monday, P.M., 17 September 1787 169
46. Jacob Hiltzheimer Diary, Philadelphia, 17 September 1787 169
47. Foreign Spectator, Philadelphia Independent Gazetteer, 17 September 1787 170
48. Assembly Debates (Lloyd), Tuesday, A.M., 18 September 1787 173
49. Erkuries Beatty Diary, Philadelphia, 18 September 1787 174
50. Jacob Hiltzheimer Diary, Philadelphia, 18 September 1787 174
51. Foreign Spectator, Philadelphia Independent Gazetteer, 18 September 1787 174
52. Newspaper Reports of Assembly Proceedings, Tuesday, 18 September 1787 177
Philadelphia Independent Gazetteer, 18 September 177
Pennsylvania Herald, 18 September 177
Philadelphia Freeman's Journal, 19 September 178
Pennsylvania Journal, 19 September 178
53. Philadelphia Independent Gazetteer, 18 September 1787 178
54. A Farmer, Carlisle Gazette, 19 September 1787 179
55. James Pemberton to John Pemberton, Philadelphia, 20 September 1787 180
56. David Redick to Josiah Harmar, Philadelphia, 20 September 1787 181
57. Pennsylvania Herald, 20 September 1787 182
58. Foreign Spectator, Philadelphia Independent Gazetteer, 21 September 1787 182
59. Philadelphia Independent Gazetteer, 22 September 1787 185
60. Foreign Spectator, Philadelphia Independent Gazetteer, 22 September 1787 185
61. Printed Petitions with Signatures Presented to the Assembly, 24–29 September 1787 189
62. Newspaper Report of Assembly Proceedings, Monday, 24 September 1787 214
Pennsylvania Herald, 25 September 214
63. Ezekiel Forman to Alexander Hamilton, Philadelphia, 24 September 1787 214
64. Matthias Harrison to Silas Talbot, Philadelphia, 24 September 1787 214
65. Matthew M'Connell to William Irvine, Philadelphia, 25 September 1787 215
66. Philadelphia Evening Chronicle, 25 September 1787 215
67. A Freeman, Pennsylvania Packet, 25 September 1787 216

68. Newspaper Report of Assembly Proceedings, Wednesday, 26 September 1787 217
Pennsylvania Herald, 2 October 217
69. Foreign Spectator, Philadelphia Independent Gazetteer, 26 September 1787 217
70. Tar and Feathers, Philadelphia Independent Gazetteer, 26 September 1787 220
71. Pennsylvania Packet, 26 September 1787 221
72. Newspaper Report of Assembly Proceedings, Thursday, 27 September 1787 221
Pennsylvania Herald, 2 October 1787 221
73. A Pennsylvania Farmer, Philadelphia Independent Gazetteer, 27 September 1787 221
74. Assembly Debates (Dallas), Friday, 28 September 1787 223
Pennsylvania Herald, 29 September 223
Pennsylvania Herald, 2 October 225
75. Newspaper Reports of Assembly Proceedings, Friday, 28 September 1787 231
Philadelphia Evening Chronicle, 29 September 231
Philadelphia Independent Gazetteer, 29 September 232
Pennsylvania Journal, 29 September 233
Carlisle Gazette, 3 October 234
76. Erkuries Beatty Diary, Philadelphia, 28 September 1787 234
77. Foreign Spectator, Philadelphia Independent Gazetteer, 28 September 1787 234
78. Assembly Resolutions of 29 September 1787, Philadelphia, post-29 September 1787 239
79. Assembly Debates (Dallas), Saturday, 29 September 1787 240
Pennsylvania Herald, 2 October 1787 240
80. Newspaper Reports of Assembly Proceedings, Saturday, 29 September 1787 243
Philadelphia Independent Gazetteer, 1 October 243
Pennsylvania Packet, 1 October 243
Pennsylvania Gazette, 3 October 244
81. Jacob Hiltzheimer Diary, Philadelphia, 29 September 1787 246
82. Erkuries Beatty Diary, Philadelphia, 29 September 1787 246
83. Phineas Bond to the Marquis of Carmarthen, Philadelphia, 29 September 1787 247
84. From Coxe and Frazier, Philadelphia, 29 September 1787 248
To John Johnson and Company, Liverpool 248
To Wakefield and Bell, London 248
To John and Robert Barclay and Company, London 248
To Adam Sobother, St. Croix 248
To Christopher McEvoy, St. Croix 248
85. Reformation, Philadelphia Independent Gazetteer, 29 September 1787 248
86. Germantown Petition, 1 October 1787 249
87. Francis Johnston to Timothy Pickering, Philadelphia, 1 October 1787 256
88. William Bradford, Jr., to Elias Boudinot, Philadelphia, 2 October 1787 256
89. A Mechanic, Philadelphia Independent Gazetteer, 2 October 1787 257
90. Official Receipt of Congress' Resolution, 3 October–22 November 1787 258
Council Minutes, Wednesday, 3 October 1787 258
Carlisle Gazette, 10 October 1787 259
Assembly Minutes, Thursday, A.M., 25 October 1787 259
Council Minutes, Thursday, 25 October 1787 259
Assembly Debates (Lloyd), Friday, A.M., 26 October 1787 259
Assembly Minutes, Saturday, A.M., 27 October 1787 260
Assembly Debates (Lloyd), Saturday, A.M., 27 October 1787 260

Assembly Minutes, Monday, P.M., 29 October 1787 260
Assembly Debates (Lloyd), Monday, P.M., 29 October 1787 260
Assembly Minutes, Monday, A.M., 22 November 1787 261
91. James M'Calmont's Appeal to the Supreme Executive Council, 3 October 1787–16 February 1788 261
Council Minutes, Wednesday, 3 October 261
Samuel Hodgdon to Timothy Pickering, Philadelphia, 4 October 263
Carlisle Gazette, 10 October 264
Thomas McKean to William A. Atlee, Philadelphia, 22 October 264
Hugh Boyle to John Barry, Philadelphia, 14 December 264
John Brown to John Barry, Philadelphia, 14 December 264
Pennsylvania Herald, 15 December 265
Philadelphia Freeman's Journal, 19 December 265
Council Minutes, Saturday, 16 February 1788 265
92. Joseph Hart to George Bryan, Newtown, Pa., 3 October 1787 265
93. New York Morning Post, 6 October 1787 266
94. Carlisle Gazette, 3 October 1787 266
95. Philadelphia Freeman's Journal, 3 October 1787 267
96. Pennsylvania Gazette, 3 October 1787 267
97. Pennsylvania Gazette, 3 October 1787 268
98. Pennsylvania Packet, 3 October 1787 268
99. Philadelphia Independent Gazetteer, 4 October 1787 268
100. Plain Truth, Pennsylvania Herald, 4 October 1787 269
101. Pennsylvania Herald, 4 October 1787 269
102. Philadelphia Independent Gazetteer, 5 October 1787 269
103. Matters of Fact, Pennsylvania Packet, 5 October 1787 270
104. Erkuries Beatty Diary, Philadelphia, 6 October 1787 271
105. Stephen Collins to Henry Chapman, Philadelphia, 6 October 1787 271
106. Philadelphia Evening Chronicle, 6 October 1787 272
107. Philadelphia Independent Gazetteer, 6 October 1787 273
108. Philadelphia Independent Gazetteer, 6 October 1787 273
109. Pennsylvania Herald, 6 October 1787 274
110. "D.," Pennsylvania Herald, 6 October 1787 274
111. The Gander, No. II, Pennsylvania Herald, 6 October 1787 275
112. Philadelphia American Museum, 8–10 October 1787 277
113. Observer, Philadelphia Independent Gazetteer, 8 October 1787 281
114. Francis Johnston to Josiah Harmar, Philadelphia, 9 October 1787 281
115. Philadelphia Independent Gazetteer, 9 October 1787 282
116. A By-Stander, Philadelphia Independent Gazetteer, 9 October 1787 282
117. A Gaul, Philadelphia Independent Gazetteer, 9 October 1787 284
118. An Independent Citizen, Philadelphia Independent Gazetteer, 9 October 1787 284
119. Philadelphia Freeman's Journal, 10 October 1787 288
120. Tullius, Philadelphia Freeman's Journal, 10 October 1787 288
121. The Couching Needle, Philadelphia Independent Gazetteer, 10 October 1787 294
122. A Turk, Philadelphia Independent Gazetteer, 10 October 1787 294
123. Pennsylvania Herald, 10 October 1787 294
124. Coxe and Frazier to Walter Livingston, Philadelphia, 11 October 1787 295
125. William Lewis to Thomas Lee Shippen, Philadelphia, 11 October 1787 295
126. A Plain Citizen, Pennsylvania Packet, 11 October 1787 296

127. A Citizen of Pennsylvania, Pennsylvania Packet, 12 October 1787 299
128. Dentatus, Philadelphia Independent Gazetteer, 13 October 1787 305
129. A Gaul, Philadelphia Independent Gazetteer, 13 October 1787 306
130. Sly-Boots, Pennsylvania Herald, 13 October 1787 307
131. Connecticut Courant, 15 October 1787 307
132. An American Citizen, Philadelphia Independent Gazetteer, 15 October 1787 309
133. An Old Whig, Philadelphia Independent Gazetteer, 15 October 1787 310
134. Morsus, Philadelphia Independent Gazetteer, 15 October 1787 310
135. Philadelphia Independent Gazetteer, 16 October 1787 311
136. Philadelphia Independent Gazetteer, 16 October 1787 311
137. Philadelphia Independent Gazetteer, 16 October 1787 311
138. Defecater, Philadelphia Independent Gazetteer, 16 October 1787 312
139. Impartial, Philadelphia Independent Gazetteer, 16 October 1787 313
140. Montezuma, Philadelphia Independent Gazetteer, 17 October 1787 316
141. John Nicholson: A View of the Proposed Constitution of the United States, 17 October–13 November 1787 320
Philadelphia Freeman's Journal, 17 October 320
John Nicholson: A View of the Proposed Constitution of the United States, Philadelphia, 17 October 321
Fœderalist, Philadelphia Independent Gazetteer, 20 October 358
A Watchman, Philadelphia Independent Gazetteer, 20 October 359
William Lyon to John Nicholson, Carlisle, Pa., 26 October 360
Matthias Hollenback to John Nicholson, Wilkes-Barre, Pa., 13 November 361
142. Noah Webster: An Examination into the Leading Principles of the Federal Constitution . . . by A Citizen of America, 15 September–4 November 1787 362
Thomas FitzSimons to Noah Webster, Walnut Street, Philadelphia, 15 September 362
Noah Webster Diary, Philadelphia, 8–9 October 362
Noah Webster to Rebecca Greenleaf, Philadelphia, 11 October 362
Noah Webster Diary, Philadelphia, 17 October 363
Noah Webster: An Examination into the Leading Principles of the Federal Constitution . . . by A Citizen of America, c. 17 October 364
Merlin, Philadelphia Independent Gazetteer, 22 October 418
George Washington to Noah Webster, Mount Vernon, 4 November 418
143. Massachusetts Gazette, 19 October 1787 419
144. Philadelphia Independent Gazetteer, 19 October 1787 419
145. A Subscriber, Philadelphia Independent Gazetteer, 19 October 1787 420
146. Miers Fisher to Robert Barclay, Philadelphia, 20 October 1787 424
147. Levi Hollingsworth to Enoch Story, Philadelphia, 20 October 1787 430
148. Philadelphia Independent Gazetteer, 20 October 1787 430
149. Pennsylvania Herald, 20 October 1787 431
150. Pennsylvania Herald, 20 October 1787 431
151. Philadelphia Independent Gazetteer, 23 October 1787 432
152. A Citizen, Carlisle Gazette, 24 October 1787 438
153. Philadelphia Freeman's Journal, 24 October 1787 444
154. Nestor, Philadelphia Independent Gazetteer, 24 October 1787 445
155. Lancaster County Election Notice, Lancaster Zeitung, 24 October 1787 446
156. Harry Hogarth, Pennsylvania Herald, 24 October 1787 446
157. Hickory, Pennsylvania Herald, 24 October 1787 448
158. Pennsylvania Herald, 24 October 1787 450

159. Pennsylvania Herald, 24 October 1787 450
160. Robert Morris to George Washington, Philadelphia, 25 October 1787 450
161. A Federalist, Philadelphia Independent Gazetteer, 25 October 1787 451
162. An Old Constitutionalist, Philadelphia Independent Gazetteer, 26 October 1787 458
163. Timothy Pickering to Rebecca Pickering, Philadelphia, 27 October 1787 461
164. A Confederationalist, Pennsylvania Herald, 27 October 1787 462
165. Veritas Politica, Pennsylvania Herald, 27 October 1787 465

Acknowledgments

The three volumes of Pennsylvania supplemental documents were supported principally by grants from the National Historical Publications and Records Commission, the National Endowment for the Humanities, the E. Gordon Fox Fund of the University of Wisconsin Foundation, and the Lynde and Harry Bradley Foundation. Substantial aid was also provided by the William Nelson Cromwell Foundation and the Hamilton Roddis Foundation.

We thank Kathleen Williams, R. Darrell Meadows, and Christopher Eck of the NHPRC; William D. Adams, Peter Scott, Jason Boffetti, and Jon Parrish Peede of the NEH; Michael W. Grebe, Richard W. Graber, Dianne J. Sehler, Daniel P. Schmidt, and Ingrid Gregg of the Bradley Foundation; John D. Gordan III and Abigail DeMusis of the Cromwell Foundation; and Mary Pierce, Thomas H. Roddis, and Philip Hamilton Prange of the Hamilton Roddis Foundation.

A continuing debt of gratitude is owed to the administration, faculty, and staff of the University of Wisconsin–Madison, especially Dean John Karl Scholz, Assistant Deans Linda J. Neusen (now emeritus) and Christopher Bruhn of the College of Letters and Science; and Dawn-Marie M. Roberts, John G. Varda, Thomas Handland, and Don Rauls of Research and Sponsored Programs. In the Department of History, we thank Laird Boswell, department chair, and Todd Anderson, department administrator, in addition to Michael R. Burmeister, Jana Valeo, Nicole S. Hauge, John J. Persike, and Leslie Abadie.

For aid in fundraising, we are indebted to the University of Wisconsin Foundation, especially to past president Andrew A. (Sandy) Wilcox, President Michael M. Knetter, and Michelle Koran.

In addition to being our publisher, the Wisconsin Historical Society is our primary research library. The Society's staff continues its invaluable support, as does the staff at the University of Wisconsin–Madison Memorial Library.

Special acknowledgment is due to those who have contributed directly to the preparation of these volumes. The staffs of the Historical Society of Pennsylvania, the Library Company of Philadelphia, and the library of the Independence Hall National Historical Park, all in Philadelphia, and the staff of the Pennsylvania Historical and Museum Commission in Harrisburg were unstinting in their help. Thanks are also due to H. Bartholomew Cox for permission to print Anthony Wayne's notes of Pennsylvania Convention debates, which were part of his private collection. Editors also thank the Shippen family for permission

to print the letters of William Shippen, Jr., and the Massachusetts Historical Society for permission to print materials in the papers of Timothy Pickering and Winthrop Sargent.[1]

1. This paragraph, revised and excerpted from Merrill Jensen's 1976 preface to the Pennsylvania volume, the second volume of *The Documentary History of the Ratification of the Constitution*, recalls the immense debt of gratitude owed to the many generous institutions and repositories, who gladly shared time, expertise, and resources with project editors more than four decades ago. Their collections constituted, and still constitute, critical parts of Pennsylvania's historical record on ratification. We thank them once again on behalf of the entire American people, whose legacy they have helped to preserve, and we apologize for any omissions, which were not intentional. For the entirety of Jensen's prefatory statement, see RCS:Pa., 5–6.

Organization

The Documentary History of the Ratification of the Constitution is divided into:

(1) *Constitutional Documents and Records, 1776–1787* (1 volume),
(2) *Ratification of the Constitution by the States* (27 volumes),
(3) *Commentaries on the Constitution: Public and Private* (6 volumes),
(4) *The Bill of Rights* (6 volumes).

Internet Availability

The Pennsylvania supplement volumes and all other volumes will be found on the website of "Rotunda: The American Founding Era," maintained by the University of Virginia Press (http://rotunda.upress.virginia.edu), and at UW Digital Collections on the website of the University of Wisconsin–Madison Libraries (https://uwdc.library.wisc.edu).

Constitutional Documents and Records, 1776–1787 (Vol. I).

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

Ratification of the Constitution by the States (Vols. II–XII, XIX–XXXIV).

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

Supplements to Ratification of the Constitution by the States.

Supplemental documents were originally placed on microfiche and

are available in that form for Pennsylvania (Vol. II), Delaware, New Jersey, Georgia, and Connecticut (all four, Vol. III), and Virginia (Vols. VIII–X). The original microfiche editions of supplemental documents for Pennsylvania, Delaware, New Jersey, Georgia, and Connecticut were digitized for online viewing. These digitized supplements can be located at UW Digital Collections on the website of the University of Wisconsin–Madison Libraries (https://uwdc.library.wisc.edu). Supplemental documents for all of the states will be made available in digital form in the coming years. This three-volume print edition of Pennsylvania supplemental documents is a singular project among the supplements, helping to ensure that the complete story of Pennsylvania ratification remains intact for future generations.

Much of the material for each state is repetitious or peripheral but still valuable. Mostly literal transcripts of this material are placed in the supplements. (Any exceptions to this rule have been clearly indicated.) Occasionally, images of significant manuscripts are also included.

The types of documents in the supplements are:

(1) newspaper items that repeat arguments, examples of which are printed in the state volumes,

(2) pamphlets that circulated primarily within one state and that are not printed in the state volumes or in *Commentaries*,

(3) letters that contain supplementary material about politics and social relationships,

(4) images of petitions with the names of signers,

(5) images of manuscripts such as notes of debates, and

(6) miscellaneous documents such as election certificates, attendance records, pay vouchers and other financial records, etc.

Commentaries on the Constitution: Public and Private (Vols. XIII–XVIII).

This series contains newspaper items, pamphlets, and broadsides that circulated regionally or nationally. It also includes some private letters that give the writers' opinions of the Constitution in general or that report on the prospects for ratification in several states. Except for some grouped items, documents are arranged chronologically and are numbered consecutively throughout the six volumes. There are frequent cross-references between *Commentaries* and the state series.

The Bill of Rights.

The public and private debate on the Constitution continued in several states after ratification. It was centered on the issue of whether there should be amendments to the Constitution and the manner in which amendments should be proposed—by a second constitutional convention or by the new U.S. Congress. A bill of rights was proposed

in the U.S. Congress on 8 June 1789. Twelve amendments were adopted on 25 September and were sent to the states on 2 October. These volumes will contain the documents related to the public and private debate over amendments, to the proposal of amendments by Congress, and to the ratification of the Bill of Rights by the states.

General Ratification Chronology, 1786–1791

1786

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

1787

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

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

1788

3–9 January	Connecticut Convention.
9 January	Connecticut Convention ratifies Constitution, 128 to 40.
9 January–7 February	Massachusetts Convention.
19 January	South Carolina calls state convention.
1 February	New York calls state convention.
6 February	Massachusetts Convention ratifies Constitution, 187 to 168, and proposes amendments.
13–22 February	New Hampshire Convention: first session.
1 March	Rhode Island calls statewide referendum on Constitution.
3–27 March	Virginia elects delegates to state convention.
24 March	Rhode Island referendum: voters reject Constitution, 2,714 to 238.
28–29 March	North Carolina elects delegates to state convention.
7 April	Maryland elects delegates to state convention.
10–12 April	South Carolina elects delegates to state convention.
21–29 April	Maryland Convention.
26 April	Maryland Convention ratifies Constitution, 63 to 11.
29 April–3 May	New York elects delegates to state convention.
12–24 May	South Carolina Convention.
23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.

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

1789

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

1790

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

1791

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

Calendar for the Years 1787–1788

1787

S	M	T	W	T	F	S
JANUARY						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	T	W	T	F	S
FEBRUARY						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

S	M	T	W	T	F	S
MARCH						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

S	M	T	W	T	F	S
APRIL						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

S	M	T	W	T	F	S
MAY						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
JUNE						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

S	M	T	W	T	F	S
JULY						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	T	W	T	F	S
AUGUST						
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
SEPTEMBER						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

S	M	T	W	T	F	S
OCTOBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	T	W	T	F	S
NOVEMBER						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

S	M	T	W	T	F	S
DECEMBER						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

1788

S	M	T	W	T	F	S
JANUARY						
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
FEBRUARY						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

S	M	T	W	T	F	S
MARCH						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

S	M	T	W	T	F	S
APRIL						
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

S	M	T	W	T	F	S
MAY						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

S	M	T	W	T	F	S
JUNE						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

S	M	T	W	T	F	S
JULY						
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
AUGUST						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

S	M	T	W	T	F	S
SEPTEMBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

S	M	T	W	T	F	S
OCTOBER						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
NOVEMBER						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

S	M	T	W	T	F	S
DECEMBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Introduction

This three-volume collection of supplemental documents to the Pennsylvania volume (Vol. II) of *The Documentary History of the Ratification of the Constitution* (DHRC) represents a vast and valuable assortment of primary source materials—more than 1,300 printed pages—that help to complete the available record of Pennsylvania's public and private debate on the ratification of the U.S. Constitution. To honor the substantial labors of the original editors, to ensure that these useful documents are not forgotten to posterity, and to make them widely accessible to citizens and scholars, DHRC editors and the Wisconsin Historical Society Press have decided to publish these supplemental documents in printed form, helping to guarantee that the complete story of Pennsylvania ratification remains intact for future generations. (The documents included in these volumes were originally published on microfiche, limiting accessibility.)

Especially well represented within this three-volume collection are documents that appeared following the Pennsylvania ratifying Convention's adoption of the Constitution on 12 December 1787. Post-Convention sources exist for all of the original thirteen states, but the quality and quantity of materials for Pennsylvania are notable, even exceptional, in large measure because the final outcome of ratification was so uncertain. Pennsylvania was only the second state to ratify the Constitution, and there was enough cause to question whether the nine-state threshold for ratification required by Article VII of the Constitution would, or even could, be reached. Until this threshold was reached, the new Constitution could not be implemented among the ratifying states. Proponents and opponents of the Constitution still had time to make their case, and Pennsylvania was a principal battleground between Federalists and Antifederalists. Based on the selection policy at the beginning of DHRC's publication, many of the Pennsylvania supplemental documents, particularly key post-Convention commentaries and continuing analysis of the Constitution, were not included in RCS:Pa., the second volume of the series. Many of these supplemental documents would have been included under current editorial policy.

These volumes of Pennsylvania supplemental documents contain letters, pamphlets, and an extensive compilation of newspaper items that amplify the basic arguments of both supporters and opponents of the Constitution, approximately 850 documents in total. Like the original microfiche edition of the supplemental documents, which was released

simultaneously with RCS:Pa., these three volumes also include the same facsimiles of certain manuscript and printed items:

1. Signed petitions to the Assembly (Mfm:Pa. 61, 469, 555)
2. Assembly resolutions, 29 September 1787 (Mfm:Pa. 78)
3. Pamphlets (Mfm:Pa. 9–C, 141, 142, 661)
4. Notes of debates in the Pennsylvania ratifying Convention by Anthony Wayne, James Wilson, and Jasper Yeates. Wayne's notes (Mfm:Pa. 263 A–B) and Yeates' notes (Mfm:Pa. 265 A–B) have been arranged by depository. Wilson's notes (Mfm:Pa. 264 A–C) have been divided into three groups (see "Note on Sources," RCS:Pa., 39–44)
5. Forms of Ratification (Mfm:Pa. 267 A–B)
6. A signed petition from the inhabitants of Germantown, Pa., recommending their town to Congress for the permanent location of the federal capital (Mfm:Pa. 86).

Documents in these volumes are arranged chronologically except for documents on particular subjects that are grouped together. Examples of such groups include:

1. James M'Calmont's Appeal to the Supreme Executive Council, 3 October 1787–16 February 1788 (Mfm:Pa. 91)
2. John Nicholson: A View of the Proposed Constitution of the United States, 17 October–13 November 1787 (Mfm:Pa. 141)
3. Newspaper Reports of Convention Proceedings and Debates, 20 November–15 December 1787 (Mfm:Pa. 266).

Annotation of the supplemental documents is intentionally lighter. Almost all of the documents in these volumes—excepting facsimiles, of course—have been transcribed literally (that is, editors have replicated the original as nearly as possible). Any document that has been "edited," or modernized, according to the editorial procedures outlined in the Pennsylvania volume (RCS:Pa., 14–18) is footnoted as such. For ease of reference, the following documents that appear in these volumes have been edited: 74, 79, 82–83, 87–88, 92, 114, 125, 139, 145, 156, 175, 202, 214, 236–237, 239, 259, 266 (*Pennsylvania Herald*, 15, 19 December 1787), and 454.

Many items that originated in Pennsylvania, or were reprinted in Pennsylvania from other states, had a regional or national circulation. As such, these items are printed in *Commentaries on the Constitution: Public and Private* (Vols. XIII–XVIII) (CC). Current editors have prepared a more thorough and reorganized appendix of these items; that appendix appears at the end of Volume XXXIV, immediately before the cumulative index (pp. 1340–1412). The updated appendix is arranged by CC number, not by date.

A major contribution of current DHRC editors has been to create a comprehensive index, which appears in Volume XXXIV. The index will make the contents of the Pennsylvania supplemental documents more accessible and should help to form valuable connections between documents.

Symbols

FOR MANUSCRIPTS, SHORT TITLES,
AND CROSS-REFERENCES

Manuscripts

DS	Document Signed
FC	File Copy
LT	Literal Transcript
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

Short Titles

Assembly *Minutes*	*Minutes of the . . . General Assembly of the Commonwealth of Pennsylvania* [1787, 1788]. For a full citation for each session, see "Note on Sources" (RCS:Pa., 36).
Hiltzheimer, *Diary*	Jacob Cox Parsons, ed., *Extracts from the Diary of Jacob Hiltzheimer, of Philadelphia. 1765–1798* (Philadelphia, Pa., 1893).
Lloyd, *Debates*	Thomas Lloyd, comp. and ed., *Debates of the Convention, of the State of Pennsylvania on the Constitution, Proposed for the Government of the United States* (Philadelphia, 1788).

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

CC	References to *Commentaries on the Constitution* are cited as "CC" followed by the number of the document. For example: "CC:25."
CDR	References to the first volume, titled *Constitutional Documents and Records, 1776–1787*, are cited as "CDR" followed by the page number. For example: "CDR, 325."

RCS	References to the series of volumes titled *Ratification of the Constitution by the States* are cited as "RCS" followed by the abbreviation of the state and the page number. For example: "RCS:Pa., 200."
Mfm	References to the supplements to the "RCS" volumes are cited as "Mfm" followed by the abbreviation of the state and the number of the document. For example: "Mfm:Pa. 2." All supplemental documents will be available at UW Digital Collections on the University of Wisconsin–Madison Libraries website (https://uwdc.library.wisc.edu).

Pennsylvania Chronology, 1786–1788

1786

7 March	Assembly committee appointed to consider Virginia's call for a commercial convention.
21 March	Assembly authorizes Supreme Executive Council to appoint five delegates to convention at Annapolis.
11 April	Council appoints Robert Morris, George Clymer, John Armstrong, Jr., Thomas FitzSimons, and Tench Coxe delegates to convention at Annapolis.
20 September	Council receives report of Annapolis Convention.
10 October	Assembly election.
28 October	Assembly receives report of Annapolis Convention.
14 December	Assembly submits report of Annapolis Convention to a committee.
21 December	*Independent Gazetteer* publishes Virginia act of 4 December appointing delegates to convention in Philadelphia in May 1787.
30 December	Assembly elects Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas FitzSimons, James Wilson, and Gouverneur Morris delegates to convention in May 1787.

1787

21 February	Confederation Congress calls Convention at Philadelphia to amend Articles of Confederation.
28 March	Assembly elects Benjamin Franklin to Convention.
4 September	Assembly session begins.
17 September	Constitutional Convention adjourns *sine die*.
18 September	Constitution read in Assembly.
28 September	Absent members prevent Assembly quorum and call for state convention.
29 September	Absent members returned by force; quorum declared present; and state convention called. Assembly adjourns *sine die*.
9 October	Assembly election.
22 October	Assembly session begins.
6 November	Delegates elected to state convention.
9 November	Assembly refuses to require two-thirds quorum for state convention.
20 November	Pennsylvania Convention meets in Philadelphia.
12 December	Convention rejects amendments to Constitution and votes to ratify 46 to 23.
15 December	Convention adjourns *sine die*.
18 December	Dissent of the Minority of Convention published.
26–27 December	Riots and celebration of ratification at Carlisle.
ca. 27 December	Beginning of petition campaign requesting Assembly to reject Convention's ratification of the Constitution.

1788

19 February	Assembly session begins.
1 March	Antifederalist militiamen march into Carlisle, and rioters released from prison.
17–29 March	Assembly receives and tables petitions signed by more than 6,000 inhabitants of Northampton, Dauphin, Bedford, Franklin, Cumberland, and Westmoreland counties requesting Assembly to reject ratification of Constitution.
29 March	Assembly session ends.

The Ratification of the Constitution by the States

P E N N S Y L V A N I A
Supplemental Documents
[1]

1. Philadelphia Independent Gazetteer, 27 December 1786

A correspondent observes that every true patriot must be pleased with the very respectable Delegation appointed by the state of Virginia, to meet in convention, for federal purposes, in this city in May next. The names of WASHINGTON, WYTHE, and RANDOLPH, will forever be held in the highest veneration by every lover of American Liberty.

It is to be hoped, continues our correspondent, that the Assembly of Pennsylvania, will appoint some of her first political characters to meet those illustrious Statesmen, and friends to their country, before the present session expires. The following gentlemen, respectable for their age, abilities, integrity and experience, have been talked of, as suitable persons to meet General Washington and his associates, viz. His Excellency Doctor Franklin, Thomas Mifflin, Robert Morris, James Wilson, George Clymer, Thomas Fitzsimons, and John Armstrong, Junior, Esquires. A Convention composed of such and similar characters, will undoubtedly be able to remove the defects of the confederation, produce a vigorous and energetic continental government, which will crush and destroy faction, subdue insurrections, revive public and private credit, disappoint our transatlantic enemies and their lurking Emissaries among us, and finally (to use an Indian Phrase) endure "while the sun shines, and the rivers flow."

2. Pro Republica
Philadelphia Columbian Magazine, 7–10 January 1787

Thoughts on the present Situation of the Foederal Government of the United States of America.

In an age, when philosophical enquiries have universally pervaded the civilized world; and when human researches have been directed to the attainment of useful knowledge; the arts and sciences have arrived to a degree of improvement that justly distinguishes the present century as the aera of refined genius and learning. Objects of science are, however, continually acquiring new lights; and the arts are still advancing towards the highest perfection of which they are susceptible: perseverance in the investigation of the nature, properties, and the uses of things, must necessarily lead to further attainments in knowledge.

The more intimately we are acquainted with the works of nature, the greater must be our admiration and reverence of the Creator and Governor of all. When we contemplate the perfection, order, fitness and beauty of the stupendous system of the universe, we cannot sufficiently love and adore HIM, by whose infinite goodness, wisdom, and power *all* was produced, and the *whole* is governed!

Amidst all the acquirements of human wisdom, the science, or at least the art, of civil government, seems yet very imperfect. Politics are, certainly, a most important branch of knowledge, and merit the attention of every citizen of a free country.

Happiness is the object universally pursued by mankind; and it is the point to which all our views are directed. True wisdom contributes to our happiness; and, therefore, it is our interest to seek it. In our search after happiness, we frequently mistake both the object and the means of arriving at it: but, if we take wisdom and virtue for our guides, we shall seldom go astray. Hence the knowledge of those things that tend to render us happy,—and these necessarily direct to the practice of virtue—may justly be denominated wisdom.

In a state of civil society, man must be considered as a member of a great, political family. He is connected with his fellow-citizens by ties of interest and benevolent attachment. His social affections are extended beyond the narrow circle of his immediate relatives and friends, and comprehend the whole nation or community to which he belongs.

The common safety and the common welfare are intimately connected with his own; and nothing can be unimportant to him, which concerns the prosperity of his country.

This it is, that constitutes what is termed *patriotism,* which is certainly one of the noblest principles implanted in our nature;—a principle, that excites and cherishes every generous sentiment we possess; and that exalts and dignifies the character of man. Since, then, it is equally our interest and duty, to promote the honor and welfare of our country, we should make every possible exertion to establish and maintain both. The public good and our own are, with respect to their ultimate effects, closely united; for which reason it is incumbent on us, to sacrifice our temporary, personal advantages, where they come into competition with the general prosperity and our permanent interests:—Much more ought we to spurn those trifling gratifications, which tend to enervate our bodies, vitiate our morals, and dissipate our substance; while, at the same time, they serve to debase the national character, and impoverish the country.

I have been drawn into these reflections, on contemplating the present situation of the United States. We have just taken our station among the nations of the earth, as a free, sovereign, and independent people. Our political existence, in this character, commenced in a manner that reflected on us the greatest glory; and the first dawnings of the American Empire seemed to presage its future greatness. We possessed everything necessary to constitute a truly independent and happy people: nay, I will venture to assert, that no country ever enjoyed these requisites in so high a degree.

Such were our prospects—Yet, notwithstanding, we have, by our own misconduct, tarnished the rising glory of our country, and involved it in difficulties and distress. We have wantonly sported with the fair portion allotted to us by Heaven.—We have departed from those plain and simple manners, and that frugal mode of living, which are absolutely indispensable in the infant state of our country, and best suited to our Republican form of government: and we have hitherto precluded ourselves from the means of calling forth the national strength and the resources of the empire, by harbouring the most absurd and extravagant jealousy of the great National Council, By withholding from that body those powers, that are necessary to render the foederal government efficient, and to unite the various interests of the several states, we render ourselves weak and defenceless. And by this means, each state is induced to arrogate to itself, individually, that portion of sovereignty, which it ought only to exercise, in conjunction with the others, as a part of one Commonwealth,—the Empire of the United States.

But I shall dwell no longer on our errors and misconduct. Every man of common discernment is fully sensible of them.

I have already observed, that wisdom contributes to our happiness: but in nothing is this observation more fully verified, than with respect to the conduct of nations. But the science of government appears to require wisdom of a peculiar kind. Abstract reasoning and speculative opinions will never, of themselves, convey to the mind of a statesman just notions of civil government. He must possess a comprehensive knowledge of men and things; he must know how to combine the various interests of the state; and he must have the art of making lesser, and more transient benefits give way to the greater and more permanent. A thorough acquaintance with the strength, resources and genius of his own country, together with a competent knowledge of the finances and general interests of other nations, are, consequently, necessary qualifications for a statesman. The character will, however, be still incomplete, unless there be added to it integrity, and an ardent zeal for the public welfare.

Thus, if we reflect how many great and amiable qualities are required to administer faithfully the affairs of a nation, we are at no loss to comprehend, why the science of government is so difficult of attainment. And the same consideration will plainly evince the absurdity of that species of government, the administration of which is invested in a single person; as well as the superior excellence of that which combines the collected sense, wisdom, and virtue of the people.

All popular governments, deriving their power immediately from the people, are naturally subservient to liberty: but, as monarchies tend to oppression, republics, if not well administered, are apt to verge towards

licentiousness. Here, then, is the evil against which we ought to guard—Let us take care, lest by grasping at too much, we lose all. We have, committed to us, a great and important charge—the government of that country, which we have made our own, and which it is our duty to transmit to our posterity, as the last asylum of liberty, and a place of retreat for persecuted virtue. Let us act like men that deserve to be free.

It is not enough that we understand civil polity, as a science; but, by a proper application of its principles to our own situation and circumstances, we must learn the art of governing well. We must reduce our theory to practice. We must lay aside those illiberal jealousies which have tied up the hands of Congress: or we shall discover, when, perhaps, it may be too late, that excessive jealousy, entertained by a people of their rulers, is the surest foundation of anarchy and ruin, or despotism and slavery.

We are, as yet, but young in the administration of empire; but all human knowledge is progressive, and we have gained sufficient portion, by experience, to convince us, that our political difficulties have been principally occasioned by the want of powers in Congress, adequate to the government of the United States. Let these be granted; let us practise domestic oeconomy; let us promote learning, religion and virtue; and we shall then become, what we are capable of being, a truly free, independent, and happy people.

3. Philadelphia American Museum, 7–10 February 1787

Consolation for America, or remarks on her real situation, interests, and policy—By his excellency, Benjamin Franklin, esq. president of the commonwealth of Pennsylvania.

There is a tradition, that, in the planting of New England, the first settlers met with many difficulties and hardships, as is generally the case when a civilized people attempt establishing themselves in a wilderness country. Being piously disposed, they sought relief from heaven, by laying their wants and distresses before the Lord, in set days of fasting and prayer. Constant meditation and discourse on these subjects, kept their minds gloomy and discontented; and, like the children of Israel, there were many disposed to return to that Egypt which persecution had induced them to abandon. At length, when it was proposed in the assembly, to proclaim another fast, a farmer of plain sense rose, and remarked, that the inconveniencies they suffered, and concerning which they had often wearied heaven with their complaints, were not so great as they might have expected, and were diminished every day as the

colony strengthened; that the earth began to reward their labour, and to furnish liberally for their subsistence; that the seas and rivers were found full of fish, the air sweet, the climate healthy; and, above all, that they were in full enjoyment of liberty, civil and religious. He therefore thought that reflecting and conversing on these subjects would be more comfortable, as tending to make them more contented with their situation; and that it would be more becoming the gratitude they owed to the divine goodness, if, instead of a fast, they should proclaim a thanksgiving. His advice was taken; and, from that day to this, they have in every year observed circumstances of public felicity sufficient to furnish employment for a thanksgiving day, which is therefore constantly ordered, and religiously observed.

I see in the public newspapers of different states, complaints of hard times, deadness of trade, scarcity of money, &c. &c. It is not my intention to assert or maintain that these complaints are entirely without foundation. There is no country or nation existing, in which there will not be some people so circumstanced, as to find it hard to gain a livelihood—people with whom money is scarce, because they have nothing to give in exchange for it: and it is always in the power of a small number to make a great clamour. But let us take a cool view of the general state of our affairs, and perhaps the prospect will appear less gloomy than has been imagined.

The great business of the continent is agriculture. For one artizan, or merchant, I suppose we have at least a hundred farmers—by far the greatest part cultivators of their own fertile lands, from whence many of them draw not only food necessary for their subsistence, but the materials of their clothing, so as to need very few foreign supplies; while they have a surplus of productions to dispose, whereby wealth is gradually accumulated.

Such has been the goodness of divine providence to these regions, and so favourable the climate, that since the three or four first years of hardships in the first settlement of our fathers here, a famine or scarcity has never been heard amongst us. On the contrary, though some years may have been more, and others less, plentiful, there has always been provision enough for ourselves, and a quantity to spare for exportation. And although the crops of late have been generally good, never was the farmer better paid for the part he spared for commerce, as the published prices current abundantly testify. The lands he possesses, are continually rising in value, with the increase of population: and, on the whole, he is enabled to give such good wages, to those who work for him, that all, who are acquainted with the old world, must

agree, that in no part of it are the labouring poor so generally well fed, well clothed, well lodged, and well paid, as in America.

If we enter the cities, we find, that, since the revolution, the owners of houses and lots of ground have had their interest vastly augmented in value. Rents have risen to an astonishing height; and thence encouragement to increase building, which gives employment to an abundance of workmen, as does also the increased luxury and splendor of living of the inhabitants, thus made richer. These workmen all demand and obtain much higher wages than any other part of the world would afford them; and are paid in ready money. This rank of people, therefore, do not, or ought not to complain of hard times: and they make a very considerable part of the city inhabitants.

At the distance I live from our American fisheries, I cannot speak of them with any certainty: but I have not heard that the labour of the valuable race of men who are employed in them, is worse paid for, or that they meet with less success than they did before the revolution. The whale-men, indeed, have been deprived of one market for their oil: but another, I hear, is opening for them, which it is hoped may be equally advantageous. And the demand is constantly increasing for their spermaceti candles, which therefore bear a much higher price than formerly.

There remain the merchants and shopkeepers. Of these, though they make but a small part of the whole nation, the number is considerable—too great, indeed, for the business they are employed in: for the consumption of goods in every country has its limits. The faculties of the people (that is, their ability to buy and pay), are equal only to a certain quantity of merchandise. If merchants calculate amiss on this proportion, and import too much, they will of course find the sale dull for the overplus, and some of them will say that trade languishes. They should, and doubtless will, grow wiser by experience, and import less.

If too many artificers and farmers turn shopkeepers, the whole quantity of that business, divided amongst them, may afford too small a share for each of them, and occasion complaints that trade is dead. They may all suppose that it is owing to the scarcity of money, while, in fact, it is not so much from the fewness of buyers, as from the excessive number of sellers, that the mischief arises: and if every shopkeeper, farmer, and mechanic, would return to the use of his plough and working tools, there would remain of widows and other women shopkeepers sufficient for the business, which might then afford them a comfortable maintenance.

Whoever has travelled through the various parts of Europe, and observed how small is the proportion of people in affluence or easy circumstances there, compared with those in poverty and misery—the few

rich and haughty landlords—the multitude of poor, abject, rack-rented, tythe-paying tenants—and half-paid and half-starved labourers; and views here the happy mediocrity that so generally prevails throughout these states, where the cultivator works for himself, and supports his family in decent plenty—will, methinks, see abundant reason to bless divine providence for the evident and great difference in our favour; and be convinced, that no nation, known to us, enjoys a greater share of human felicity.

It is true, that in some of the states there are parties. But let us look back, and ask, if we were ever without them? Such will exist wherever there is liberty: and perhaps they help to preserve it. By the collision of different sentiments, sparks of truth are struck out, and political light is obtained. The different factions, which at present divide us, aim all at the public good. The differences are only about the various modes of promoting it. Things, actions, measures, and objects, of all kinds, present themselves to the minds of men in such a variety of lights, that it is not possible we should all think alike, at the same time, on every subject, when hardly any man retains at all times the same ideas of it. Parties are, therefore, the common lot of humanity: and ours are by no means more mischievous, or less beneficial, than those of other countries, nations, and ages, enjoying in the same degree the great blessing of political liberty.

Some, indeed, among us, are not so much grieved for the present state of our affairs, as apprehensive for the future. The growth of luxury alarms them: and they think we are, from that alone, in the high road to ruin. They observe, that no revenue is sufficient without oeconomy; and that the most plentiful income of a whole people, from the natural productions of their country, may be dissipated in vain and needless expences, and poverty be introduced in the place of affluence. This may be possible. It, however, seldom happens: for there seems to be in every nation a greater proportion of industry and frugality, which tend to enrich, than of idleness and prodigality, which occasion poverty: so that upon the whole, there is a continual accumulation. Reflect what Spain, Gaul, Germany, and Britain were, in the time of the Romans, inhabited by people little better than our savages; and then consider the wealth they at present possess, in numerous well-built cities, improved farms, rich moveables, magazines stocked with valuable manufactures—to say nothing of plate, jewels, and coined money—and all this notwithstanding their bad, wasteful, and plundering governments, and their mad destructive wars: and yet luxury and extravagant living have never suffered much restraint in those countries. Then consider the great proportion of industrious frugal farmers, inhabiting the interior parts of these American states, and of whom the body of our

nation consists—and whether it is possible, that the luxury of our seaports can be sufficient to ruin such a country? If the importation of foreign luxuries could ruin a people, we should probably have been ruined long ago: for the British nation claimed a right, and exercised it, of importing among us, not only the superfluities of their own productions, but those of every nation under heaven: we bought and consumed them, and yet we flourished and grew rich. At present, our independent governments may do what we could not then do, discourage by heavy duties, or prevent by prohibitions, such importations, and thereby grow richer: if, indeed, which may admit of dispute, the desire of adorning ourselves with fine clothes, &c. is not, by strongly inciting to labour and industry, the occasion of producing a greater value than is consumed in the gratification of that desire.

The agriculture and fisheries of the united states, are the great sources of our increasing wealth. He that puts a seed into the earth, is recompensed, perhaps, by receiving forty out of it: and he who draws a fish out of the waters, draws up a piece of silver.

Let us (and there is no doubt but we shall) be attentive to these; and then the power of rivals, with all their restraining and prohibiting acts, cannot much hurt us. We are sons of the earth: and, like Antæus in the fable, if, in wrestling with a Hercules, we now and then receive a fall, the touch of our parent will communicate to us fresh strength and vigour to renew the contest.

4. Philadelphia American Museum, 7–10 February 1787

On the propriety of investing congress with power to regulate the trade of the united states—By William Barton, esq.

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

The 3d article of the confederation, is in these words: "The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare: binding themselves to assist each other,

against all force offered to, or attacks made upon, them, or any of them, on account of religion, sovereignty, TRADE, or any other pretence whatever." Nothing can be stronger than this solemn compact entered into by the several states, one grand object of which is, "their mutual and general welfare." By the sixth article, it is declared, that "no state, without the consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state." And that "no two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue." Here, then, are rights of sovereignty transferred by the several states to congress for "their mutual welfare." A member of civil society makes a voluntary surrender of part of his natural rights, in a free government, to secure the remainder: in the same manner, does each state relinquish some of its sovereign prerogatives, in order that they may be exercised by the supreme council of the union, for the greater security and happiness of the whole. If the articles of the confederation be examined, it will appear to be the spirit and intention of them, that congress should be invested with all such powers and authority as are necessary to give consistency and efficiency to federal measures, both with respect to the different states in the union, and to foreign countries; and, at the same time, that each state should reserve such rights of sovereignty as might be fully competent to its own legislation and government. Thus, every state is, with respect to its own police, distinctly considered, free, sovereign, and independent: and, as a component part of the united states, is also free, sovereign, and independent. As the united states of America form one grand, entire republic, composed of a number of small ones, confederated for their common safety and advantage, and distinct only for their greater conveniency, with respect to legislation and internal police—the supreme sovereign authority of the whole ought, most undoubtedly, to be lodged in congress; and that body should possess such powers and privileges, not incompatible with the happiness of a free people, as usually appertain to sovereignty, in order to enable them to direct the common concerns of the united states, upon UNIFORM principles, so as to afford EQUAL advantages to each, and give energy to the whole.

It is obvious to the most superficial observer, that the commerce of the united states with foreign countries, ought to be regulated and protected by proper treaties. But how are these treaties to be negociated? No separate state can treat. Therefore, either congress must have this power, or the whole trade of this country must lie at the mercy

of foreign nations, the consequences of which are already too fatally experienced. It may be objected, that, if congress were invested with powers to regulate the trade of the united states, they might adopt measures which would be injurious to some states, though beneficial to others. Happily, the regulations and restrictions which our foreign trade requires, could not prove injurious to ANY of the states; but only might operate less beneficially for some than for others. It is the business of congress to promote the "mutual and general welfare" of ALL the states, and their duty to consult the interests of EACH, so far as is compatible with those of the whole. The several counties of a state may, in some instances, be unequally affected by the tendency of a general law: but all the legislature can do, in such a case, is, to make the law as beneficial as possible for the whole.

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

The united states being considered, in their intercourse and transactions with other countries, as but one nation, and being so, in fact, as to "their mutual and general welfare," it follows, that their common concerns ought to be conducted on equal and uniform principles. Local policy, and particular interests, should give way to the general good. Judge Blackstone observes, that "every member (of parliament) though chosen by one particular district, when elected and returned, serves for the whole realm. For," says he, "the end of his coming thither, is not barely to advantage his constituents, but the *common* wealth.["] A member of congress, for Pennsylvania, stands in the same relation to the united states, that a member of the British parliament, for Yorkshire,

does to the whole realm. A majority of votes, in both instances, binds all their constituents, on every question, of which these two bodies have cognizance. The federal constitution of the American empire, is intended to preserve a union of its parts: and such union is essential to the peace, liberty, and independence of the states, separately and collectively. "The credit of the united states," says doctor Price, "their strength, their respectableness abroad, their liberty at home, and even their existence, depend on the preservation of a firm political union: and such a union cannot be preserved, without giving all possible weight and energy to the authority of that delegation which constitutes the union."

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

At the present juncture, our foreign trade is harrassed, restricted, and injured, in every possible manner, by other powers, whilst we wantonly deprive ourselves of the means of redress. In fact, the only commerce of the united states with other nations, which is not injurious to the former, is in a fair way of being annihilated, unless congress be speedily empowered to pursue the only proper mode of frustrating the designs of our adversaries. What is to prevent this great end being accomplished? Shall we suffer our enemies to triumph over the inefficient system of our federal government, created by our own groundless jealousies and divisions? and shall we, by grasping at the shadow, lose the substance? Forbid it, heaven—and grant that we may transmit to our children's children the invaluable blessings we have earned! "Such is the good fortune of America," says M. Turgot, "that she cannot have

an external enemy to fear, if she does not become self divided; therefore she may and ought to estimate, at their true value, those pretended interests, those grounds of discord, which are ALL that endanger her liberty." And dr. Price concludes his "Observations on the importance of the American revolution," with these words, which should be strongly impressed on the mind of every American: "Should the return of peace, and the pride of independence, lead the united states to security and dissipation—should they lose those virtuous and simple manners, by which, alone, republics can long subsist—should false refinement, luxury, and EXCESSIVE JEALOUSY distract their governments; and clashing interests, subject to no controul, BREAK THE FEDERAL UNION,—the consequence will be, that the fairest experiment ever tried in human affairs, will miscarry; and that a revolution, which had revived the hopes of good men, and promised an opening to better times, will become a discouragement to future efforts in favour of liberty, and prove only an opening to a new scene of human degeneracy and misery."

5. Remarks on Manners, Government, Law and the Domestic Debt of America—Addressed to the Citizens of the United States Pennsylvania Packet, 15, 17, 19, 21 February 1787[1]

Pennsylvania Packet, 15 February 1787

Since the declaration and establishment of a general peace, and since this country has had an opportunity to experience the effects of her independence: events have taken place, which were little expected by the friends of the revolution. It was expected, that on the ratification of peace, by the beligerent powers, America would enjoy perfect political tranquility. The statesman in his closet, and the divine in his addresses to heaven, predicted and anticipated the happy period, when every man would rest, unmolested, under his own vine and his own figtree. The merchant foresaw, in vision, the ports of all nations open to his ships, and the returns of a favourable commerce pouring wealth into his coffers. The honest labourer in the shop and the field, was told that independence and peace would forever remove the fears of oppression, would lighten his burthen and give him legal security for the uninterrupted possession of his rights. This flattering prospect inspired an irresistable enthusiasm in war—The contention for freedom was long and arduous—the prize was obtained—the delusion vanished—and America is surprized at the disappointment.

Instead of general tranquility, *one* state is threatened with immediate civil war, and most of them are torn with factions, which weaken or

destroy the energy of government. Instead of a free commerce with all the world, our trade is every where fettered with restraints and impositions, dictated by foreign interest: and instead of pouring wealth into our country, its present tendency is, to impoverish both the merchant and the public. Instead of legal security of rights under governments of our own choice, and under our own controul, we find property at least unsafe, even in our best toned government. Our charters may be wrested from us without a fault, our contracts may be changed or set aside without our consent, by the breath of a popular legislature. Instead of a diminution of taxes, our public charges are multiplied; and to the weight of accumulating debts, we are perpetually making accessions by expensive follies. Instead of a union of states and measures, essential to the welfare of a great nation, each state is jealous of its neighbour, and struggling for the superiority in wealth and importance, at the hazard, even of our federal existence.

This is the dark side of our public affairs—but such are the facts. The public and private embarrassments, which are both seen and felt, are the topics of incessant declamation. The rhapsodies of orators, and the publications in Gazettes, from the northern to the southern extremity of the United States, concur in deprecating the present state of this country, and communicate the intelligence of our distresses to the whole civilized world. Nor are newspapers the only heralds of our calamities—The contempt of government among one class of men, the silent murmurs of poverty in the peaceful cottage and numerous bankrupts in every quarter, are irresistable evidence to a thinking mind, that something is wrong.

But declamation is idle and murmurs fruitless. Time has been when the minds of people were alarmed at the approaches of despotism; then harrangues roused attention—then mobs raised the temple of freedom, and declared themselves ready to be sacraficed upon her altar. But violent passions in the public as well as in the human body are always transitory. That enthusiasm which was called *public spirit, heroic virtue, and love of country*, has long ago subsided, and is absorbed in the general steady principle, private interest. That enthusiasm is not to be rekindled. The expostulations of our rulers and patriotic writers, have no more effect in reviving public spirit, than the attraction of a meteor in raising a tide.

Men, who embraced revolution principles, because independence might save a few shillings in taxes, or extend the imaginary sphere of freedom; who expected that peace would place them in a paradise of blessings, where they might riot without the fatigue of exertion; such men had narrow views of the consequence of detaching America from

a transatlantic jurisdiction. They viewed but a small part of the great event—they are—they *ought to* be disappointed. Such men expect effects without causes, and are ready to despond, or commence enemies to a glorious event, because miracles are not wrought to verify their ill-founded predictions.

In this view, this insect view of things, the revolution ought to be considered as extremely unfortunate, for to the present generation, it must certainly prove so.

But on the general scale of human happiness, every man of reflection must rejoice at the illustrious event. Even the propriety of the independence of these states, is so obviously dictated by their local situation, that a generous European ought to have consented to the measure, on this single principle. But taking into consideration the vast field which is here opened for improvements in science, in government, in religion, and in morals; and the philosopher will felicitate himself with the prospect of discoveries favourable to arts and happiness; the stateman will rejoice that there is a retreat from the vassalage of Europe; the divine will bless God that a place has been reserved for an uncorrupted church; and the philanthropist, who compares the yeomanry of America with the peasantry of Europe, will congratulate himself on an event which has removed millions of people from the ambition of princes, and from a participation of the vices, which mark the decline of nations.

The revolution of America, whatever may be the present effects, must, on the universal scale of policy, prove fortunate, not only for the parties, but for mankind in general. The period, however, when this country will realize the happy consequences of her separation, must be remote; probably beyond the lives of the present generation.

It is worth our curiosity to enquire into the causes of our present political evils, not the more obvious causes, which every man sees and laments, but these radical causes which lie hid from common observation—whose operations is imperceptable, but whose effects are visible, even to a vulgar eye.

A fundamental mistake of the Americans has been, that they considered the revolution as completed, when it was but just begun. Having laid the pillars of the building, they ceased to exert themselves, and seemed to forget that the whole superstructure was then to be erected. This country is independent in government, but totally dependent in manners, which are the basis of government. Men seem not to attend to the difference between Europe and America, in point of age and improvement, and are disposed to rush, with heedless emulation, into an imitation of manners, for which we are not prepared.

Every person tolerably well versed in history, knows that nations are often compared to individuals and to vegetables, in their progress from their origin to maturity and decay. The resemblance is striking and just. This progress is as certain in nations as in vegetables; it is as obvious, and its causes more easily understood: in proportion as the secret springs of action in government are more easily explained, than the mechanical principles of vegetation.

This progress therefore being assumed as a conceded fact, suggests a forcible argument against the introduction of European manners into America. The business of men in society is, first, to secure their persons and estates by arms and wholesome laws—then to procure the conveniencies of life by arts and labour, but it is in the last stages only of national improvement, when luxury and amusements become public benefits, by dissipating accumulations of wealth, and furnishing employment and food for the poor. And luxury then is not beneficial except when the wealth of a nation is wasted within itself. It is perhaps always true, that an old civilized nation cannot, with propriety, be the model for an infant nation, either in morals, in manners or fashions, in literature, or in government.

The present ambition of Americans is to introduce as fast as possible, the fashionable amusements of the European courts. Considering the former dependence of America on England, her descent, her connection and present intercourse, this ambition cannot surprise us. But it must check this ambition to reflect on the consequences. It will not be denied, that there are vices predominent in the most polite cities in Europe, which are not only unknown, but are seldom mentioned in America; and vices that are infamous beyond conception. I presume it will not be denied that there must be an amazing depravation of mind in a nation, where a farce is a publication of more consequence than Milton's Poem; and where an opera dancer, or an Italian singer receives a salary equal to that of an ambassador. The facts being known and acknowledged, I presume the consequence will not be denied. Not that this charge is good against every individual, even in the worst times, there will be found many exceptions to the general character of a nation.

If these vices and the depravation of mind do actually exist, it is a proof of a gradual corruption, for there was a time when they did not exist. There was a time when decency was a virtue, even at Venice. The progress is also slow; unless hastened by some external circumstances. It was almost two thousand years from the building of Rome to the pontificate of Alexander the VIth, whose naked revelings filled the measure of public vice, and strike the human mind with horror.

A constant increase of wealth is ever followed with a multiplication of vices—this seems to be the destiny of human affairs; wisdom therefore directs us to retard, if possible, and not to accelerate the progress of corruption. But an introduction of the fashionable diversions of Europe into America, is an acceleration of the growth of vices which are yet in their infancy, and an introduction of new ones too infamous to be mentioned. A dancing school among the Tuscaroras, is not a greater absurdity, than a masquerade in America. A theatre under the best regulations is not essential to our public and private happiness. It may afford entertainment to individuals; but it is at the expense of private taste and public morals. The great misfortune of all exhibitions of this kind is this; that they reduce all taste to a level. Not only the vices of all classes of people are brought into view, but of all ages and nations. The intrigues of a nobleman and the scurrility of shoe-blacks are presented to the view of both sexes of all ages; but vices of the age of Elizabeth and of Charles 2d. are recorded by the masterly pens of a Shakespear and a Congreve and by repeated representation, they are "hung on high," as the Poet expresses it, "to poison not half only but all mankind." The fact is that all characters must be presented upon a theatre, because all characters are spectators; and a nobleman and a sailor, a duchess and a washer-woman that attend constantly on the exhibitions of vice, become equally depraved—their tastes will be nearly alike as to vice, and the one is as prepared for a crime as the other. It is for this reason, that many of the amusements of nations more depraved than ourselves, are highly pernicious in this country. They carry us forward by hasty strides to the last stages of corruption—a period that every benevolent man will depreciate and endeavour to retard. This circumstance, the difference in the stages of our political existence, should make us shun the vices which may be polite and even necessary in older states: and endeavour to preserve our manners by being our own standards. By attaching ourselves to foreign manners, we counteract the good effects of the revolution; or rather render them incomplete. A revolution in the form of government, is but a revolution in name; unless attended with a change of principles and manners, which are the springs of government.

This leads me treat more particularly of the influence of fashions on the interests of these states—an article in which the ladies are deeply interested.

Fashion in itself is a matter of indifference, as affecting neither morals nor politeness. It is of no consequence whether a lady is clad with a joseph or a frock; or whether a gentleman appears in public with a cap or a wig. But there may be times and situations in which the most

trifling things become important. The practice of imitating foreign modes of dress cannot cost America less than 100,000 l. a year. I speak not of the necessary articles of dress; but merely of changes of fashions.

To understand this fact, it is necessary to advert to the different circumstances of this country and of the European kingdoms which we take as our models.

Two circumstances distinguish most of the commercial countries of Europe, from America; a feudal division of real property and manufactures. Where vast estates are hereditary and unalienable, a great part of people are dependant on the rich and if the rich do not employ them, they must starve. Thus in England and France, a great land holder possesses perhaps a hundred times the property that is necessary for the subsistence of a family; and each landlord has perhaps a hundred families dependent on him for subsistence. On this statement, if the landlord should live penuriously and supply his own family only with necessaries, all his dependants must starve. In order to subsist the ninety-nine families, he must create wants, which their employment must supply; for the natural wants of a few rich people will not furnish employment for great multitudes of poor. Hence the good policy; the necessity of luxury in most European kingdoms. Hence originate all the changes and varieties of fashion. A gentleman or lady in London must not appear in public twice in the same suit. This is a regulation of custom, but it is highly political; for were the nobility and rich gentry to wear out all their clothes, one half the people must be beggars. The fashions of England and France are not merely matter of fancy; fancy may dictate new and odd figures in dress; but the general design of frequent and continual changes of fashion, is wise systematic policy, at the courts of London and Paris.

But let us see with how little discretion and policy *we* adopt foreign luxuries. America is a young country; with small inequalities of property and without manufactures. Few people are here dependent on the rich, for every man has an opportunity of becoming rich himself. Consequently few people are supported by the luxuries of the wealthy; and even these few are mostly foreigners; for nineteen twentieths of the servants in this country are the poor of Europe, who have been bred to dependence.

But we have no body of manufacturers to support by dissipation. All our superfluities are imported and the consumption of them in this country enriches the merchants and supports the poor of Europe. We are generous indeed! generous to a fault. This is the pernicious, the fatal effect of our dependence on foreign nations for our manners. We labor day and night, we sacrifice our peace and reputation, we defraud

our public creditors, involve ourselves in debts, impoverish our country—Nay, many are willing to become bankrupts and take lodgings in a prison, for the sake of being as foolish as those nations which subsist their poor and grow rich and respectable by their follies.

No objection can be made to rich and elegant dresses among people of affluent circumstances. But perhaps we may safely calculate that one third of the expences incurred by dress in this country, add nothing either to convenience or elegance.

A new dress is invented in London or Paris not for the sake of superior elegance, because it frequently happens that a new dress is less rich and elegant than an old one; but for the sake of giving food to manufacturers. That new fashion is sent across the Atlantic—let it be ever so unknown and uncouth, we admire its novelty—we adopt it because it is fashionable—and merely for a change, that may be made in half an hour by a taylor or a milliner, 20, 30 or 50,000 pounds are drawn from the capital stocks of property in America, to enrich nations which command our commerce and smile at our folly.

But it is not only the wealth of this country that is sacrificed by our servile imitation of other nations: our complaisance often requires us to dispense with good taste.

It will probably be admitted that amidst the infinite vanity of dresses which are fashionable, during a course of ten or fifteen years, some of them must be more convenient and elegant than others. True taste in dress consists in setting off the person to the best advantage. That dress which unites the articles of convenience, simplicity and neatness in the greatest perfection, must be considered as the most elegant. But true taste goes farther—it has reference to age, to shape, to complexion, and to the season of the year. The same dress which adorns a miss of fifteen, will be frightful on a venerable lady of 70. The same dress will embellish one lady and disfigure another. But the passive disposition of Americans in receiving every mode that is offered them, sometimes reduces all ages, shapes and complexions to a level. Our distance also from our models of dress, is a great inconvenience; for the season may change, before a fashion can arrive and be adopted. A thin garment which will scarcely form a visible shadow and was designed for summer-dress in Europe, may just be introduced into America, when frost begins. Yet the garment must be worn; for before the arrival of a proper season, there will perhaps be a new fashion. So long therefore as we look abroad for models, our taste must be entirely subject to the caprice and interest of other nations.

Pennsylvania Packet, 17 February 1787

I will not undertake to say that people ought not, in the article of dress, to sacrifice taste to national interest. A sacrifice of that kind in a manufacturing country may be laudable—it will at least be pardonable. But in a reverse of situation, in America, where a waste of property and a group of political evils accompanies a bad taste, the sacrifice admits of no apology.

It is not unfrequent to hear ladies complain severely of the inconvenience of fashion. Their good sense disapproves and their taste revolts at incumbrances. And yet where is the lady who would not sooner submit to any fatigue, rather than be ridiculous. I speak of ladies particularly; in point of expence, the gentlemens' dresses are exceptionable as well as the ladies; in point of convenience, the ladies are the greatest sufferers by fashion, as their dress admits of the greatest variety of incumbrances.

And perhaps the trouble of conforming entirely to the fashions of Europe, is as great a tax upon the ladies, as the expence is to their husbands and parents.

One society of people, the Friends, are happily released from the tyranny and inconveniencies of fashion. However disagreeable the restraints of their religion may appear in other respects; it must be acknowledged that, in point of dress, the rules of their society conform to purity of taste.

Perhaps we may safely estimate, that the ladies of that society dress with two thirds of the expence which other ladies incur, even when the articles of their dress are equally rich and expensive; the difference is saved by neglecting superfluous finery. And is not their taste in dress, their simplicity and neatness, universally admired? Does it not set off their persons to the best advantage? Do not gentlemen almost universally give the preference to the taste of Quaker ladies? Nay, I would ask, whether other ladies themselves, under a strong biass in favor of a tawdry dress, are not frequently lavishing encomiums on the superior elegance and convenience of the Friends' dresses? And how often do they sigh beneath the trouble of their own dress, and wish that particular articles would go out of fashion?

If there is any thing on earth, which can make a rational mind sick of society, it is that cruel necessity, which obliges a person to sacrifice both his interest and his taste, or run the hazard of being laughed at for his singularity.

In some Asiatic countries, people never change their modes of dress. This uniformity, which continues for ages, proceeds from the same

principles as the monthly changes in England and France; both proceed from necessity and policy. Both arise from good causes which operate in the several governments; that is, the manners of each government are subservient to its particular interest. The reverse is true of this country. Our manners are wholly subservient to the interest of foreign nations. Where do we find, in dress or equipage, the least reference to the circumstances of this country! Is it not the sole ambition of the Americans to be just like other nations, without the means of supporting the resemblance? We ought not to harbour any spleen or prejudice against foreign kingdoms. This would be illiberal. They are wise, they are respectable. We should despise the man that piques himself on his own country, and treats all others with indiscriminate contempt. I wish to see much less jealousy and ill-nature subsisting between the Americans and English. But in avoiding party-spirit and resentment on the one hand, we should be very careful of servility on the other. There is a manly pride in true independence, which is equally remote from insolence and meanness; a pride that is characteristic of great minds. Have Americans discovered this pride since the declaration of peace? We boast of independence; and with propriety. But will not the same men, who glory in this great event, even in the midst of a gasconade, turn to a foreigner and ask him, "what is the latest fashion in Europe!" He has worn an elegant suit of clothes for six weeks; he might wear it a few weeks longer—but it has not so many buttons as the last suit of my lord—: he throws it aside and gets one that has. The suit costs him a sum of money—but it keeps him in the fashion and feeds the poor of Great Britain or France. It is a singular phenomenon, and to posterity it will appear incredible, that a nation of heroes, who have conquered armies, and raised an empire, should not have the spirit to say, *we will wear our clothes as we please.*

Let it not be thought that this is a trifling subject—a matter of no consequence. Mankind are governed by opinion, and while we flatter ourselves that we enjoy independence, because no foreign power can impose laws upon us, we are groaning beneath the tyranny of opinion; a tyranny more severe than the laws of monarchs, a dominion voluntary indeed, but for that reason, more effectual; an authority of manners which commands our services and sweeps away the fruits of our labor.

I repeat the sentiment with which I began—the revolution of America is yet incomplete. We are now in a situation to answer all the purposes of the European nations: independent in government and dependent in manners. They give us their fashions, they direct *our* taste to make a market for *their* commodities—they engross the profits of our industry, without the hazard of defending us, or the expence of

supporting our civil government. A situation more favourable to *their* interest, or more repugnant to our *own*, *they* could not have chosen for us, nor *we* embraced.

If such is the state of facts, and if the influence of foreign manners does actually defeat the purposes of the revolution; if our implicit submission to the prevailing taste of European courts, involves individuals and the public in unnecessary expences, it is in the power of a few influential characters in each of our commercial cities to remedy the whole evil. And in a reformation of this kind, the ladies would have no inconsiderable share.

It is really a matter of astonishment, that the pride of the Americans has so long submitted tamely to a foreign yoke. Aside of all regard to interest, we should expect that the idea of being a nation of apes would mortify minds accustomed to freedom of thought, and would prompt them to spurn their chains.

Have the ladies in America no ingenuity, no taste? Do they not understand what dresses are most convenient and elegant? What modes are best adapted to the climate, or other circumstances of this country? They most certainly do. Foreigners acknowledge that the native beauty and understanding of the American ladies are not excelled in any country and equalled in very few. And one would imagine that the modes of embellishing so many personal charms ought not, in all cases, to be prescribed by the milliners and manteau-makers on the other side of the Atlantic. A noble pride should forbid that ladies of birth and breeding should be wholly indebted to the taste of others, for the decorations of their beauty.

When the gentlemen in America shall exercise spirit enough to be their own judges of taste in dress: when they have wisdom to consult the circumstances of this country, and fortitude enough to retain a fashion as long as their *own interest* requires, instead of changing when *other nations* direct—When the ladies shall exercise the rights of their sex, and say, we will *give* the laws of fashion to our *own nation*, instead of *receiving* them from *another*, we will perform our part of the revolution—When both sexes shall take more pride and pleasure in being their own standards, than in being the humble imitators of those who riot on the profits of our commerce—We shall realize a new species of independence—an independence flattering to generous minds, and more productive of wealth than all the laws of power, or the little arts of national policy. And in this revolution of manners, there needs not any sacrifice of real dress. I will venture to estimate, that the retrenching of superfluous articles; articles which constitute no part of dress, and serve but to disfigure an elegant person; articles that are made and

sent to us, to support the sixpenny day labourers of Europe; I say, a retrenching of these trifling articles only, would be an annual savings to America sufficient to pay one half of the interest of our federal debt. We can throw no blame on foreign nations, they are wise, and profit by our want of spirit and taste.

On the footing that all mankind are brethren, perhaps it is generous in us to assist foreigners, who are a part of the Great Family.

It is to be wished, however, that we might first discharge our honest debts: That the soldier, whose labor and blood have purchased our empire, and whose services have been repaid with a shadow of reward, might be indemnified by the justice of his country: that the widow and orphan might at least receive the stipulated satisfaction for losses which money cannot repair. Yes, let us first be *just*, and then *generous*. When we have no better use for our superfluous property, then let us bestow it upon our wretched brethren of the human race. They will repay our charity with gratitude, and bless God that he has peopled one half the world with a race of freemen, to enrich the tyrants, and support the vassals of the other.

In another particular, our dependence on nations farther advanced in society than ourselves, has a very unhappy effect.

I assume it as a fact, conceded by all philosophers and historians, that there has been, in every civilized nation, a particular period of time, peculiarly favorable to literary researches; and that in this period, language and taste arrive to purity—the best authors flourish, and genius is exerted to benefit mankind.

This period in Greece was the age of Themistocles, immediately after the invasion of Xerxes. In Rome, it was the reign of Augustus Caesar, when a revolution had left the empire in a state of tranquility. In France, the reign of Louis the XIVth was distinguished for the number and eminence of its authors, and the correctness of taste. The corresponding period of taste in England, commenced at the close of the last century, and ended with the reign of George the IId. Scotland was later in improvement; but perhaps has now seen its meridian splendor.

There seems to be a certain point of improvement beyond which every step in refinement is corruption—moral sentiment is postponed to wit, and sense is sacrificed to sound. This has been the case in all nations, and is now true of England. The candid among the nation acknowledge and lament the decline of true taste and science. Very few valuable writings appear in the present age; plays, novels, farces, and compilations fill the catalogue of new publications, and the library of a man of fashion consists of Chesterfield's Letters, Tristram Shandy, and a few comedies.

A gentleman in high office in London, in a letter to an eminent literary character in America which I had the honor to read, informs, "that so low is the taste of the nation, that were Milton's Poem to be now first published, it would not find purchasers: music and painting are the only arts that have royal encouragement." He says further, "that there is a national combination to oppose the fame of every American art, production and character." I would hope that this account is an exaggeration of the truth; but we have the best testimony to convince us that every thing is sacrificed to amusement and pleasure.

We ought not therefore to form our taste after such models: in order to write, think and act with propriety, we should go back half a century, to the stile and morality of Addison and his contemporaries—there we may find the most perfect models.

By making the present taste of Europe our standards, we not only debase our own, but we check the attempts of genius in this country.

Emminence is sometimes apt to impose errors upon people, whose respect for the character may silence all scruple and prevent them from examining into the grounds of his opinion. Such is the implicit confidence reposed in the opinions of certain celebrated writers, that when an American ventures to call in question a received principle or opinion of theirs, his countrymen charge him with arrogance and exclaim, how should this man be as good a judge of the subject, as a foreigner! Such false notions of the perfection of particular characters, fetter the mind, and in concert with credulity and idleness prepare it for the reception of any errors, however enormous.

This same veneration for eminent foreigners and the bewitching charms of fashion have led the Americans to adopt the modern corruptions of our language. Very seldom have men examined the structure of the language, to find reasons for their practice. The pronunciation and use of words have been subject to the same arbitrary or accidental changes as the shape of their garments. My lord wears a hat of a certain size and shape; he pronounces such a word in a certain manner; and both must be right, for he is a fashionable man. In Europe this is right in dress; and men who have not an opportunity of learning the just rules of our language are in some degree excuseable for imitating those whom they consider as superiors. But in men of science, this imitation can hardly be excused.

Our language was spoken in purity about 50 years ago; since which time, great numbers of faults have crept into practice about the theatre and court of London. An affected erroneous pronunciation has in many instances, taken place of the true; and new words or modes of speech have succeeded the ancient correct English phrases.

Thus we have in the modern English pronunciation; their natshures, conjunctshures, constishutions and tshumultshuous legislatshures; and a long catalogue of fashionable improprieties. These are a direct violation of the rules of analogy and harmony; they offend the ear and embarrass the language. Time was when these errors were unknown; they were little known in America before the revolution. I presume we may safely say, that our language has suffered more injurious changes in America, since the British army landed on our shores, than it had suffered before, in the period of three centuries. The bucks and bloods tell us that there is no proper standard in language, that it is all arbitrary. The assertion however, serves but to show their ignorance. There are, in the language itself, decisive reasons for preferring one pronunciation to another; and men of science should be acquainted with these reasons. But if there were none, and every thing rested on practice, we should never change a general practice without substantial reasons: no change should be introduced, which is not an obvious improvement.

But our leading characters seem to pay no regard to rules, or their former practice. To know and embrace every change made in Great Britain, whether right or wrong, is the extent of their enquiries and the height of their ambition. It is to this deference we may ascribe the long catalogue of errors in pronunciation and of false idioms which disfigure the language of our mighty fine speakers. And should this imitation continue, we shall be hurried down the stream of corruption, with older nations, and our language, with theirs, be lost in an ocean of perpetual changes. The only hope we can entertain is, that America, driven by the shock of a revolution, from the rapidity of the current, may glide along near the margin with a gentler stream, and sometimes be wafted back by an eddy.

The foregoing remarks suggest some of the causes which operate to defeat the true end of the revolution. Other causes will be hinted at in a succeeding paper. Every man sees and feels our political embarrassments; the foes of the revolution ascribe them all to that event, and the friends charge them upon the enmity and resentment of our parent country. Both are wrong. The revolution is and will ultimately prove a happy event for us and for the world. The English as a nation are wise and respectable—as citizens of the world, we should esteem them—as a commercial people, we should cultivate a friendly intercourse with them—but as a foreign nation, whose political circumstances are very different from ours, we should not make them, in all cases, our standard. I repeat the declaration I before made—The independence of this country is incomplete—There has been a total change in government, with little or no change in the principles which give energy to the operations of government.

Pennsylvania Packet, 19 February 1787

In the preceeding remarks I have endeavoured to shew in what respect the revolution of America is yet incomplete, and that an independence of manners and opinion is necessary to give full effect to an independence of government. I propose now to make some remarks on government, to state the effects of the revolution on the morals of people, and the influence of money on mens' sense of justice and moral obligation.

It is perhaps a fundamental principle of government, that men are influenced more by habit, than by any abstract ideas of right and wrong. Few people examine into the propriety of particular usages or laws: or if they examine, few indeed are capable of comprehending their propriety. But every man knows what is a law or general practice, and he conforms to it, not because it is right or best, but because it has been the practice. It is for this reason that habits of obedience should not be disturbed. There are perhaps in every government, some laws and customs, which, when examined on theoretical principles, will be found unjust and even impolitic. But if the people acquiesce in those laws and customs, if they are attached to them by habit, it is wrong in the legislature to attempt an innovation which shall alarm their apprehensions. There are multitudes of absurdities practised in society, in which people are evidently happy. Arraign those absurdities before the tribunal of examination—people may be convinced of their impropriety—they may even be convinced that better schemes may be projected—and yet it might be impossible to unite their opinions so as to establish different maxims. On the other hand, there are many good institutions, in which, however, there may be theoretical faults, which, if called into public view and artfully represented, might shake the best government on earth.

Speculative philosophers and historians have often described, and sometimes ridiculed the warmth with which nations have defended errors in religion and government. With the most profound deference for wise and respectable men, I must think they are guilty of a mistake; and that the errors which nations fight to defend, exist only in the heads of these theorists. Whatever speculation may tell us, experience and the peace of society require us to consider every thing as right, which a nation believes to be so. Every institution, every custom, may be deemed just and proper, which does not produce inconveniences that the bulk of mankind may see and feel. The tranquility of society therefore should never be disturbed for a philosophical distinction.

It will perhaps be objected, that these doctrines, if practised, would prevent all improvements, in science, religion and government. By no means: but they point out the method in which all improvements

should be made, when opinion and fixed habits are to be overthrown, or changed. They show that all reformation should be left to the natural progress of society, or to the conviction of the mind. They show the hazard and impracticability of changes, before the minds of the body of the people are prepared for the innovation. I speak not of despotic governments, where the will of the prince is enforced by an army; and yet even absolute tyrants have been assassinated for not attending to the spirit and habits of their subjects.

In vain do rulers oppose the general opinion of the people. By such opposition, Philip IId. of Spain, kept one part of his subjects, for half a century, butchering the other, and in the end, lost one third of his dominions. By not regarding the habits of the nation, Charles Ist. of England lost his head. By carrying his changes too far, Cromwell began to oppose the spirit of the nation, and had he lived to prosecute his system, that spirit would, in a few years, have brought his neck to the block. The general spirit of the nation restored to the throne the son of the prince, whom that spirit had but a few years before arraigned and condemned. By opposing that spirit James was obliged to leave his kingdom, and the sense of the nation still excludes the family which, by their own law of successions, has the best title to the throne. But there is no prescription against general opinion—no right that can enter the list against the sense of a nation—that sense, which after all our reasonings, will forever determine what is best.

The truth of these remarks is proved by examples in this country. An immense revenue might have been drawn from America without resistance, in almost any method but that which the British parliament adopted. But their first attempts were made upon articles of common necessity—the attempts were too visible—the people felt and resisted. Their apprehensions were alarmed—their fears, whether well founded or imaginary, were multiplied and confirmed by newspaper rhapsodies, and finally produced a combined opposition to all British taxation. Then Great Britain should have compounded—she did not—she opposed the general sense of three millions of her subjects, and lost the whole.

A dispute existed between Connecticut and Pennsylvania, respecting a tract of land—a federal court decided the jurisdiction, or state claim, in favour of Pennsylvania—five thousand inhabitants, seated on the lands, acknowledged the jurisdiction, but contend that their original purchase, and subsequent labor, entitle them to the lands. Notwithstanding the invalidity of their state claim, the settlers determine to maintain their lands. The question of right is at once suspended, and

the only enquiry is, which is the best policy—to indemnify a few individuals by a pecuniary composition; or sacrafice five thousand subjects. This question, left to the commonwealth, would be decided by a great majority, in favor of the settlers, and against the very principles of right on which the state holds the jurisdiction.

I am not competent to judge of the merits of the dispute between New-York and Vermont; but if the usurpation of Vermont were a conceded fact, and that usurpation to be defended by arms, and the question of granting them independence were left to the state, I am confident that nine tenths of the people would decide for the independence of Vermont against their own rights.

Thus it often happens, that a general opinion, grounded on national expediency, will and ought to decide political questions contrary to the strict principles of justice and equity.

I would, by no means, be understood to defend, by such doctrines, the insurrections of a neighbouring state. I reprobate every thing that wears the least appearance of opposition to lawful authority. It is evident however, that the legislature of Massachusetts were too inattentive to the general spirit of the state. The murmurs of the people were heard long before they broke out into rebellion, and were treated with too much neglect. They were a proof at least that something was wrong. This the legislature acknowledged in their late acts, and the complaints of the populace might once have been silenced by such conciliatory measures.

But an opposition so violent must suddenly cease or acquire system. In the latter case, the demands of the insurgents will rise in proportion to their strength; they will ask unreasonable concessions, and the sword must decide their claims. The insurgents took wrong steps to obtain redress—they should have rested their agrievances on petitions, and the event of an election—but one rash step leads to a second, and to a third. These fatal effects of popular discontent afford one useful lesson, that rulers should not attempt to carry a measure against the general voice of a people.[a] But a question will arise; how far may the people be opposed, when their schemes are evidently pernicious? I answer this can never happen thro' design—and errors even of the populace may gradually be removed. If the people cannot be convinced, by reason and argument, of the impolicy or injustice of a favorite scheme, we have only to wait for the consequences to produce conviction. All people are not capable of just reasoning on the great scale of politics—but all can feel the inconveniences of wrong measures, and evils of this kind generally furnish their own remedy. All popular legislatures are liable to great mistakes. Many of the acts of the

American legislatures respecting money and commerce, will, to future generations, appear incredible. After repeated experiments, people will be better informed, and astonished that their fathers could make such blunders in legislation.

If the people of this state are not already convinced, they certainly will be, that the addition of 150,000l. of paper, to the current specie of the state, did not increase the permanent value of circulating medium a single farthing. They were perhaps told that such a sum of paper would shut up the specie, or enable the merchant to export it—but their jealousy made them believe these the suggestions of interest; and nothing but the experiment could satisfy their wishes. Every man of reflection must regret that he is subject to the evils consequent on popular mistakes in judgment; but this is the price of our independence and our forms of government.

But let us attend to the immediate and necessary consequences of the American revolution.

So great an event as that of detaching millions of people from their parent nation, could not have been effected without the operation of powerful causes. Nothing but a series of real or imaginary evils could have shaken the habits by which we were governed, and produced a combined opposition against the power of Great Britain. I shall not enumerate any of these evils; but observe that such evils, by twenty years operation upon the fears or feelings of the Americans, had alienated their affections or weakened those habits of respect, by which they were predisposed to voluntary obedience. When a government has lost respect, it has lost the main pillar of its authority. Not even a military force can supply the want of respect among subjects. A change of sentiment prepares the way for a change of government, and when that change of sentiment had become general in America, nothing could have prevented a revolution.

But it is more easy to excite fears than to remove them. The jealousy raised in the minds of Americans against the British government, wrought a revolution; but the spirit did not then subside—it changed its object, and by the arts of designing men and the real distresses consequent on such a political storm, was directed against our own governments. The restraints imposed by respect and habits of obedience were broken thro', and the licentious passions of men set afloat.

Nothing can be so fatal to morals & the peace of society, as a violent shock given to public opinion or fixed habits. Polemic disputes have often destroyed the friendship of a church and filled it, not only with rancor, but with immorality. Public opinion therefore in religion and government, the great supports of society, should never be suddenly

unhinged. The separation of America, however, from all dependence on European government could not have been effected without previously attacking and changing opinion. It was an essential step—but the effects of it will not easily be repaired. That independence of spirit which preceded the commencement of hostilities and which victory has strengthened—that love of dominion, inherent in the mind of men which our forms of government are continually changing—that licentiousness of enquiry which a jealousy of rights first produced and still preserves, cannot be controuled and subdued, but by a long series of prudent and vigorous measures.

Perhaps the present age will hardly see the restoration of perfect tranquility. But the spirit and principles, which wrought our separation from Great Britain, will mostly die with the present generation; the next generation will probably have new habits of obedience to our new governments; and habits will govern them, with very little support from law.

The force of habit in government is most strikingly illustrated by the example of Connecticut. Most of the laws, customs and institutions, which the people brought with them from England or which they introduced, on their first settlement, remain to this day, with such small alterations only as would naturally be made in the progress of society and population.

The government of Connecticut had formerly little more than a nominal dependence on England; independence therefore required but a little change of the old constitution. The habits of the people have not been materially changed; their respect for the government has not been suspended nor diminished. It would therefore be extremely difficult to raise an insurrection in that state against their own government; for they have not been accustomed to dispute the propriety of their established maxims and laws. Whatever alterations in their constitution, a discerning legislator might suggest, it would be highly impolitic to attempt any changes, which should disturb public opinion or alarm apprehension. When a law or custom becomes inconvenient, the people will feel the evil and apply a remedy.

Most of the other states had new constitutions of government to form; they had a kind of interregnum; an interval, when respect for all government was suspended; an interval fatal in the last degree, to morals and social confidence. This interval between the abolition of the old constitution and the formation of a new one, lasted longer in Massachusetts than in the other states, and there the effects are most visible. But perhaps it is impossible to frame a constitution of government, in the closet, which will suit the people, for it is frequent to find one,

the most perfect in theory, the most objectionable in practice. Hence we often hear popular complaints against the present governments in America: and yet these may proceed rather from the novelty of the obedience required, than from any real errors or defects in the systems: it may be nothing but the want of habit which makes people uneasy—the same articles which now produce clamors and discontent, may, after twenty years practice, give perfect satisfaction. Nay, the same civil regulation which, the present generation may raise a mob to resist, the next generation may raise a mob to defend.

But perhaps a more immediate and powerful cause of a corruption of social principles, is a fluctuation of money. Few people seem to attend to the connection between money and morals: but it may doubtless be proved to the satisfaction of every reflecting mind, that a sudden increase of specie in a country, and frequent and obvious changes of value, are more fruitful sources of corruption of morals, than any events that take place in a community.

America began the late war without funds of money and its circulating specie was very inconsiderable. Commerce was regular, and *speculation*, a term unknown to the body of the people.

The emission of paper was an obvious and necessary expedient; yet it was bad policy to throw vast sums into circulation without taking some measures to recall it. But it was the fate of America to receive in bills of credit and in the course of three or four years about forty times the nominal value of its current specie; the bills depreciated in the same proportion, and the real value of the medium continued the same.

The first visible effect of an augmentation of the medium and the consequent fluctuation of value, was, a host of jockies, who followed a species of itinerant commerce; and subsisted upon the ignorance and honesty of the country people; or in other words, upon the difference in the value of the currency, in different places. Perhaps we may safely estimate, that not less than 20,000 men in America left honest callings and applied themselves to this knavish traffic. A sudden augmentation of currency flattered people with the prospect of accumulating property without labor.

The first effect therefore is to check manual labor, the only permanent source of wealth. Industry which secures subsistence and advances our interest by slow and regular gains, is the best preservative of morals: for it keeps men employed and affords them few opportunities of taking unfair advantages. A regular commerce has nearly the same effect as agriculture or the mechanic arts; for the principles are generally fixed and understood.

Speculation has the contrary effect. As its calculations for profit depend on no fixed principles, but solely on the different value of articles in different parts of the country, or accidental and sudden variations of value, it opens a field for the exercise of ingenuity in taking advantage of these circumstances. The speculator may begin with honest intensions; and may justify his business, by saying, that he injures no man, when he gives the current value of an article in one place and sells it for its current value in another; altho' in this case he is a useless member of society, as he lives upon the labour of others, without earning a farthing. But he does not stop here—he takes an advantage of ignorance and necessity; he will if possible, monopolize an article to create a necessity. Repeated opportunities of this kind gradually weaken the force of moral obligation; and nine persons of ten, who enter into the business of speculation with a good character, will, in a few years, lose their principles and probably, their reputation.

Speculation is pernicious to morals, in proportion as its effects are extensive. Speculation in the English funds is practised on principles destructive of justice and morals; but it consists in the transfer of large sums: the contingencies on which it depends are not frequent, and the business is confined to a few sharpers in the metropolis. Such a speculation affects not the body of the people. The medium circulating in the kingdom, has a fixed permanent value and affords no opportunities for irregular gains.

Very different is speculation in America. Here its objects are in every person's hands; changes of value are frequent; opportunities of gain numberless, and the evil pervades the community. The country swarms with speculators, who are searching all places, from the stores of the wealthy, to the recesses of indigence, for opportunities of making lucrative bargains. Not a tavern can we enter, but we meet crouds of these people, who wear their character in their countenances.

But the speculators are not the only men whose character and principles are exposed by such a state of the currency; the honest laborer and the regular merchant are often tempted to forsake the established principles of advance. Every temptation of this kind attacks the moral principles, and exposes men to small deviations from the rectitude of commutative justice.

Such are the sources of corruption in commercial intercourse. A relaxation of principle, in one instance, leads to every species of vice, and operates till its causes cease to exist or till all the supports of social confidence are subverted. It is remarked by people very illiterate and circumscribed in their observation, that there is not now the same

confidence between man and man, which existed before the war. It is doubtless true; this distrust of individuals, a general corruption of manners, idleness and all its train of fatal consequences, may be resolved into two causes: the sudden flood of money during the late war, and a constant fluctuation of the value of the currencies.

The effects of a sudden augmentation of the quantity of money in circulation were so obvious, during the war, and the example is so recent, that the subject requires no illustration, but are a collection of facts. Yet there is an example recorded in the History of France, so exactly in point, that I can not omit it.

During the regency of the duke of Orleans, one Law, who had fled from punishment in Scotland and taken refuge in France, obtained, by his address, a great share of confidence in the councils of the regent. He formed a plan of drawing all the specie from circulation and issuing bills upon the royal treasury. It is not necessary to name the expedients he used to effect his purpose. It is sufficient to observe, that by various methods, he drew most of the specie of the kingdom into the public treasury, and issued bills to about one hundred times the value of the specie, which had before circulated. The notes or securities, depreciated as they were thrown into circulation, like our continental currency. The nature of a medium of trade, it seems, was not well understood; such a sudden depreciation was a surprising phenomenon at that period; men of property, who were the holders of the paper, were alarmed; the kingdom was in confusion. When the bills had sunk to a fifth of their value, a royal edict was issued, ordaining that the remaining specie in circulation should be sunk to a level with paper. This resembles in some respects, the regulation of prices in America. An edict, so rash and absurd, increased the evils it was meant to remedy, and filled the kingdom with clamor.

In a short time, the paper was sunk as low as our continental currency, before its death.

The confusion was general; the regent and Law were obliged to fly the kingdom; and both died in obscurity, the one in Italy and the other, if I mistake not, in the Netherlands. In France there was a total change of property; poor men made fortunes by speculation and the rich were beggard. The result of the whole was, that the paper was called in at a discount, by means similar to the *forty for one* act of the United States.

But the principal view I have in stating this example, is to show the effect of a sudden inundation of money upon industry and morals. No sooner did the nation feel an increase of the quantity of money, but the kingdom was over-run with speculators; men who left useful occupations, for the prospect of rapid accumulations of wealth. Knavery,

over-reaching, idleness, prodigality and every kind of vice prevailed and filled the kingdom with distress, confusion and poverty.

The South Sea bubble in England was a farce of a similar kind, but its effects were less extensive.

> (a) Some have suspected from these sentiments, that I favor the insurrection in Massachusetts. If it is necessary to be more explicit than I have been in the declaration, "*I reprobate, &c.*" I must add, that in governments like ours, derived from the people, I believe there is no *possible situation* in which violent opposition to laws can be justified; because it can never be necessary. *General evils* will always be legally redressed, and *partial evils* must be borne, if the majority require it. A tender law, which interferes with *past* contracts, is perhaps, the wickedest act that a legislature can be guilty of; and yet I think the people in Rhode Island have done right, in not opposing their's, in a violent manner.

Pennsylvania Packet, 21 February 1787

The Continental currency was not the sole cause of the idleness and speculation, which prevailed in this country, about the years 1780, 1781 and 1782. Vast quantities of specie were introduced by the French army, by the Spanish trade, and by a clandestine intercourse with the British garrisons. At the close of the war, there was more than double the quantity of gold and silver in the country, which was necessary for the purposes of a regular commerce.

This extraordinary circulation of specie had its usual, its certain effect—it prompted multitudes to quit manual labor for trade. This circumstance, in conjunction with the disbanding of the army, which left great numbers of men without employment, and with a rage for foreign goods, which was always strong, and was then increased by a long war—filled our commercial towns with hosts of adventurers in business. The consequent influx of goods and enormous credit necessary to obtain them, are evils that deeply affect this country. I will not attempt a detail of the state of commerce in the United States; but observe that the necessary exportation of Specie was the happiest event that could befall the United States—the only event that could turn industry into its proper channel, and reduce the commerce of the country to a proportion with the agriculture.

Dissipation was another consequence of a flood of money. No country perhaps on earth can exhibit such a spirit of dissipation among

men, who derive their support from business, as America.—It is supposed by good judges, that the expences of subsistence, dress and equipage, were nearly doubled in the commercial towns, the two first years of the peace. I have no doubt the support of the common people was enhanced 25 per cent. This augmentation of expences, with a diminution of productive industry are the consequences of too much money, and a scarcity is our only remedy.

Short sighted people complain of the present scarcity—but it is the only hope of our political salvation; and that legislature which ventures to remove popular complaints, by a coinage of great quantities of specie, or by its substitute, paper, checks industry, keeps alive a spirit of dissipation, and retards the increase of solid wealth. This has been necessary, yet it is a necessity sincerely to be lamented.

But there is one source of idleness and corruption which is general in America, and bids fair to be of long duration.—I refer to the different species of federal and state securities, which are every where diffused and of fluctuating value. These evidences of our debts open such prospects for rapid accumulations of property to every class of people, that men cannot withstand the temptation—thousands are drawn from useful occupations into a course of life, which cannot possibly benefit society—which must render them useless—and probably will render them bad men, and dangerous members of a community.

What remedy can be applied to so great an evil, is not for me to determine. But if I may offer my sentiments freely, I must acknowledge, that I think no measure, not even the wicked one of failing to fulfill public contracts, can produce so much mischief, as the circulation of a depreciated changeable currency. Let all our debts be placed on the footing of bank-stock, and made transferable only at the treasury—or let the present evidences of it be called in, and new notes issued, payable only to the creditor or original holder—or let the securities be sunk by paying them at their current discount, a high-handed act of injustice, but let some method be adopted to draw them from circulation—for they destroy public and private confidence—they cut the sinews of industry—they operate like a slow poison, dissolving the *stamina* of government, moral principles.

No paper should circulate in a commercial country, which is not a representative of ready cash—it must at least command punctual interest, and security of the principal when demanded. Without these requisites, all notes will certainly depreciate. Most of our public securities want all the requisites of a paper currency. But if they did not—if they were equal in value to bank-notes or specie, still the sums are much too large for a circulating medium in America. The amount of

the continental and state certificates, with the emissions of paper by particular states, cannot be less than 60 millions of dollars—which is six times the sum necessary for a circulation.

Were they equal in value to gold and silver, the whole medium would depreciate specie as well as paper. But as they want every requisite of a paper currency, the whole depreciation falls upon the securities.

An alarming consequence of the state of our public debt remains to be considered. Want of confidence in the public, added to the vast quantity of paper, has sunk it to a 3d, 6th or 8th part of its nominal value. Most of the creditors of the public have parted with their securities at a great discount, and are thus robbed of the monies which they earned by the sweat of the brow. Men of property have purchased them for a trifle, and in some states receive the interest in specie. In Massachusetts, this is the case with respect to some part of the state debt.—When a man buys a note of twenty shillings value for five, and receives the interest, 6 per cent. in specie, he in fact receives twenty-four per cent. on his money.

This is the source, the cause (*sine qua non*), of the insurrection in Massachusetts. Remove this, and the disturbances will instantly cease. The people feel the injustice of paying such an interest to men who earned but a small part [of] it, and whose sole merit is, that they have more money than their fellow citizens who suffer the loss by depreciation. Those men in particular, who fought for our independence, or loaned their property to save the country, view with indignant resentment, that law which obliges them to pay 24 per cent. interest on the securities, which they have sold for a fourth, or an eighth part of their honest demands.

This cannot justify the violent steps taken by the people; because petitions and united firmness in a constitutional way, would have procured redress. But I state the facts to shew the effects of speculation, or rather, of the want of faith in public engagements.

Such are the consequences of a variable medium—neglect of industry—application to irregular commerce—relaxation of principles in social intercourse, distrust of individuals—loss of confidence in the public and of respect for laws, innumerable acts of injustice between man and man, and between the state and the subject—popular uneasiness, murmurs and insurrections. And such effects will exist till their cause shall be removed. Not the creation of a Supreme Power over the United States, is an object of more importance, than the annihilation of every species of fluctuating currency.

That instability of law, to which republics are prone, is another source of corruption. Multiplication and changes of law have a great effect in

weakening the force of government, by preventing or destroying habits. Law acquires force by a steady operation, and government acquires dignity and respect, in proportion to the uniformity of its proceedings. Necessity perhaps has made our federal and provincial governments frequently shift their measures, and the unforeseen or unavoidable variations of public securities, with the impossibility of commanding the resources of the continent, to fulfill engagements, all predict a continuation of the evil. But the whole wisdom of legislatures should be exerted to devise a system of measures which may preclude the necessity of changes that tend to bring government into contempt.

A mild or lax execution of law may also have a bad effect in lessening the respect for its officers. In a monarchy, there is no reasoning with the executive, the will of the prince inspires terror. In our governments, the officers are often familiar, and will even delay justice as long as possible to assist the prisoner.

In some of the eastern states, the frequency and mildness of laws, have introduced very singular habits. The people of Connecticut respect the laws, as much as any people; they would not be guilty of disobedience; they mean generally to pay their debts, but are not very anxious to be punctual. They suppose a creditor can wait for his money longer than the period when it is due, and think it hard if he will not.

This mild execution of law, and a consequential habit of dilatoriness, which arise from the spirit of equality, are still prevalent amongst the body of the people. These gave rise to the late incorporation of several commercial towns, with large powers: an expedient which has answered the purpose of giving to commerce the advantage of energy and dispatch in the collection of debts. As most of the business is done in the cities, this effect will gradually extend itself and form different habits.

The great misfortune of the multiplicity of laws and frequency of litigation, is, that they weaken a respect for the executive authority; destroy the principle of honor, and transfer the disgrace, which ought to follow delinquincy in payment, from a man's reputation, to the administration of justice. The lawyers and courts are impeached, when the whole blame ought to fall upon the debtor for his impunctuality. Honor, a substitute for honesty, has more influence upon men than law; for in the one case, a man's character is at stake, and in the other, his property. When a man's character suffers not, by a failure of engagements, and by a public prosecution, the collection of debts must be slow, which is true of some of the New-England states.

I speak not of merchants; real merchants are nearly alike in all parts of the world. But when a man's reputation is suspended on the punctual discharge of his contracts; he will spare no pains to do it; and this is or ought to be the case in all commercial countries.

Extensive credit, in a popular government, is always pernicious and may be fatal. When the people are deeply or generally involved, they have power and strong temptations to introduce an abolition of debts; an agrarian law, or that modern refinement on the Roman plan, which is a substitute for both, a paper currency, issued on depreciating principles. Rhode Island is a melancholy proof of this truth, and New-Hampshire narrowly escaped the deplorable evil. In governments like ours, it is policy to make it the interest of people to be honest. In short, the whole art of governing consists in binding each individual by his particular interest, to promote the aggregate interest of the community.

Massachusetts affords a striking example of the danger incurred by too many private debts. During the war the operation of justice was necessarily suspended, and debts were constantly multiplying and accumulating—when law came to be rigorously enforced, the people were distressed beyond measure, particularly in the western counties, where people are poorer, than in the parts of the state better settled, and nearer to market. These private debts crouded hard, and operated with the demands of the federal creditors, to push the people into violent measures.

The planters in Virginia owe immense sums of money to the British merchants—What is the consequence? a law suspending the collection of British debts. The loss of their slaves is the ostensible excuse for this law; but a more solid reason must be, the utter impossibility of immediately discharging the debts. In our governments the men who owe the money, make the laws; and a general embarrassment of circumstances is too strong a temptation to evade or suspend the performance of justice. For this reason, the wisdom of the legislature might cooperate with the interest of the merchant, to check a general credit. In some cases it might be safe and wise to withdraw the protection of law, from debts of certain descriptions. It is an excellent law in one state, which ordains, that no tavern debt, of more than two days standing, shall be recoverable by law. It prevents tavern hunting and its consequences, idleness, drunkenness and quarrels. Perhaps laws of this kind have the best effect in introducing punctual payments. Their first effect is to prevent credit; but they gradually change a man's regard for his property, to a more active and efficient principle, an attention to his character.

In the present anarchy in Massachusetts, monied men get credit with the merchant, and are punctual to fulfill engagements; as they are sensible that the merchant relies solely on their honor. The certain ultimate tendency of withdrawing the protection of law from particular kinds of debts, is to discourage tricks and evasions, and introduce habits of punctuality in commerce.

The present state of our public credit has the same effect. Repeated violations of public faith, the circulation of a variable medium of trade, the contempt of law, the perpetual fear of new legislative schemes for discharging our debts, and of tender laws, have made men very cautious in giving credit, and when they do give it, they depend more on the honor of a man than on any security derived from law. This one happy effect of want of confidence in the public, is some small consolation for an infinite variety of political evils and distresses.

Laws to prevent credit would also be beneficial to poor people. With respect to the contraction of debts people at large, in some measure, resemble children: they are not judges even of their own interest. They anticipate their incomes, and very often, by miscalculation, much more than their incomes.—But this is not the worst effect—an easy credit throws them off their guard in their expences. In general we observe that a slow, laborious acquisition of property creates a caution in expenditures, and gradually forms the miser. On the other hand, a sudden acquisition of money, either by gambling, lotteries, privateering, or marriage, has a tendency to open the heart, or throw the man off his guard, and thus makes him prodigal in his expences. Perhaps this is ever the case, except when a penurious habit has been previously formed.

An easy and extensive credit has a similar effect. When people can possess themselves of property without previous labour, they consume it with improvident liberality. A prudent man will not; but a large proportion of mankind have not prudence and fortitude enough to resist the demands of pride and appetite. Thus they often riot on other men's property, which they would not labour to procure. They form habits of indolence and extravagance, which ruin their families, and impoverish their creditors.

Another effect of extensive credit, is a multitude of lawyers. Every thing which tends to create disputes, to multiply debts, weaken a regard to commercial engagements, and place the collection of debts on law, rather than on honor, increases the encouragement of lawyers. The profession of law is honorable, and the professors, I scruple not to aver, as liberal, honest and respectable, as any class of men in the state. But their business must be considered as a public evil; except in the drafting of legal instruments, and in some real important disputes. Such is the habit of trusting to law, for the recovery of debts, that, in some of the eastern states, one half or two thirds of the lawyers are mere collectors. They bring forwards suits for small debts, that are not disputed—they recover judgement upon default, they take out executions, and live upon their fees.

The evil is not so great in the middle states; but it is great in all the states. Never was there such a rage for the study of law. From one end of the continent to the other, the students of this science are multiplying without number. An infallible proof that the business is lucrative.

The insurgents in Massachusetts enumerate lawyers among their grievances. They wish the legislature to limit their number and their demands. Short-sighted mortals! They seem not to consider that lawyers grow out of their own follies, and that the only radical remedy for the evil is, to contract no more debts than they can pay, with strict punctuality.

The number of professional men in a state should be as few as possible; for they do not increase the property of the state; but live on the property acquired by others.

There is little danger that the number of clergymen will be too great. In a few instances, religious parties may have multiplied their teachers to too great a number, and perhaps in some parts of the country, a few more ministers of the gospel would be very useful.

Physicians will multiply in proportion to the luxuries and idleness of men. They cannot be limited by law, for people will be as intemperate and as lazy as they please.

But an artful legislature will take away some of the causes of litigation, and thus curtail the number of lawyers. We may always determine the degree of corruption, in commercial habits, by the number of civil suits in the courts of law. The multiplication of lawyers is a proof of private embarrassments in any state; it is a convincing proof that in America these embarrassments are numberless. The evil is of such magnitude in *some* states, as to suspend the operation of law, and in *all* it produces distrust among men, renders property unsafe, and perplexes our mutual intercourse. In this situation, with popular governments, and an unbounded rage for magnificent living, perhaps the only effectual remedy for a multitude of public evils, is the restraining of credit. It might even be useful to destroy all credit on the security of law; except debts of certain descriptions, where mortgages might be given. This would not check business, but it would oblige people to exercise a principle of honor, and to have recourse to industry, and ready payment for articles which their necessities, or their fancies require. We should then be better able to determine, whether bucks and bloods, in high life,

"Who roll the thundering chariot o'er the ground." are sporting with their own property, or that of honest creditors.

I cannot close these remarks without observing how much this country owes to particular classes of people for the practice of the com-

mercial virtues. To the Friends, the Germans and the Dutch, this country is indebted for that industry and provident economy, which enable them to subsist without anxiety, and to be honest and punctual, without embarrassment.

Happy would it be for this country, if these virtues were more generally practised. Paper money and foreign credit are mere temporary expedients to keep up the *appearance of wealth* and splendor; but they are miserable substitutes for solid property. The only way to become rich at home and respectable abroad is to become industrious and to throw off our slavish dependence on foreign manners, which obliges us to sacrifice our opinions, our taste, and our interest to the policy and aggrandisement of other nations.

1. Reprinted: *Pennsylvania Herald,* 21, 24, 28 February.

6. "G."
Pittsburgh Gazette, 17 February 1787

To the PRINTERS of the PITTSBURGH GAZETTE.

SIRS, If you think the following observations will entertain or amuse any of your readers, please to insert them. They are the produce of a few leisure moments, and possibly the hints thrown out may employ, at some future period, a much abler pen.

Nothing tends more to the happiness and prosperity of a new country and people than industry and frugality. They are valuable virtues, and if those who have seated themselves on this side the Alleghany Mountain, only possessed them in a more operative degree, we should not have much reason to complain against bad times, and want of money.

It is beyond a doubt that specie is become exceedingly scarce; but it is the voluptuous folly of ourselves that has rendered it so. Luxuries have been, and still continue, a powerful enemy to the wealth of this country. They are prejudicial, in many instances, to our constitutions, but they also pervert the heart by creating false appearances, false tastes, and what is still worse, they infatuate the mind with mistaken notions of things; whereby, idleness, ease and pleasure are but too often saught after, in preference to the more comfortable and healthy occupations of life.

If we had more dairy maids, and fewer fine ladies; more graziers, and fewer distilleries; more artists, and fewer hunters; a good breed of horses, and fewer packers; this country would ascend the summit of prosperity much faster than she appears at present to do. It would reflect disgrace upon any family of mature years, hale constitutions, and good health, to complain that they were more indigent and indebted every succeeding, than preceding years, and it militates as much

against the misapplication of time in the people of this country, and take them in the aggregate, as it does in the case of a single family, who suffer themselves to become annually poorer and poorer; because no country can lose its wealth or strength, but every citizen shares his individual proportion of the common calamity.

Wisdom in our councils, will always apportion the public taxes in such manner, as fully to answer all the exigences of the state; and economy, assisted by industry, will always make this burthen light and easy.

Mankind are but too apt to waste more time, in complaining against evil, than they do in searching after remedies to cure them, otherwise the inconveniencies which at present attend the political, as well as the pecuniary condition of the United States, would be very easily counteracted and redressed. There are but few diseases attendant on the human frame, against which there is not provided, either one salutary medicine or other; and I aver, there is no country that labours under either a political or local disorder, but what can, through the proper exertions of the people, effectuate a recovery.

The western world of America (if I may be allowed the expression) is very extensive in its boundaries. No man can say it is at present either powerful or great, with regard to its strength or its policy. There are but few who know any thing of the properties and conveniencies which nature has given it, but will readily say it must, one day or other, become a very great and powerful empire. Pray what will render it so? The people by their industry and frugality. The more care and assiduity which is used, amongst the present race of men, the more rapid will the strides of America be towards her zenith of power and opulence; for, while examples of these kinds, initiate the rising generation in virtue, they will add this further benefit to society: as moderate toil is the surest means of preserving health, the exercise of it will not only prevent many immature diminutions of the human species, but also be a great cause towards the increase thereof in a more rapid degree.

If therefore, this extensive country can become collectively powerful, through the exertions of the people (and that effected out of a state of nature) pray, in the name of common sense why are the western citizens of America so sluggish and backward, in making a proper beginning of one of the greatest works, that ever was, possibly, intended by Providence to aggrandize the understanding and wisdom of mankind.

There is a saying which I have heard often made use of "to be great is to be wise." I am persuaded there is no want of wisdom in a sufficient number of the citizens of America. More virtue and honesty in our dealings and engagements; a due regard to the just demands of our representatives; more unanimity and less dissention; industry enough to pay off our old debts before we contract new ones—attend to these

maxims, and we shall effect a blessing, which, however indolent we may be to promote, I am convinced there are but few, who would not derive both advantage and satisfaction therefrom.

Were these independent States effectually united, under a well chosen Congress, properly empowered to compel each state respectively, to accord to such ordinances and regulations as might from time to time be made for the good of the whole, our situation would be better. Partial advantages are public evils. The general good is the only true standard of political attention; and unless one common and well constructed frame of continental government be established (subject nevertheless to some state interferences) it is vain and absurd even to hope or expect general prosperity or equal benefits to be alike enjoyed by the citizens of America.

A good government is an established power, which preserves the good of a whole people, in a kind of mutual equality, without suffering any legal infringement.

If government be faulty, weak and feeble, partial advantages will be enjoyed by particular individuals, and in proportion as the favorites are numerous, in the same exact proportion, the body of the people will labour under imposition and injury.

Instead therefore of speaking so much against bad times, let us alter our opinions and conduct. The actions of mankind regulate the clock work of their political, as well as their private deeds; and whether they are beneficial or injurious to community, (if we allow man to possess free-will) it is by choice, and not by compulsion, that we make life disagreeable and disadvantageous, or pleasant and prosperous.

Pittsburgh, Feb. 12, 1787.

Editors' Note

Before the Constitutional Convention adjourned on 17 September 1787, Pennsylvania newspapers were filled with items dealing with the need to alter the Articles of Confederation. Many of these items, because they were widely reprinted throughout the country, are published in *Commentaries on the Constitution: Public and Private* and are not placed in the Pennsylvania supplement. For such items, see CC:9–10; 16–C, F; 19; 20–C; 21–24; 29–31; 34; 38–39; 40–A, C, D; 42–44; 46–C; 47–E; 50; 51–C; 54; 56–57; 63; 65–74.

7. Philadelphia Independent Gazetteer, 12 April 1787

A traveller now in this town informs us, that the common furs of Siberia (a part of the Russian empire) surpass, in beauty and goodness,

all those of other countries; such are those of Zebelines, killed in the spring or stammer; those of the grey-squirrel, whose thick and glossy hair nearly resembles the state colour; those of the Isatis, or Pestry, which are called white-foxes; and lastly, those of the hares, whose skin grows softer and thicker in winter, and acquires the whiteness of the snow.—One single skin of Martre Zebelina, killed in winter is worth 150 Dutch florins, if it is thick of hair, and of a brown glossy colour.—The ermins which are scarce bigger than the moles of our fields, cost from 35 to 40 florins per hundred. One otter skin which is called beaver of Kamschatska, sells to the Chinese for 140 to 150 florins, sometimes even 250. The skin of the fox, if of a fine black, will bring 2000, and even 2050.—The blue foxes are still dearer.

From these calculations, founded in historical facts, we can only infer, that the Americans has not entered on the confines of the fur-trade of principal importance.—The regions of this country, yet scarcely explored, can supply these luxuries, of elevated rank and power, in greater abundance and of a texture equally delicate and enervating.

Let us then establish some foederal power, adequate to the protection of our bold and industrious trader, in every latitude of the great continent, from whence he can collect a species of exports, hitherto monopolized by wild Siberians.

8. Pennsylvania Gazette, 18 April 1787

"*For the* price *of every thing*
"*Is just as much as it will bring.*"

The same may be said of the *worth* of every thing. The public securities of this state have been sold, at an average, for three and four for one. This then was their real *worth*, as well as price. In this state of their value they were issued. They retained their nominal value no longer than they were retained by the original holder. After he parted with them, they sunk to one third or one fourth of their value. At this rate only they should be redeemed. How many widows and orphans, who put money into the funds, paid to them by law for gold, have been compelled by the scale of depreciation to receive only a tenth or twentieth part of the sum they expected. This was judged necessary to save our country. Now, why should speculaters find more generosity, than widows and orphans found *justice*, from the public? Let the state pay them the first cost of their certificates. The interest of 18 or 20 per cent. they have drawn for two years past, is a sufficient compensation to them for laying out of their money. All the evils and distresses of the state arise from the funding bill in its present unjust form.

Why have we so many bankruptcies in town and country?

Because real property is reduced to little or nothing by the funding bill.

Why are our mechanics and sailors out of employ?

Because no man will build, manufacture or trade with his money, while the state pays 18 per cent. on certificates.

Why is it so hard to borrow money?

Because no man will lend money for 6 per cent. while he can get 18 from the treasury of the state.

The funding bill is the cause of all our misfortunes. Under the false notion of supporting public credit, it has destroyed it, by sapping the foundations of all industry and honesty every where. I think with a learned member of the Assembly, that the certificates should be bought up, or redeemed at their *present* value, before they have time to rise—for in rising they will ruin thousands, to enrich a few men who have never done or suffered any thing for America. The distress of the country people, from the weight of their taxes, is very great—and all this for what?—Not to pay the widow or orphan, or original certificate holder, the *principal* of their debt—not to cut canals, or to improve our roads, or to encourage useful manufactures—but to maintain in idleness a few speculators.

The *severity* of the funding law deserves to be noticed. When the liberties of our country were at stake, then delays in the payment of taxes were admitted—but now speculators are to be maintained, the law knows no mercy. Cows, horses, sheep and land are seized at the end of forty days, and sold for a trifle, to the great distress of our farmers, and the ruin of our agriculture. The low price of land is a certain sign of the declension of a country; and nothing promotes this more than the high interest of money. I shall here ask a simple question.—Why should a broker be prosecuted for usury, when the state pays 18 per cent. on all the monies she has funded? We say merchants soon fail who get into the broker's hands, and pay 2 or 3 per cent. per month. Pennsylvania cannot be far from bankruptcy. She is now in the hands of state brokers, and pays from one and an half to five per cent. per month.

But again—If the certificates are to be raised to specie value, pray let the poor soldier and widow, who sold their certificates for six shillings and eight-pence in the pound, be exempted from being taxed to raise them to their nominal value—otherwise you take three shillings and four-pence from that six shillings and eight-pence, which is the heighth of oppression, such as the king of Prussia would hardly have dared to inflict upon his subjects.

It was remarked during the war, that the greatest distresses of the Americans arose, not from the power or cruelty of Britain, but from the folly or wickedness of our own laws. The same may be said since the peace. It is not the navigation act of Britain that injures us. Our *hard times*—such as, the low price of our lands, the want of employment for our mechanics and sailors, scarcity of money, bad payments, bankruptcies, &c. &c. all arise from the state's paying 18 per cent. for money.

It has been said, that nothing but a new system of confederation can save our country. But this can never be brought about, while a few wealthy men are able to monopolize all the certificates of a particular state. A few speculators in certificates, alone, have kept Rhode-Island, New-York and Pennsylvania from coming into the five per cent. requisition of Congress. These men think it will be more easy to dupe single states into funding systems, than the whole Congress. Besides, they remember the 40 for one measure, which makes them afraid to trust Congress a second time with their *lazy gotten* gains. This measure, though so often spoken against, would have been a just one, if widows, orphans and original holders of continental money, who received it dollar for dollar, had been considered in it, and had been exempted from the fate of those who received the money at 40 or 60 for one.

The consequences of certificates rising to specie value will be as follows. A few men in every state will be found to possess the greatest part of them. Some will have two hundred, and others three hundred thousand pounds. With these sums they will be able to buy up whole squares of cities, and whole townships and counties in farms. Then we shall have aristocracy in good earnest—a true landed aristocracy, which is the only kind of aristocracy known in the whole world. Then, too, we shall probably have an order of nobility created among us—for the owner of a county could never brook to be called plain Mr.———. He must be the earl of Clintonshire, or Baron of ———shire. Every age and country has its delusions. The crusade expeditions were carried on at an immense expence to preserve the Christian *faith*. Under an equally false notion of supporting a *faith* of another kind, our country is now selling at public vendue to the highest bidder.

It has been said, that if we discriminate between the certificates, who will trust the Congress in case of another war? I answer, this discrimination alone will enable us to bear another war; otherwise our country will be so impoverished, that we shall be unable to resist even a tribe of Indians. Besides, who will ever embark in another war, that recollects that speculators alone enjoyed all the benefits of the last, and that a great majority of the people reaped nothing from it but poverty and slavery. There is no injustice done to any body by this discrimination,

but infinite injustice by a contrary conduct. Nothing but a discrimination can preserve, not only the credit, but the very existence of the United States.

Let us consider the danger of the state from emigrations. It will be impossible to keep our middling farmers among us, while they are taxed so heavily. They will fly to the new states, and live without government, or with the Indians, rather than be ruined by taxes. A common farm is now taxed half as high as its usual rent.

Let the widows, orphans and original certificate holders look to themselves. They have been misled by joining their claims with the speculators. Let them unite, and petition the Assembly for themselves, and justice will be done to them, for all classes of people are willing to pay them honorably, and in *specie* too, provided they will separate themselves from the speculators.

There are, it is said, 5000 people in Pennsylvania, who live by broking and speculating, who would otherwise be employed in lawful trades, or in agriculture. Is it not high time an end was put to their business? They are infinitely more hurtful to our country than the Hessian fly.

Our country has been terribly squeezed by the war. For five years the farmers sold no grain, and the last years of the war ruined two thirds of our merchants. Our mechanics are without business. In this condition, are we able—or if we were, is it just that we should maintain 5000 idle lawyers, doctors, parsons, brokers and new made gentlemen, who have no title in reason or justice to the fruits of our labours?

Agriculture is the basis of national wealth and prosperity. The utmost encouragement, therefore, should be given to it. A *cultivated* farm should never pay a direct tax. All taxes should be by impost or customs.

It is said Vermont has refused to accept of a place in the confederation, because she will not make herself liable to any of our *unjustly* accumulated debts. Kentucke will probably follow her example, as soon as she sets up for an independent state. In a few years, the new states will contain more inhabitants than the old. They will be free of debt, rich and happy; while we shall be divided into tenants and landlords, and become as miserable as the inhabitants of the old world.

The state of Pennsylvania has lately consented to receive six shillings and eight-pence in the pound for unpatented lands. Here she forgives two thirds of the debt. Why should she hesitate, after this, to pay six shillings and eight-pence in the pound to the purchasers of certificates? There is this difference in the two cases—*Injustice* is done to the state, but *strict justice* to the speculator. The patentee received full value for his land, and promised to pay in specie for it. The speculator gave only six shillings and eight-pence, or perhaps two shillings and six-pence in

the pound for his certificate. Why, therefore, should he receive more from the state.

There is one more consideration that deserves to be attended to upon this subject. If we continue to pay eighteen per cent. on our certificates, a great part of them must soon be bought up by foreigners, who will consider that interest as immense, compared with what they can get in their own country. The consequence of this will be, they will drain our country of all its cash, and in five or six years receive, in interest only, the principal of the purchase money they gave for their certificates.

While the officers of Congress are resigning, or starving, for want of the due payment of their salaries, and while the nations of Europe, who saved us by their loans, can get neither principal nor interest from us, we are foolishly and *unjustly* paying purchasers of certificates from 18 to 60 per cent. upon their speculations.

From 18 to 60 per cent. did I say?—we pay many of them from 36 to 120 per cent.—for as the scale of depreciation adopted by the funding bill is the continental, and not the state scale, and as there is a difference of two to one between them, and as the state scale marks the depreciation of certificates in *Pennsylvania*, it is a fact that we pay that immense interest upon the greatest part of the certificates that are included in the funding bill.

Whoever wishes to see more upon the subject of our funding law, may consult the seventh Essay upon Finance, published at the time it was passed, and written by a Citizen of Philadelphia.

The author of this essay expects to be called by the speculators, for his opinion, an old rascal, a dishonest man, &c. &c.—but the *honest* farmers, mechanics and merchants will think and speak differently of him. He is not disposed to dispute about words, but he will ask what name that man deserves, who has paid five shillings in the pound to an industrious tradesman, with a large family, for his certificates, and afterwards consents to see his houshold furniture sold to pay him 24 (or, according to our last calculation, 48) per cent. interest, and finally consents to have his house sold over his head, to raise the nominal principal of his purchased certificate to specie value?

9–A. A Pennsylvanian
Pennsylvania Gazette, 25 April 1787[1]

Messieurs Hall & Sellers.

SIRS, The inclosed being intended in part to answer some publications in your papers, there is no doubt but that your usual impartiality will entitle it to a place in your next GAZETTE.

Several publications of a very extraordinary nature, and of the most dangerous tendency to the liberty, happiness and prosperity of this country have lately appeared in your papers: and the author, encouraged perhaps by the silence which has been observed, continues, in the Gazette of Wednesday last, to insult the citizens of Pennsylvania with a string of falshoods, black as his own base heart. Strange it is, very strange indeed, that such sentiments should be ushered to the public through the press of gentlemen well known as friends to their country—men who have always been active firm friends to the revolution. But stranger yet it is, to find that the infamous author is suffered to walk our streets, and breathe the air with honest men. He, not content with the mischievous successes his doctrines have met with in Massachusetts, comes here to propagate his hell-born opinions. This fomenter of rebellion seems to have lost all pretence to decency, at the final defeat of the insurgents in his own country, and finding his cause grows desperate, endeavours to apply a desperate remedy for its revival, and is now, in conformity to his original plan, sowing the seeds of sedition, rebellion and civil war amongst the peaceable citizens of Pennsylvania. Hide thyself, thou advocate for dishonor—thou friend and advocate for *Shays*—thou promoter of blood and murder.—Insult not the citizens of this commonwealth. Dost thou expect to find a SHAYS, a DAY, or a WHEELER in Pennsylvania. Know wretch, her soil alike refuses thy doctrines and their treasons! Know, thou base intruder on our quiet, that Pennsylvania has got her *Lincolns* and her *Shepherds*. To *madden* thee at once, learn that Pennsylvanians are—honest: Retire then to thy native infamy—hide thyself in—Rhode-Island.

While the governments of the old world see their best interests in the establishment of their credit, shall we, shall the republics of America prostitute themselves at the shrine of avarice and dishonesty. Shall America stand alone amongst the nations of the earth in infamy? Eternal shame on him who would make her so! The doctrines insisted upon in the Gazette of the 21st ult. and 18th inst. have no other tendency—the author has no other wish. But what are the doctrines of all the good and great? Are they not such as will lead her to honor, to glory, to happiness? Doctor Price, who we must esteem as a good man, as a

real friend to America and to mankind, as an enlightened politician, speaking "of the means of promoting human improvements and happiness in the United States," says, "It seems evident, that what first requires the attention of the states *is the redemption of their debts*, and making a compensation to that army which has carried them through the war. *They have an infant credit to cherish and rear, which, if this is not done, must perish, and with it their character and honor for ever. Nor is it conceivable they should meet with any difficulties in doing this.*" This sure is a very respectable authority: But we have the authority of our own sages: of our *Franklin*—of our *Washington*—of our *Morris*—all, in their several stations, dear to the true friends of this country. Have they—have either of them, ever brought forward this curse of curses—this treason against public faith, common sense, and common honesty? No. Their patriot breasts burn with other fires! They know the true interests of their country is to be publicly and privately honest: To pay all our debts of every kind: None but the base and vile wish less. The good man knows no subterfuge. Substantial, plain, simple honesty is all he wishes. But he, who has dared to defend the infamous *Shays*, now in the gall of disappointment, gives the lye to all that's good and great, and tells us that to be honest is to "sap the foundations of all industry," and therefore recommends to us to sacrifice our infant credit, which the great *Price* assures us would be, to let our "character and honor" perish for ever.

The falshoods advanced by this assassin of public and private justice are too glaring and flimsy to draw forth any other answer than contempt and abhorrence. Under pretence of doing justice to the original holders of certificates, and to decry the trade of speculation, he stabs the very vitals of our country, and would bring utter ruin on the original holders, of whose interests he pretends to be so careful. He supposes, if he can make a party of the original holders against the purchasers, that then he may be able to give the public credit such a shake, as to make it quite easy to destroy it altogether. Like his friend *Shays*, who thought if General Shepherd would but fire upon him, that he could readily establish his plan. So this other miscreant supposes, that if he can but destroy one class of creditors, the others will become an easy prey. But *Shays* was mistaken, and this gentleman will be disappointed.

The public creditors know they must stand or fall together. They know further—That in their fall—will fall faith, truth and honor—in their fall—will fall "the fairest experiment ever tried in human affairs, and a revolution which revived the hopes of good men, and promised an opening to better times, will become a discouragement to all future

efforts in favor of liberty, and prove only an opening to a new scene of human degeneracy and misery."

Stranger as this man is to truth and honor, it is not to be wondered at, that every thing he advances is false: Not one solitary truth has fallen from him; for truth is not his object: He full well knows truth would not promote his favourite scheme. He tells us that the public securities "retained their nominal value *no longer* than they were retained by the original holders." The assertion is false: They retain their nominal value where ever they are, or by whom ever they are retained. They have been issued by the legal authority of the country for a valuable consideration, received by that country. Some of them have been bought from original holders, under the laws, and under the most solemn promises of that country to pay that nominal value and the interest thereon too—*not to the original holder,* but to whoever should hold them. This promise no honest man wishes to see violated: No man *will* see it violated. America will be honest, in spite of all her secret and open enemies.—Let a case be supposed. The state is indebted to A. £100, but not being able to pay the money gives him a bond or certificate for the sum due, which certificate promises to pay to A, or to the bearer, £100—and interest at the rate of six per cent. per annum. From the deranged state of the public finances, the uncertainty at what period of time the principal can be paid, or whether the interest can be punctually and regularly paid, the unstableness of the government, the gloomy prospects of the union, but above all, from such publications being permitted, and their authors not meeting with those marks of public vengeance which their detestable doctrines entitles them to, A's £100 certificate will not bring him more in ready money than £25, for which sum he sells his certificate to B. Now, agreeably to the doctrine advanced, the state is indebted to B £25 and no more; but if the doctrine was established before the sale of the certificate to B, A might have kept his certificate, B certainly would have kept his money. But suppose again, that after this sale the legislature could be wicked enough to tell B, you have trusted to the laws and faith of the government but as they were only made and pledged to you, merely to deceive you, and as you have given out £25 to A for a bond of the country, for £100, you must be content to receive your £25 in discharge of that bond, therefore give up the bond for £100 and you shall have a new one for £25, which we assure you by every thing sacred we will pay you with interest. We need only ask here, could B believe this legislature? Here B would become an original holder for £25, but who would give him a loaf of bread for it, were he and his family perishing for want? No

man would—for by the doctrine of this retailer of nouns and pronouns, the purchaser not being an original holder, the new certificate would be of no value. And the same case will apply to original holders of certificates at the present day: Establish this doctrine and who will purchase their certificates, be their distress ever so great: Nay, has not the idea of discrimination, absurd and nonsensical as it is, already lost to the original holders 25 per cent. on their capitals in the public funds? Can they, be their distresses what they may, sell their stock for as much, by 25 per cent. as they could have done before these injurious and dishonest schemes were talked of? No; to the great disappointment and grief of these worthy people, they cannot.—But where would this wild idea carry us to. Every kind of property, whether in lands, houses, merchandize or public securities, is held to the owner under the laws of the state. No man is better secured in his farm, than he is in a certificate of the state, be him original holder or a purchaser: The law, and the law only, is his security for either and for both. Suppose I purchase a house in this city for £1000, to be paid in two years: Suppose then, that before the end of that time Congress return here; that the governments are better settled, and that trade and commerce begin to revive, these things are all probable, and very likely to come to pass—in the event, my house is worth £1500 before the purchase money becomes due. But I am not an original holder. Pray Mr. *Institute*, to whom am I to pay the advanced £500, for I ought not to profit by the *speculation*; although, if the value of the house fell to £500, I should be obliged to pay the £1000, and put up with the loss. Is the case in point? The united impudence of both the W*******'s will not deny it. We all know, and many of us feel, that the paper money of the state is selling at a discount of 8 or 10 per cent. By the doctrine of discrimination, it ought not to be redeemed at par, except from the original holder. The whole doctrine is idle. It is raised on falsity, dishonor, folly and wickedness.

This promulgator of falshoods asks a number of questions, for the express purpose of giving false answers to them, and thereby he endeavours to criminate the funding law. He asks, "why have we so many bankruptcies in town and country?" He answers himself, "Because *real property* is reduced to little or nothing by the funding bill." This answer only shews that he is either grossly mistaken, or willfuly wicked. The best way to answer his question is, by asking how many men of *real property* have became bankrupts in either town or country, who were not so before the funding law? I will venture to assert, *not one*: And if this assertion is true, it proves that he has attempted to impose upon

the good people of the state, by publishing what is not founded in fact. It is possible that some might have been saved from bankruptcy, had the state been able to comply with its engagements.

The next question he asks is, "why are our mechanics and sailors out of employment?" He answers "Because no man will build, manufacture, or trade with his money, while the state pays 18 per cent. on certificates." This answer is equally candid and equally honest with the other parts of his performance; that is, it contains two assertions, and they are both false. He here asserts that the funding bill has put the mechanics and sailors out of employment: We all know that our poor mechanics and sailors were out of employ before the funding law was thought of, and the reason is, because the state of trade is so much against the country,—and until Congress are invested with proper powers, must remain so; that there is no employment for shipping, and consequently for neither builders or seamen. The mechanics and sailors know this to be truth. Every body knows it. This unprincipled writer knows it; and he knows also, that this being the truth, the second assertion contained in his answer is false. But he proceeds to ask, "why is it so hard to borrow money?" because, answers he, no man will lend money at six per cent. when he can get 18 from the Treasury of the State." I would ask, if there is a man of any information in this state, who would hesitate to give the lye to this assertion? The reason why monied men will not lend their money at six per cent. is well known to be from a quite contrary cause.—It is the fears of paper money; of tender laws; of laws to prevent the recovery of their money after they have lent it. There are not in any country a more cautious sett of men than those who are in the habits of lending money; and they are here justly fearful of the tricks of dirty politicians, of men who borrow money under the hopes of being enabled, by law, to pay their debts with a depreciated paper, or of some other wicked interference of the legislature: And are not their fears just, when they see schemes of public iniquity set on foot? If the government is dishonest, they know too well that individuals composing that government ought not to be trusted. It is no new doctrine, that the acts of government have their influence on all the governed. Let the laws be just, steady and honest, the people will be so also; if the laws are otherwise, the mass of the people will also be otherwise.

It would be in vain to follow this man through the whole of his performance.—Every man of common sense must see the mischiefs attending such publications.—Every honest, good man will treat them with contempt, because they are subversive of all public and private confidence, of every tie which binds man to man.

It is hardly necessary to say, that the "seventh essay upon Finance," as its author ridiculously calls it, contains sentiments equally destructive of every principle of good morals, good government and good policy, as the writings of this impertinent intruder, the author, has had more than *seven* occasions to know, that when men deserve contemptuous and opprobrious names, they will most certainly meet with them: But if he can put his hand upon his heart, and declare that he has not deserved them, it will be a much greater consolation to him, than any one who knows him will think he is entitled to.

1. This essay, also printed in the Philadelphia *Freeman's Journal* and Philadelphia *Independent Gazetteer* on 25 April, attacks essays by "A Citizen of Philadelphia" (Pelatiah Webster), *Pennsylvania Gazette*, 21 March and 18 April.

9–B. Pennsylvania Packet, 17 May 1787[1]

On the Meeting of the Grand Convention *at* Philadelphia, *May* 14, 1787.

Propitious powers! who heal the mind,
Let us your balmy influence find,
  Come, dwell within the heart:
Correct tempestuous passions there,
The rude attacks of vice and care,
  And all your joys impart.

Sweet Friendship, come, mild as a dove,
A handmaid to thy sister Love,
  Possess and guide the soul:
Ease hard afflictions—envy's stings
Heal with your virtuous nestling wings,
  Ingratitude control.

Banish distrust and jealous fear,
Let Confidence her ensigns rear,
  Your banners glorious shine:
So shall your country's latest breath
From grateful hearts declare your worth,
  Your origin divine.

Let white-wing'd Charity display
Her beauteous form and silver ray!
  The nymphs and swains rejoice;
Sweet Hope will gladden all the land,
Benevolence again forth stand,
  And Mirth fill ev'ry voice.

Faction shall cease, Industry smile,
Nor next-door neighbours each revile,
  But friendly bands combine:
The powerful league will all unite,
Destroy invidious smiles and spite,
  As harmony doth join.

The fond acclaim will reach afar,
Malice shall stop her purpos'd war,
  Abash'd she'll hide her head:
Justice erect her seat on high,
And slumb'ring Virtue with a sigh
  Rise from th' inglorious dead.

The heralds of our land proclaim,
With ever-sounding peals of fame,
  Deeds bright as yonder stars:
Patriots and heroes shall no more
In solemn sadness quit our shore,
  After such glorious wars.

Wars which the gods were pleas'd to see,
Fought for their daughter Liberty!
  Nor could they help withold:
So fairly won—be her your pride!
May each brave son woo such a bride!
  So true—nor bought with gold.

Now tho' she seems a little shy,
'Tis but her art your strength to try,
  Your virtue and your truth:
If you but knew her grateful heart,
With such dear charms you could not part!
  All goodness, love and youth.

Tell her fair deeds, historians wise,
And let your songs, ye bards, arise!
  Swell loud the trump of fame:
Proclaiming angels, doth rehearse,
"The good and brave deserve their verse,"
  Recorded be each name.

See from yon blue ethereal sky
Her fellow Genii bending nigh,
  They beckon her to stay,

Seeing well pleas'd the heav'nly signs,
She to her wish'd for task resigns—
And wings her course this way.

O Gratitude! thy all's at stake!
Awake, fair Goddess! quick awake!
'Tis Love and Friendship calls:
Thy country's lost, if thou sleep on,
Sweet Liberty will soon be gone,
Freedom's fair fabric falls.

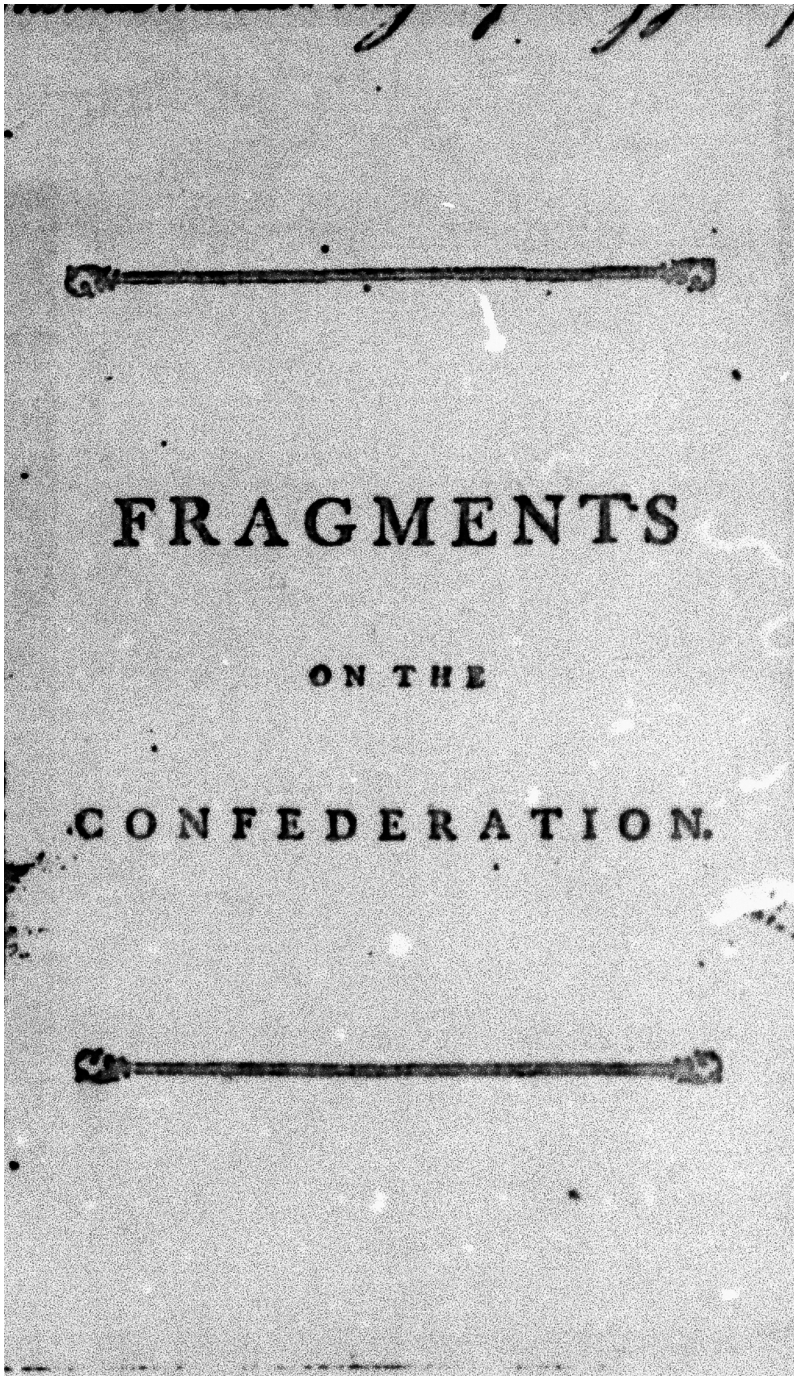
Columbia yet doth own her sons,
Forward her pride and fav'rite comes,
To ease her pain and grief;
Patriot sages him surround!
O! may they be with wisdom crown'd,
And grant her due relief.

Fair Liberty will then soar high,
And joyful tell through all the sky,
Celestial deeds prevail,
Vile Discord soon must sink to hell,
With imps and fiends there for to yell,
Nor more our peace assail.

Dry up your tears, ye maidens fair!
With finest flowers adorn your hair!
Your war-try'd hero comes:
He comes, and grace sits on his brow!
Bow down, ye tyrants, lowly bow,
Sound trumpets fifes and drums!

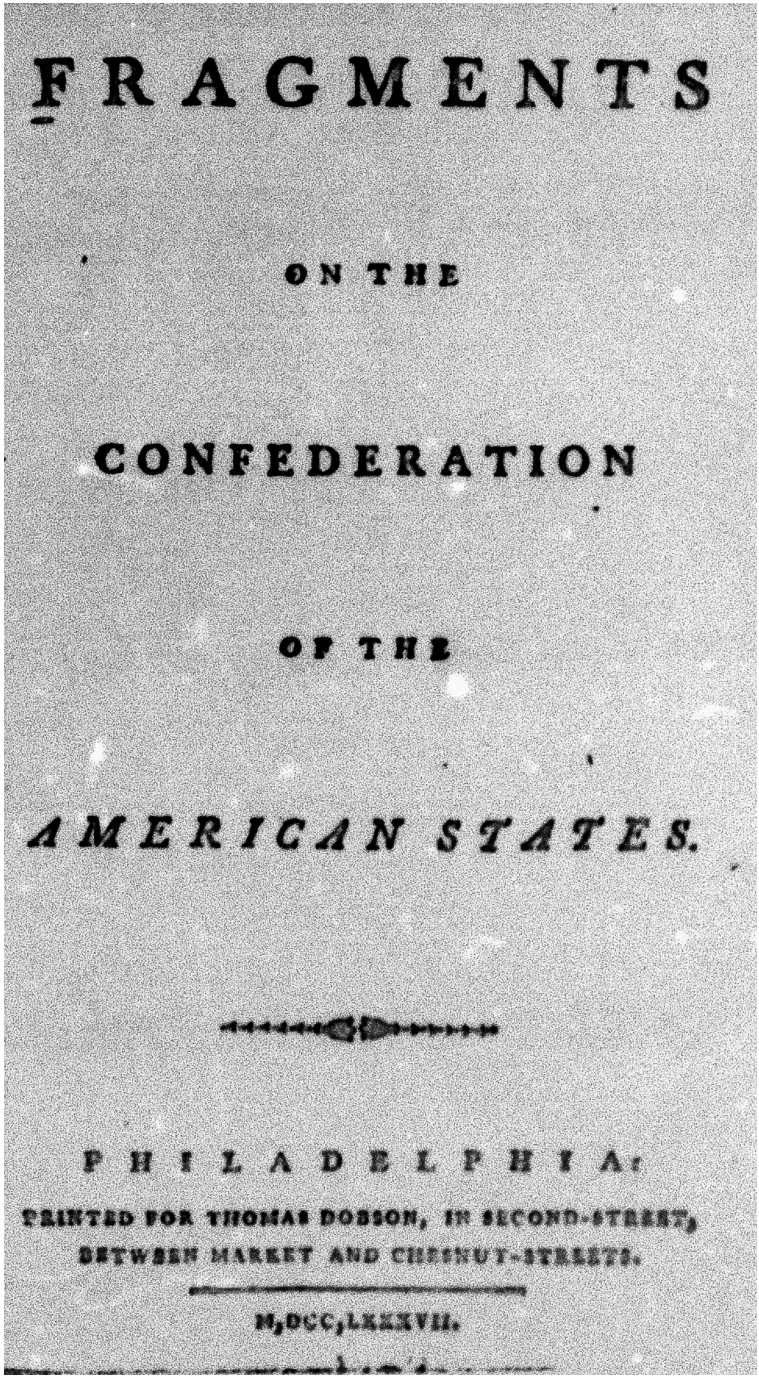
1. Reprinted: Philadelphia *Independent Gazetteer* and *Pennsylvania Herald*, 19 May; and *Carlisle Gazette*, 20 June.

9–C. Fragments on the Confederation of the American States
Philadelphia, 1 June 1787[1]


FRAGMENTS

ON THE

CONFEDERATION.



FRAGMENTS

ON THE

CONFEDERATION

OF THE

AMERICAN STATES.

PHILADELPHIA:

PRINTED FOR THOMAS DOBSON, IN SECOND-STREET,
BETWEEN MARKET AND CHESNUT-STREETS.

M,DCC,LXXXVII.

TO

GEORGE WASHINGTON, Esq.

SIR,

THIS little work is dedicated to you, becauſe of your many virtues. You are once more placed in a new and unlooked for ſtation, and it is every good man's wiſh that you may be as ſucceſsful in preventing a revolution as you have been fortunate in bringing one about; a labour, which it is hoped, will not be found inſurmountable, eſpecially, as we flatter ourſelves that the minds of the people are leſs diſpoſed to a diſmemberment of the Union, than an improvement in the Fœderal Conſtitution. That you may return to your own peaceful ſhades, and long enjoy the effects of ſo happy an event, is the ſincere wiſh of

SIR,

Your reſpectful, and

Very humble ſervant,

THE AUTHOR.

INTRODUCTION.

IT would ſeem that the United States have arrived at a very intereſting point, when impunctuality has nearly involved them in bankruptcy, and violations of the compact threatens conſequences, if poſſible, yet more alarming. This ſituation of public affairs neceſſarily excites apprehenſions, leſt it ſhould produce ſome convulſion fatal to the principles upon which the republics are founded. It has attracted therefore the attention of good men, and given birth to an extraordinary appointment; not indeed a Dictator, but ſomething as remarkable in the hiſtory of America, as that is in the annals of Rome.

But we ſhall not attribute the embarraſſments or diſtreſſes of the ſovereignty of the States to the ſeeds of a new revolution, nor ſuppoſe a general depravation of principle from a ſeeming indifference to the obligations of the compact. If heretofore the States have paid too little attention to theſe obligations, this conduct has been followed by misfortunes, which, if they are not loſt to all hopes of felicity, will teach them where it is to be found. It is the compact itſelf that envelopes the cauſe of our calamities. It is defective. It wants vigor, and ſomething to ſatisfy the people that this vigor will not entrench upon their ſafety.

Much wiſdom is now engaged in a difficult reſearch: men who had dedicated themſelves to private life have again relinquiſhed its ſweets for public cares. Again, brought forward by an unextinguiſhable love of liberty, they wiſh their ſun to ſet in a horizon freed from thoſe clouds that threaten to blaſt the labours of a generation.

If the fragments herewith preſented to the public, by a perſon who has had ſome ſhare in the public councils, ſhall, in any manner, promote this great object, the writer will be happy in the thought that the few hours he has ſpent on them has not been unprofitably employed.

PHILADELPHIA, MAY 12, 1787

CHAPTER I.

OF THE RIGHTS OF CONGRESS.

IN order to know what additional rights Congreſs ought to poſſeſs, it will be neceſſary to take a view of the rights with which they are invelled by the confederation.

The rights of Congreſs may be divided into *perfect* and *imperfect*. The perfect rights are thoſe which the States have delegated to Congreſs expreſsly, and without a participative proviſo. The imperfect rights are thoſe in which the States have retained a privilege to participate.

We found this diſtinction on the rule laid down in the ſecond article of the confederation, wherein it is ſtipulated, that a ſtate *retains* no right which is *expreſsly delegated to Congreſs*. "Each ſtate *retains* its ſovereignty, freedom, and independence, and every power, juriſdiction, and right which is not, by this confederation, *expreſsly delegated* to the United States in Congreſs aſſembled." By this rule a right expreſsly delegated is not retained, and cannot therefore belong to, or be exerciſed by a ſtate.

Governed

Governed by this diſtinction, we claſs among the *perfect rights of Congreſs*. 1. A right to determine on peace. 2. A right to eſtabliſh rules for deciding, in all caſes, what captures on land and water ſhall be legal, and in what manner prizes taken, by land or naval forces in the ſervice of the United States, ſhall be divided or appropriated. 3. A right to appoint courts for the trial of piracies or felonies committed on the high ſeas. 4. A right to eſtabliſh courts for receiving and determining finally appeals in all caſes of captures. 5. A right to appoint judges to hear and determine all diſputes and differences between two or more ſtates concerning boundary, juriſdiction, or any other cauſe whatever. 6. A right to regulate the alloy and value of coin ſtruck within the United States. 7. A right to fix the ſtandard of weights and meaſures. 8. A right to eſtabliſh and regulate poſt-offices, from one ſtate to another, throughout the United States. 9. A right to appoint all officers of the naval forces, and to direct their operations. 10. A right to appoint ſuch civil officers as may be neceſſary for managing the affairs of the union under their direction. 11. A right to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United States, and to appropriate and apply the ſame. 12. A right to fix a mode to eſtimate the value of all land within each ſtate, granted to, or ſurveyed for any perſon, whereby to aſcertain each ſtate's proportion of the common expences. 13. A right to borrow money, or emit bills of credit. 14. A right to agree upon the number of land forces. 15. A right to appoint a Commander in Chief of the land forces. 16.

A right

A right to commiſſion all officers whatever in the ſervice of the United States.

Theſe are all perfect rights, being expreſsly delegated, without any participative proviſo.

Among the imperfect rights of Congreſs we may reckon. 1. A right to determine on war. 2. A right to ſend and receive ambaſſadors. 3. A right to enter into treaties and alliances. 4. A right to regulate the trade, and manage all affairs with the Indians. 5. A right to build and equip veſſels of war. 6. A right to grant letters of marque and repriſal. 7. A right to raiſe and equip land forces. 8. A right to appoint officers of the land forces. 9. A right to coin money. *

Theſe are all imperfect rights which, *ſub modo*, may be exerciſed by a State.

Perhaps it may be objected to this explication, that *to borrow money, or emit bills of credit*, which we have claſſed with the perfect rights, may be exerciſed by a State, in as much as they are not conveyed to Congreſs by the words ſole and excluſive. We preſume however, a little attention to the confederation will ſhew, that a perfect right is not conſtituted by the preſence or abſence of the words "ſole and excluſive," but, as we have before obſerved, by being ex-

* This is not offered for a complete enumeration of the rights of Congreſs.

reſily delegated to Congreſs, without any participative reſervation. If we admit a different conſtruction, and the words ſole and excluſive be made eſſential to eſtabliſh a title in Congreſs to a perfect right, it will draw us into very great abſurdities.

By the 9th article of the confederation "the "United States in Congreſs aſſembled, ſhall have authority to appoint a committee to ſit in the receſs of Congreſs, to be denominated, *a committee of the States*, and to conſiſt of one delegate from each State; and to appoint ſuch other committees and civil officers as may be neceſſary for managing the general affairs of the United States, under their direction; and to appoint one of their number to preſide, provided that no perſon be allowed to ſerve in the office of Preſident more than one year, in any term of three years; to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United Stat , and apply the ſame for defraying the public expences; to borrow money, or emit bills on the credit of the United States, tranſmitting every half year to the reſpective States an account of the ſums of money ſo borrowed or emitted; to build and equip a navy; to agree upon the number of land forces," &c.

Now, if *one* of theſe rights may be exerciſed by a State, *all* of them may, for none of them are provided with the words ſole and excluſive.

But let us conſider this ſubject a little further, as it reſpects the right to borrow money or emit bills.

A right

A right to borrow money could not be ſafely truſted out of the hands of the ſovereignty of the union. Had it remained with the States, or could it have been exerciſed by them, as well as by Congreſs, two or three ambitious States might have uſed it to eſtabliſh a ſeparate confederacy, or to carry war among the reſt; a danger effectually avoided by its being lodged with Congreſs, where it can only be exerciſed with the conſent of *nine States*. If we conſult the 8th article of the compact we ſhall find, that it is not even in the power of a State to anticipate its proportion of the common expences by loan. Whatever money is *demanded* by Congreſs from the States, may not be borrowed, but is to be *raiſed by taxes*, "to be *laid* and *levied* by the authority and direction of the ſeveral States, *within the time* agreed upon by the United States in Congreſs aſſembled."

This removal of one great incentive to ambition and ſeparation; the placing the right of borrowing money out of the reach of the States, was an indiſpenſably neceſſary addition to the ſtipulation, that "no two or more States ſhall enter into any treaty, confederation, or alliance whatever, between them, without the conſent of the United States in Congreſs aſſembled, ſpecifying accurately the purpoſes for which the ſame is to be entered into, and how long it ſhall continue." *

It is no leſs incompatible with the objects of the union, that a State ſhould retain a right to *emit bills of*

* Sixth Article.

of credit. The confederation indeed permits that a ſtate may coin money, but it withholds from it, the right to regulate the alloy and [illegible] the value thereof, leſt the common treaſury ſhould at any time be defrauded with baſe or adulterated coin, and the union involved in bankruptcy. A right to emit bills of credit being liable to as great abuſes as a right to regulate the alloy of money, had the States retained this right, the precaution againſt baſe money would not have afforded ſecurity to the union; we ſee therefore the right to *emit bills* among thoſe which are *unequivocally* or *expreſsly delegated* to Congreſs without reſervation or participative proviſo.

CHAPTER II.

DEFECTS OF THE CONFEDERATION.

WE may trace the chief defects of the confederation to the non-compliances of the States with federal requiſitions, and in their feeble and diſjointed attempts to counteract foreign regulations injurious to their commerce.

Congreſs have a right "to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United States, and to appropriate and apply the ſame," but are left without the means to draw this money from

from the States, no conſtitutional way being pointed out for carrying their requiſitions into effect. This ſingle defect is ſufficient to render the compact a dead litter.

By the 9th article of the confederation Congreſs may enter into treaties and alliances, "provided, that no treaty of commerce ſhall be made whereby the legiſlative power of the reſpective States ſhall be reſtrained from impoſing ſuch impoſts and duties on foreigners as their own people are ſubjected to, or, from prohibiting the exportation or importation of any ſpecies of goods or commodities whatever." *

In conſequence of this right, Congreſs and a foreign nation may agree upon a tariff of impoſts and duties upon exports and imports, which ſhall not be augmented during the term of the treaty, by the foreign nation or any of the States, but Congreſs cannot pledge that a State ſhall not, under the laſt proviſo, render the tariff or treaty nugatory.

We might enumerate other defects, but being inferior ones, we ſhall paſs them over without notice or animadverſion, eſpecially as they can excite no alarm for the ſafety of the union. It is the defects that reſpect the raiſing of money, and regulating commerce, from which we have moſt to apprehend; for, altho' partial compliances with the compact may, for a while, keep up the form of a fœderal government, they cannot preſerve it from frequent indignity and diſgrace, perhaps from annihilation. We haſten therefore to conſider how theſe defects may be amended. CHAP-

* Ninth Article.

CHAPTER III.

Amendments to the Confederation.

THIS is an intricate ſubject on which we may expect a diverſity of opinions. Some think the ſovereign rights reſerved by the States ſhould be relinquiſhed to Congreſs; but this could not be done without expoſing ſome parts of the union to greater inconveniencies than may be felt under a defective confederation. Others would eſtabliſh a Stadtholder; but this would neceſſarily introduce changes in the reſpective republics that muſt lead to ariſtocracy and monarchy. Theſe opinions, however, appear as the evidence of thinking men, that the rights of the confederation are inſufficient to provide for its objects, and that it cannot well exiſt without others being ſuperadded.

But what ſhall theſe new rights be, and how ſhall they be guarded; for if comprehenſive or indefinite, the States will naturally expect a ſecurity againſt their improper exerciſe.

The confederation conſtitutes an *obligation* on the States to raiſe the money required by Congreſs, by *taxes*, but does not confign to Congreſs any right to

oblige

oblige the States to comply with the obligation.* Two new rights are therefore wanted on the preſent occaſion. 1ſt. A right to *collect* the money, and 2dly. A right to *enforce* the collection. It ſeems but reaſonable that the ſovereignty of the union, which alone may contract debts on account of the States, ſhould be enabled to provide for their punctual diſcharge. A right to borrow, without a power to pay, is a phantom among the prerogatives of government. We would propoſe therefore to veſt Congreſs with a right to appoint collectors of the fœderal tax, having authority to ſell property to the amount thereof, a certain number of days after the ſame ſhould fall due; but as each Legiſlative ought to be the beſt judge of the fitteſt ſubjects of taxation, the right to *lay* the tax to remain with the States.

It being intended to make the right to diſtrain the property of delinquents a part of the confederation, it would of conſequence become a perpetual law of the State; and as the proceſs and time of execution ought to be clearly expreſſed, the citizens would have leſs matter for complaint than under the variable and changing acts of their Legiſlatures. This arrangement, beſides enabling Congreſs to comply with their contracts, would, we preſume, have another happy effect. It is calculated to deſtroy the prevailing indifference to pay public demands ſo deſtructive to morals and induſtry.

There

* Articles Eighth and Ninth.

There is another point to be adjuſted reſpecting commerce. Many perſons dread the diſmemberment of the union, in the States purſuing different ſyſtems of duties with regard to each other. Many too believe, that Congreſs ought to be empowered to withhold advantages from foreign nations, in order to obtain advantages. Indeed, the harmony of the States ſeem to require uniformity in duties, impoſts, and prohibitions, a thing which cannot be ſo well effected by the States, ſeparately, as by *one will*. It would ſeem, moreover, that the right to *collect* duties as well as to *impoſe* them, is intimately and eſſentially connected with the right to form and maintain treaties of Commerce. It is beſides conceived, that theſe rights, being under the controul of *one council*, would be a conſtantly operating check to a diſmemberment of the union. Let Congreſs therefore be veſted with theſe rights, provided when one or more States ſuffer a *manifeſt detriment* by the exerciſe of any of them, that a reaſonable deduction be made from their quota of the requiſition. But in addition to this proviſo, the right ſhould not be excluded to prevent a State from ſecuring itſelf from a ſcarcity of proviſions, by embargoes; or from encouraging the induſtry of her citizens, by bounties or premiums, or from appropriating the revenue ariſing from its trade.

Theſe rights, we imagine, would give a due degree of vigor to the ſovereignty of the union. We are now to provide a ſecurity againſt their improper exerciſe.

It

(17)

It has been ſuggeſted, that nine States, that eleven States, that the thirteen States ſhould concur in all queſtions involving conceſſions in trade, or ſacrifices for the general good; but whoever has had experience in public aſſemblies, is not to be informed, that, whether nine, eleven, or thirteen States, is to determine, the advantage will be always on the ſide of abilities, eloquence, or cunning. Two branches have alſo been mentioned, as if a modification which operates chiefly againſt haſty deciſions, could prevent the apprehended inconveniencies; as if two branches, or ſeven branches, while each State appoints delegates to each branch, would not be governed by *one ſpirit*. Such expedients, therefore, are not likely to obtain univerſal concurrence. An eſtabliſhment of a more ſatisfactory nature is demanded, to which, an aggreived or accuſed State may reſort for complaint, defence, or protection. We are aware that objections lie againſt an eſtabliſhment of this nature, but as we think them inconſiderable, we ſhall venture to propoſe an umpire between Congreſs and the States, to be conſtituted in the manner following, and to be ſtiled

THE EQUALIZING CORUT.

Let the States be caſt as nearly as may be, into three equal diviſions. The reſpective legiſlatures in each diviſion to nominate one candidate ſkilled in *economics and juriſprudence*, for judge of the ſaid court. The names of the candidates in each diviſion to be rolled up by the governor of the State in which

which Congreſs ſit, in the preſence of Congreſs, and put into ſeparate boxes. The Secretary of Congreſs is then to draw one ſcroll of paper from the box of each diviſion, and hand the ſame to the Preſident, who ſhall announce the names written therein, whereupon Congreſs ſhall notify the perſons whoſe names have been ſo drawn, that they are elected and conſtituted judges of "The Equalizing Court," agreeable to the articles of confederation. The judges to continue in office during good behaviour, and to have a liberal ſalary incapable of being diminiſhed or taken away.

It ſhould be the duty of this court to hear and determine on all appeals made by Congreſs againſt a State, or by a State againſt Congreſs, whoſe determination ſhould be final and binding upon the parties. The court to furniſh the State or Congreſs with a copy of the charge or complaint, cite an appearance, and in caſe of non-appearance, proceed to judgment; but the confederacy in no caſe to be allowed to take meaſures to compel a delinquent State to comply with any of their acts, before the court, ſhall find a judgment in their favour.

CHAP.

CHAPTER IV.

CONCLUSION.

AFTER the five per cent. act, and the act to veſt Congreſs, for a limited time, with a right to prohibit imports and exports, having been partially or reluctantly adopted by ſome States, and totally diſregarded or rejected by others, what hopes can be reaſonably cheriſhed that the States will treat with more favour the acts of a Convention? We found our hopes in the good ſenſe of the people, no ſyſtem having been offered to the deliberation of the States, which contained in it equal advantages to all, and ſafety to all; two things that independent States look for in the formation of treaties with each other.

States whoſe ſtaples are diſſimilar will be jealous of each other, and afraid to truſt them to any exterior management. Mutual conceſſions entered into by their delegates is ſubject to too much riſque to afford ſatisfaction; and, where a variety of objects are to be compared and conſidered, a popular aſſembly is illy calculated to arrive at a juſt compromiſe. But the doctrine of mutual conceſſion, when carried into practice, too frequently turns out to be a ſacrifice of

of ſome, for the benefit of others; a doctrine, which contemplated in this light, is as cruel and unjuſt as that one man ſhould ſuffer for another. A regulation in trade or a treaty that leſſens the wealth of *one State*, and increaſes the wealth of *twelve*, may be conſidered as a *general good*, that is, benefiting more than it injures, but juſtice requires, that thoſe who gain by the meaſure, ſhould compenſate to thoſe who loſe. As theſe ideas readily occur, or rather force themſelves upon the mind, upon a view of this ſubject, we may conclude their impreſſion to be very generally felt; and that the States, eſpecially the States whoſe apprehenſions are moſt lively, will look for a proviſion or ſecuri y that their ſtaples or manufactures ſhall, at no time, be ſacrificed to the general good, without a conſideration.

It is in the Equalizing court that the States will depoſit their grievances, and find a cure to their jealouſies. It is here they will perceive a check againſt improper acts of Congreſs, and a conviction that the rights which they ſurrender cannot be exerciſed to their injury. Truſting to this, they will relinquiſh without reluctance thoſe ſovereign rights to which they are ſo ſtrongly rivetted.

Should it be alledged that ſome States exiſt by the protection of others, and therefore, that a ſacrifice of a portion of their commercial advantages would be no more than a compenſation, what umpire ſo proper to decide this queſtion, or to judge of the equivalent, as the Equalizing court. If it be further objected,

objected, that ſuch a court would be a ſource of inceſſant appeals, and never-ending jealouſy, the objection can have no greater weight, than to a court eſtabliſhed by a legiſlature, to which every citizen may appeal from the valuation of an aſſeſſor; but ſuch a court is neither found to be unneceſſary, nor a ſource of jealouſy.

Proceeding upon different ground, and ſubjecting the advantages of a ſtate to be deſtroyed, or diverted into a different channel at the diſcretion of Congreſs, does not appear calculated to obtain the ſuffrage of the States. The States feel, that if they are not in a ſituation to defend themſelves ſeparately, from foreign invaſion, their powers and reſources will ſoon be adequate to this purpoſe. Under ſuch an impreſſion, it is in vain to ſay, "We are one people, we cannot exiſt without each other, let us therefore harmonize and yield ſomething to each other, for the general good," for as long as a State thinks it can enjoy all its natural advantages and be ſafe, ſuch language will never effect their relinquiſhment.

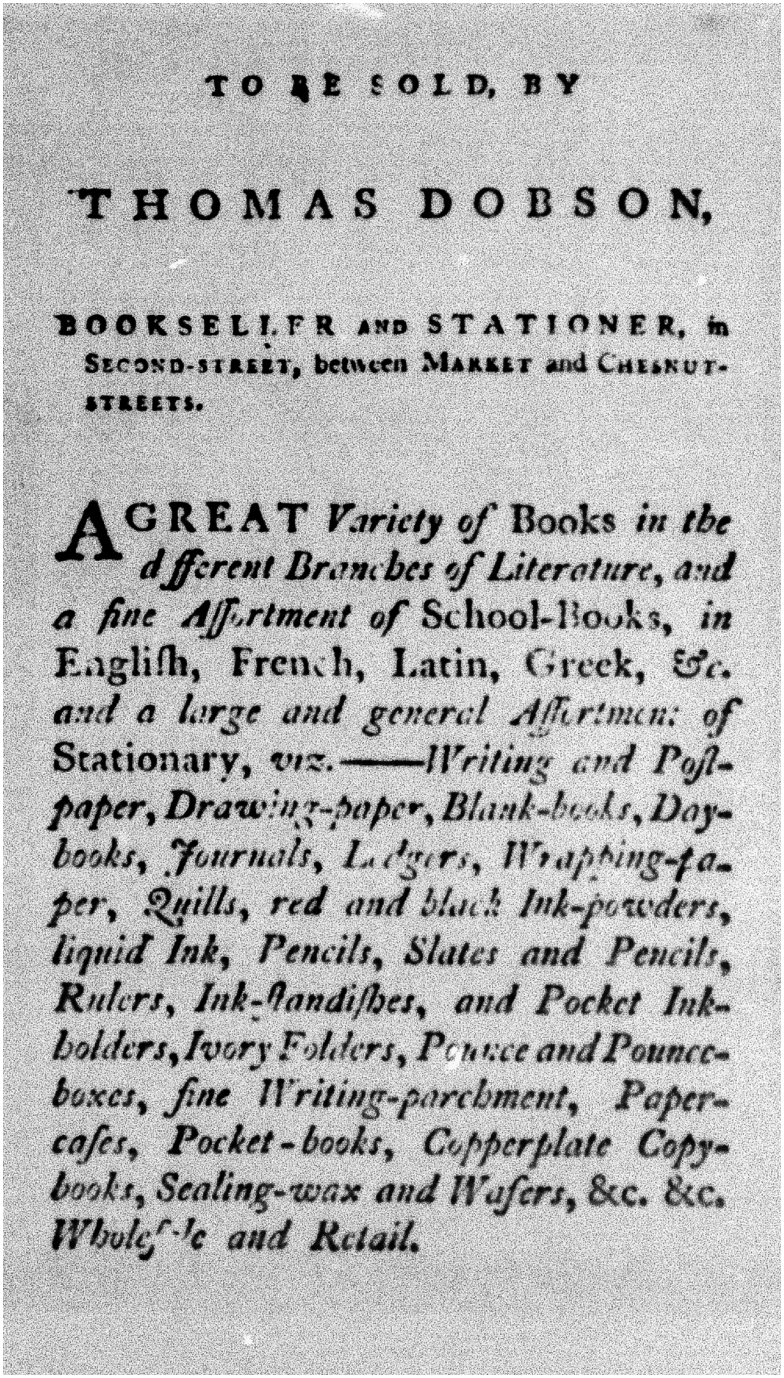
The States before they incorporated into a confederacy, though dependent on one power, were independent of each other. This darling idea of each being independent of the other, inſinuated itſelf into the articles of compact, and neceſſarily encouraged thoſe habits of thinking and acting that have ſo often reſiſted the recommendations of Congreſs, and may for ever oppoſe a *conſolidation of the States into one republic*. Shall we then endeavour to annihi-

late

late theſe deep-rooted habits, or ſhall we aſk the States to veſt Congreſs with rights preſumed competent to the purpoſes of the confederacy, guarded by a court whoſe deciſions ſhall be binding upon the States, and upon Congreſs? We conclude the laſt plan to be the moſt likely to ſucceed, being founded on the principles of juſtice, and conſonant to the prejudices of the States.

We have only to add, that it is time for the States to determine whether it is beſt to be ſeparately independent, or united under one ſovereignty. If the latter, let them haſten to invigorate that ſovereignty, with rights conſiſtent with their ſafety and competent to its inſtitution. If the former, let them be candid and declare it. But let no State imagine, that a diſſolution of the union, will be a diſcharge from the public debt.

F I N I S.



TO BE SOLD, BY

THOMAS DOBSON,

BOOKSELLER AND STATIONER, in SECOND-STREET, between MARKET and CHESNUT-STREETS.

A GREAT *Variety of* Books *in the different Branches of Literature, and a fine Assortment of* School-Books, *in* English, French, Latin, Greek, *&c. and a large and general Assortment of* Stationary, *viz.* ——*Writing and Post-paper, Drawing-paper, Blank-books, Day-books, Journals, Ledgers, Wrapping-paper, Quills, red and black Ink-powders, liquid Ink, Pencils, Slates and Pencils, Rulers, Ink-standishes, and Pocket Ink-holders, Ivory Folders, Pounce and Pounce-boxes, fine Writing-parchment, Paper-cases, Pocket-books, Copperplate Copy-books, Sealing-wax and Wafers,* &c. &c. *Wholesale and Retail.*

1. For the exact dating of this pamphlet, see an advertisement in the *Pennsylvania Mercury*, 1 June 1787. The section on "The Equalizing Court" was reprinted in the *Pennsylvania Herald,* 2 June, with the following introductory statement: "In a publication which has just appeared entitled, 'Fragments on the Confederation,' in order to prevent an oppressive exercise of the powers deposited with Congress, it is proposed that a jurisdiction should be established to interpose and determine between the individual state and the fœderal body upon all disputed points, and being stiled, the *Equalizing Court* should be constituted and conducted in the following manner." This excerpt was reprinted in the Philadelphia *Freeman's Journal* on 6 June and in ten other newspapers from New Hampshire to Virginia by 22 June.

10. Political Centinel
Pittsburgh Gazette, 23 June 1787

LETTER I.

SIR, Though I might plead want of leisure and capacity, as my excuse, yet your request that I should communicate to you such information as I am capable of, respecting the present situation, interests and dangers of the commonwealth of Pennsylvania; shall be complied with in the same manner as if it was the call of my country, which commands obedience in preference to every other earthly regard.

In order to know what kind of society we are, we must not content ourselves with saying, that we have adopted a democratic or commonwealth form of government; we must understand what the nature, and special principles of this government are; we must understand the duties, which, according to the nature of our political compact, we owe to our country; and what are those principles which each of us ought to imbibe, and in which we ought to instruct our children, for whose sakes we have spent so much blood and treasure?

In a democracy the people are in some respects the sovereign, and in others the subjects. The collective body of the people, consisting of all the particular families, are possessed of the sovereign power, but they can no way exert it but by their votes, which is the expression of their own will, and which sovereign will of theirs, can only be put into that form which we call laws, and those laws executed by those whom the people appoint to these sacred trusts, by their suffrages; every freeman that is qualified to vote may also be voted for; this is the special nature of our government.

We are next to enquire what are the principles necessary to put a government of this special nature in motion, and to make it answer the great ends designed thereby. The great and essential principle of such a government is virtue; in a despotic government the principle of fear answers every purpose, indeed, any other principle under it would be dangerous, or useless with respect to political interests. In a monarchy,

limited by laws, honor is with great address, made a substitute for virtue, and answers every political design; but in a democracy, where the mighty arm of the despot, to impress with fear, and deal out destructive vengeance at pleasure; or where the grandeur of the monarch, with his nobles, honors, titles and armies, to induce or compel obedience to the laws, are wanting; if virtue is gone, the spirit of a democracy is gone also, and the form must soon follow; if the administration, in a limited monarchy be bad, a change of ministers and measures redresses the mischief, and sets things to rights again; this can easily be done by the monarch following other advice, or shaking off his indolence, for which his own, and family's interest is a sufficient motive. But when a popular government, suspends its laws, breaks its constitution, and becomes corrupt in its measures, this can only proceed from the corruption of the people, and the state is certainly undone.

But you will ask, sir, what I mean by this political virtue? I answer, it is a most simple thing; it is a love of the republic; it is a sensation, rather than a consequence of acquired knowledge, a sensation that may be felt by the meanest, as well as the highest person in the state. When the common people adopt good maxims they adhere to them steadier than those we call gentlemen. It is very rare that corruption commences with the common people, if they have not generally the most perfect knowledge, they have from that very defect, the stronger attachment to the established laws and customs.

The love of our country is conducive to a purity of morals; and again, good morals is conducive to the love of our country.

A love of the republic in a democracy, is a love of the democracy itself; and a love of the democracy is a love of equality; it is likewise a love of frugality and industry; as every individual ought to have here the same political happiness, and the same advantages, they ought consequently to taste the same pleasures, and form the same hopes, which cannot be expected but from a general frugality.

In monarchies and despotic governments equality is not the aim, this does not so much as enter peoples thoughts; the whole ambition is for superiority. People of the very lowest condition desire to emerge from their obscurity, and to lord it over their fellow subjects; this is according to the nature of things: great wealth in such governments is only valuable, as it enables the possessor to procure distinction of rank.

But the love of equality in a democracy, limits ambition to the sole desire, the sole happiness of doing greater services to our country, than the rest of our fellow citizens; we cannot all render her equal services, but we ought all to serve her with equal alacrity. At our coming into the world we contract a vast debt to our country, which we can never

discharge. The good sense and happiness of individuals depend greatly on the mediocrity of their talents and fortune; therefore, a republic, where the laws have placed many in a middling station, as it is composed of wise men, it will be wisely governed; as it is composed of happy men, it will enjoy an extreme of political happiness.

The love of equality and frugality is greatly excited by equality and frugality themselves, therefore, it is a true maxim, that in order to love equality and frugality in a republic, these virtues must have been first established by law, though it may be proper sometimes that the laws should not seem to tend directly to the end which they propose.

Though equality be the very soul of a democracy, yet it is so extremely difficult to establish, that an extreme exactness would be inconvenient: but it might be the business of particular laws to level, as it were, the inequalities, by the duties laid upon the rich, and the ease, with respect to public burthens afforded to the poor, and this the laws of Pennsylvania have already attempted: people are taxed according to the value of their property and the poor, who have no property, pay no tax. But it is moderate riches alone that will give or suffer such a compensation to the public; for as to men of overgrown estates, every thing which does not contribute to advance their own power and honor, is considered by them as an injury; and as such men consider themselves as having an interest different from, and a claim superior to their fellow citizens, they cannot love equality, therefore will, as it were, naturally be apt to undermine and subvert a commonwealth government; it is beyond controversy that a nation of atheists, could not support a commonwealth government, for not having the artificial checks by which one evil is made to controul another, but depending entirely upon virtue, where there is no reverence of good, there can be no confidence by an oath; no integrity, consequently no democracy; this is evident from the history of mankind; the ancient republics preferred every evil to that of breaking their oaths. Distinction of ranks and interests are inconsistent with a democracy; it was this that perpetually distracted, and finally ruined, the greatest republic that ever was under the sun, viz. Rome. England, in the late civil wars, was a curious and striking example: the people made the most brave and strenuous efforts to establish democracy; but equality, and other democratic virtues being a wanting, the government continually changed, and the people amazed, sought every where for democracy, without being able to find it, at length they were obliged to have recourse to the very government they so much laboured to abolish. The inequality of rank and wealth in England can never admit of democracy.

But, sir, by this time you will say I labour this subject too much; my reason is, because it cannot be too generally understood; under other forms of government, it is sufficient if the rulers understand the political interests of the nation, the common people have nothing to do, but to enjoy the protection, and obey the commands of authority. But with us, where government is founded on the authority of the people, and exercised according to their suffrage, every man ought to be a politician, it ought to be a necessary part of education, and stand in the next rank to our knowledge of God and religion.

In what is above advanced you will not be displeased to find so much taken from the incomparable Montesquieu's Spirit of Laws; though not quoted in a regular manner; but these sentiments have not only the authority of this great author, and many others; but have their foundation in the nature of things; and were well understood by our patriots who framed our commonwealth government, at the late revolution; witness a paragraph in the bill of rights of many of the states: "A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the advantages of liberty, and to maintain a free government, &c." these are the words of the Boston constitution; and they are nearly the same in that of Pennsylvania and some others.

It is, sir, with a constant eye to these principles, that I will in some of my following letters examine some interesting particulars respecting the present situation of our government.

But I think you are probably by this time alarmed, that you are even willing to part on the best terms you can, with a government so precarious, however free; you are doubtless sensible, that though a government of the nobles (called an aristocracy) would not lose much, nay, might gain by adopting the monarchial form, yet the corruption of a democracy leads directly to despotism, this is the natural cause, viz. from the most exalted degree of freedom, to the most degrading state of slavery; and this hath been the humbling fate of all those who have made the experiment. But let us not be discouraged too much; Pennsylvania, and many of the other states enjoy and have long enjoyed much of that equality, and practised many of those virtues, suitable to a free government; and at the revolution patriotism, and every free and social virtue possessed, or seemed to possess, almost every breast, how did people then exert themselves from the alone motive to their country? But what a langour? what a contracted, self-interested spirit now prevails? An undue proportion of distress with some; expectation too high raised with others; and an avaricious spirit of speculation with very

many; seems for a time to have enervated our principles, and borne down our love to our country; but luxury, more than any thing else, threatens our ruin; how did we deny ourselves of foreign delicacies at our tables, and finery in our dress? and how have we since indulged ourselves? and at the same time neglected the social virtues. But we are yet a people of encreasing good sense, and these evils however prevalent will work their own cure; the calls of justice and alarms of danger, will bring us to ourselves; we can only be great, and free, in proportion as we are just, and industrious. We seem to have thought that the happy issue of the war completed our social blessings; but this was a great mistake, for it was only thereby put in our power to be "respectable and prosperous, or contemptible and miserable as a nation, and to establish or ruin our national character forever; and, it is yet to be decided whether the revolution must ultimately be considered as a blessing or a curse, not to the present age alone, for with our fate will the destiny of unborn millions be involved;" these are the expressions of a man whose name is dear to us, viz. Gen. Washington.

Let us therefore eagerly imbibe ourselves; and inculcate on each other, a love of the laws and of our country; and seriously consider that this love requires a constant preference of public, to private interests, for patriotism or love of our country, is just this preference itself; and as I said before it is essential to democracies, where alone the government is entrusted to private citizens, and government is like every thing else to preserve it we must love it; has it ever been heard of that princes were not fond of monarchy, or that despotic princes did not love arbitrary power.

Every thing therefore depends on establishing this love in a republic, and to inspire it ought to be the principal business of education; but the surest way of instilling it into children, is for parents to set the example; the young people are rarely spoiled until those of maturer age are already sunk into corruption. I wish it to be observed that the equality and liberty, the love of which I recommend, is not that which the savages enjoy, no, it is a political equality and liberty; an equality as citizens, viz. equality of rank, protection, privilege, &c. and a liberty to obey the laws, and submit to the orders and officers of our own government; a liberty to clothe men with authority, and to obey and support the authority which we have delegated; a liberty decently to scrutinize the administration of government, and obtain redress of grievances; this is a liberty which people in absolute governments do not pretend to. In my next I shall take some notice of our federal situation. In the mean time, sir, believe me to be invariably your's, &c.

11. Political Centinel
Pittsburgh Gazette, 30 June 1787

LETTER II.

SIR, In my last I promised you some of my thoughts respecting our federal situation; I shall now proceed to fulfil that engagement. And, in general, I observe, that if a republic is small, it is easily destroyed by a foreign force; if it is large, it is liable to be ruined by an internal imperfection; this a republic is liable to let its form of government be good or bad; the evil is in the very thing itself, and no form can redress it.

It is probable, therefore, that mankind would at length have been obliged to live constantly under the government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a republican government, together with the external force of a monarchial one, viz. a confederated republic.

This is a kind of assemblage of societies, that constitute a new one, possessed of such degree of power as to be able to provide for the security of the united body. It was these associations that contributed so long to the prosperity of Greece. By these the Romans attacked the universe; and by these alone the universe withstood them; it was the associations of republics beyond the Danube and the Rhine; associations formed by the terror of the Roman arms, that enabled the barbarians to resist her.

A republic of this kind is able to withstand an external force, and may support itself without internal corruption; the form of this society prevents many inconveniencies, that would otherwise arise.

And this is precisely the state of society that our situation has pointed out as suitable for us; Providence cast us into such circumstances, and so moulded our inclinations, as to dispose our minds this way; therefore, our patriots in Congress, found no great difficulty in fixing such a league or confederation, consisting of an assemblage of the thirteen states, as was sufficient for the purpose of defensive war, which was then our great object. Happy had it been for us, if, at that time, (when the awful crisis of our affairs summoned up and brought into exertion all our disinterested public spirit, all our love for our country, and regard for posterity) we had sufficiently provided for a peace establishment; had we entrusted Congress, as the sovereign head of the union, with sufficient powers to regulate commerce, to regulate and enforce an effective revenue system, to enforce sumptuary regulations, &c. Had this been the case, the justice and honor of the states might have been

supported, and we might, at this day, have had much of our debt honestly discharged, and our credit in high esteem, and consequently been respectable with the nations of Europe, and even formidable to our foes; but, alas, it is otherwise with us; we have suffered our debt to accumulate both at home and abroad; we have fixed an odious character both of ingratitude and injustice on ourselves, by ruining many, who exerted greatly with their property and private credit, in supporting us in our distress, but this is a digression beyond my design.

There never was an assemblage of states set out in the world with brighter prospects, nor with more peculiar advantage; having the experience of all the governments that have existed in the world to improve upon; and being in an age when the rights of mankind were better understood and more clearly defined than at any former period; researches of the human mind after social happiness having been carried to a greater extent. We were at the conclusion of the war acknowledged the independant lords and proprietors of a vast tract of continent, comprehending almost all the various soils and climates of the world, and capable, with proper cultivation, of producing not only the necessaries, but even most of the delicacies and luxuries of life.

The different soils and climates of the states occasion at present a considerable commerce betwixt them, and this will increase in proportion to our growing population and manufactures; and the states becoming thus necessary to each other, their mutual interests will cement their political union. The New-England states have been hitherto very great loosers in the way of commerce, by the revolution; they are thick settled, and possess a cold climate and a barren soil, therefore have no tobacco, rice or indigo, like the southern states to export, nor have they flour enough for their own consumption; they depend upon Philadelphia for this article to themselves; their fish, lumber, and other trade to the West Indies, whereby they formerly made remittances and procured cash, are lost, the British ports being shut against them;—through these causes they are greatly distressed, yet the state of Massachusetts hath made extraordinary exertions to comply with federal measures, and have been distressed by an insurrection (of which I shall inform you more particularly in my next letter) but the southern states have gained greatly in their commerce by being freed from British laws.

Pennsylvania having nothing, worth mentioning, to export but wheat and flour, hath the wheat market (which was the ports of the Meditarranean sea) entirely cut off by the Algerines, and the English ports shut against her flour, is also on a worse footing, with respect to commerce, than formerly; whilst every nation may send in what articles of luxury or vanity they please, and we cannot even raise a revenue on them, nor

suppress their importation, in order to encourage our own manufactures (which would be of the greatest importance both to our wealth and independence) for when some of the principal trading states attempt to lay adequate imposts, the other states counteract them in order to draw away the trade, and by this means, the disgraceful and corrupting business of smuggling, is already promoted.

It would, sir, be too tedious for the designed length of this letter, to mention and explain the various attempts of Congress to have their powers so enlarged as to enable them to answer the great purposes and interests of the federal government, in all of them, however, they were frustrated; perhaps, if they had been more attentive to exercise the powers they had, and less solicitous to have them encreased, they would have done better.

When they demanded power to levy the five per cent impost and the supplementary funds, though they were disappointed by the opposition of only one of the smallest states in the union, yet the disappointment evidently sunk the respectability of Congress, and consequently the credit of the union: the great prospects from the sale of the western lands, turned out no better; it might have been considered, and was understood by many, that lands are no operative treasure, but in proportion to the demand of them for actual settling, and that most of the states are too thinly settled already, and have much land yet unoccupied; that therefore the laying out new states, holding treaties for ineffectual purposes with the indians, the expence of surveying ranges, &c. turned out but a mere amusement, it hath amused the public creditors with fruitless hopes, and hath brought our federal government into still further disrespect.

The late demand of Congress for the [– – –] [– – –] rate from the supplementary funds, shared no better fate; it was opposed, finally, by two principal states, and proved abortive. This also amused and deceived the public creditors for some time. The design of this measure was to fund the interest of the foreign debt, and to let the debt due to our citizens at home, lay over for some other provision; they knew that foreigners would make us pay or make reprisals upon our property. It is well known that Pennsylvania, and several other states exerted greatly during the war, and likewise in paying off the peace requisitions of Congress; it is likewise well known that several states had the low cunning to do very little during the war, and to pay no part of the peace requisitions; and also that many states suffered very little by the depredations of the British, whilst others suffered in the extreme, which occasioned their citizens to credit the union to great amount; and so great is the political depravity that influences the conduct of some

states, that they will be amongst the foremost in voting for the highest requisitions, whilst they pay none of any that have been demanded; Pennsylvania, and a few other states, have not only supported any little credit that the union enjoys, but even the civil list of Congress; it is the exertions of these few states, and chiefly Pennsylvania, that hath kept even the form of a federal government in existence until this time.

The endeavours of Congress to have their powers enlarged, for regulating commerce, &c. had a similar fate with the above.

You will easily perceive, sir, even by this very imperfect sketch, that the federal government is destitute of sufficient powers either to answer the claims of justice, or to protect the parts of which it is composed; and that therefore the calling of a federal convention at this time, is not only justifiable, but a matter of the greatest necessity, and which could not, consistent with political safety, be longer delayed.

You will easily perceive, sir, that a government of this kind is worth labouring for; that it is the only government which the wisdom of mankind hath found out, wherein internal liberty, and external power and security, are so intimately united, that though an ambitious man or party should tyrannize in one state, the other states will crush the tyranny; though one or more states fall off or be conquered, the others may be safe; that though the confederation should be annulled, or cease to operate, yet the different states retain their sovereignty, and may continue separate or league upon new principles. Whether these observations are agreeable to your sentiments or not, I am sure you believe the upright intentions of your sincere friend and obedient servant.

12. Pennsylvania Herald, 7 July 1787

A correspondent thinks, that Mr. Adams's refutation of Dr. Franklin's opinion, with respect to a single house for the business of legislation, must depend upon a mistatement of the Doctor's illustrative argument upon that subject. In his defence of the constitutions of government of the United States of America, he represents that the President of the convention said "two assemblies appeared to him, like a practice he had some where seen, of certain waggoners, who, when about to *descend* a steep hill, with a heavy load, if they had four cattle, took off one pair from before, and chaining them to the hinder part of the waggon, drove them up hill; while the pair before, and the weight of the load, overbalancing the strength of those behind, drew them slowly and moderately down the hill."—Now, several members of the assembly which the doctor addressed, conceive that he delivered himself to the following effect: "that all government was of an *up-hill* nature; and that

therefore two assemblies appeared to him in the same light, as if a waggoner who was about to *ascend* a steep hill with a heavy load, if he had four cattle, should take off one pair from before and chaining them to the hinder part of the waggon, drive them down hill, by which means the pair behind, and the weight of the load, overballancing the strength of those before, would inevitably draw the whole *down the hill*." This statement, though it leaves the subject open to discussion, relieves the Doctor's opinion from all appearance of inconsistency, and shews that the real force of the similie has not been misunderstood.—The gentleman who favours us with this article, asks, whether Mr. Adams's work can so properly be called *a Defence* of our constitutions, as *an encomium* upon the British government?

13. Foreign Spectator
Philadelphia Independent Gazetteer, 6 August 1787[1]

An ESSAY on the Means of Promoting Federal Sentiments in the United States, by a Foreign Spectator.

It is an old maxim, that no Republican Government can be lasting without the good will of its subjects. What majority of loyal citizens, or what degree of public virtue, are indispensable, depends indeed on many circumstances; but the greater they are, the more safe and happy is a state; and in many cases an apparently small defect in either may produce very critical dangers. Republican Liberty is inseparable from a certain want of energy in the Government: The indolent and selfish can often with impunity clog its most important operations: The disaffected may go deep into rebellion, before they can be legally impeached: Infernal traitors may sometimes assume the heavenly form of patriots, and while they point a dagger to the bosom of their country, are by insane multitudes idolized as its guardian angels.

The people of a Federal Republic stand in the double relation, as citizens of a particular state, and citizens of the United States: In the former they think and act for their respective Republics, in the latter for the whole Confederacy. As Federal subjects it is their duty to promote the general interest—to regard their own state only as a Member of the Union—and to allow it only a just proportion. Those rights of the Federal Republic, and of each particular state, which are defined by the articles of Confederation, must be faithfully supported. The Federal Allegiance is supreme, and obligates every person to be an enemy of his own state, if it should prove treacherous to the Union. In cases not clearly defined by the Constitution, or when the occasional surrender of a right is very beneficial to the Confederacy, for another state, a generous condescension, and a Federal affection are very salutary.

In Federal Monarchies or Aristocracies the people in general need not have any high Federal sentiments; it is enough, that they are attached to their own governments, and that these act their part in the Federal System. But in United Republics a general Federal spirit is necessary; because a want of it will naturally be visible in the several Legislatures, which bear the complexion of their constituents, and often are the mere interpreters of their wishes; and because Federal measures adopted by a wise and patriotic state government could not be inforced against the sense of its people. My design is to inquire, by what means this happy Federal spirit may be improved, and not to hazard any thoughts on the political arrangement of the Confederation, except what are inseparable from my subject.

Four grand operations appear to me necessary—to promote a general disposition for order and Government—to limit the political Union of the respective states—to prevent any partial affection between two or more—and to render the Confederacy an object of general attachment. These operations admirably support and facilitate each other, and being more or less performed by the same means, cannot be treated separately. The Ruler of the Universe has disposed the principles of our political felicity in this charming harmony; wo be to those discordant minds, that wish to frustrate his divine design.

Man is naturally an unruly animal, little capable of governing himself, and very averse to controul from others. Any person in the least acquainted with human life, knows how fatal unrestrained liberty is to the individual and society. It is absurd to expect, that a man, whose will was never curbed, can be a dutiful subject of any Government; but whoever has by a cultivated reason, and the salutary check of others, learnt to govern his passions, will easily submit to a legal civil authority. Several causes of long standing have very generally marked the American character with an overdriven sense of liberty. Parents are very indulgent to their children—very few families have private tutors—some country places have no public schools, many only at times, and often kept by indifferent masters. The facility of subsisting by very moderate industry makes every person independent. Superiority of birth, fortune, and office has hitherto been very trifling. Ecclesiastical authority has been little or nothing. The Negro slavery has no doubt often created habits of pride, dominion and severity. Taxes, and other burdens of civil Government have till the revolution been extremely easy. This high sense of liberty has indeed, even in ruder minds, produced a fierce independent spirit, without which the revolution could not have been effected, but it has also in too many created a licentiousness, at present very detrimental, and incompatible with good Government.

The jealous fondness of liberty so common among republicans, makes them very loth to grant the necessary powers of Government to their duly elected Representatives: the more ignorant and turbulent pretend, that the people have a right to disobey any disagreeable law—nay, to call their Legislators to an account—a doctrine subversive of all Government. In Federal Republics these ideas are still more prevalent; because, if it is dangerous, to give full power of attorney to a person of our own choice, it is much more so to delegate it to one chose by him. In America, an excessive love of liberty and the novelty of a Federal constitution, combine to render great numbers averse from the so necessary and rational Government of a Supreme Congress; though it has proved so worthy of the public trust.

Knowledge, prudence, temperance, industry, honor, decency, justice, benevolence—all those qualities, which enable men to govern themselves, to regard the rights of others, to respect superior merit, to love order and tranquillity, are so many excellent dispositions for civil Government. They are necessary in Republics, where the energy of Government depends on a chearful obedience. As the people cannot be led as children, or drove as mules, the only method is, to make them rational beings. Men of reflection have the advantage, not only to see things in extensive combinations, and remote consequences, but to feel an important truth with more sensibility; because in a chain of reasoning the result does not forcibly strike the mind, except it can rapidly run through the links—doubts or slow apprehension dull the feeling. This accounts for the great difficulty of persuading thoughtless people in the greatest concerns, even when their understanding is at last convinced. Thus a man well acquainted with political principles, and the fate of Empires, will feelingly perceive the dreadful catastrophes, that must ensue from a weakness of Federal Union; but let an ignorant clown hear the clearest discourse on the subject—he will at the conclusion think; this may be; that looks very likely: however I'll think farther on it. Political knowledge cannot be too much encouraged. Pope's maxim is here applicable: a little learning is a dangerous thing—drink deep, or touch not the Castalian spring. America has many great politicians; but as a sensible gentleman very justly observed, the people in general have too much, and too little. The wretched dialogues on politics so frequent in the taverns and elsewhere, please the mirthy not less than the novel of Peregrine Pickle, while they enrage the splenetic, and grieve the serious patriot. These political tinkers think themselves capable of governing a universal monarchy: speak with contempt of their Legislators, as *the servants of the public*, and declaim with more than royal

pride, on *the Majesty of the people*, meaning in fact their own servants, and their own majesty.

By various excellent improvements in the public education, the institution of political societies throughout the continent, much may be done. We must however not form a Utopian scheme of making every citizen an enlightened patriot. God has not granted such perfection to human nature in the present state; but ordered the wise and good to direct their weaker brethren, and to chastise refractory members of society. Far be it from me, to recommend passive obedience, or too mechanical habits of discipline: I would rather have the people turbulent than servile. But if men submit to the fidelity and better knowledge of others in their greatest concerns—if they trust their lives in the hands of a physician—if they commit themselves, their families, and properties to the care of an experienced mariner; it is unreasonable to deny their best fellow-citizens, whom they freely chose, those powers of Government absolutely necessary for the well-being of the community, and their own. The majority of a Legislature may indeed sometimes do wrong; but it is very improbable, that there should be less wisdom and integrity in the flower of a nation, chosen as such, than in tumultuary multitudes, or the discontented individuals scattered over the country, whose number and grievances often appear great only from the loudness and frequency of their complaints. The necessity of human affairs requires even obedience to laws evidently wrong; and nothing but measures atrociously and immediately pernicious can justify resistance, when the people have the right to remonstrate, and to change the Legislators in a short time. These principles are the plain dictates of sound common sense, and should be engraved on every American heart. Religion itself sanctifies them: it commands us to be subject for conscience sake, to regard the civil power as the minister of God for our good. Rom: 13, and not to use liberty as a cloak of maliciousness 1 Pet: 2. If the almighty has made civil Government an indispensable means for human felicity, and if the greatest miseries and most horrid crimes are the certain fruits of anarchy; loyalty to a legal Government is a sacred duty to him, and disobedience an atrocious sin. This doctrine should be held up in the pulpit, and be taught in the catechism of every denomination. Grown children will understand it equally well with the first principles of morality. I would even insert the words *to honor and obey the Congress*, &c. Sentiments of loyalty thus imbibed with the first ideas of religion, among the best and happiest sensations of a young heart; and afterwards confirmed by reason and experience, will be dear and sacred through life.

1. Between 6 August and 2 October the Reverend Mr. Nicholas Collin, a Swedish immigrant and pastor of a Swedish Lutheran church in Philadelphia, published twenty-nine essays in the *Independent Gazetteer* entitled "An Essay on the Means of Promoting Federal Sentiments in the United States, by a Foreign Spectator." The first fifteen essays, published by 4 September, were reprinted in the *Pennsylvania Gazette* between 8 August and 26 September. The first twenty-eight essays are in Mfm:Pa. For the last essay, 2 October, see CC:124.

14. Foreign Spectator
Philadelphia Independent Gazetteer, 7 August 1787

Every sensible and generous American laments the local politics, so common, and not seldom enormous. The several counties, and even townships, have their little objects, which they anxiously recommend to their representatives in the assembly; and many individuals are so unreasonable, as to be highly offended, if these paltry interests are given up for the public good. This evil proceeds from a selfish disposition, and in part from ignorance of genuine republican principles. It is very true, that the happiness of the whole body politic results from that of all the parts—that every part naturally feels its own good and ill with more sensibility, and cannot be equally affected, nor always fully acquainted with the situation of fellow members—that every division of a state may therefore with great propriety urge its own interest. But this must be done with a due regard to the rights of other parts, a sympathy with the wants of any one, and a generous benevolence to all. It is extremely absurd, to fetter a representative with many petty instructions: The grand instruction implied by the civil compact, is to promote the general good. He does not in fact only represent a county, but he is one among the representatives of the whole state: In that quality he regards his own county only as a part; but then it is protected, as such, by every other representative: He and they must act for the whole community, with an impartial and affectionate regard to every part. When constituents censure a representative for such a liberal conduct, they betray mean and narrow sentiments; or blame him for doing, what every generous man among themselves would have done, if they had viewed the state from his elevated station.

A people of such narrow principles will have no chance for good Legislators; because the wisest and noblest conduct may draw upon them the severest punishment. When the persons, who think themselves aggrieved by a Senator, are dispersed through a country, he is not sensibly affected by their blame; because he is applauded and supported by a great number of the best people. But in this case he will be hated, insulted, and persecuted, by his neighbours and acquaintances, by a majority of the district, in which his estates, dealings, and

connexions lie—nay by many detested as a wretch, who has no feeling for his nearest fellow citizens, and has betrayed the sacred trust they reposed in him. Few men will have fortitude enough thus to expose themselves for the public good; and representatives will be chosen equally illiberal with their constituents. These local politics are baneful to the federal constitution. What would become of America, if one member of Congress was for Pennsylvania, another for Rhode-Island, &c.? Perhaps before long, some of the states would be provinces of foreign powers, the others plunged in all the miseries of anarchy and civil war. Whatever may be the peculiar and relative circumstances of united republics, it is impossible at all times to conciliate their interests: One, or more, must sacrifice some advantage for the general good. These sacrifices will indeed be reciprocal—what is lost now will be gained hereafter; but it is evident, that an exact calculation is not allways possible; and that a scrupulous consideration of what is given, and what may be received, would often frustrate the noblest designs for general felicity. Happy then are those federal states, that scorn this pitiful hagling—who with a sisterly affection cherish the well being of each other—who generously can sacrifice something without mercenary expectations—who rather use the word *ours*, than *mine* and *thine*.

A selfish person prefers the interest of his county to the good of the state, because his own is more nearly connected with it: for the same reason he is partial to the state, in opposition to the grand interest of the union. I grant, however, that these local prejudices may sometimes arise from the natural attachment to a native place, personal friendships, social connexions, and the like; but they have still very little merit, being inconsistent with that general equity and philanthropy, which make the glory and happiness of human nature. Very indifferent characters are sometimes good parents, and tolerable neighbours. An interchange of good offices naturally creates a degree of mutual affection, in dispositions really bad, inhuman, and ferocious. In some languages a foe and a stranger have been syn[on]imous. Often in the same country, some call a thing they heartily hate and despise, *outlandish*, and others emulate in civilities to a *stranger*: no equivocal marks of their respective progress in divilization. Barbarous times afford extraordinary examples of petty patriotism; but the savage, who can die for his tribe, cannot live without war, and delights in torturing his captives. Vulgar minds are in every country prone to local attachments and antipathies: counties and parishes often box in parties; whereas even in nations, which, as the absurd expression is, have long been natural enemies; people of an enlightened mind are above national prejudices. A federal people want an uncommon degree of moral goodness, in order to

counteract the natural bias of self interest, and to suppress those local affections. In this GRAND CONFEDERACY the human affections must be still more expanded, to encircle in one chain of eternal friendship the millions between the Atlantic and the Mississippi, from Florida to Nova Scotia. Men of cultivated humanity and extensive benevolence, will at the same time be patriotic in their respective states, and faithful members of the union: For their personal interest they will never sacrifice the general good of either; and they will scorn a mean partiality to their own state. If a majority of the people are thus happily disposed, they will not easily be led away by those mock patriots, who would persuade them to enrich or aggrandise their own republic, to the prejudice of any sister state, and in violation of the sacred federal compact.

That public virtue, which enables the people to choose good Legislators, does also dispose them for a chearful obedience in cases they really cannot understand; and yet this obedience is rational, because they confide in the virtue of their representatives. A common want of integrity creates a fatal jealousy of the government. Conscious of their own selfishness, and convinced from experience, how interested others are, people naturally expect the general character in their Legislators; and whenever a disagreeable measure does not carry full evidence of its necessity, they ascribe it to personal views, or partial affections. But the more virtuous a community is, the more general and free is this obedience; because the people of every district confide not only in their own representative, but in all the others, as chosen by virtuous fellow citizens for their honesty and patriotic virtue. The less people know of their Legislators, and the less they can judge of their conduct; the greater confidence in their integrity is necessary. This again proves the necessity of general virtue in this extensive confederation. The people of a county have a great chance of knowing the character of their representative. In the smaller states great numbers may by personal knowledge, and well grounded information be acquainted with the characters of some representatives. But the majority of people, especially in the larger states, must have a very slender knowledge of their own Delegates in Congress; and of the other Delegates very few know any thing. The affairs of a state government are generally understood by a common capacity aided by those of better information; but the operations of Congress are so extensive and intricate, that only persons well versed in general politics, the affairs of the continent, and their connexion with Europe, can pretend to judge of them. What security can the nation then have? None, but the public virtue. And this is very ample; a virtuous people will choose worthy representatives in every

state, and these will chose among the best patriots Delegates for Congress. Hear then, America, the awful decree of Heaven—*Thou shall be happy, if eminently good.* Rejoice in the arduous, but noble, distinction thy political felicity; and the individual happiness of thy children, depend on their mutual affection, and common love to thee.

15. Foreign Spectator
Philadelphia Independent Gazetteer, 8 August 1787

The integrity and benevolence, that should distinguish the United States, are connected with all the moral virtues. Candor and sincerity are of peculiar value—We naturally shun an artful man, because he is able to impose upon us, and in business less understood, this caution is greater. If therefore examples of fraud and cunning should be frequent, they will taint the national character, and lessen that mutual precious confidence of the federal citizens: the operations of the federal government, which must often be obscure to the majority, will then have a strong appearance of dark designs.

Avarice, vanity, sensuality, ambition, &c. are so many varieties of immoderate self-love, and disqualify men both for social duties and public virtue. Whoever desires too great a share of the world, must encroach upon the rights of others, and is often impelled by some craving appetite to flagitious violations of honor and humanity. *Cæsar*, with all his generosity and good nature, killed three millions of people, and enslaved his country. He that passionately loves a fine coat, or a glass of burgundy, is, if he cannot afford it, in danger of becoming a cheat, or a highway robber. Luxury and vanity, do frequently, like bottomless gulphs, swallow immense fortunes, and then force their slaves to sell honor, friends, and country. Indolence itself, though a negative vice, is very pernicious in republics, as it renders people less capable not only of the cares of government, but of those public exertions, which more or less are required from great numbers, in the quality of electors, jurors, arbitrators, &c. Gentleness is considered rather as a female virtue by those rude and silly persons, who think it manly to quarrel, box, and fight duels for every trifle: but it is an excellent disposition in every station of life; compatible with true bravery, and a high sense of honor; and in United States very promotive of that mutual affection, and chearful obedience to federal government, which are so necessary.

It is equally mean to flatter a nation; and deny it a just applause; I shall therefore with freedom point out what appears to me more or less favorable to a federal spirit in the present manners of America.

Most European travellers have remarked a certain ease and mildness in the American character. The people are not so turbulent as in many other countries. Examples of lasting resentment, I believe, are also rare. The present civil commotions in New-England have not been so sanguinary, as might have been expected. The recent fall of the Pennsylvania currency caused no riots; yet such an event in some European capitals would have collected a dangerous mob of many thousands. This moderation qualifies men to govern, and obey, in their turn; and is the most eligible character in this extensive complicated confederacy. Strong sensibility is in itself no advantage. Baretty relates that his countrymen, the Italians, are so tender hearted, as to shed tears at any mournful story; yet have such quick feelings, that even a disrespectful word or glance from an equal, will make the common people fall upon one another with their knives; being nevertheless easily parted by the cane of any gentleman.[a] The Abbe Richard relates, that at Rome murder is not rigidly punished in the month of August; because the excessive heat then raises the natural choler to an ungovernable pitch; so that the many fatal strokes then given are considered as accidental sallies of passion. Calm dispositions suit best in the ordinary course of human life: a sufficient number will always be capable of a poetical, philosophical, moral enthusiasm: besides, the human mind rises with its objects—grand and pressing national affairs produce heroes and patriots. High passions, if common, must raise frequent storms in the world—perhaps in America they would soon hurl the United States into slavish aristocracies, or military kingdoms.

A degree of indolence is perhaps a trait in the American character, owing in some degree to the climate, but principally to the easy state of society, which hitherto has required no strong exertions either of body or mind, from the majority of the people. Though wages are so high, that a common labourer may, by moderate industry, acquire a pretty good plantation in ten years; very few earn more than bare necessaries. Many persons live on large estates in houses so indifferent as to injure their health; and suffer their cattle to wander in the open fields all winter—an oeconomy very detrimental, nor agreeable to the feelings of humanity. Sometimes fields of corn and fine young orchards, are ruined by hogs and cattle, for want of good fences. Irregular accounts, and long delays of settlements, cause disputes, law-suits, and animosities. The public police is really in general extremely defective—The most frequented roads are often impassable in the winter—public bridges are often for years out of repair, and sometimes till passengers have been in great danger. The witty satire called: a Dialogue between the carcases of a cat and dog in a street of Philadelphia, may give an

idea of its police not long ago. The affairs of government are in many cases embarrassed by this indolence and irregularity—Many neglect to pay their taxes when they could do it with ease; they are not urged by those concerned; and sometimes the public money is kept for a long time by the county-collectors. It is often extremely difficult to convene and retain a sufficient number of people for transacting public business, even at elections, and on other important occasions; sometimes even Legislators are careless in their functions: in some parts of the continent the militia deserve praise for their alacrity; but in others they must be roused from a disgraceful and perilous lethargy. I should not have dwelt on this subject, if the present times did not require great exertions. Prudent industry and frugality would enable many, who so loudly complain, to live comfortably, and yet pay taxes and debts. The spirited combination of intelligent and wealthy individuals may form several useful manufactories. Great numbers have some degree of influence and abilities, to correct public disorders, and to strengthen the hands of government.

Another, and more dangerous fault in America, is an attachment to property, and fondness of luxuries, too general, and too great for *young federal republics*. It makes people more unwilling to pay taxes—It renders the present stagnation of trade more afflicting, than what it really is; and therefore a greater cause of discontent—It gives the wealthy a dangerous influence on manners and governments; as in the opinion of too many, a great estate qualifies a man to be a model of taste, and a legislator. It will be the most probable cause of difference between the states, on the respective quotas of federal expences, commercial regulations, &c. The many cruel and fraudulent violations of public and private faith, by tender laws, and fluctuating paper currencies, have unhappily stained the national character, and nearly destroyed public and private credit. The infamous doctrine, that *every man has his price*, is now very current, and rapidly spreads the corruption, from which it sprung. Too bad opinion of mankind weakens yet more the reciprocal confidence, love and respect; and impairs the very principle of integrity—Characters not very honest think it very pardonable to pay others in their own coin; nay, even to cheat one that would cheat them, if he could—The noblest minds indeed never injure the worst of men; but they grieve, that so few deserve their esteem and affection; and some even retire in philosophic melancholy from the scenes of human depravity, which they can so little direct—a fatal loss to their distressed country. The selfish principles of too many individuals, and the weakness of government, have been the principal causes of tender laws and paper currencies; ignorance of finance, and the necessity of the times

only secondary. The depreciation of the continental money, which had nearly lost the American cause, and did more hurt than all the miseries of a long civil war, arose principally from a too general dislike of taxation; the cruel injustice of some individuals; and the weakness of the Federal Government. I have yet a coat, the cloth of which cost me a thousand dollars, when a tenant offered me sixty pounds as two years rent for a plantation let for thirty pounds specie a year; and I shall keep it for life, as a monument of human depravity unrestrained by civil power.[b] Rhode Island presents now a fatal example of corruption in the very Legislature, that has struck a panic over the whole continent; and not without reason—for if the heart of one state is corrupt, very probably many members of other states are mortified. Yet the strong opposition of a virtuous majority in that state; the general disapprobation of its conduct; and the many warm declamations on the decay of public virtue, forbid us to despair. The ancient prophet mourned, that he was the only true worshiper in the whole nation; yet seven thousand had not bent a knee to Baal. Hope, virtuous Americans, that seventy thousands and more among you, do not yet worship mammon. It is however a deplorable truth, that, whatever is the real quantity of public virtue, the appearance of it is too small; and while numbers, from the prevalent love of money and practice of fraud, judge that many can be bought for a trifle, and some of the richest men for no great sum; there can be little confidence between the sister states, nor a sufficient trust in the august body of CONGRESS. Arise then! ye virtuous sons America, suffer not infamous fellow citizens to stain the common name; to ruin by a base selfishness the Grand Federal Empire you have reared with painful generous efforts, and cemented with your blood; mark the sordid wretch with infamy, whether he is tied to the wheelbarrow, or rides in a gilded coach: he is equally the sworn enemy of honor, virtue, his country, and mankind.

(a) *Description historique et critique* DE'LITALIE *par L'Abbe Richard, Tom V. P.* 239.
(b) *See a feeling description of the national misery and corruption caused in France by the infamous scheme of Law. Montesquius Persian letters, letter.* 146.

16. Philadelphia Independent Gazetteer, 8 August 1787

We hear that a certain party have lately had sundry meetings at the houses of *George Bryan* and *Jonathan Bayard Smith*, and that a large collection of pamphlets have been circulated from those meetings through the state. It is said the design of these publications is to excite prejudices against the new Federal Government, and thereby prevent its

adoption by this state. It is to be hoped this *pampered, official* family, will be disappointed; for it is a fact that a great proportion of the Constitutional party are friendly to the present Convention, especially to its worthy and excellent head. Jonathan Bayard Smith, it is said, receives 2000l. from his office, and his brother-in-law, George Bryan, 600l.

17. Foreign Spectator
Philadelphia Independent Gazetteer, 10 August 1787

Civil society becomes, in its natural progress, by degrees more happy. The faculties of human nature are unfolded and improved; consequently better enabled to pursue and attain the means of felicity, which lie in man himself and in external nature—the many wants of reciprocal assistance in these pursuits call forth the social affections—the very competition of interests, and clashing of passions, teach the necessity of good manners, and moral government. I say, *a natural progress*—because a civil society may set out in a wrong way; or in a prosperous career be retarded, misled, and entangled by the ignorance or ill designs of the guides, or the laziness, obstinacy, disorder of its members. The progress of civilization in the United States will, if properly conducted, gradually improve the dispositions necessary for civil government, and the federal in particular. The rapid encrease of population will soon multiply and draw closer the links of society. Idleness and a slovenly oeconomy will then be corrected by a sense of real want, or at least the loss of great comforts. The labouring people must work more; yet will be much happier by a greater sobriety and frugality. Smaller portions of land must be improved with more assiduous, orderly, and ingenious industry. A competition in the several trades and manufactures will produce a greater emulation, in workmanship, and complaisance to customers. Commercial dealings will require more punctuality and exactness. In Europe the payment of a small sum to the very day is often indispensable; because a trader depending on several such, cannot, if disappointed, discharge his contracts, or carry on the branches of his business; and one disappointment creates many hundred, where national industry has formed extensive and intricate connexions—In America, the neglect of payment is not so pernicious; people expect to be disappointed by each other; they can easily find credit; and the great majority, depending on agriculture, or the most useful trades, cannot at the worst want necessaries. Hence, merchants, shopkeepers, tradesmen, and farmers are in accounts with each other for years: money-hunting is a common expression, and very proper, as many hunt for days, and cannot get a shilling.

The multiplicity of interests and connexions, that increases in every progressive society, and is in America quickened by a rapid population,

will improve the general manners by a deeper and more frequent sense of the necessity, propriety, and advantage of an equitable, obliging, and decent conduct—men will from interest and examples learn to check rude and selfish passions; to yield, not only to the rights, but sometimes even the fancies of others; and will be easily reconciled to this self-denial, because they receive the same good treatment from others. The civil arts will in their progress visit the ruder parts of the country; procure ease and affluence, and thereby taste and means for education, reading, social pleasures, and for the genuine elegancies of human life, which improve the understanding, embellish the imagination, and refine the passions. The necessity of civil order encreases with the multiplicity and reciprocal connexion of civil affairs—The many objects of wealth and pleasure raise eager competitions, and excite the ill-disposed to acts of violence and fraud; they also produce inordinate gratifications in luxuries—Fortune and talents will claim an invidious distinction—moral prejudices and high principles of honor may sometimes raise warm contentions—Not only malice and selfishness of individuals, but in many cases their neglect, may destroy the property and lives of thousands—Local situation, wealth, &c. may expose a nation to foreign attacks—This and commercial affairs, may involve it in extensive connexions with other powers. All this will point out the necessity of legislation, police, public defence; of a general powerful government; which cannot be supported without a chearful obedience, personal services, and pecuniary contributions—Let us compare, in this respect, a peasant from a wilder part of the country with a citizen of Philadelphia. The first has every necessary of simple life within himself; he has no law-suits, fears no thieves and robbers; knows nothing of a foreign enemy—The latter finds a jail the most necessary building in the city; he must trust a great part of his property among strangers, for which a regular administration of justice is his only security—He sees the necessity of strict police, not only for conveniency, but health, life, and his dearest interests—a rude carter may drive over his children—unlucky boys may set his house on fire by their squibs—the stinking dock may cause a putrid fever, by which he may die or lose his wife. He knows, that in case of war, a frigate may burn the city, if the river is not fortified; and that the whole militia of Pennsylvania could not defend him without a federal power. The events of Massachusetts Bay confirm my assertions; the rebellion broke out in the remoter counties—Boston and other great towns are loyal. In Europe riots are more frequent in great towns, where a numerous and indigent populace is more corrupt than the poorest country people. In America the cities have yet but a small mob; the great body of people live in the country; and numbers

have, from ignorance, rude manners, and a weak sense of social dependence, dispositions very unfavorable to civil, and especially federal, government. The civil corruption, so visible in many ancient states, and aggravated by the pens of some great political writers, has made it a very common opinion—that high civilization brings on political diseases, and final dissolution. But we should consider, that a refined civilization is not principally an immense apparatus of wealth and luxury: such a corrupt national taste will indeed be fatal—that although every period of the political body, like that of the human frame, has its peculiar disorders; yet there is not such a corruption in human nature, that men by too near approach must infect each other—that the United States, whose constitution is young, and tainted with no mortal distemper, may hope by a genuine civilization *to live forever.* Human reason is a ray from the eternal MIND, and true goodness an image of his loveliest attribute. They can in conjunction plan the felicity of the greatest political systems; must they then be confined to narrow spheres? Must they be conquered by the night of ignorance and vice! No! the constellation of noble minds shall, we hope, shed a bright day over America till time is no more.

18. Foreign Spectator
Philadelphia Independent Gazetteer, 13 August 1787

The progress of civil society in America has been the most rapid ever known. In two centuries a large continent has been improved by two or three millions of people—In some parts, churches and court-houses are shaded by the groves, in which the savages burnt their captives—Philadelphia, equal to the larger and more elegant cities of Europe, is only an hundred years old. But this civilization is very unequal—An overgrown lad has seldom that symmetry of parts, on which beauty and strength so much depends—The civil fabric of America somewhat resembles the colossus in Nebuchadnezzar's dream, made up of heterogeneous parts: there is brittle clay in the parts that bear up the whole; and too much silver and gold for the simple though excellent metals of copper and iron. I could wish to see an emblem of America in a sweet Pennsylvanian farm with a neat convenient house, fields of wheat, meadows with a winding brook, a fragrant orchard, and blooming garden, hills and waving groves—a scene, that in every feeling mind raises the pleasing ideas of plenty, independency, calm repose, order, innocency, social bliss, and unaffected beauty. I long to see a true picture of America in her loveliest daughters, young, fair, sensible, innocent, and simply elegant.

The excellent public libraries of Philadelphia and other great towns; and the extensive erudition and polite learning of many Americans, would naturally make one believe, that in a country, where all are so free, and so few really poor, a proportional knowledge is very general; yet it is a fact, that great numbers do not know the most necessary principles of morals and religion; that many persons of very great estates are very ignorant; and that in the great numbers, who act in the legislative and executive parts of government, many really have not a sufficient knowledge in general politics and civil affairs: In the greater towns, the mode of female education is often too ornamental for the present state of society, as a distinguished American has lately remarked;[(a)] women are very commonly decent and genteel according to the degrees of station or education, and have a prevailing inclination for dress;[(b)] but the charms of many a wealthy country girl are like those of wild nature around her—the magnolia and shumach mingle their boughs, and the garlic grows among the flowers of spring. It is however a just compliment to the sex in America, that from a noble spirit of liberty they can show themselves to better advantage than many of their sisters in some other countries, where an illiberal disparity of rank throws a veil of bashfulness over modest graces; and that they are in general superior to men in manners and politeness—I have often remarked somewhat similar to what *Sterne* relates about the amiable French woman, and her husband, who was the same rude son of nature, that nature left him.

This inequality of civilization is a natural effect of some peculiar causes. The first settlers had plenty of land, and when common defence did not make a close neighbourhood necessary, they chose to live at large, giving up a degree of social advantages for a more easy subsistence by hunting, fishing, and extensive pasturage—The consequence of this was a slovenly, rough oeconomy, less frequent opportunity for social duties and enjoyments; a partial or total want of schools and public worship—An early degeneracy of manners and morals, thus occasioned, naturally grew on the parents, and still encreased on their descendants—But in them it is more pernicious; because they have got a taste for pleasures, which their ancestors did not know; and with their nearer neighbours must have competitions and jarring, unknown in a wilderness sufficient for all.

As a colony of Great Britain, and a neighbour of the West-India, islands, America became too soon a commercial country; and got a premature taste for the luxuries of Europe and both of the Indies. This was naturally indulged by that spirit of equality, which too often creates

the pernicious opinion that one has a right to appear and fare as another, whether he has the means or not. Indulgence in spiritous liquors, so prejudicial to morals, health and property, spread in a young nation not enough refined for a contempt of this vice. Hence America was always in debt to Great-Britain, and early drove to the expedient of paper currencies. Luxury has thus comparatively been a national failing from the beginning; and, after the revolution, made a really dangerous progress from causes generally known, and well explained by several writers.(c) Among those who escaped luxury, many gave into some degree and species of avarice; because wealth is a principal distinction, where hereditary honors, official dignities, and literary distinctions are not considerable; and because, ambition apart, people will be more attached to lands, houses, money, and whatever kind of property, where other objects do not divide the heart.

The facility of large acquisitions in land, and their quick encrease in value, is the principal reason why many proprietors of large estates are deficient in education. Great marshes, which unimproved were worth little, are now in quality of good meadows not distant from capital towns, very fine estates—The first possessor was a poor illiterate labourer; his son perhaps learned to read; his grand-son can also write his name. A multitude of hands may quickly drain marshes, and clear woods; but learning, manners, and civil virtues, are national blessings, which like the finer fruits, ripen later. In towns indeed education sufficient for business is very general; but as industry and trade have heretofore been very profitable; many persons have acquired wealth and civil influence without a proportional refinement in knowledge, taste, and manners; and their children must, notwithstanding the benefit of public education, suffer more or less by this defect.

The inequality of civilization in America proceeds then from this: that *the improvement of the human mind has not kept pace with the progress of wealth.* Hence we often behold an amazing disparity of merit in persons of the same fortune and occupation; and very different civilization in the same townships. America presents, in this view, a new phenomenon in the history of man, very interesting to philosophers and politicians. I would recommend to all sensible gentlemen observations on this blended effect of early commerce, rapid population, and original loose state of society; and to compare the degrees of public virtue with those of civilization. I do not pretend to a competent knowledge of the continent; nor would it become me to draw comparisons. My theory is founded on the nature of things, authentic verbal and written accounts, and long personal observation. Old people generally complain of present corruption: in some respects they are right, in others not; some of

their descendants are undoubtedly unworthy of them, others do them honor. What is very remarkable, I have known a number of people, that had much degenerated, gradually emerge from rudeness, intemperance, selfishness, and attain considerable degrees of civilization. To obviate misapprehension, I shall add on this subject, that America may on the whole be numbered with the more civilized countries, and yet want a great deal; because *extensive*, and *yet not firmly united federal republics*, require a general and high civilization.

(a) *Thoughts on Female Education, &c. delivered in the Young Ladies Academy.*
(b) *Abbe Robin's new Travels in America, p.* 24.
(c) *Webster's Essays read in the University of Philadelphia.*

19. Foreign Spectator
Philadelphia Independent Gazetteer, 16 August 1787

It cannot be too well considered, that as Republicans govern themselves and each other, they must be good and wise; that in this confederacy, so free and extensive, benevolence and integrity are the very elements of political union. Manners ought then to be a capital object, in all the operations of government, and patriotic exertions of individuals. There is an immediate necessity for improveing the public education. The encreasing idleness, profligacy, thieving, and robbing, among the populace of great towns, call aloud for the erection of *free schools*: without them Philadelphia will soon have a numerous and desperate mob. Reflect on the consequence—The mad rabble of a crazy *Lord Gordon*, had nearly burnt *London*—The children, that lisp horrid imprecations, and strike the pavement with impotent rage, may, when 12 years old, murder your son—The many idle boys, who do nothing but beg, play, and fight,—will soon be the very men for a rebel Shays. In the country, every town should have one or more good schools. For want of clergymen, schoolmasters are in many parts the only moral teachers; I hope to God then none among them will hereafter be illiterate knavish vagabonds: can such instructors and patterns qualify a people for domestic, social, and civil duties? for the important functions of jurymen, magistrates, electors, legislators? In some places we see good plantations with convenient buildings, well kept taverns, and shops with many articles of luxury; but no house of public worship, and miserable schools. Silly people may admire such improvement; for my part I lament this unequal civilization, and find ample reason for it: The owner of this fine plantation got it by cheating illiterate wretches,

who did not know what they signed; another lately belonged to a spendthrift, who, because he knew no higher enjoyment, drank grog, and followed horse racing—Several likely girls have been seduced, under promise of marriage, by fellows, who are too free and independent for the bonds of matrimony; and besides cannot support a family, because they hate work, and must ride an *English horse*—Gentlemen of superior fortune and character, who for many years have been in civil authority, are turned out, because *they are against paper money*; and ignorant, knavish demagogues chosen for legislators—A number of labourers play at quoits for the whole day at the taverns, running in debt for liquors, while their wives and children want bread—Numerous law-suits arise from drunken frais, malice, lying, fraud, extortion, inability and unwillingness of paying debts—executions are common, and often ruinous to whole families. It is a great maxim in government, to balance the human passions: objects of wealth and pleasure are dangerous without a proper check of moral and religious principles, and sense to see the consequences of ill conduct, though in many cases remote and intricate: and the desire of these objects is not to be estimated by their real value, but the circumstances of the people. One person gets drunk on rum, another on claret. A common farmer may long as much for his neighbour's meadow, as a wealthy proprietor for a fine country seat. A chintz gown is the wish of a country girl, as a diamond stomacher of a peeress; a young rake in bright buff on a fine horse is as dangerous to her, as an embroidered beau in a coach and six is to the other. The necessary moral and religious instruction in public schools need not be impeded by the difference of religious professions. Moral principles are universal—*Whatsoever ye would that men should do unto you, even so do unto them, love thy neighbour as thyself*: These principles of equity and benevolence, are engraven on all human hearts by the same Almighty hand; known in Japan and America, in Lapland and Otaheite. The moral precepts of Christianity are the same plain dictates of natural conscience, refined and exalted by motives of religion. I have seen in Europe, a treatise on the whole system of natural religion and morality, comprised in a small duodecimo under the title of *Dialogues between an old man and a boy of eight years*: the author in a clear and affecting manner impresses the young mind with a sense of every moral duty; even humanity to the brute creation; and the political virtues of citizens, and nations: such a book is a treasure. In the Christian religion, the catechism of Dr. Watts would be the best system, for perspicuity, and universality. In schools, where the bible, and moral writings are used, the great defect is: not to explain, apply, and combine the several moral duties; which a judicious teacher may do to the satisfaction of

elder children. Some virtues are peculiarly important in a certain state of national affairs, or the circumstances of a particular county, and even township. There is an intimate connexion between the moral virtues; they defend, support and adorn each other, so that one cannot be violated without hurting the other. Few men are so ill disposed as to have no good affections; most have some tender part in the heart, by which they can be led—if therefore all the consequences of virtue and vice were clearly and pathetically pointed out to a young person; he would behold so much dignity in one virtue, beauty in another, delight in the third; he would feel the meanness, anguish, horror of the several vices; he would find the impossibility of indulging one vicious inclination, without stabbing his favourite virtue, the mistress of his heart—he must, if not of the worst clay, become a tolerable character; and if naturally good, grow excellent. Men do more frequently rush into crimes and miseries from blindness, than the impulse of a wicked heart. Many, when they awake from intoxicating passions, or behold the sparks wantonly thrown, kindle a dreadful fire; stand aghast at their woeful gilt; and unable to pluck the daggers from their hearts, plunge with despair into a dark eternity.

That religion is a most valuable security to states, by its general influence on men of diverse characters and conditions, is an opinion held not only by all the good and wise in the world, but by every thinking man. *Montesquieu* values it more than all the fear of despotism, the honor of monarchies, and the political virtue of republics. There is a striking similarity in the sentiments of truly great minds in every age and country: Cyrus the Great never begun a battle, before he had sacrificed to *Jupiter the ruler and preserver;*[a] and the great Gustavus Adolphus King of Sweden used to say, that the best Christian was the best soldier.[b] The fears of religion have a salutary check on many: if not on every vicious disposition; on some—if not constantly; at some periods; would it then be wise, to take off one strong chain from ungovernable beasts, and to let others quite loose on society? Mixed characters are highly improved by the blended effect of hopes and fears, instruction, and a certain air of tender solemnity. Minds naturally good must derive the greatest strength and noblest elevation from a firm belief—that every deed, and every virtuous thought are known by a most holy God, who values moral excellency above all that is great and beautiful, as a mirror of his own perfection—that all the toils and sufferings in the cause of virtue, are so many dear proofs of our fidelity to HIM; and so many steps to immortal glory and perfect felicity; where the good of every nation shall meet, and the remembrance of every noble deed will be a source of rapture through all eternity. How will

these sentiments warm and exalt the human mind? Happy the nation, that has such heroes and statesmen! A firm belief in the souls immortality is a necessary support for the best affections. You wish to mark every day of your life by some good action—You can sacrifice ease, property, health, popular applause for your duty—You can die in tortures for your country; but alas! every step in this bright career hurries you to that dark goal, where the head, that plans the felicity of an empire, and the heart that glowes with philanthropy, shall lose every thought and feeling—where an Henry the Fourth, and a Ravailac, Washington and Arnold, shall mingle in the parent-dust—at such a thought heaven soaring genius droops; virtue sighs with anguish; the noblest minds wish to be a worm. The letter of the late King of Prussia to Marshal Keith, on the death of Count Saxe, Marshal of France, breathes a spirit of melancholy horror through all the consolation of a false philosophy, and the charms of poetry.(c) But, he was a great man? ask that question from the many hundred thousands in the shades below; by whose blood every acre in Silesia was bought—God preserve America and the world from such great men.

(a) *Xenophon's life of Cyrus, page* 367.
(b) *Hart's history of Gustavus Adolphus.*
(c) *Oeuvres du philosophe de sans souci.*

20. Tar and Feathers
Philadelphia Independent Gazetteer, 16 August 1787

Mr. Oswald, Your paper of the eighth instant, informs the public that a system of opposition is beginning to the new federal constitution in the houses of two gentlemen, who are at the head of the *constitutional* party. How men can oppose what they have never seen, nor know nothing about, I cannot tell.—But if it is really true, that these men are at work to defeat the good intended for this country, by a continental government before they have seen it,—then all they will say after it is made public, should go for nothing.

It would be well for these men to think of the fate of *Hutchinson*, *Tryon*, *Gallaway*, and other Crown officers, who lost their offices and estates by opposing the general inclinations of the people. It would be prudent in the Honorable Judge to think of the fate of *Carlisle* and *Roberts*, who lost their lives *by his hand* for acting contrary to the sentiments of a majority of the good people of Pennsylvania; times are critical. Our labourers are distressed for want of work: Our trade is dull—and our farmers are torn to pieces for taxes. Under these circumstances, is it not cruel for men who are revelling in the sweets of fat

offices, to try to prevent the Government of the Convention, which shall put every thing to rights, from having fair play among us? Let us hear no more from you gentlemen on this head, or you may expect to wear a coat of TAR and FEATHERS.

Northern-Liberties, August 13, 1787.

21. Foreign Spectator
Philadelphia Independent Gazetteer, 17 August 1787

Unbelief of a future state is often the offspring of immorality, and never fails to encrease national iniquity. Providence has awfully warned mankind against it by the ruin of the greatest empire in the world. The corruption, that like a gangrene so rapidly dissolved the Roman Republic, grew from that Epicurean doctrine dressed up by Lucretius in all the beauties of poetry. The historians and moral poets of the age prove it sufficiently. Horace, who certainly was no bigot, laments the neglect of public worship, and the ruinous condition of the temples.[a] The severe, but judicious Juvenal exclaims—To what dire cause can we ascribe these crimes—but to that reigning atheism of the times—ghosts, Stygian lakes—*are now thought fables*—He then strongly paints the grief and indignation felt in the Elysian abodes by Curius, Camillus, the Fabii, and Scipios, and by all the brave Romans slain at Canna, at seeing a glorious Republic, reared by their virtues, blood and victories, ruined by this vile doctrine. The Roman constitution was originally interwoven with strong principles of religion; which continued in force during the prosperous times of the Republic. Polybious, an emenent politician, ascribes to these her superiority over other nations, and very justly censures those as wretched politicians, who at that time endeavoured to eradicate the fear of a future state out of the minds of a people. He draws a very striking contrast between the Roman integrity, and the corruption of Greece already prophane by this false philosophy—trust, he. says, but a single talent to a Greek, who has been used to finger the public money; and though you have the security of ten counterparts, drawn up by as many public notaries, backed by as many feats, and the testimony of as many witnesses; yet with all these precautions you cannot possibly prevent him from proving a rogue; whilst the Romans, who by their various offices are intrusted with large sums of public money, pay so conscientious a regard to the religion of their office oath, that they were never known to violate their faith, though restrained only by that single tie.[b] Wealth and dominion fostered avarice, luxury, ambition—the execrable doctrine imported from Greece,

grew rapidly in this soil, destroyed public virtue—and the republic. Cicero, and Sallust paint the corruption as dreadful; conspiracies and civil wars were inevitable consequences of it. Among the[c] banditti of Cataline were such as had committed sacrilege, murdered parents, and made a livelihood by false swearing. In the debates of the Senate on the best mode of punishing these rebels, Caesar openly asserted, that beyond the grave is neither pleasure nor pain, and that death could not be a severe punishment to them who only regarded it as the end of all troubles.[d]

The political corruption of the British Empire, which undoubtedly is dangerous even for a limited Republic, proceeds in a great measure from irreligion. Among the higher classes many are neither good Christians, nor sound Deists. The instruction of the lower classes has been extremely neglected, 'til the frequency and enormity of crimes has at last forced a thoughtless government into expedients which might easily have been adopted long ago. The immediate benefit from Sunday schools is a proof, how many lives would have been saved, *and* what losses and misfortunes avoided by that simple remedy. But alas! nations, like silly individuals, are often intent on show and pleasure, while a cancer gains on their vital parts. Irreligion is peculiarly baneful to Republics even in this respect, that it weakens or annihilates the sacredness of oaths, which are so frequent in the many public charges, and may, especially in juries and elections be considered as the bulwark of the constitution.[e] The excellent Lord Kames[f] reproves the abuse and careless administration of oaths—a most salutary advice even to America—I hope, magistrates will not tender an oath in a hasty muttering manner equally prophane and disgraceful; and that other states will not learn from a neighbouring assembly to swear people for a pound of sugar, and a quart of rum.

I speak here of religion only as a political blessing, given by the Universal Parent to all his children, that will accept of it. In this view we find often among dark superstitions some bright and fixed principles, that like polar stars lead mankind to virtue and happiness. Virgil's description of a future state is not indeed perfect; but it is far superior to the picture drawn by many Christians, who people heaven with such a multitude of knaves and fools, men of *faith without works*, saints without common honesty, and bigotted tyrants; and doom to eternal misery a Plato and Marcus Aurelius, nay millions of the human race, and, I shudder at the thought, numbers of innocent children, who did not know the right hand from the left. In Virgil's hell you find unkind brothers, unnatural sons and daughters, knaves, misers, adulterers,

rebels and traitors. In his paradise there is not one bad character—but the good and wise, who have been the benefactors of mankind, inventors and promoters of useful arts, moral sublime poets, holy priests, and those who for their country have freely bled, and nobly died.[g]

Contempt for religion is by no means general in America; the great mass of people has rather a spirit of devotion; which however in some cases must be animated, and in others regulated. The want of regular worship in so great a part of the country is a severe evil: many learn absolutely nothing—others acquire absurd and dangerous ideas in religion—and many of good principles degenerate, because they are seldom or never animated by the persuasive address of good and sensible teachers, A sermon every Sunday is a powerful antidote against selfish and malicious passions,—it would often dispose people for good government better than the wisest laws, and by promoting all the civil virtues, enable them to pay taxes, and to fulfil all the duties of a good citizen. This want is often caused by neglect and a penurious disposition, which throws the whole burden of supporting public worship on a few generous persons—in that case it is a mark of ignorance and a depravity incompatible with public virtue; because people, who begrudge a few shillings for what they really believe will be of importance to their future happiness, and that of their children, cannot surely be liberal in the support of government. Another cause is the mixture of several religious professions, and will I doubt not be in part removed by the progress of liberal sentiments. The greater majority hold now the sound principle, that all faithful worshipers please the Supreme Being; why then should smaller differences prevent so great a national blessing as a general public worship; why do not the several denominations, who admit of regular teachers, join in supporting some kind of worship, as in some parts of Germany and Swisserland, where Protestants and Catholics worship under one roof. Ministers, who are real Christian philosophers, would easily please all rational bearers, because they teach only what is necessary, good, and sublime—no mithology, no metaphysic jargon, no dull mysteries, no useless controversies will disgrace their preaching. It must be a bad religion, that is not preferable to irreligion. Such, says an American author,[h] is my veneration for every religion, that reveals the attributes of the Deity, and a future state of rewards and punishments, that I had rather see the opinions of Confucius or Mahomed inculcated upon our youth, than see them grow up wholly devoid of a system of religious principles. A sentiment so just cannot be too much enforced. The main question in matters of religion is *useful truth*: and even errors that improve the heart without impairing,

the judgement in other things, are valuable. Without this generous association of religious professions, some of the most cultivated parts of the country will suffer yet a long time from the want of public worship, and the influence of ignorant, gloomy enthusiasts; and the scattered settlement, will become very savage.

In this friendly concert the harsher notes of religious discord would be excluded; because a preacher could not without giving offence, insist on peculiarities, but must dwell on the essentials of religion. By this, only the most valuable parts of each religious system would be retained, and gradually formed into a system more refined and sublime. The limits of an essay will not permit me to pursue this important subject, but it demands a serious consideration. The clergy in America are sufficiently respected, but often badly supported; which is very detrimental to religion. A clergyman should not desire wealth; but he ought to live according to his station, and have means for private and public beneficence. If this is with-held, the clerical profession will frequently be taken up by persons of low education, who have no prospect in life, and by ignorant, intemperate devotees, who may infect multitudes with a pernicious superstition. In this lies the danger of being *priest-ridden* in America. The clergy are not prompted either by sentiments or circumstances to ambitious designs. The examples of hierarchy in other countries need not raise any suspicion. They arose from an overdriven and mistaken devotion, not any original plans of the clergy; and have in general been less oppressive than aristocracies.[(i)] It is reasonable to suppose some good dispositions in a person who takes upon him a sacred function, and he must be very bad not to grow better in the exercise of it. Clergymen must be sensible of the importance of civil order to the interest of religion, and the good of mankind. So far as I know, those in America are general friends of true liberty, and supporters of a federal government.

(a) *Lib.* 3. *Ode* 6.
(b) *Montague on the rise and fall of the ancient Republics. Page* 304 *and* 307.
(c) *Sallust* P. 25.
(d) *Ibidem*, Pag. 94.
(e) *Montague, I.* 307.
(f) *Sketches—man.*
(g) *Aneidos lib.* 6 *v.* 608. *&c. ditto* 660, *&c.*
(h) *Thoughts upon the mode of education proper in a Republic, Page* 15.
(i) *Hume's history—Moore's travels in Italy.*

22. Foreign Spectator
Philadelphia Independent Gazetteer, 20 August 1787

The principles of true religion and real virtue are universal and immutable. But in the variety and change of human affairs some virtues are more necessary for political happiness, and these must principally be enforced by a national religion. This is the more requisite, as habits and prejudices may establish opposite vices, and warp religion itself in their favour—Thus, a military people are apt to reconcile unjust wars with those principles of humanity they readily allow—In some countries a strange mixture of profligacy and devotion is often seen—In other states avarice and a mean selfishness are interwoven with bigotry and austere manners. No nation requires a more liberal religion than America—Integrity and benevolence are the ground work of her federal system; mildness, candour, generosity will not only embellish but greatly support it. A man habituated to religious controversies, will probably create frivolous, obstinate disputes in national counsels. The man who has made so many proselytes by groans and a sorrowful countenance, is not to be trusted with matters of political salvation. The knave, who thinks that long prayers, morosity, and fasting can atone for defrauding the widow, and the orphan, is not to be a steward for the public. The saint, who has *all faith*, but wants the charity, that *seeketh not its own*,[a] will bring into an House of Assembly the same *griping hand* that never gave a shilling, the same *narrow heart*, that is wrapt up in a guinea—He will vote against the best federal measures, to save a dollar in taxes; and while he can turn a penny in his shop, or fatten his hogs, he cares not, if an enemy carries fire and sword through his country, and the Indians murder every woman and child on the frontier. A gloomy, severe religion perverts genuine moral principles by placing needless absurd mortifications on a level with noble virtues—It prepares the mind for slavery by the fearful worship of a tyrannical Deity—It creates irreligion among the many who throw off the yoke, and hypocrisy in those who wish not to be singular—It is inimical to innocent, social enjoyments so promotive of good government—and it is a dangerous tool for designing man, by which party and civil bloodshed is often produced. Innocent fanaticism must not however leave the spiritual sphere—A man who pretends to guide a nation by his *inward light*, will lead it into dangerous labyrinths; though he was placed in bright sunshine on the highest point of the blue mountains, he would not take a proper view of the Continent; and he might receive unexpected orders from heaven to set up five hundred states. Hudibras will forever be a valuable book—the fanatical and gloomy superstition

that reigned during the long civil war in Great Britain, will always produce similar effects; if the seeds of it, found in human nature every where, are suffered to grow. In this country, where government cannot meddle with religion, and such a multitude of ignorant people are scattered throught a wilderness, the most errant, religious impostor may in some junctures raise a rebellion. The gazettes inform us, what trouble the new Mahometan prophet has given the Turkish government in a distant and ruder part of the empire.

The salutary effect of religion is indeed often diminished by human imperfection; but allowing for this, we shall find it very great both in ancient and modern states. In America the happy influence of religious education and public worship is visible; and often creates a remarkable difference in the same township. The above-mentioned American author relates that there are 600 free schools in the small state of Connecticut, which have in them 2500 scholars; and that only two natives of this state have been executed in the course of the last 25 years—That the German Lutherians in Pennsylvania take uncommon pains in the education of their youth; and that not one of this society has suffered the ignominy of a legal punishment of any kind, for the last 17 years.[b] In the reports of some missionaries to the society for propogating the gospel in foreign parts, it appears that *mutual benevolence*, and other civil virtues advanced in the progress of religion.

May then the Americans as true Republicans *fear no man*, but adore the KING of Kings; and make *religion a bond of their extensive union.*[c]

It is necessary to repeal, with all prudent expedition, all tender-laws and paper currencies. I will not here mention the dreadful danger of an eventual invasion, when the little specie left by luxury is locked up by mistrust—It would be ridiculous to depend on stamped rags against the push of bayonets and the fire of cannons. I only consider this measure as indispensable for the reformation of manners, and the restoration of that confidence between man and man, which I have shown to be a vital principle of the confederacy. An author before mentioned points to the life the pernicious speculation created by a fluctuating medium.[d] "The first visible effect was a host of jockies, who followed a species of itinerant commerce, and subsisted upon the ignorance and honesty of the country people,—perhaps we may safely estimate, that not less than 20,000 men in America left honest callings, and applied themselves to this knavish traffic—Industry, that advances our interests by slow and regular gains, is the best preservative of morals: for it keeps men employed, and affords them few opportunities of taking unfair advantages—The speculator may begin with honest intentions, and may justify his business by saying, that he injures no man, when he gives the

current value of any article in one place, and sells it in another; although in this case he is a useless member of society, as he lives upon the labour of others without earning a farthing. But he does not stop here—he takes an advantage of ignorance and necessity—he will, if possible, monopolize an article to create a necessity—Repeated opportunities of this kind gradually weaken the force of moral obligation, and nine persons out of ten, who enter into the business of speculation with a good character, will in a few years (I think, sooner) lose their principles, and probably their reputation. N. B. *Probably, because the moral sense of great numbers who are not knaves, will yet be much weakened by a daily sight of unpunished iniquity.* After showing that the speculation in England cannot affect the body of the people he says—"Very different is speculation in America. Here its objects are in every persons hands; changes of value are frequent; opportunities of gain numberless, and the evil pervades the community. The country swarms with speculators, who are searching all places, from the stores of the wealthy to the recesses of indigence, for opportunities of making lucrative bargains. Not a tavern can we enter, but we meet crowds of these people, who wear their character in their countenances." He then justly observes, "that the honest labourer, and regular merchants, are tempted to forsake the established principles of advance, and with them those of strict integrity; that a relaxation of principle in one instance leads to every species of vice, and operates, 'til all the supports of social confidence are subverted."

A person who knows and *can feel* the truth of all this, will often at the sight of a dirty paper bill think—how many hearts has this worried? What number of dirty actions has it done. Reflect then, America, on the dreadful danger of having jockies and speculators in thy councils—nay of such a suspicion among thy people. Reject with horror those schemes of finance, that have robbed the widow and orphan of their all—that have defrauded thy brave sons of their dear-earned reward, *the price of blood shed for thee*—Away with all worthless paper money; the source of all daily corruption and misery; let gold and silver restore solid integrity, pure innocence, and splendid honor.

(a) *Cor.* 13.
(b) *A plan for the establishment of public schools and the diffusion of knowledge in Pennsylvania, printed* 1786, *page* 9.
(c) *It signifies originally a tie.*
(d) *Remarks on the manners, government, law, and the domestic debt of America, by Webster, a very valuable piece of political criticism. Pennsylvania Packet*, 12*th February*, 1787.

23. "Z."

Philadelphia Freeman's Journal, 22 August 1787

Nothing is so essential to the happiness of a people, as the possession of a free government. Without this the most fertile country and the mildest climates, become scenes of misery and desolation; but with it, the most rugged regions of the earth are crowned with cheerfulness and plenty. This is one of those important truths of which all men seem to be sufficiently convinced; and yet very few nations have taken care to secure to themselves the inestimable blessing. In all ages, the bulk of mankind have been consigned to slavery and wretchedness. The reason of this is but too obvious. What concerns all men alike, is too often neglected by all; but the private interest of a few, selfish and ambitious individuals, is pursued with unremitting ardor. The wealthy and powerful combine together to make a property of their fellow citizens; and few governments have ever existed, in which a conspiracy has not been formed against the liberties of the people.

In Pennsylvania, it has been our peculiar misfortune, that as soon as our free and excellent Constitution was formed, a Junto was also formed, of men inspired with principles inimical to the rights of freemen. In other countries, their liberties and free governments have existed, sometimes for a longer, sometimes for a shorter period, without any material injury, until, in the course of time, a conspiracy has been gradually matured, or some disastrous accident has intervened, which has destroyed the public liberty; but, in Pennsylvania, the conspiracy against the Constitution was coeval with the Constitution itself. This fair offspring of liberty and independence was no sooner delivered into the world, than the formidable Junto stood ready to devour it. Hitherto, indeed, it has been preserved by means of extraordinary care and vigilance; but its enemies are still on the watch, and, however they may attempt to disguise their intentions, yet, every time they are entrusted with power, they give but too evident proofs of their pernicious intentions. The people have need to be much on their guard; for, if we fail in our vigilance, the liberties of Pennsylvania will speedily be no more; and this country, like others where liberty once flourished, become the seat of despotism and wretchedness.

The Junto have actually the command of all the money in the State, by means of their Bank; and the power and influence consequent from this circumstance are such, as ought to excite a serious alarm in the mind of every well-wisher to this country, especially when we consider what selfish and wicked conduct those men are capable of. To be convinced of this, we need only to look over the proceedings of the government in any one year, in which the Junto have ruled the State; and,

besides those imprudent and tyrannical measures, which have been carried into execution, we shall find several others proposed and brought forward, of too dangerous a tendency to be endured by any people, who are not totally subdued to the principles of implicit obedience. Like some poisons which are too strong to be retained in the stomach, and whose operation is defeated by their own violent malignity, these measures were rejected with abhorrence even by their own devoted creatures.—One instance of this kind ought to be kept in perpetual remembrance: I mean a scheme of Finance, which was proposed to the last House of Assembly, and actually reported by a committee, consisting of certain well known members of the Junto. In this plan they proposed, among other things, to lay a duty of two shillings a barrel upon the exportation of Flour, the great staple of Pennsylvania;—to levy a Poll-tax of a dollar a head, to be paid alike by the rich and poor;—to farm out the public offices of the State to the highest bidder, in the stile of the blessed government of the Turks, where the lower officers squeeze the people, their superiors squeeze them, and the Sultan squeezes all of them;—to deposit the State Treasury in the hands of the president and directors of the Bank, for them and their friends to speculate upon. The Junto, when they brought forward these extravagancies, overrated their own power, and trusted too far to the degradation of all principle and common sense in their followers.

If we were to trace the history of the schemes of the Junto, from their first formation to the present period, it would furnish ample matter to confirm us in the opinion, that a regular system has been established, to aggrandize themselves and to enslave the people.—Something of this kind may perhaps be attempted hereafter; but, at this time, I shall beg leave to advert to a few of their proceedings in the Legislature in the course of the present year—a year, in which they believe themselves to be firmly fixed in sovereign power and absolute dominion.

An unlimited licence to the importation of foreign *goods*, by foreigners, and a total disregard to our own manufactures and navigation, have been avowed as the proper rule of conduct for these States; and a man who is considered as one of the brightest luminaries of the Junto, has been heard publicly, in the House of Assembly, to declare the honourable sentiment, that we ought to encourage the importation of foreign goods; because, if we could not pay for them, they would be so much clear gain to us, at the expence of those who should trust us. All other countries have thought it their interest to prevent, as far as possible, the importation of every article, which they could manufacture for themselves; but our rulers have other ideas. One would almost believe,

that they entertain hopes of becoming masters of the country by reducing the inhabitants to poverty. Among the cloud of sufferers by the scarcity of money and discouragement of manufactures, let us select those of Iron, a manufactory of late so flourishing and so profitable to this State. What is its present condition? To what a state of poverty and wretchedness is the numerous class of people reduced, who formerly subsisted by the manufacture of Iron? But the Head of the Junto has bought a slitting mill; and the price of Iron must be kept down, by importations, in foreign bottoms, from the Baltic, let who will starve among ourselves.

As the Convention was looked up to with eager expectation, for the relief of our distresses and embarrassments; and as much will probably depend upon the unanimity, with which the people shall receive their decisions, it was of great importance to secure the hearty concurrence of so considerable a State as that of Pennsylvania. For this end, the Junto have confined the choice of Delegates for this great State to the city of Philadelphia, and almost exclusively to their own narrow party in the city;—for even the venerable Franklin was excluded, in their first choice.—One thing alone consoles us, for the disappointment, we have sustained in so very partial a representation.—They have included in the delegation a man, who is not even a citizen of this State; whose interest lies in another State; but who has the sublime merit, of being the ready tool of the great Head of the Junto. The people on the borders of the Susquehannah and the Ohio, will be gratified to the extent of their wishes, when they find that they are represented by a citizen of New York. Should any thing a little unpalatable appear in the proceedings of the Convention, which nevertheless it may be proper to receive for the sake of the great good, which will result from the whole, the numerous people of this State, in all its different and extensive parts, when they reflect how fully they have been represented in the Convention, will no doubt think themselves bound in honour to promote all its measures.

The Bank, the great engine of the Junto, the dread and abhorrence of all who wish to be free, was most solemnly disavowed, even by the tools of the Junto, when they were out of power, and wished to deceive the people into an election of them, to seats in the Legislature. We were assured by them publicly, that no attempt should be made to restore the Bank. Yet we find the Bank has been restored, with all its mischievous powers. It is still made subservient to the purposes of the chosen few; it still controuls the government and defeats the operation of our laws; it still confines the power of circulating paper to a few

individuals, and annihilates public credit; it still promotes that ruinous trade of foreigners, which consumes us; it still drains the country of its money; and we lament in vain, that the general interest of the community is sacrificed to the profit, and even the passions, of a few.

In the course of the present year, public credit and private property have alike fallen a sacrifice, to the ambition and interest of a few individuals. By one law the funds, which were appropriated for the payment of the interest on public securities, have been diverted to the payment of the debt due to the late proprietaries. If the great merit of these gentlemen to this country, or their merit with some members of the Junto, forbids them to participate in the public exigencies:—if they ought to be paid at once, and others who acted a different part in the Revolution, ought to wait till the State is more able to do them justice; still, however, it ought to be remembered that a fund, once appropriated to a particular purpose, cannot, consistently with the public security be diverted to any other purpose, without other sufficient funds being substituted for the original purpose. Even by the Funding Bill, as it stood before, provision was made for the faithful redemption of the principal money due to the late proprietaries, in the course of a very few years, whilst all the other public creditors were entitled only to their interest. The Funding Bill therefore gave them a sufficient preference, to all other public creditors of every description, without a new law passing, to pay them all at once, so as to exclude others from the receipt even of their interest.

The Wyoming Bill, as it is called, has sacrificed the property of a numerous class of individuals, without trial or offence, and without an opportunity afforded them of being at all heard or attended to. All the settlers, if not all the purchasers, under the forged deed from the pretended king of the Ninepas, *at or before* the decree at Trenton, in which are included all, who, in the course of near thirty years, had ever intruded themselves into this State under colour of that deed, even in opposition to the express laws of the State of Connecticut, under which they falsely pretended to claim, are invited to come and take possession of the property of the bona fide purchasers, under the lawful government of Pennsylvania; or, if they do not chuse to come in person, they have the liberty of conveying to others, who may chuse to come. It is true that, in some cases of great necessity, private interest may lawfully be sacrificed to public utility; and, if the present law had been confined to those who were *actual settlers at the time of the Decree at Trenton*, some apology might have been made for the law. It would at least have been more in the power of the State, to make compensation to the sufferers. But why were all those, who had ever settled or acquired Susquehannah

Rights, *before* the Decree at Trenton, many of whom had long since abandoned their claims, without any thoughts of resuming them;—why are all these people called back, without their even asking it? Many of them will never come in person: but, by the operation of this law, they are enabled to sell their claims. A field for speculation is opened, and already, some of the miserable owners have their feelings outraged, by seeing strangers buying and selling their lands upon speculation. The State is not in a situation to make compensation to the sufferers; and, if it were, why should the public funds, or public lands be squandered, merely that a few speculators may reap the benefit?

These things call loudly for the attention of the people. In a Constitution like ours, the people are the guardians of their own liberty and security. If the people slumber, and neglect themselves, they will inevitably fall into danger; and, in no State or country, perhaps, was watchfulness ever more necessary, than in the State of Pennsylvania.

24. Foreign Spectator
Philadelphia Independent Gazetteer, 22 August 1787

There is no doubt a considerable quantity of specie locked up or buried under ground, which will gradually come out, when the federal government has power to regulate the national finance, and thus to restore public confidence. In the mean time, industry and frugality will keep what is left in the country, and after a while bring in more. A mercantile gentleman has proved by facts, that many important manufactures may be carried on to great advantage; that an article so compact as yard-wide linen at 15 d. sterling in Europe, cannot be sold under 25 per cent. advance in America; which must operate as a very solid premium on American linen of the same value.[(a)] It is in itself a sufficient profit to keep the precious metals—In opulent commercial nations, the exportation of coin is not pernicious, because it comes back through many channels; nor is it of consequence, if some thousand guineas more or less are in circulation—But in America national virtue and national safety depend at present on specie money: it is an oil, without which the wheels of government cannot move much longer, but must be left *in the mire*; and in that case the caravan may be plundered by wild Arabs, or by some of its own people. Early and improper commerce was a misfortune to America, which by the sudden influx of money and foreign luxury after the war, is become alarming—The virgin innocence already tainted is by this so corrupt, that America resembles a painted tawdry coquett in the many pictures drawn by American hands. "The practice of imitating foreign modes of dress cannot cost America less than 900,000 pound a year. I speak not of the

necessary articles of dress, but merely of changes of fashions—We labor day and night, we sacrifice our peace and reputation, we defraud our public creditors, involve ourselves in debts, impoverish our country—Nay, many are willing to become bankrupts, and take lodgings in a prison, for the sake of being as foolish as those nations which subsist their poor and grow rich and respectable by their follies—A new dress is invented in London or Paris, not for the sake of superior elegance, but for giving food to manufacturers. That new fashion is sent across the Atlantic—let it be ever so unknown and uncouth, we admire its novelty, we adopt it because fashionable—and merely for a change, that may be made in half an hour by a taylor, or a milliner, 20, 30, and 50,000 pounds are drawn from the capital stocks of property in America, to enrich nations, which command our commerce and smile at our folly—We boast of independence, and with propriety; but will not the same men, who glory in this great event, even in the midst of a gasconade, turn to a foreigner, and ask him, what is the latest fashion in Europe! He has worn an elegant suit of clothes for six weeks; he might wear it a few weeks longer—but it has not so many buttons as the last suit of my lord—he throws it aside, and gets one that has. The suit costs him a sum of money—but it keeps him in the fashion, and feeds the poor of Great-Britain and France."[(b)]

In a late Boston Gazette a writer ridicules the pompous account of 4000 dollars being returned from London as a balance in trade: "Were there no buttons, fans, feathers, ribbands, to buy for them? no kind of fripperies and ballooneries?"

The author of a piece in the Pennsylvania Packet last Wednesday, asserts, that 300,000 pounds worth of buttons has been imported by the United States from England since the year 1783. "To our disgrace be it spoken (he says) we copy every ridiculous fashion. The fantastic fashions among the ladies are matters of contempt and laughter to the very merchants who ship them to us."

When dissipation and vanity are baneful to national virtue, and endanger the very existence of a state, they cease to be follies—they are crying sins against heaven—cruelty, suicide, treason. They become serious topics for the zealous preacher, and grave moralist—nay, they merit disgrace and punishment. Shall silly women bring their husbands into a jail, or under a foreign yoke! Shall effeminate fops undermine a fabric raised by wise politicians, and brave warriors? If people will not listen to reason and conscience, they must be restrained by the hand of government. Sumptuary laws infringe liberty; but does not every good law check an ill use of it? They have been enacted in monarchies where luxury was only detrimental; shall they not be applied for the

safety of republics? Foolish spendthrifts, whether kingly subjects or republicans, must have guardians. By an English law, made in the reign of Queen Elizabeth, a mercer could not recover payment for certain articles, as brocades, gold and silver lace, &c. sold on credit. In Sweden a law was in force some years ago, prohibiting all males, not the first nobility excepted, from wearing silk clothes. To condemn such laws when necessary, would be equally absurd as not to hinder mischievous boys from burning the town by their squibs. Men of sense can be happy without costly buttons, and women truly amiable will not sigh for Brussels lace—As for the rest; children must not have every thing they cry for. I am not an enemy of elegancies, no, I like even magnificence in time and place; but I would sometimes rather live on potatoes, than owe money for meat, and I despise a person who can sell his liberty for high living and fine clothes. Unpaid for luxuries are in republics deplorable evils, because they mark a want of an independent spirit, which is the characteristic of a free people. When luxury has thus impaired the very principle of republican virtue, it is no wonder if its craving wants and consequential difficulties dispose people for all kinds of corruption—A person who must hide and fly from his creditors: who must cringe to a sordid usurer: who can bear to be called a rogue and a *mean fellow* by the many he deceives, is already *broke* for the saddle. Give him plenty of oats and a fine caparison; he will prance in gay pride under any king—nay, he will by the whip and spur soon be tame enough to trudge under a pack of petty lords. Vanity is a dangerous symptom, as it proves that wealth and show give more distinction than personal merit—that a glittering hat can adorn senseless brains, and an embroidered waistcoat can give value to an ignoble heart. The number and rank of silly admirers, and their comparative estimate of merit and show, will point out the degrees of corruption—It is already bad, when sense, virtue, and polite manners cannot be seen to advantage without the glare of dress and equipage—it is past all remedy, when a stupid, half-rotten beau in a gilt chariot is caressed as a model of taste. It is very interesting to trace the progress of luxury and vanity in different republics, and to compare it with the encreasing corruption. The Roman Curius with a noble scorn preferred his earthen dish of vegetables to the samnitic gold—mark how noble the national character was at that time. In the first battle with Pyrrhus, the horrid novelty of the elephants, that frightened the horses, made no impression on the soldiers: they attacked them sword in hand; all that were killed by the enemy, had their wounds in the breast; some were found dead closely grappling with them; all died with the swords in their hands, and retained in death the animated air of invincible valor. The picture drawn

by Florus is so grand, that it merits to be shown in the original[c] Omnium vulnera in pectore: quidam hostibus suis immortui: omnium in manibus enses, et relictae in vultibus minae, et in ipsa morte ira vivebat. The Ambassador of Pyrrhus returned, after an unsuccessful negociation of peace, with this account of Rome, that it was like a temple, and the Senate like a congress of kings—Urbum templum sibi visum, Senatum regum confessum esse. In the time of Juvenal[d] splendid poverty was general; the Senate was called to consult with Domitian on the best mode of cooking a rare fish: the people thought of nothing but daily bread and public shows,[e] and fought like sordid mercenaries for any master that paid them best, massacreeing the tyrant and the citizen as brutal whim dictated. In Great Britain the currency of Chesterfield's letters is a strong evidence of national vanity; he openly prefers his *little graces of dress*, &c. to manly virtues and great talents. It appears also from many other facts, and the despicable portraits of men who give the ton, drawn by sensible writers: that of a member of Parliament in the mirror[f] is indeed horrible: the gaudy fop thinks that a conquest of Great Britain by France could not be a severe calamity, because French modes would then polish the nation—an expression which no man would hazard where patriotic virtue is national. The British nation may however yet claim the simile of voltair: the beer itself is not bad, though it has a great deal of dreg and froth. Chesterfield has been successfully opposed by several writers, among whom the author of the *Pupil of Pleasure* is distinguished, who may be an excellent preceptor to many young gentlemen in America. The amiable *Maid of the Oaks*, has also vindicated the honor of her virtuous countrywomen by the kind reception they gave her—I shall beg leave to recommend this charming girl to all American ladies. I hope she will reform many a Lady Bab Lardoon—and I am sure she will be adored by all her congenial sisters of refined sense, sweet disposition and simple elegance.[g]

(a) *An Inquiry into the principles, on which a commercial system for the United States of America should be founded, by Tench Coxe, Philadelphia*, 11*th May*, 1787—*a judicious performance.*
(b) *Webster in the remarks before mentioned.*
(c) *Annai Flori Lib.* 1, *Cap.* 18. 19. 24 *lines.*
(d) *Vivimus ambitiosa paupertate omnes.*
(e) *Javenatis Sat.* 4. *Panem et Circenses.*
(f) *A late publication in Scotland.*
(g) *A Pastoral Drama, wrote by General Burgoyne, and acted for weeks successively with uncommon applause.*

25. Foreign Spectator
Philadelphia Independent Gazetteer, 24 August 1787

In America, the sudden influx of money and foreign luxury, could not have produced the extravagance so much complained of without the aid of an overdriven principle of equality. I have often heard fellows complain, *how hard it is that a poor man cannot get his belly full of rum like other people*. However, this hardship is not deemed a disgrace; nor is a luxurious table as yet reckoned honorable in America. Besides the inferiority in costly fare can generally be concealed. But disadvantage in external appearance so visible to the public eye revolts against this levelling principle—as poverty, it is a serious evil where wealth is in high estimation—as want of gentility, it is peculiarly obnoxious to those that associate the ideas of wealth and refinement.

Inequality of property dictates a difference in living; if people do not comply with this from principle; pride, luxury, vanity will urge them to a thousand tricks of knavery and violence, and perhaps to mutiny and open rebellion—extreme liberty, untempered by religious and moral principles, is the source of agrarian laws, and all the foul monsters of anarchy. I despise aristocracies, and abhor the idea of making religion an engine of slavery—but I wish to make people sensible, that Almighty God has established an order in human affairs, on which political happiness absolutely depends. Great disparity of property is bad; but some must arise from the inequality of genius and industry, inheritance, and that chance, which in fact is the disposition of providence. Whatever is the quantity of national wealth, the great body of a people can never be rich; an easy, decent competency, is the utmost they can obtain, and should be the height of their wishes. The people of America cannot complain of poverty—the land is generally fertile, and amply sufficient—all useful trades are profitable—nay, every pair of industrious hands is a competent estate—the present difficulties may easily be removed by a proper federal government. America equally removed from the distress of poverty, and the danger of wealth, has obtained from all-bountiful heaven that happy lot, which Solomon in all his glory thought the most desirable[a] why then that *love of money!* which has been *the root of so much* evil, and *pierced her through with so many sorrows.*[b] As to distinction; *integrity, goodness, manly sense, an independent spirit, invincible fortitude, patriotic virtue, are the genuine honors of a Republic*; honors open to all; honors, without which all the gems of India, and all the gold of Peru, are shining toys. The wealthy are only more respectable, if they excell in these qualities: if grateful to God and their country, they enjoy their wealth with dignity, humanity, generosity and public spirit. Whoever

acts honorably in a lower station, is infinitely superior to one that disgraces the highest: There is no comparison between sound feet and a dropsical head. A labourer, who by honest industry supports his family, whose heart can feel, and hand can act for his country, is a far greater man than a volumptous, idle, selfish beau, though he was covered with rubies—the one is a *rough solid stone* in the ground work of the federal system; the other *a rotten piece* in the gilded dome. That labourer's wife, who continually studies the comfort of her husband, who toils for her numerous children, and often gives them the bread from her own mouth, is infinitely *more of a lady*, than those women of quality, who carry a dress twice the value of their husband's income; who gad about from place to place to show their finery, and prattle nonsense; who find no pleasure in the nursery; nay, ruin husband and children by a cruel dissipation.

These are the sentiments of the noblest men and women in every nation, and in every station of life; and they cannot be too much impressed on America. If wealth and show is the great object, people will all run mad after gugaws, scuffle and trample on each other, and raise a bloody fray. Neither laws nor habits can here authorise any man to say *keep your distance*; and your right to a more *glittering bauble* will be disputed by many—what then can be done, but to teach all poorer or richer, not to overvalue these trifles, and at any rate to acquire them honestly. In Europe, an established order of civil society prevents a general infection by luxury—the middle gentry does not emulate the first nobility; and is not rivalled by the yeomanry: such vanity would be ridiculous. In America the maid too often vies with her mistress, and a common laborer can with propriety dress like a governor.

The question is not, whether other countries do not surpass America in avarice, luxury, and vanity; it is a poor consolation to a sick man, that his neighbour is worse. The symptoms of corruption so feelingly described by many good and wise Americans are not trifling, and they are founded on open well-known facts. The civil war in Massachusetts, and the treason of Rhode-Island are alarming proofs. Early marriages are marks of national prosperity, and have been very general in America; they are not so now, especially in the great towns—because women *not worth a groat* speak with scorn of 200 *a year*; and because pretty beaus and smart bucks prefer *English buttons* and Madeira wine to *the best American girl*. The patriots of America will then be sensible, that *a putrid fever is not to be trifled with*; principiis obsta, fera medicina paratur.

A regular progress of national wealth under the direction of virtue and taste, will considerably promote national happiness. The unequal civilization of America has in a great measure occasioned that false taste so well criticized by judicious writers.[c] That dress, says one, which unites

the articles of convenience, simplicity, and neatness in the greatest perfection, must be considered as the most elegant. But true taste goes farther—it has reference to age, to shape, to complexion, and to the season of the year. The same dress which adorns a miss of 15, will be frightful on a venerable lady of 70—But the passive disposition of Americans in receiving every mode that is offered them, sometimes reduces all ages, shapes, and complexions to a level. Our distance also from our models of dress, &c—a thin garment which will scarcely form a visible shadow, and was designed for summer dress in Europe, may just be introduced into America when frost begins. Yet the garment must be worn; for before the arrival of a proper season there will perhaps be a new fashion.—He justly commends the simplicity and neatness of the Quaker ladies, who by neglect of superfluous finery, dress with two-thirds of the common expence; and after a handsome compliment to the native charms of his country women, entreats them not to be implicitly directed by the milliners and mantoa-makers on the other side of the Atlantic. We behold, says Dr. Rush, our ladies panting in a heat of ninety degrees, under a hat and cushion, which were calculated for the temperature of a British summer.(d)—It is high time to awake from this servility—to study our own character—to examine the age of our country—In particular, we must make ornamental accomplishments yield to principles and knowledge in the education of our women."

A good taste is not the spontaneous product of sense and delicacy; it implies an accuracy of judgment, a refinement of sentiment, a perception of order and propriety, not to be acquired without long observation on men and things. Hence the greatest genius has an imperfect taste in youth—and the taste of a young nation cannot be perfect, for want of regularity in many things. The states of Northern Europe have suffered much from an indiscreet adoption of French manners—It is no wonder that America a young easy country girl should prejudice herself by an unreserved imitation of Europe, and especially of her grandam Great-Britain.

(a) *Prov.* 30. 8 *give me neither poverty nor riches.*
(b) 1 *Tim.* 6. 10.
(c) *Webster Pennsylvania Packet*, 15*th February*, 1787.
(d) Thoughts upon female education—United States. page 19.
a piece wrote with taste and judgment.

26. Foreign Spectator
Philadelphia Independent Gazetteer, 25 August 1787

But though America is a young country girl, she is not just come out of the woods; she has seen enough of the world to know something of

what is good for herself. It is true, my dear! grandam Britain has brought thee up, and taught thee many good things—but thou must not always go in leading strings; thou art now *of age*—Besides the old lady is whimsical and childish; and she has not yet forgot the last squabble, when she disputed thy age, and sent those greedy lawyers with their surly constables to seize thy estate; and in mere spite ordered her hunters to kill thy sheep, and burn thy houses. She went deep in debt to pay these fellows; and she expects to drain thy pockets by this trumpery, of which she has sent so many boat-loads. Pray my dear! pull off that *big, ugly hat*; it looks like a market basket; it hides thy pretty face, and snowy neck; and makes thy head twice too big for thy body. That *nasty, heavy cushion* will give thee a bad head-ache in the hot sun, and the wretched hysterics, that make thee peevish and low-spirited—what with the powder and a heap of lard, it may fill thy head with vermin—Tear off that load of horsehair foolishly called a *bishop*, from thy back—Thy grannum wears it against rheumatic pains in her hips; and, for all I know, as an amulet against witch-craft, as she is a little superstitious, and has great faith in wool-sacks.[a] See, how you hobble with it—You cannot take one sprightly step in a cotillion—You look humpbacked, and frightful—besides, it will heat your innocent blood—nay, give you a dangerous fever; you may depend upon it, many pretty girls have fell victims to a silly vanity.[b] Gallant Svecia some years ago, catched a dangerous cold by sleighing to christmass frolics in flimsy silk and bare-necked.[c] Poor Corsica lost her senses by a silly pride, and after a long illness, in which she was continually blooded and plied with nauseous drugs, she recovered, but so poor, that she was obliged to go into service. I am no churl, my dear—I will not order you the black broth of Sparta, or the Highland plaid. No—thou art a wealthy heiress with 13 or 14 fine farms, and very wide outlets—dress, but with œconomy and taste. Wear thy silk shoes in a carriage or on a clean pavement, but don't trape with them in muddy roads. I like that neat bonnet, and white robe you wear at meeting; it is an emblem of holy innocence. When you go to a ball, dress with ruffles, ribbons, and a feather or two; but don't encumber thy head with streamers, and make it like a peacock's tail—I was often in pain for thee at the concert last winter, lest a candle should fall upon it, and burn thee up; such a death would be dreadful, nor so honorable as that of thy gentoo sisters, who go to heaven in the flames of a beloved husband's funeral pile.

Thou art fond of tea in China cups—very well; but do not send away all thy silver for painted clay; buy rather a silver tea-pot; it can be melted in time of need. As for those fine carpets, that cost 20 and 50 pounds; I really wonder at thy silly taste—are not thy flowery meads and blooming parterres superior to all the wonders of Persian looms? I have seen

thee to simper on Frank Sprightly, who took thy part in the law-suit, and got a bloody nose by the constables—He is a gallant man; be grateful and pay him well—but do not set thy heart upon him; he is too much of a courtier for thee—his fine sword knot and embroidered coat suit better for royal dames. He has wrote some pretty novels; I have known harmless girls by reading them, fall in love with him, and half break their hearts. Thy lands, my dear, yield plenty of fine products; take a pride in making a good cheese, and a nice pye; in wearing a cloak spun with thy own hands—despise those flirts, who are above such valuable cares; thou wilt have time enough for innocent pastimes; for reading the Vicar of Wakefield, Mrs. Chapone, Thompson, and other good books, and for acquiring every necessary accomplishment. Make your people mind you; many of them are idle, licentious and interested—Order that fellow to strip off his ruffles, and go into the workshop; drive this toper from the tavern into the cornfield. Some of the tenants of your farms behave very ill. One had pawned his gun for rum and a scarlet jacket, and sent to borrow one of your *guardian*[d] to kill blackbirds and foxes with; but he like a man of sense refused. His neighbour, that had such a fine crop of wheat on his extensive farm, paid you in money, that the other day would not buy a cucumber,[e] though it is now better. The tenant of your rich rice-plantation[f] rides in a 400 pounds coach, and has a number of blacks in livery; but pays his creditors with a sham-writing, called the pinebarren law. The rogue on the Island pays dollars with shillings, and would fain burn every person that swears or laughs at him. A sturdy fellow on the green mountains[g] pretends that the farm is his own. Nay, the brave Mathias in the Bay,[h] who was so faithful in thy minority, and drove the whole gang of sheriffs, constables and hunters into a pen—has been fighting for 8 months with his own children and domestics; the poor man raves about money, deeds, notes, warrants, rum, and fish—swears and prays by turns. Your woodmen and hunting parties have also drawn you into a quarrel with Lord Sebastian.[i] Your step-brother who took his grandam's part, and lives on your frontier[j] is not to be trusted.

I am sorry, my dear girl, that your extravagance and carelessness has brought you to poverty, disgrace, and danger. I saw you lately flaunting in a shabby silk gown without a pocket-handkerchief—what is worse, you have been a gambler these several years—nay, you have passed false money. Your creditors are importunate, and threaten you. I entreat thee by all that is dear and sacred, be wise in time; recover every virtue; seek every noble grace—confide in thy *guardian.*[k] He is a man of sense and experience—he has been thy faithful friend—he will take care of thy life, honor, and fortune; and make thee one of the first ladies in the world.

(a) *Those used for cushions in the house of Lords.*
(b) *The Swedish nation is brave, religious and gay; and was some time ago too fond of foreign modes—a cause of great calamities.*
(c) *Corsica got deeply in debt to Genoa by silks, velvets, lace, &c. this caused a rupture with that Republic, and the final conquest by France. See Stuart's Pol. Oeconomy on banks.*
(d) *The Legislature of New-Jersey lately petitioned Congress for the loan of some continental artillery.*
(e) *Pennsylvania and paper money.*
(f) *South-Carolina.*
(g) *Vermont.*
(h) *Massachusetts.*
(i) *The back country people, and King of Spain.*
(j) *The refugees.*
(k) *Congress.*

27. Foreign Spectator
Philadelphia Independent Gazetteer, 28 August 1787

A National taste has a near connexion with principles, sentiments, and manners; and is therefore more or less congenial with the established mode of government. Some amusements and ornaments are too trifling even in absolute monarchies, A great lord, who with airs of importance details the petty anecdotes of a court; when the king coughed; what he eat at supper, &c.—who deems the step of a new minuet as important, as a new manœuvre in tactics—such a one is a despicable animal; a generous beggar would not envy him his gilded chain. Hence the same court differs extremely in different reigns—The courtiers of a great prince are statesmen, generals, philosophers and poets; men of genius, wit and elegant manners—a voluptuary, a petit-maitre, or a blockhead will be surrounded with fools, bachanalians, and gaudy butterflies. In republics almost every person has a hand in forming the government; and great numbers govern in their turn—manly, noble sentiments are therefore necessary among all orders. What will become of a republic, when electors can be bribed with hams and punch; and their wives with gauze and fans—when the representatives deem Champain wine and a gold-headed cane principal ingredients of happiness? You object, that I suppose an uncommon degree of depravity—no, but a mind that admires little things, is incapable of what is great. A *child is not corrupt, because it cries for sugar plumbs and a rattle*; *but he is childish.* I have said before, that men must be governed by adjusting the balance of their passions. It would be absurd to expect pure virtue and exalted

patriotism in a majority of the best people—but with the same degree of probity and in the same situation of life, one man is proof against a temptation, another not, merely from inequality of taste. Weak people want many things, and long even for trifles—but a person who forms a just estimate of human life, is sensible that happiness does neither depend on the multitude nor quantity of external objects. Some species of taste have for objects order, simmetry, grandeur, system, &c.—these are allied to very valuable intellectual faculties and moral sentiments. I grant, that the view of a noble palace and a charming villa may shake the fidelity of a second rate patriot; yet, if he is a man of real taste, and does not desire these objects merely from vanity and avarice; I will trust him more than a landjobber or a beau. The man, who regards his wide marshes only as a range for cattle; or the fop who anxiously deliberates, whether he shall have 13 *or* 14 *buttons on his coat*; deserve not to be chosen guardians for the United States. Be a king in your amusements, said an excellent governor to his royal pupil,[(a)] and accordingly he does not turn buttons, nor to kill time, destroy harmless animals; but he designs palaces and gardens, and superintends works of genius. Americans, be republicans in your taste: A principal advantage of wealth is *independency*, which sets us above the power, humor, and even favor of others; obligation from worthless people is painful; and no generous person will burden his friends. Pursuit of wealth in this view is very laudable in America, and will not foster vanity or avarice, because a small competency is sufficient, and also entitles to a share of political power.

Servile imitation of modes otherwise indifferent, indicates a diffidence in our own judgment, or a want of spirit to eat and drink, dress, ride, build as we please.—The most corrupt aeras are therefore remarkable for an absurd taste, as I could easily prove from ancient and modern history, if I had more leisure. An orderly neat oeconomy, where all the parts are arranged in a system, mutually support and facilitate each other, and conspire to produce ease, affluence, tranquility, pleasure, cleanliness, elegance, is the work of a judicious, well-disposed mind. Compare a neat farmer with a slovenly peasant—The one has a continual regard to time and place; he plows and reaps at the very juncture; sometimes he would not lose an hour for many pounds; he chearfully expends money and labor on a distant but sure profit; he tries valuable discoveries, without risquing too much; what others throw away, or leave for a nuisance, he converts into gold. He leads the murmuring brook in pleasing mazes through the meadow, and sprinkles the borders with lillies of the valley; by lopping and brushing his woods he gets plenty of fuel, and makes them beautiful parks; he drains an ugly,

unwholesome swamp, by forming an agreeable fishpond. He makes his little farm the seat of plenty, liberty, domestic bliss—Will not this man by a proper instruction be a politician! has he not judgment, activity, a love of order, an independent spirit, a mind not wholly intent on gain, but blending in every thing the useful with the pleasing! Conscious that a farm cannot be managed without a proper arrangement of an hundred different affairs—must he not be deeply sensible, that the great and difficult affairs of a *grand republic should be directed by a concert of wise and patriotic minds!* is he not necessarily *a federal man.* The large plantation of a sloven is but a *mangled wilderness.* His extensive fields ill fenced and badly tilled seldom yield half a crop; his meadow is overrun with *Indian grass*; the cattle has broke down his fine peach orchard; the hogs have devoured his corn—some pannels of fence were bad, and he *did not think* they would get in just there; his cows lost their heels by driving all winter in the snow; he lost a fine crop of hay by loitering a day at the tavern, because it was *only likely for rain*; his house is open and leaky, by which himself has got a severe rheumatism, and a pleurisy carried off his wife. Will you believe, that *this brute* can be a good citizen of *any free country*! Is not every thing about him *antifederal*? Has he half the sagacity of a beaver! or half the sensibility of the swallow that nestles under his shed, who, anxious to make a comfortable nest for his mate and expected young ones; hunts round the country for suitable materials; goes and comes a thousand times with a bit of clay, or a hair; and after finishing with endless toil his little family mansion, makes the bridal bed with the down from his breast, thus bared to the piercing blast of March.

Wealthy Americans ought to devote a considerable portion of time to reading and conversation on political subjects, and polite learning. To promote national improvements in agriculture, manufactures, police, legislation, education of youth—is their duty, and should be a pleasure. Their oeconomy should be distinguished by a solid, elegant, moral, patriotic taste—Architecture, philosophy, agriculture, ornamental planting, a generous festive hospitality become them well—*To lead the rural life in all its joy and elegance, such as Arcadian song transmits from ancient uncorrupted times.*[b] When America shall have manufactures of her own, or be more able to buy the articles of costly apparel: gentlemen can with propriety wear splendid dresses; at present a plain suit will do in a fine house, or elegant carriage. Excellent horses can be raised in the country; and many articles of a phaeton or coach are also American—Besides the greater number are unable to imitate this species of luxury. I am sorry that so many gentlemen follow horse-racing, and know the *genealogy of an English* horse better than the *history of their*

own country. Have they not read enough about this bad, unhappy taste in Chrysal and so many English authors. What! an American with a great estate, whose ambition should be *to figure in Congress*, running a horse like *a silly boy*, and spending his time among *jockies and grooms*. Speed is not the first quality of a horse—I admire beauty, strength and valour—I love him that faithful and valiant carries me against the roaring battery and front of pointed bayonets; and though his noble breast is gored in blood, resolves to conquor or die with me: I value him infinitely more than one who has won five hundred purses and seen a thousand foxes die.

I scorn to corroborate weak reasoning with the highest authority; but good sense on American interest may well be enforced by the sentiments of Washington and Humphreys.[c]—

Angels might see with joy, the sage
Who taught the battle where to rage,
  Or quench'd its spreading flame;
On works of peace employ that hand,
Which wav'd the blade of high command,
  And hew'd the path to fame.—
Thy happy seat inspires my song:
  With gay perennial blooms,
With fruitage fair, and cool retreats,
Whose bow'ry wilderness of sweets
  The ambient air perfumes—
Here lap'd in philosophic ease,
Within thy walks, beneath thy trees,
  Amidst thine ample farms;
No vulgar converse heroes hold,
But past or future scenes unfold,
  Or dwell on nature's charms,
O God, the source of light supreme.
Shed on our dusky morn a gleam,
  To guide our doubtful way:
Restrain dread power! our land from crimes,
What seeks tho' blest beyond all times,
  So querulous an age!
What means to freedom such disgust?
Of change, of anarchy the lust!
  The fickleness and rage!
So spake his country's friend with sighs.
To find that country still despise

The LEGACY he gave;[(d)]
And half he fear'd his toils were vain,
And much that man would court a chain;
And live through vice, a slave.

(a) Letters from an old man to a young prince, *the present King of Sweden.*
(b) *Thomson's Autumn, page* 141.
(c) *Mount Vernon, an Ode inscribed to General Washington, by Colonel Humphreys. Columbian Magazine for January,* 1787, *page* 246.
(d) *An indissoluble union of the states under one federal head. His farewel letter to the states.*

28. Foreign Spectator
Philadelphia Independent Gazetteer, 30 August 1787

As this military poet well remarks, a querulous people will, by the lust of anarchy, finally become slaves. Discontent with a good government gradually weakens its energy; consequently multiplies the vices and disorders, which are the sources of misery and further corruption; and either kindle a civil war, or bring on a foreign conquest—avarice, luxury, love of show and dissipation, pride, want of subordination, envy, resentment necessarily tear asunder the bands of society; and make it a bloody scene of contending parties, or an easy prey to other powers, I shall in due order prove that, without a powerful federal government, America may very soon experience such calamities; at present I shall enquire into the cause of this querulous disposition.

It is true, that people in some branches of trade, and some of the labouring class in towns, may with reason complain of hard times—but do we not hear the same complaint from independent farmers who live in plenty, and can lay up a great part of the hard money they get in the markets? and from citizens who can buy the best provisions, dress, keep horses, and build houses? I scruple not to assign two peculiar causes of this discontent: *an immoderate fondness of wealth*; *and a deficiency of social enjoyments.* The first causes, too often, needless toil, anxious cares, uneasiness for disappointment, grief for trifling losses, envy, suspicion, fear, deception, neglect of payment, vexatious lawsuits, &c. The daemon of gold frequently blasts the pleasures of company; a number of people talk for hours about making money, dull trade, hard times—the flowing bowl does not exhilarate, but beats the passion for gain—instead of the chearful song and festive conversation, political complaints grow louder, and the hissing at taxes goes round the room—

perhaps a bargain or some kind of swapping is proposed, in which the unwary is sure to be taken in. Taverns are in many places the only rendezvous of social entertainments, and become scenes of rudeness and gross debauch. Why cannot people entertain at their own houses—good provision is plenty; less liquor would be used; the women would render the entertainment more decent and agreeable—It is cruel to confine them to domestic cares and the little chit-chat of the tea table; a generous man would certainly prefer the amusements, of which his wife and daughters may partake. The elegant song, the sprightly dance, witty sentimental plays, have the happiest effect on social and civil virtues. In these amusements the imagination is enlivened, and many a *tender string of the heart vibrates*; the cares of avarice, and the stings of vanity dare not intruder people neithar think of their hundreds and thousands, nor do they compare their dresses—the girl who is most agreeable, who speaks, sings, dances the best, is most esteemed whether she wears a silk—or a callico gown; and the man of sentiment and wit far eclipses the *rich clown*, and the gaudy beau—This harmony of social joy will not be disturbed by the dismal croaking of political ravens; it will not bear a single harsh note of *trade*, *tax*, *excise*, *loan-office* and the like; even the dear word *money* is hateful here; the *splenetic dark bird of prey* is drove off to his *carrion*, *tender-laws*, *soldier's certificates*, *the lying scandalous gazette*, and the bowl of stinking grog. I pity and despise the man who is not affected by the genuine love song, the tender elegy, the military air, and patriotic ode. A girl of taste will not marry a young fellow who is not delighted with the *highland queen, guardian angels*, and *why tarries my love?*[(a)] The beautiful elegy from Ossian—*'Twas night and on the hill of storms*, might prevent many fatal family feuds. The simple but very pathetic *'Twas at the fearful hour of midnight*, may reclaim many a thoughtless vicious rake, and preserve the virtue, honour, happiness and life, of many fine young women. If early and happy marriages are of importance, the song *When on thy bosom I recline*, is also very valuable.[(b)] What American can without feeling himself more happy and virtuous, hear some of the songs made in the last war! Can any man be *antifederal* on hearing *how Montgomery fell?* where is the wretch, who can undermine by assiduous arts, or lawless liberty, the empire for which heroes have scaled the lofty walls of Quebec at the midnight hour of a Canadian December, and through eleven wounds breathed their generous souls on the snow of a dreary clime, far from wives, children and friends.[(c)]

It must not be concealed, that many persons make religion too grave and austere: the unreasonable pernicious doctrine, that innocent amusements are inconsistent with Christianity, withdraws numbers of youths

from the paths of virtue; creates surly and selfish dispositions; it favours avarice in a degree very amazing; because when life is engrossed by the pursuits of gain, and the gratifications permitted center within ones self, the heart grows more narrow, and devoted to interest. Levity and dissipation are out of question—But shall any man dare to represent God as a gloomy tyrant! is not his *kingdom peace and joy?* are not the *ways of heavenly wisdom pleasant?* How can a Christian condemn music, when the felicity of heaven is in part represented by it? Does not the wise king say, that *there is a time to laugh, and to dance*—That inferior dancing, which only promotes exercise and gaity, is yet preferable to vulgar amusements—but there is a kind of dancing, that requires dignity and delicacy; in which the brocade shoe and diamond buckle, the liveliest activity, and the most elegant form are not sufficient; when the soul is seen in the beaming eye, the animated feature, and glowing tint; and the whole frame vibrates to all the varying movements of a fine sensibility, like a harpsichord under the hand of a master. After such a dance a woman feels herself a more affectionate wife and daughter; and a young patriot is well disposed for a grand national debate, or to meet his country's foe sword in hand, I know this will appear nonsense to some grave sensible people; but I appeal to competent judges. Without disputing about particulars, rational, innocent, ingenious, social amusements are of great consequences to manners and national felicity.

A disposition to view everything on the right side, is better than 10,000 pounds a year, says Hume; it is worth millions to a republican people, especially in some situations.

An assembly room in every township under the direction of the most polished of both sexes, would excellently promote civilization. Sensible preachers will no doubt sometimes choose the generous texts of Solomon, f. e. "Better is an handful with quietness, than both the hands full with travail and vexation of spirit: There is nothing better for a man, than to let his soul enjoy good in his labor. For God giveth to a man who is good in his sight, wisdom, knowledge, and joy, but to the sinner he giveth travail, to gather and to heap up."[(d)]

(a) *A new Song called the Pidgeon.*
(b) *The first verse—"When on," &c.*

Delighted still to call thee mine,
To call thee mine for life;
I glory in the sacred ties,
That debauchees and fools despise,
Of husband and of wife.

(c) *A song on the death of Montgomery.*
(d) *Ecclesiastes* 4. 6. *ditto* 2. 24, 26.

29. Halter
Philadelphia Independent Gazetteer, 30 August 1787

MR. OSWALD, A writer, under the signature of Z, in the Freeman's Journal, has opened a battery against the Convention, and by abusing some of its members, is trying to lay a foundation for a formal opposition to the new federal government in Pennsylvania.

It is granted that all the members of the Convention, for this state, are of the city; but there was good reason for it. Seats were offered in that learned body, to several country gentlemen, but they refused to accept them, because *no salary* was connected with them. If it be a crime to serve our country for nothing, then our members of Convention are guilty indeed. With an empty treasury, and a sinking funding system, how could they have acted otherwise? They have gained the praise, we are told, of every member of the Convention, for their great abilities and zeal; and I am sure they deserve the thanks of their countrymen. N. B. None of them are in office, or office-hunters.

Should any body, or party of men, object to the new government because all the members of the Convention, from our state, were taken from the city of Philadelphia, they would resemble a man dying with hunger, who refused to partake of a good dinner because he had no hand in cooking it.

Those men who are preparing to oppose the new government had better take care of themselves; it is well known that they hold, or expect, lucrative offices, which they fear will be lost by introducing a government that will be less expensive to the United States.

If they persevere in abusing our worthy, and most useful characters, and *treasonably* oppose the only thing that can save our sinking country, they may perhaps repent it. The spirit of the people is up, and if a coat of *tar and feathers* will not deter them from their seditious practices, they very possibly may meet with a HALTER.

P. S. As for Mr. Z's attack upon the bank, I care nothing about it; and as to his abuse of the Assembly, for settling the dispute at Wyoming, without a civil war, I think the Assembly deserve to be commended for it. For a war, besides being impolitic, would have cost, in one year, more than ten times the worth of the lands *given away*; and ten thousand times more than the neck of the reverend author of the Easton Resolves is worth.

Northern Liberties, August 28, 1787.

30. Foreign Spectator
Philadelphia Independent Gazetteer, 1 September 1787

Laws have a near connexion with manners, and thereby a great influence on government, independent of their direct support of it. Want or bad execution of important laws renders people licentious, and by a longer continuance impatient of all rule and order. Needless severity is inconsistent with a free, generous government; but injudicious mildness is far more dangerous, where the people have an overdriven sense of liberty. Instability of laws creates a diffidence in the wisdom or integrity of government; and prevents or destroys habits, which on the generality of men have a greater effect than clear sense, and sometimes pressing interest. Multiplicity of laws is also the work of a weak legislature, as a bungling architect encumbers a building with materials that weaken and disfigure it. It is a great art, to make *preventing laws*, i. e. such as cut off at the root those evils, which, if suffered to grow, produce an hundred laws, numberless lawsuits, many punishments, and endless trouble. Laws ought by all means to enforce those political virtues, which are the pillars of the constitution—These are in America, *integrity*, *benevolence*, *sincerity*, *and a degree of generosity*: If the United States will not do reciprocal justice; and warmly promote the common weal; all is lost—If they cannot generously despise occasional temptations of a separate interest; if they cannot confide in each other; and to a certain degree have an implicit faith in a federal government—the union will at least be jarring, difficult, liable to danger, and far less happy. The laws should therefore be pointed with peculiar care against every kind of dishonesty and fraud; against licentiousness in general, but especially that kind which breaks out into acts of cowardly deception, and mean selfishness. I shall only mention a few things by way of example. A very defective police in very essential matters is a great nuisance. In some places a bridge remains for years in a dangerous condition, and several persons nearly escape with their lives. What idea must this give a reflecting person of the government; has it not the sense or power to redress the grievance! What effect will it have on public manners, when a few pounds are begrudged not for conveniency, but safety! When women with children in their arms travel on horseback, and often in the dark, over such a place! Can those men be concerned for the happiness or the *existence of the United States*, who expose their *sweethearts*, *mothers*, *wives*, *and babes*—No custom can to a feeling mind reconcile such barbarous neglect. Purity of manners is very necessary in republics; but a want of it in America would be a symptom of greater corruption; because exceeding few women are by a cruel indigence

tempted to sell their virtue, or at least receive the insidious friendship of a seducer—that debasing inequality is not known, which may induce a vain and less virtuous girl rather to be the mistress of a nobleman, than a laborer's wife—marriages are not impeded or forced by poverty or the necessity of living in a certain stile: this neither separates true lovers, nor urges the *titled wretch* to give his daughter's hand without her heart. In this state of society, illicit amours evidence in most cases a greater relaxation of moral principles; a degree of vanity, luxury, avarice, licentiousness, insincerity, very baneful to federal states. It is an execrable species of false honor, and happily as yet little known in America, that permits a gentleman, who scorns to be a villain in other things, to steal from his best friend the heart of his wife. Yet, where so many women wed only to wealth and title; where so many husbands think a wife's fondness even troublesome, and are glad of a cicisbeo; where loyalty, pride of rank, and a military force support the government; this corruption is less dangerous—But in America the marriage vow should be sacred, and its violation an atrocious crime. Seduction of young women must also be very criminal; and should in most cases be marked with peculiar infamy, and severe punishment.

Ye generous maids revenge your sex's wrong;
Let not the mean destroyer e'er approach
Your sacred charms———

America protect thy lovely daughters! Spurn from thy councils, from the bands of thy brave warriors, the *perfidious deceiver*, who by labored sighs, sacred oaths, and a thousand solemn vows, wins *female tenderness, and trusting innocence—the base voluptuary or despicable coxcomb*, who to gratify vanity or animal appetite, destroys the happiness of a whole family, regardless of *a father's grief, a mother's never-ceasing anguish—the infamous coward*, who exults in the insidious conquest of *female weakness*, the spoil of innocency, the ruin of beauty—*the barbarian, who brings to an untimely grave the lovely maid, that would die for him, or what is worse, to a disgrace, that all the tears* of *repentance, all the blood of a broken heart, cannot wash away.*

A legislator must know, that as he stamps the value of the national coin; so he does by rewards and punishments in a great measure fix the public estimation of virtue and vice, honor and shame. Although, therefore, a crime is not very common, yet if it falls under the observation of many; and especially by interesting the human heart, becomes a topic of conversation, in which all circumstances are discussed with a moral criticism—it must be deemed infamous by the laws? or it will

weaken the moral principles of great numbers, and become the practice of many. In a country place, where the people have much leisure, and few interesting occurrencies, the misfortune of a girl is an important event, and if not severely punished, will bring on the ruin of many.

In the present situation of the United States, an extreme love of liberty, and immoderate fondness of wealth and its external enjoyments, are general and dangerous political faults. From these have sprung all the deplorable private and public embarrassments; with that defect of public spirit; that want of confidence between man and man, between the people and the government, which threaten the union. The sharpest artillery of the law must be pointed against these monsters. Be prudent, be mild; but remember that improper lenity is cruelty, that a *cancer must be cut with a bold and steady hand*. With a proper regard to time, place, and persons, some articles of luxury may be entirely prohibited, or much restrained; the use of things less necessary may also be limited—because a man of sense and an independent spirit will rather want them, than be *poor, unjust, and deficient to his country*; and others must not be permitted to injure themselves, their fellow-citizens, and the commonwealth. Extortion and every kind of fraud in dealing should be marked with infamy, or, if that is not effectual, severely fined. Neglect of payment, when it can be made, is want of honesty, and punishable. Overtrading, and an extensive credit, have been great evils of long standing in America. They necessarily, at the best, corrupt the great principle of integrity, A landjobber, or adventurer in trade, plays with the money of other people, because the change of human affairs forbids a sure calculation of future profits; he cannot be punctual in payment, and is reduced to numberless paltry shifts, excuses, solicitations; and by the habit of breaking his word even to his friends, a state of dependence, and the necessary endurance of contempt and insults, he will gradually be a *knave*, and a *mean fellow*. To prevent credit will therefore be an important object of laws at present. I shall conclude this subject with some quotations from Webster's essay.[(a)] "Multiplicity of laws, and frequency of litigation, weaken a respect for the executive authority; destroy the principle of honor, and transfer the disgrace, which ought to follow delinquency in payment, from a man's reputation, to the administration of justice. In our governments, the men who owe the money, make the laws; and a general embarrassment of circumstances is too strong a temptation to evade or suspend the performance of justice. Another effect of extensive credit is a multiplicity of lawyers—The profession of law is honorable—but, in some of the eastern states one half or two-thirds of the lawyers are mere collectors. They

bring forwards suits for small, undisputed debts—recover judgment upon default—take out executions, and live upon their fees."

(a) *Pennsylvania Packet*, 21*st February*, 1787.

31. Philadelphia Independent Gazetteer, 3 September 1787[1]

We learn from Wyoming, that a dangerous combination of villains, composed of runaway debtors, criminals, adherents of Shays, &c. is now actually forming on the river Susquehanna. *Tioga-Point* seems to be their general rendezvous. They extend some distance down, as well as up the river, including also *Tioga Branch*. They have had a gathering to council of their principal partizans, who oppose the introduction of law in that settlement. They carry every thing with a high hand, in open defiance of all government, except their own: last week they were to try a man for his life, who refused to comply with their injuctions; but the issue is not yet known. Their avowed design is to institute a *new state*; and, if they are not timely checked and restrained, will soon become very troublesome and dangerous. They encrease very fast, and their present numbers are by no means inconsiderable. Immediate and decisive measures ought to be taken against them; but it is to be lamented that our governments admit of no decision. It is for the want of energy in this respect, that we see *banditties* rising up against law and good order in all quarters of our country.

1. Reprinted: *Pennsylvania Herald*, 5 September, and *Pennsylvania Mercury*, 7 September, and thirty-three other times from Maine to Georgia by 15 October.

32. Foreign Spectator
Philadelphia Independent Gazetteer, 4 September 1787

I have now shewn, how federal sentiments must be acquired by education, manners, laws, morals, and religion; and proceed to consider how they may be promoted by civil institutions—my reader will please to remember, that the political arrangement of a federal system is my object only in this view. There can be no republican liberty, but where the great body of the people does by representatives exercise the sovereign power. A great number should therefore be qualified to rule in their turn—the far greater majority should have the knowledge and virtue of electors—the whole nation ought to have a warm zeal for liberty, integrity and courage to intimidate the boldest ambition; yet be generous enough to love and respect a good government, and to support it with their lives and fortunes, we may heartily despise those politicals, who pretend to establish a noble republican system only by a

nice balance of civil powers. Can a Palladio erect a palace, that shall be the wonder of ages, with untempered mortar, soft bricks, and rotten timbers! Can a Vauban with such materials form national bulwarks, that shall mock the fury of batteries, and the disperate attack of the forlorn hope. Suppose the Turkish Sultan had a mind to transform his vast despotic empire into a federal republic, and had for this purpose all the best politicians in Europe and America, and the honorable Federal Convention; do you think, he could do it? No, a dreadful civil war would kindle from the Black Sea to Lybia, and the blood of a million would only cement the vast prison of slavery. In the republican edifice, the people are not inanimate materials, but *living stones*. They must not only be sound and proper, but also willing to lie, to stand, *to join* as the architect wishes, nay, to go into their proper places; because in a free country there is no machinery strong enough to hoist massy stones and heavy timbers against their will—no iron capable of trussing a roof, when the rafters will not join—no force to fix a kingpost against his inclination—to make the stately columns, that bear up the dome, stand in their places—The very stones of the foundation can, if they please, begin to fight, and like a fatal earthquake shake the whole fabric into a heap of rubbish. Reflect on this ye federal people I Spurn the *crooked stick*; let the unwieldly mass *stick in the mire*; despise every *showy but hollow hearted tree*; be like the *best freestone*; *firm*, *sound*, *invariable*, as your live oaks and evergreen cedars—consider also, that the stones, however solid, must be smoothed and joined by the *yielding well tempered* mortar; that discord is a bursting mine. Ye political architects! exert all your skill; poise your centers of gravity; calculate the weights and bearings; Consult the plans of Montesquieu, Harrington, Stuart, Hume, Smith,[(a)] and others—but consider that never did so much depend on the quality of the materials; ameliorate and innoble them therefore by all means; improve their solidity, firmness, cohesion; animate them with the generous spirit of true freedom: make them say—*here we are, place us where we suit best*: *that is the post of honor, whether in the lowest part of the foundation, or in the towering arch.* Then shall your masterly hands rear *a grand temple of federal liberty*, perennial as this western continent, and the sun that gildes it with his mild evening rays.

THE PRINCIPLES of SENTIMENTAL POLITICAL UNION.

Not only the necessaries and conveniencies of life, but the principal enjoyments of human nature, depend on society. The Great Creator has therefore given us strong social passions, and the best minds have the most of this moral magnetism: The little girl that weeps for her doll, will be an excellent wife and mother—A man of sensibility would

in a wilderness place his affections on the most beautiful trees. A well-ordered political society is a theatre for the noblest exertions of human genius, the best feelings of the human heart. To be the guardian Angels of a nation, to chain the monsters that ravage it; to repel daring foes; to diffuse the heavenly light of virtue and knowledge; continually to open some rich source for the ease and comfort of mankind—must indeed be a glorious delightful employment. To form connexions with persons of enlightened and exalted minds; mutually to give and receive the glad applause, and respectful affection; to have the grateful esteem of the good and just; nay, to dispise the rage and falshood of the wicked; to pity and forgive well meaning enemies—all this is high enjoyment, while man is wrapt up in himself he is a mean little being; but when he steps out from his prison, he becomes great, and rises to an amazing glory. The generous patriot lives but for his country, and will gladly dye for it—his country's love of him is his very soul, entwined with every fibre of his heart; the dear thought of it is his last in this world, and remains with him through an happy eternity.

Inferior men will be also much improved by a social union. There is a native dignity in the generous affections, that strikes even the selfish, and often makes them forget themselves. Society calls many of these into play. The common object is a center, that attracts numbers of dissimilar dispositions, and thus brings them near each other—it becomes a source of reciprocal good-will, because they expect to attain it by joint endeavors; in this pursuit they frequently must exchange mutual good offices, and upon trying occasions sacrifice ease, humour, interest; leading characters will by their talents and public virtue, animate and attach the less sanguine; in action and conversation will arise the sympathetic passions of hopes and fears, grief and joy, admiration of worthy members, dislike of the bad, with all the congenial sentiments on the common cause. Self love itself, if not too sordid, is gratified in a social union—Besides a share in the common object, a new and often superior interest is acquired: the pleasure of acting as a member; the honor, dignity, importance, and whatever advantage that attend it; a participation of the merit and glory of eminent fellow citizens, and of the whole society, *all* which in a great measure reflect on every member. If therefore the common object of attachment is interesting, and a sufficient majority has those moral principles, which are the stamina of all rational government; the political union has a natural tendency to grow stronger—because the selfish passions will necessarily be weakened, or take a better direction; and all the sentiments of integrity, honor, private attachment, and public spirit, will encrease; by the exercise of social duties, by civil habits, and the gradual incorporation of

the body politic, which will be finally moulded into an excellent form, and animated by the same generous spirit. Let us then consider the principal bonds of a sentimental political union, and apply the theory to the United States.

(a) *On the wealth of nations.*

33. A Distressed Original Public Creditor
Pennsylvania Packet, 4 September 1787[1]

Mess. DUNLAP and CLAYPOOLE, One of your correspondents supposes it a "laughable" matter, that the distresses of America should be redressed by a new federal government. "It is taken for granted," says he, "by the generality, that something is accidentally wrong in our political machine, which a little skill and contrivance may at once put to rights, by the magic of a few resolves upon paper, not considering that the evils and confusions we experience have originated in a great measure with the *people themselves*, and by them *only* can be eventually rectified."

Now I beg leave to ask, whether any thing the *people only* can do for *themselves* will relieve the merchant, the ship carpenter, and the numerous classes of mechanics, who have been ruined by the navigation laws of Great Britain? Whether oeconomy in house-keeping in Philadelphia will keep our farmers from flying from a *heavy land tax* to the new states? And whether the widow—the orphan—and the citizen who is too old to labour, and who all anticipate poverty and misery in the extreme, from the deficiencies of the funding system of this state, afford a laughable scene, when they all with united voices cry out for a vigorous, efficient, protecting and paying federal government.

It may be a laughable matter to an officer of government, who can live under any kind of confederation, but it is not so to *a distressed original public Creditor.*

1. Reprinted: *Pennsylvania Gazette* and *Pennsylvania Herald* on 5 September. This item answers an article printed in the Philadelphia *Freeman's Journal*, 29 August (CC:69).

34. Pennsylvania Herald, 5 September 1787[1]

TO THE PUBLIC.

WILLIAM SPOTSWOOD renders his sincerest thanks to the Public, for the very liberal support with which they have honoured the PENNSYLVANIA HERALD; and, as some evidence of his gratitude, purposes to present them with an additional paper each week, during the sitting of the General Assembly. Though this arrangement (which will be considerably advantageous to the circulation of Advertisements) will not

be attended with any greater expence to his subscribers, it will oblige him to confine the PRICES CURRENT to one publication in every fortnight;—an alteration that must, however, be amply compensated, by affording him an opportunity to execute that part of his undertaking in a more accurate manner.

It is with reluctance he represents, upon this occasion, to the friends of the Herald, and particularly to those who reside in the country, and in other States, that the difficulty of collecting the payments (the sum is so small and the distance is often so great) will compel him to discontinue the delivery of papers to such persons as have not, before the expiration of THREE MONTHS, discharged all arrearages, and deposited the customary advance for the ensuing half year. By every exertion in his profession, he will endeavour to merit the patronage of the public; and he is persuaded that, in consideration of the great disbursements necessary to support the business of a Press, this application will not be deemed unreasonable or improper.

In the conduct of this paper, it has been the EDITOR'S wish to preserve an honest impartiality upon all controversial questions that have been offered for publication—to amuse with the novelty, and to instruct with the morality of the subjects presented to his readers. He is taught to flatter himself, that he has not been altogether unsuccessful in this department: and though he may sometimes have given place to a weak, or an injudicious system of reasoning, it must be observed, in his justification, that the FREEDOM OF THE PRESS OUGHT NOT TO BE RESTRAINED; and, consequently, that the responsibility of an author, ought not to be transferred to the Editor.

The Pennsylvania Herald will be published after Saturday next, on Tuesday, Thursday, and Saturday in every week.

Philadelphia, September 4th, 1787.

1. Reprinted in the *Pennsylvania Herald* on 8 and 15 September.

35. Foreign Spectator
Philadelphia Independent Gazetteer, 6 September 1787

National felicity in all its branches depends upon a strong and easy political union. True liberty is in fact nothing but a general, and not very unequal participation in the genuine blessings of society; and consequently forms a closer connexion in point of most real interests between the several parts of a nation. It is of importance to make them sensible of this reciprocal dependence, which too often is either forgot, or not sufficiently understood, and especially to point out circumstances, that are affecting, and raise the feelings of gratitude, esteem, pity, &c.

Extreme want of public spirit, and political crimes proceed often from ignorance and prejudice; how else can we account for the diabolical outrages committed by numerous mobs; we cannot suppose that 100,000 people can be wicked enough to burn their capital; or that a majority of the insurgents in one of the states intended a civil war. It is dangerous to urge with indiscreet zeal those national objects which are of a pecuniary nature, because the public attention will be too keenly fixed upon them, and thus encrease the selfish passions. I could wish one half of the compositions on trade, finance, &c. burnt; they turn the brains of people attached to interest, as novels have ruined many a fine girl. Property is very valuable; but God forbid it should be regarded as a principal national object. When government, learning, manners, all tend to create such a principle; national virtue is in great danger, and with it that noble integrity, and high sense of honor, which is the basis of national independence, glory, and happiness. I never could with pleasure drink liberty and property; I taste something like verdigris in the bowl—such a toast might somewhat become a little country that cannot subsist without a scrupulous attention to interest; but is unworthy of a nation like Great-Britain. Let America rather chose *liberty and honor*, *federal liberty*, or *federal virtue*. In monarchies the expression *high and low* is a mark of distinction; I will not say it will suit better in this country than *rich and poor*; but this certainly is not very eligible—*better and worse* would be preferable, as it includes a disparity in merit. When a people is tolerably virtuous, a national interest that engages the moral affections of the heart, has a very great influence. The very principle of such union is naturally solid and powerful, capable of doing and suffering a great deal; superior in some minds to all the allurements of fortune, all the miseries of life, and horrors of death—It also raises immediately a strong reciprocal esteem and affection; because the zealous supporters of a noble cause must be the friends of honor and virtue. The principal object of political union is to preserve the existence and independency of a nation, and to guard it from the calamities of war—This alone involves all that is dear to men, life, liberty, property, the safety and happiness of the dearest connexions; it also presents fellow citizens to each other as defenders and benefactors; and calls forth the noble sentiments of honor, valour, fidelity. In actual war this is generally an effectual bond of union. Even when a nation is not threatened with an invasion, or any extraordinary calamity, the army becomes a common object of attachment: its gallant exploits raise general congratulations, and all the agreeable sensations of national pride; their sufferings are viewed with sympathetic tenderness—he must be a dastardly wretch, that has no feeling for them, who often would be glad of the crumbles that fall from his table; who would purchase with blood

the water his cattle refuse; who protect him with wounds and loss of limbs. Wars carried on for liberty, religion, honor, and in the last defence of country, life, parents, wives and children, have produced those efforts of heroism, that will forever astonish the world. The Numantizes, a people in ancient Spain, closely besieged by Scipio Africanus, and denied any terms that brave men could accept, determined to die sword in hand: they made a vigorous sally, in which a great number was slain: the remainder fed upon these: being disappointed in a desperate attempt to retreat, they strangled their wives out of love: and having made a loud lamentation over their cruel destiny, they set fire to the city and perished to a man, some by the flames, others by their swords or poison.[a] It is remarkable, that this gallant people drew upon them this funest war by their fidelity to unfortunate allies. When the Hollanders were overwhelmed by the unequal power of Lewis the 14th, they resolved, in case of extremity, to abandon their country, and go to the new colonies in the East-Indies; they had for this purpose embarked their families and best moveables on board of a large fleet ready to sail at a moment's warning. Christiern the tyrant massacreed at one time 200 of the principal Swedes, and among them the father of Gustavos Vase, To make this hero lay down his arms, he threatened to put his mother to a cruel death. She wrote her son a magnanimous letter, beseeching him not for a moment to slacken his warlike operations, but to think only of Sweden *the common mother*: and was immediately ordered to sew with her own hands the bag in which she was thrown into the sea. Among the first German reformers in the 14th century, was Zisca, a valiant commander. He desired his partizans to take of his skin when dead, and to make a drum of it, promising them by his last words victory over the Catholics, whenever it was used. The event verified the prophecy—animated by this relique of their admired hero, with zeal for a religion sacred to him and them, they performed wonders and by enthusiastic bravery often defeated numerous battalions of veterans.

But as in this life was but a state of trial, the greatest virtues can only be exerted in scenes of distress—Nations that in a common danger, were a band of brothers, faithful in life and death, in time of prosperity forget that they are fellow citizens; quarrel like bad children about glittering toys; and sometimes thirst for each others blood.

The GRAND INTEREST of the United states is to preserve that INDEPENDENCY acquired by the *miseries of a seven years war*: by the patriotic sacrifice of so much property, and the utter ruin of so many families; by the most painful efforts against a severe and powerful enemy; by dreadful hardships under hunger and cold, disease, captivity; by *illustrious victories*, and the capture of two gallant armies. *Shall America*

wantonly break that POLITICAL UNION, *of which every link is marked with the blood of her bravest sons, the tears of parents, children, and conjugal mates*! Must not those be *execrable traitors*, who will change into *anarchy a liberty* bought with *such a price*, such *mighty woe*.

The cause of America kindled a dreadful war in the four quarters of the globe, and cost several nations torrents of blood; will she not appear *infamous to the world, if her madness* shall renew those horrid scenes! Almighty God convulsed several realms *to establish her grand empire*; *will He not deem her a murderer of sister nations, of herself and her children, a traitoress again* HIMSELF, *if she with sacrilegious hands tears the bonds of this empire*, and makes it a theatre of horrid war.

These are important, awful, and tender considerations, that should be warmly impressed on the minds of Americans. In case of foreign invasion or civil tumults, what man can say, my life and property is safe—who knows but cruel necessity may force him to *fire on the rank where his brother stands*; to fight in the cause, of which *his father* is a determined enemy, and by his very victory, blood and death bring him *into a prison or upon a scaffold*. This is by no means declamation. We need not consult the history of other nations, or enter upon a critical estimate of national virtue, to find whether the United States can be safe without a strong federal government. Has not one of the most civilized states been agitated with disastrous civil tumults! Does not Vermont hesitate whether it shall be a member of the union? yet it has a military spirit, and the congenial good qualities. Do not the back inhabitants pretend to set up new states at their own pleasure! is not Rhode Island divided in two parties contrary, as light and darkness, to wit—*honest men* and *knaves*. The tender laws and finance schemes of several governments, that are so oppressive to many of their own people, evidently prove, that without the coercion of a federal power, internal peace cannot long be preserved in the respective states. To expect that they should continue in peace with each other, would be the highest absurdity. I grant that the American character is not severe; but it is undoubtedly marked with an overdriven sense of liberty, and has in great numbers been soured by the animosities of a long civil war, and the embarrassments that have continued ever since—these causes necessarily inflame that propensity to party, common to all free countries, and always destructive without a proper check. Sweden was on the eve of a civil war, which nothing but the late revolution prevented. Great Britain would soon crumble into heptarchies, or at least act over the long civil war, if the democratic part of the constitution should become too weighty—yet these countries have natural checks and habits unknown in America. But what should be the objects of mutual

hostility, if the states are not controuled by a federal power? Alas! human nature is every where too prone to discover these—in America they are many and obvious. The western territory would be a fruitful source of contest—The disputed limits of some states another; as is too evident in the Wyoming contest—A third may very probably arise from the discovery of gold or silver mines, or some very precious materials for manufactures and trade in the vast unexplored regions—A fourth may be foreign and inland commerce: Billings-port, f. e. that commands the Delaware may suggest to the state of New-Jersey the idea of demanding a toll, like that of the Danish Sound. In case of disputes the great states would not probably stand upon compliments with the small; and their superiority alone might inspire a dangerous ambition. When a fire was unhappily kindled, religious prejudices, local and personal animosities would as usual be a dangerous fuel. Add to all this, that indigence and uneasiness under the present difficulties, but much more the idleness and profligacy of manners, that has increased so rapidly, would furnish numerous soldiers of fortune; and that the military spirit kept alive since the late war, would, in many, be like a sword in the hands of a madman.

(a) *Annai Flori* 2, *Cap.* 28.

36. Foreign Spectator
Philadelphia Independent Gazetteer, 7 September 1787

An American who has gained distinction both by the sword and the pen, says on this subject, "It is delicate: but it is necessary to contemplate it, to teach us to form a true estimate of our situation. Wars with each other would beget standing armies, a source of real danger to our liberties: they will lead to opposite alliances with foreign powers, and plunge us into all the labyrinths of European politics.

["]The Romans in their progress to universal dominion, when they conceived the project of subduing the refractory spirit of the Grecian republics, which composed the famous Achaian league, began by sowing dissentions among them, and instilling jealousies of each other, and of the common-head; and finished by making them a province of the Roman Empire. If there are any foreign enemies, or domestic foes to this country; all their arts will be employed to effect a dissolution of the union. This cannot be better done than by sowing jealousies of the federal head, and cultivating in this state an undue attachment to its power."[(a)] It is not uncommon to hear people say,—it cannot be the interest of any power to meddle with. Alas! nations are not yet civilized enough to know and pursue only true felicity—They are not indeed as

formerly, mad enough to make war, merely to show the world, how they can *kill and die*; but love of dominion and conquest is a disease of which the greater powers are not yet perfectly cured. *Commerce is the hobby-horse of the age*; *defenders of the faith, most Christian and most Catholic* princes, now cut the throats of each other, for sugar, rum, spice and gold lace, as they formerly did for titles and mysteries of faith—and it cannot be denied, that in a certain degree, commerce, manufactures, and colonization are necessary in countries full of people, and loaded with an enormous expense for the support of a splendid government fleets and armies. Nations have at present many objects, and they are more or less connected; the affairs of Europe are also extremely interwoven, and diffused throughout the world—hence the many causes of wars, that spread their flames over the globe. Wars and politics thus intimately blended is the trade of all the greater European powers; and it often degenerates into intrigue and insolence. A sportsman is delighted to pursue the fox through all his windings, and to bring his hounds into play, who are as eager for the chace as himself—perhaps he loses a crop of grain for the fox's skin, but it was his whim, and to make up the loss, he will next time hunt fat deer, or his poor neighbour's sheep.

When two powers are at variance, or a nation is divided against itself, it is common to step in as a mediator, under pretence of supporting the political balance, or of *a tender conscience, a magnanimous regard to the sacred rights of mankind*—but if you will not accept of this gracious mediation, it will be enforced by 100 000 soldiers—You must feed these on turkeys, roast beef, and plumb pudding; give them plenty of good liquors; lodge them in your best apartments; and at last pay them to the uttermost farthing—But very probably as they have kindly taken you under their care, because you cannot manage for yourself, they will be generous enough to be perpetual guardians, and keep your houses, lands, stores in their own hands—You may bless your stars, if they are contented with two or three provinces. Unhap[py] Holland is on the point of being devoured by several great armies, and may perhaps finally be divided among her powerful neighbours. Party is always delirious; but foreign intrigues make it quite mad, by enflaming envy and rage; by corrupting the luxurious, the greedy and the vain with fascinating gold; and by gratifying that ambition which is mean enough to be lifted high by a foreign hand, and to receive from it an iron rod for the oppression of fellow citizens.

Every part of this federal empire was gained by the sword, by distress, and slaughter—the land, from Georgia, to New-Hampshire, *has drank American blood*—the blood hounds of the western forests have torn many babes from the mothers' breast, many wives from the arms of husbands,

scalped and burnt them in lingering fires. What American can without horror, indignation and grief, reflect that a fatal disunion may basely throw under foreign dominion, *the plains of Saratoga*, *York Town*, *or the Cowpens.*[b] Here methinks I see every sordid wretch hang his head, and *every brave American clap his hand to his sword*, *and swear by the ashes of all their* fellow soldiers, and by their own noble hearts, *it shall not be.*[1]

It is but too probable, that disunion would cause the loss of our frontier states; but if no foreign power should interfere, it would yet produce catastrophes full of misery. "The United States may find by their own unhappy experience, that there is a natural and necessary progression *from the extreme of anarchy to the extreme of tyranny*, and that arbitrary power is easily established on the ruins of liberty abused to licentiousness."[c] The tempest would undoubtedly rage over the whole land for a long while, and heaven only know what horrid destruction it may cause—how many towns shall be burnt or pillaged? how many families shall be reduced from affluence to beggary! what numbers shall fall by the hands of brothers and friends! how many widows and orphans shall lament a Warren![d] how many parents mourn over a gallant Laurens![e] What darkness of barbarity shall invelope the nation! *what showers of blood must fall before the clouds break*! The Almighty himself, who can hush the thunder and in a moment calm the fury of the elements, cannot quiet the storm of human passions raised by the *abuse of a free will*; it must rage till baleful misery gradually restores the sunshine of reason, and virtue. After all, this destruction may not be repaired for ages, perhaps never—The fabrics thrown up on this *vast ruin* of the continent will not be like the *glorious temple of federal liberty.* The states powerful in fighting men, would probably make the weak ones vassals. Those where property is very unequal, would no doubt become haughty oppressive aristocracies. These are well described by their own citizens.[f] Baretty relates that any gentleman may with his cane part the populace when they fight: and that at Venice the nobles spit from the boxes into the pit; yet the people suffer most patiently this insult, and love those very nobles, scarcely giving vent to some short and comical exclamation, when their hands and faces are poluted. The excellent, but impotent king of Poland, thus laments the misery of his people who are not properly his subjects, but slaves of the grandees:[g] "We scarcely distinguish them from the brutes, which they maintain for the cultivation of our lands—I cannot recollect without horror that law, which imposes only a fine of fifteen livres upon a gentleman that kills a peasant." That state which may become an absolute monarchy, will be the best off, as this is infinitely superior to aristocracy, and much preferable to a turbulent republic—but even that government must for

a long time be very severe; for those who cannot rule themselves must have a very sharp master. When the several states shall after long and terrible convulsions at last come to some kind of settlement, they will undoubtedly have frequent wars, like all other independent states; they cannot surely expect an happier destiny than the most civilized countries in Europe, which seldom have peace for many years. Americans be wise! will you throw away independency, liberty, happiness, and become hewers of wood and drawers of water to foreign or domestic masters! will the conquerors of Burgoyne and Cornwallis be spit in the face—Ye heroes and patriots, that have waved the blade of high command, and directed federal councils, will you be trampled under the feet of mobs, or will you deign to court the smile of the greatest monarch!

(a) *Colonel Hamilton's speech in the Assembly of New-York*, 18*th February*, 1787.
(b) *In South-Carolina, where General Greene turned the fate of war.*
(c) *General Washington's Farewel Letter.*
(d) *Slain on Bunkers's Hill.*
(e) *Colonel, son of Laurens who was President in Congress, and confined in England.*
(f) *His account of Italy.*
(g) *A Defence of the American Constitutions by John Adams, page* 89.

1. This paragraph was reprinted in the *Pennsylvania Herald*, 8 September, the *Pennsylvania Packet*, 10 September, and twenty-five times from New Hampshire to Virginia.

37. Foreign Spectator
Philadelphia Independent Gazetteer, 8 September 1787

A well-ordered militia is the noble bulwark of every free country—It has often conquered veteran troops; and when a war makes a temporary army necessary, it will easily be formed by those, who are not the dreg of a nation, nor soldiers of fortune; who have something more than mere military honor; who fight for liberty, property, families, for their native land, the idea of which involves all that is dear and sacred to the human heart. It is absolutely necessary to keep up an high military spirit in the American militia, and to render this *military spirit federal*. They must, in case of an invasion, often march to the defence of each other; and in times of civil tumults quell antifederal insurrections, not only at home, but in neighbouring states. A military spirit may in part be promoted by mechanical habits, and an high admiration of mere courage; but it is then very dangerous—It will always *drink blood*;

and if it cannot vent its fury on a foreign foe, will create war at home—Bulldogs, that have for a long time wanted their prey, become mad; and as the sublime poet relates, he that to make his horses fierce, fed them with slain enemies, was at last devoured by them. That military honor which so generally animates the officers of standing armies, whether they fight for their own country or for allies, is indeed very dazzling—this evening to dance at a ball together, and tomorrow to meet with drawn swords, as happens when parties encamp near each other; or to compliment who shall give the first fire, when at least 100 must be killed or wounded by it, as was the case of the French and English at the battle of Dettingen—this is undoubtedly a mark of high civilized valour. Yet this honor is not sufficient for republics, because it regards war rather as a theatre of glory, than a trial of patriotic virtue, and values a Caesar much more than a Fabius; though this great man by his prudent conduct stemed the impetuosity of Hannibal; and the other to astonish the world by his talents,[a] became its conqueror, and the master of his own country. Marshall Saxe, who gained the battle of Fontenoy, though he was idolized by all France, yet languished *for want of war*, and died against his will on a bed—Such a man will not be a suitable commander in republics. Here the military spirit should be formed on the most sublime and pathetic sentiments of religion, honor, humanity and patriotism. Genuine heroism, doing and suffering every thing in the cause of a distressed country, has such inexpressible grandeur and tenderness, as to animate every heart that can feel, and elevate noble minds to an enthusiasm, that almost wishes for an awful tryal. A modern political writer of the first order,[b] whose only fault is being too lofty and martial, regards a war in this light, as only an honorable way of going out of the world. I cannot in this agree with him; but I believe that a noble military spirit as it brings a just war to a speedy and happy issue, will also greatly compensate for its inevitable calamities, by the great sentimental happiness it produces. To patriotic and solemn minds heroic tragedies are the finest entertainments, and extremely useful in republics, with history, epic poetry, and odes of the same spirit. Three thousand years have elapsed since the fatal ruin of Troy; still Andromache draws tears from crowded audiences: and her distress, her fidelity to the ashes of Hector, and maternal love of Astyanax, does yet form heroes and heroines—While the world remains brave patriots will sigh over Hector, dragged at the wheels of a cruel foe, mangled and steeped in blood, round the walls he had so long defended with a valiant arm; and will hear the sweetest music in these words of Virgil; that represent his ghost weeping over the conflagration of Troy.

In somnis ecce ante oculos moestisimus Hector.
————————————largos effundere fletus,
Raptatus bigis, ut quondam, aterque cruento
Pulvere————————————
————————————concretos sanguine crines,
Vulneraq illa gerens, qua circum plurima muros[c]
Accepit patrios————————————

In America a select choice of scenes and events of the late war should be made for such compositions; and neither honor nor emolument should be spared for authors of great talents, for they are in such employment both ornaments and supports of their country. The best songs made then should also be collected—it is a shame that the militia should not know them. When polite learning shall become more general many officers will be capable of eloquent harangues to their corps—we sometimes read very good ones in the gazettes, and those made in Massachusetts have no doubt done much to animate the loyal militia. A military spirit is not sufficiently roused by the manual exercise, and the same smooth manoeuvres on a plain—no, it requires the image of real war. Let them sometimes fire powder on each other; if some grains should stick in a young fellow's face, or the fire should singe his curls, a *fine American girl* will think him the handsomer—Let them seem in earnest with the bayonets; no matter if they tear the waistcoat, and draw a little blood—Let the gallant horse swallow the ground with fierceness, smell the battle, say ha, ha, among the trumpets, and almost rush upon the glittering steel.[d] In most parts of this country woods, waters, and rugged scenes, give opportunity for a display of art, dexterity, celerity, and strength, in a variety of marches, retreats, attack and defence—the occasional damage thereby done to property may be compensated; nor are the accidental bruises to be regarded; even the loss of a life once a year is nothing in comparison to such means of national safety. In these agreeable military plays the scenes of Saratoga, York-Town, Eutaw, Stoney Point, Trenton, &c. &c. might be called up, and often by a proper contrivance, and favor of local situation, be made to resemble the originals. Favorite pieces of military music should be named by favorite exploits and events; the solemn and heroic mournful may also be taken from the catastrophes of Savanna, Charlestown, &c. The sad remembrance of national woe, and fidelity in distress is a noble bond of union. The standards should be decorated with *federal emblems and inscriptions*. The necessity and happiness of a federal union will suggest many, and very expressive—The branches of the sturdy oak, that mock the storm, die when torn from the parent tree—the paws of the dead lion are devoured by vermin.

The militia laws of the continent are very different, and have a various mixed complexion of monarchy, aristocracy and democracy. I will not enter on political arrangement, but only observe, that military power cannot like the civil be divided and balanced; that a soldiery, body of officers, and commander in chief, corresponding to a House of Representatives, Senate, and Governor, would be a monstrous absurdity, never heard of; that no checks can easily be adopted by the mode of choosing militia officers of the different ranks, and much less by a distribution of the national defence among independent chiefs;—That the militia of any state could act *without or against the consent* of a federal head, is an antifederal, dangerous idea; because whether they act against foreign enemies, or internal rebels, they fight for the union—who then shall order them to draw or sheathe their swords but the federal power that is the guardian of this union?

(a) *Ut enitesceret virtus*—Florus.
(b) *Ferguson on civil society.*
(c) *Aneid.* 2. *v.* 270. *See also Dryden's translation, though it is unequal to the original.*
(d) *Job* 39.

38. A Friend to Liberty and a good Government
Philadelphia Independent Gazetteer, 8 September 1787

Mr. OSWALD, An *antifederal* writer in Messrs. *Dunlap and Claypoole's* paper of last week, supposes that the distresses of America cannot be relieved by any alterations in our federal government, or "a few resolves upon paper," as he is pleased to style the new constitution that is forming by the Washingtons, and Franklins and Maddisons of our country. He supposed further that the people, and not our governments, are in fault; and that they *alone*, and not our constitutions, require altering. This man's reasoning puts me in mind of a story I once heard of a tenant, who applied to his landlord to repair his house, adding that from its being so shattered, and open to all weathers, he had caught repeated colds. Poh—poh! said the landlord,—the house is good enough; your constitution is in fault, which exposes you to catch cold so easily; put on thicker clothes, and work more out of doors, and I will undertake for you, that all the wind and rain that can beat upon you in my house, will never hurt you." The tenant resented the insult contained in this advice, and immediately left the house; which unfortunately, in the course of a few months afterwards, fell down while the landlord was viewing it, and crushed him to death in its ruins.

39. Foreign Spectator
Philadelphia Independent Gazetteer, 11 September 1787

In time of an invasion the federal government must undoubtedly have a full command over the militia; especially as the army raised for the occasion may neither be large enough, nor, at first in point of discipline, equal to veteran troops; a necessity may therefore often exist for calling the militia into the most trying scenes, and to the defence of remote states. In the deplorable event of a rebellion, the loyal militia, whether *near or distant*, must exert themselves under *a federal head against their unnatural fellow members*. If two or more states should come to hostilities, though without any rebellious design against the union, it is the same case. A riot within any state may indeed be quelled by its Executive power—but an open rebellion is an evidence of some fatal disorder: If it arises from mal-administration of the government, the ruling party must be corrected by the federal power: If the insurgents are in the wrong, they rebel in fact against the union, because the state as a part of it, is entitled to its protection; and because their success might introduce a change of government and laws pernicious to the union; and by which this unhappy state may be finally cut off—Whatever is the real situation of affairs, the confederacy must undoubtedly take cognizance of it; it must *declare if a rebellion exists,* or *a corruption of government*, which is worse, and take necessary federal measures against it. In any dangerous internal tumults, the federal head must have power to appoint a commander in chief of the federal troops and loyal militia: even when the disorder is confined within one state—for if the government is in the fault, it surely cannot be trusted; if the insurgents are rebels, the person or persons invested with the executive power may want capacity in such arduous task; besides that federal authority would be more respected, and much less odious. I do not pretend to judge of the late insurrection in Massachusetts, but by facts generally known; from common sense, the examples of Switzerland and other countries, it is however evident, that the interference of federal power would soon have restored peace and order, and prevented many great calamities. This federal chief must also have power to supercede those militia officers, who may be defective in military talents or federal virtue, especially general officers and Colonels inclusive, because these may often have separate commands, and such a degree of discretionary power as enables them to do much harm without incurring danger from a court martial—especially as in a civil war treachery is regarded as fidelity by numbers, who have more of party spirit, than a sense of honor. We must consider that when government and national manners

are similar, or general causes produce discontent, a rebellion is a sure mark of some terrible disease in the body politic, which though only broke out in one limb, lurks in others—the tumults of one state may therefore, without a speedy remedy, spread through the confederacy, and be eventually more dangerous than a foreign invasion. Upon the principle of national safety, the ancient Romans created in any public danger the awful power of a dictator, who by all means was to take care that the republic should not suffer:[(a)] and modern free countries know the necessity of martial law, when people will not be governed by the civil. It is true that great power can never be exercised without some abuse; among the actors in dreadful scenes, many must want sense and humanity. Yet, to check the operations of a federal power so necessary by divers clogs, would be extremely unwise. If this city was a-fire, would the people quarrel about the quotas of expense, and personal service? or would they keep their sons at home for fear of their being bruised or even burnt? This federal power would undoubtedly act with more discretion, generosity and mildness, than any particular state government, because it must be more impartial and regular—*When brothers fight, the father is a better arbiter than any of the other sons.* I had an opportunity of conversing much with all sorts of men in the late war, and never observed in the continental troops those animosities that inflamed the militia and royalists, who frequently were guilty of shocking outrages; 1000 no doubt have remarked the same. The continental officers behaved in general with generosity, when they so often had reason to affront sordid wretches, even of their own party, who, living in security and affluence, refused to alleviate the distress of those, whom they regarded as protectors of their liberty, property, and families.

As the militia is in fact the militia of the United States, and not of any particular state, its regulation in time of peace ought to be federal, and undoubtedly in part at least under the direction of a federal power—for otherwise they will be less prepared to act as federal troops in time of national danger; and the fatal necessity of displacing anti-federal officers, or of not daring to employ some corps, may alone create new disorders and extend a rebellion. If the military power of the states centers within themselves, they will naturally forget their near federal relation; and look upon each other only as allies, but not as *sisters inseparable in life and death.* The persons who bear the supreme military command in the respective states, have an office of *such high federal trust*, that they should not be appointed without the consent of the federal Government. These may, in concert with the Legislature or militia, appoint the superior officers; both in a federal view, and as they must be good judges of the military merit required in higher ranks.

The militia in general are well qualified to judge of that active valour required of Captains, and may, with consent of the Executive, choose them. It is remarkable that even in the standing armies of Europe, where military rank gives such high respect, Captains, when officer-like, have still in general most the hearts of the soldiers, from being their immediate commanders, and displaying in their view and for their benefit those virtues of bravery, generosity, and valour, which have such irresistible charms. In America the present state of society renders this class of militia officers of very high federal importance; because they are residents among their companies, men of independent property, but not superior wealth, and from these circumstances live in a familiar manner with their men, by whom they are both loved and respected—when by a more liberal public education these men come to have a tincture of polite learning, and greater political knowledge, they will be many firm and shining points of a military federal union. My business is not to discuss this matter; but this much is a part of my design. The proper alloy of federal power in this important affair will no doubt be settled by enlightened patriots; and whatever it may be, the people must guard against the most distant idea of *part, half and quarter blooded militia officers*; for they must all be full blooded federal Americans. Whenever a temporary army is necessary, it must be cast in a *federal mould*, and animated by a federal spirit. Any checks whatever, intended to make officers or men regard themselves as *in part* troops of a state, would be marks of a mean antifederal jealousy, and might indeed have shocking antifederal effects. In spite of any power given to a commander in chief, his army would misbehave. Not to mention the discretionary power of superior officers, even a Captain may, by a bad defence of an out post, endanger the whole army.

The present state of human existence is so blended with sin and woe, that the sword must be the last resort against external enemies and internal traitors—let it then be held in the brave hands of a whole federal people; and it will defy any attack from open force or secret malice. When America has better resources, a few thousand standing troops may perhaps be at all times useful. Such a handful could never be dangerous. But great armies, however necessary in Europe, crowded with nations of jarring interests, are with the best regulation great evils; and could, in America, arise from nothing but a fatal corruption. Why should a great standing army be wanted? Because 200,000 militia have not the heart to look an enemy in the face? or because, when their distressed country cries, they only mind their cattle and corn, or how to turn a penny in their shops? or because they cannot refrain from embruing their hands in each others blood? For God's sake let it never

be said, Ye true sons of America! Ye noble sons of freedom! *Whether in a palace or in a cottage well-born soldiers and defenders of your country*, protectors of your parents, wives and children!—Think how great you will be by a *valiant federal liberty! You bear on the points of your bayonets the fate of this federal empire*—Let every gun, every ball, every grain of your powder be federal—*Let every drop of blood in your veins be federal and heroic.*

(a) *Nequid detrimenti capiat respublica.*

40. Philadelphia Independent Gazetteer, 12 September 1787[1]

We hear from Wilkesbury, in the county of Luzerne, that a court was held there last week in the most peaceable manner. Two bills, it is said, were found against *John Franklin*, for a riot and trespass, and for assault and battery. This incendiary, we are told, has retreated to *Tioga*, where he is stimulating a body of vagrants to commit fresh acts of rebellion and treason against the government of Pennsylvania. From the happy effects which have followed the establishment of a new county at Wyoming, in composing the minds of the people and driving off insurgents and vagrants, there is no doubt but the establishment of a new county that shall include Tioga point, and fixing the officers of the county near the spots infested by this banditti, would immediately drive them from the confines of this state. Unless this be done we must expect that all our citizens will move westward, and leave us a wilderness within 150 miles of our capital.

1. Reprinted: *Pennsylvania Herald*, 13 September.

41. Foreign Spectator
Philadelphia Independent Gazetteer, 12 September 1787

The grand federal interest, which is to preserve independency, safety and peace, requires, next to a solid military union, a concert in some other important affairs. The states must be *reciprocal guarantees of their several constitutions*, when they shall be properly settled; because an alteration in these may break or prejudice the union—As if any state should unanimously or by a great majority, set up monarchy, aristocracy, or democracy; or should annul the habeas corpus law, tryal by juries, and the like institutions, which are the pillars of republican liberty. If corruption becomes so rife in any state, that a party could establish itself in oppression; the federal power should redress the grievance, though it might not threaten the confederacy with danger—because such an evil may be worse than a rebellion, or a foreign invasion; and

the states ought surely to guarantee each other that happiness, which is the end of all political union.

All external commerce must be under a federal regulation in all cases, when it involves foreign treaties and political connexions; affects the federal revenue; or creates a collision of interest between the states. It is evident that internal commerce will also, in many cases, become a federal object in a country that has 3000 miles extent of coast, and an inland navigation of the same length, with large bays, many great rivers, and numberless inlets. There cannot be any doubt, but a federal power will, whenever its interference is necessary, manage the national commerce to the best advantage. It will obtain from foreign powers, every advantage that the situation of the United States can procure—it will prevent disagreement and war with other nations—it will do justice to the respective states, and keep peace among them, when it would be disturbed by numberless collisions, But I am persuaded, that with every exertion of federal wisdom and integrity, no subject is more likely to become a bone of contention, than this, if the states do not display that reciprocal generosity, and confidence in the federal head, which I have so warmly recommended. First, commerce is in its nature very variable, and more so in America, where its regular course has been so disturbed, and where new channels of industry from manufactures not yet formed, and products of regions not yet explored, will arise and mingle in many intricate windings—in consequence of this, the respective commercial rights of the states cannot be fixed at present, but require successive alterations. Secondly, the people of America have an overdriven spirit of trade; and great numbers that formerly derived wealth and support from it, are by the present stagnation in great difficulties, or what to some appears very hard, cannot make money as they used to do. Thirdly, many have too sanguine and unreasonable expectations of commercial benefit from the exertions of an adequate federal power. I shall beg leave to observe, that in some respects that very decay of trade so much lamented, is a real advantage. Before the war, America was continually in debt to Great-Britain for articles of luxury. After the peace, all Europe poured in an immensity of goods upon her; the one was as foolish to give, as the other to receive an unbounded credit. Many of the European merchants expected to find Mexican wealth in the United States; and these chearfully went in debt for trinkets and finery in the high spirits and golden dreams that naturally followed a war closed with so much honor and success.[a] "Triumphant over a great enemy, courted by the most powerful nations in the world, it was not in human nature, that America should immediately comprehend her new situation—really possessed of the means of future greatness, she anticipated the most distant benefits of the revo-

lution, and considered them as already in her hands." Is it not very happy that these thoughtless adventures and imprudent credits from foreign countries have ceased! that some silver and gold is left! that the demands of foreign nations are not become so great as to make us insolvents, and bring on a war to compel payment! Necessity and good sense will, I hope, stop that torrent of iniquity, which a ridiculous fondness of glittering toys has poured over the land; which threatened to annihilate *the landmarks of common honesty, and to break down the barriers of national integrity, honor, liberty, and independency.* Far be it from me to dissuade from those measures, which may alleviate the distresses of the commercial interest, and its dependencies; but when this is done, I sincerely wish to check, for the future, the overdriven spirit of commerce, so unsuitable to America, and in many respects pernicious. "So uninformed, says the last mentioned author,[b] or mistaken have many of us been, that commerce has been stated as the great object, and I fear it is yet believed to be the most important interest in New-England. But from the best calculations I have been able to make, I cannot raise the proportion of property, or the number of men employed in manufactures, fisheries, navigation, and trade, to one-eighth of the property and people occupied by agriculture, even in that commercial quarter of the union." This author very judiciously ranks agriculture, manufactures, internal trade, and foreign commerce in the first, second, &c. places, respectively. It is but just to pay this gentleman the compliment, that his ideas of national oeconomy are not warped by professional habits, but just and liberal. His theory corresponds with the principles of an excellent modern author, who ought to be generally perused.[c] At present, necessary manufactures are a great object, and may by prudent spirited exertion soon flourish beyond expectation. These will improve agriculture and promote internal trade. With them jointly, America will be a great, powerful, and *in a just sense*, wealthy country, without any dependence on foreign nations. She will easily obtain the few valuable articles really wanted, without any solicitations or compliments. China, Indostan, and ancient Egypt, countries of high population and wealth, have had but little external commerce. The coal trade between New-Castle and London, employs more shipping than all the carrying trade of England.[d]

What would you think of a great Virginia proprietor turning shopkeeper! weighing a pound of sugar, drawing a quart of melasses twenty times a day; measuring inches of tobacco; disputing with sordid customers about weight and measure; cajoling and humoring huckster women, or ladies who in sentiment are not above such, for their custom; solicitous from morn till night how to make a penny. Can such a man have noble, generous, independent sentiments, suitable to his fortune? what

will he be in two or three years? is he, or will he be, qualified to command a brigade, to act as a governor, or member of Congress. America is a great heiress of an immense landed estate, with fruitful plains, charming meadows, green stately woods full of game, mountains of ore, glimmering lakes stored with fish, numberless limpid brooks that embellish and fertilise the land, fragrant orchards and blooming gardens. She can keep a plentiful table, dress in fine cloth, linen and silk of her own, build stone, brick and cedar-houses with her own materials; she can make her own ploughs, boats and fishing tackle; she need not go abroad for *steel, guns and powder*. By swapping a little tobacco for paint and some little trifles, she can even ride round her estate in a coach and six. Her fine flour will furnish her tea-table, and purchase rum for her hunters and fishermen. This great lady need not, with Nicholas Frog, look for suckers in every puddle, or hunt in distant forests for drugs among serpents and tigers.[e] She need not, with Highland Peggy, knitt stockings till her hands are all in blisters;[f] nor with John Bull[g] hammar hardware, and comb wool till she becomes sore-eyed and phtisical—coax the fancy of customers with frying-pan and gridiron-buttons, and by forcing the scarlet on a haughty lord Strutt,[h] get a black eye and a broken pate.

It would require many papers to shew all the evils arising from an absurd spirit of trade. Let a few facts speak. How many robust fellows cry limes and clams about the street, who ought to work in iron forges! What number of huckster women sit with a few apples and gingerbread, who should be at the spinning-wheel! how many lads and grown men stand leaning over the rum-barrel! We have half as many sellers as buyers; how shall they live! will not shifting, turning, going in debt, gradually weaken the principles of honesty? can a continual minute attention to interest be consistent with generous and patriotic sentiments! when you continually handle brass, will not your hands smell of it? Among the country people a spirit of petty trading and sordid speculation is, in some places, too common—The most interesting conversation is *how poultry and butter* sell in the market—swapping horses is a favorite trade—vendues are entertainments, where they vie in buying on trust; this nuisance has occasioned a very common saying, that one vendue is the mother of many; consequently of law-suits, executions, and moral depravity, complaint of hard times, and murmurs again government. In every country excess of petty trading is marked with cunning and sordid selfishness. The Chinese are very fraudulent: I have been informed that some of the crew in the late China ships, were imposed upon by pieces of wood in the shape and colour of gammons.

An extensive foreign commerce would involve America in troublesome political connexions, perhaps in wars, and undoubtedly create

parties at home. A spirit of commerce is unfavourable to those high sentiments of honor and military virtue, which are the only real bulwarks of a nation. China, with a million or more of standing troops, was conquered by a small army of Tartars, who established their empire and yet have a prince of their blood on the throne. Montesquieu remarks, "that when Carthage made war with her opulence against the Roman poverty, her great disadvantage arose from what she esteemed her greatest strength and chief dependence. Gold and silver may easily be exhausted, but public virtue, constancy, firmness of mind, and fortitude are inexhaustible." The Carthaginians in their wars employed foreign mercenaries. A defeat or two at sea obstructed their commerce and stopped the spring, which supplied their exchequer. The loss of a battle in Africa reduced them to submit to any terms. Regulus in the first punic war cooped them up in their capital after one defeat by sea, and one by land. Their final ruin arose from a mean spirit of avarice, that denied the gallant Hannibal the necessary supplies of men and money.(i) Holland is in great part defended by foreign mercinaries. Great-Britain to her shame cannot do without them in time of war—It is a mark of dreadful corruption, when a nation will entrust such with her *safety, her honor, even that wealth she doats upon, because her own people can earn more at the loom.* What is the consequence. The pretender with 6000 half disciplined ragged Highlanders took all Scotland, advanced into England, and struck a panic on London, which alone could furnish 100,000 fighting men. *America was lost because Great-Britain was intent on turning buttons, and making Manchester fluff.* O! horrid, base! America became independent, not by those wretches, whose political sentiments depended on hard money, salt, melasses; but by those who without shoes and stockings marched day and night in the snow; who naked and half starved, met every dreary form of death—by those who made a generous sacrafice of property, when the selfish would contribute nothing. I mean not to depreciate British valour, and I have told America harsh truth; I am neither Briton or American—what I say is evident. Had Great Britain been less commercial, and America more, this had yet been a province of the other. A rich fleet of merchantmen may be taken or destroyed only by an unlucky change of the wind: Great cities may be pillaged, or ruined by the fatal bombs:—But the land can neither sink or burn; and a brave people of a great landed interest is invincible. They cannot be starved into a compliance: If their forts are taken, every noble heart is an impregnable castle.

(a) *Principles of a commercial system for the United States, by Tench Coxe, merchant of Philadelphia.*
(b) *Tench Coxe.*

(c) *Smith on the wealth of nations. See the second book, fifth chapter.*
(d) *Smith, in the book and chapter mentioned.*
(e) *Allusion to the herring fishery, and spice trade of Holland.*
(f) *Scotch Highlands.*
(g) *England, where consumption, &c. have encreased with assiduous sedentary manufactures.*
(h) *Swift's history of John Bull—Competition in manufactures and commerce, have created many wars.*
(i) *Montague on the rise and fall of the ancient republics, page* 339, *ditto* 219.

42. Foreign Spectator
Philadelphia Independent Gazetteer, 13 September 1787

By the 9th article of confederation "the United States in Congress assembled, have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states." Consequently no state can have a right to enact tender-laws, emit any sort of paper currency, or adopt any plan of finance that may affect the union, without the consent of a federal head. Neither ought it to have any such right to the prejudice of its own people, or foreigners; because the states are guarantees to each other, and must, without any special treaty, guarantee to every foreign nation the *jus gentium*, mutual rights of nations, regarded as sacred in every civilized country, nay among savages. The United States are known as a nation only in their federal quality. If a nation is injured by any state it looks up to the union for satisfaction, and if refused, has a right to procure it by force. If a Spanish merchant f. e. is defrauded by a trader of Rhode-Island, it is a private affair; but if he is injured by a tender law that pays him a dollar with a shilling, his government may demand satisfaction from Congress, and if refused, seize the property of a Philadelphian. What disgrace and danger may not then arise from such a weakness of federal power, that cannot restrain a wicked state government from robbing its own people, and the world at large! What antifederal impression must it not make on every mind! money is a universal object, in which every person is concerned, some daily and hourly: it is a general standard by which all commodities are measured; to be harrassed, wronged, and trifled with, by a medium depending on every body's caprice, must create hatred and contempt of the sovereign power. But a coin of permanent universal value, struck by federal authority, would impress all the citizens of the United States with a constant sense of this power, and of its salutary protection. Federal emblems and mottos on the different species of coin, would also have a good effect. As

these must significantly express the most interesting federal sentiments in few words, they are objects for a fine genius.

As there can be no liberty without virtue, there can be none without a very general share of learning. An overdriven spirit of wealth has, both in Great Britain and America, nearly established the false maxim, that national liberty is safest in the hands of the rich, because they have a greater share in the public interest. This can be admitted so far only as wealth is attended with superior virtue and wisdom. Avarice and luxury is as little satisfied with 10,000 l. a year, as 100 l. and a person may have his *pockets full of money with empty brains.* The public education throughout the states, is a great federal concern, as without it no state can be well governed, nor act its part in the confederation with dignity, honor and a federal spirit.

There is of late an honorable exertion for the interest of learning very general; but, as may naturally be expected, in many cases ill directed. A smattering of Greek is nothing in comparison to the essential parts of learning which we continually want in public and private life. The great science of politics is the capital learning of republics, and three years at least should be dedicated to it in every state college, by those that expect to be legislators. What can we expect from men who know nothing but the little affairs of their own townships, who not only have no reading, but want the knowledge and reflection acquired by travelling through different parts of the country, and conversation with men of science and political experience. Their affections are too often equally narrow with their ideas—The union is an object by far too grand for them. It is a most important consideration, that *ignorance creates suspicion*—it is a law of nature for our good. A man of common sense, who knows nothing about fine horses, will not give 200 l. for one, without solicitous consultation with men on whose knowledge and integrity he can depend—For the same reason an ignorant assemblyman will refuse the most necessary grant of a federal requisition; because he don't understand the fatal consequence of a refusal to the union, his own state, and finally to himself; but he knows that his neighbours must pay a share of it, and *feels* that some must come out of his own pocket. What is remarkable, this suspicion not seldom influences electors; they are afraid of choosing men *who know too much.* Hence an infatuated multitude place their confidence either in those who are *too stupid* to do either good or harm; or in quacks who promise to cure every political disorder with a *six pence nostrum.*

When the public education shall distinguish many by political abilities and a polite taste; and enable great numbers to esteem these qualities; the most eminent characters will be chosen for the legislature,

civil administration, and military command—consequently the government will not only in reality be so much better, but acquire that love and respect from the people, so necessary for its efficacy. What can you expect when a legislator or a magistrate can, over his bowl of grog, talk of nothing but hogs, potatoes, and the necessity of lessening the taxes! What may you not expect when such men are enlightened patriots, gentlemen in ideas, sentiments, and behaviour; who at the same time as they mix in chearful society with their fellow citizens, by instruction and example, make them wiser and better, more patriotic and federal.

A gentleman under the signature of *Nestor*, some months ago, gave the public a hint for erecting a *Federal University*. How much this will promote learning in general, is evident from the situation of this young country, whose pecuniary and literary resources cannot yet be great enough for more than one *illustrious assembly of the muses*. It would be an excellent institution for promoting federal sentiments. In the happy spring of youth all our best affections bloom—the high sense of honor, the warmth of friendship, the glow of patriotic virtue then animate the enraptured soul—Sublime and elegant literature has then its highest relish, refines and exalts these noble passions. What glorious effects may not then a nation expect from a *concourse of her best sons at the temple of wisdom!* Society in the sweet enjoyment of literature, and the many social pleasures of an academic life, will create a mutual endearment, and form those charming friendships, that will continue to the grave. When after a finished education they depart to their different stations, and places of residence, they will be so many *capital links of the federal union, so many stately columns under the grand fabric, so many bright luminaries to shed a radiance through the whole federal system, and so many powerful centripetal forces to give it eternal stability*. Infinitely above the local prejudices of vulgar bosoms, they will think and feel as genuine sons of America. I scruple not to say, that though a State College is formed on the most liberal plan, its education cannot be so patriotic as that in a Federal University. Let us propose these questions to the respective students. Where did you spend the happiest part of your life? In, f. e. Pennsylvania. Where did you acquire those sciences and liberal arts which you value more than Peruvian treasures? In Pennsylvania. Where did you know the best politicians, philosophers and poets? In Pennsylvania. Where are your most faithful and admired friends? In Pennsylvania. When the dearest objects of the human heart are thus confined within a narrow sphere, it must be uncommonly noble to embrace unknown persons and objects however near politically related. But all these questions are answered by the federal student—in America. His

learning, his virtues, his graces, all the blessings of education were acquired in the *center of the confederacy.*[(a)] The friends of his youth, *for whom he would die,* are Americans, some in Georgia, others in New-Hampshire, or in Kentucky—Military officers, clergymen, magistrates, members of legislatures, delegates in congress.

(a) *The university should be where Congress meets.*

43. Philadelphia Independent Gazetteer, 14 September 1787

Extract of a letter from a gentleman in Wyoming, to his friend in this city, dated September 6.

"Our court this day adjourns; it has been conducted with the best order, and affairs wear a much better aspect here than they did a short time ago. We have learnt nothing from the Convention at *Tioga*, except that the meeting was not so great as was expected. I have just heard, but how true I cannot tell, that they have dispatched two surveyors to lay out two towns on the waters of Tioga in this state. The appointment of a Lieutenant, I flatter myself, will have a good effect."

44. Foreign Spectator
Philadelphia Independent Gazetteer, 15 September 1787

If a federal university should be established, I shall advance my humble opinion on the plan; here it is enough to observe, that the institution must be complete and grand. The great science of politics requires a particular professorship; and a person qualified for this place, must be one of the first characters in the United States. A mere financier, or civilian is not a politician—This great character must understand morals and religion, war, finance, commerce, manufactures, agriculture, police, philosophy; he must have a perfect view of all the great affairs of a nation in their whole extent and intimate connexion. His heart should be equally noble with his understanding, animated with rational piety, warm philanthropy, and sublime patriotism, infinitely above the narrow sentiments of sects and parties. A mechanic may construct an admirable machine, whether he is a good man or not—But the dessign of a political system is the felicity of a nation: the *rights and feelings of millions* must be understood. The great artist must therefore feel the joys and sorrows of his species in every condition of life, and with impartial goodness secure to all the happiness they have a right to injoy as men and citizens. A narrowness of thought and sentiment has produced the many absurd political systems; A devotee would

sacrifice all for religion—A moralist regards virtue not as the *principal*, but the only object. A military politician is dazzled by the glory of victory and grandeur of dominion, not considering how dearly they are bought by the blood and distress of thousands.—The political oeconomist is so infatuated by the importance of property, as to forget the proprietors, and in his pursuit of national wealth thinks little of that liberty, honor, wisdom, valour, without which it cannot be enjoyed and preserved: What is extraordinary, political oeconomy itself is divided into ridiculous sects; one doats on agriculture, another on manufactures, a third on commerce.[(a)] If the Professor of Politics has the noble talents I have mentioned, what excellent statesmen and legislators will not be formed under his hand; but if blindly attached to a system, or a leader of political party, he will with many valuable qualities be one of the most pernicious men in the union.

In one department of the federal university the science of war should be taught in all its branches, particularly those which will for a long time be most useful in America—her defence will depend very little on regular fortifications; but the art of chusing posts is very valuable in a country so woody, hilly, and intersected with rivers, creeks, &c.; and above all, the science of forming battle, and in the heat of it, *under the eye of death*, playing those excellent maneuvres, that have often conquered numbers and unskilled bravery, will in this and most countries for ever hold the highest rank.

The belles letters or elegant literature claim also particular attention. These are both in the ancient and modern stile called *humaniora*, because they humanize and refine the human heart. They are not merely ornamental, but extremely useful by innobling those affections which are the bands of civil society; and by qualifying men in several respects for all the important offices of government. Military harangues have often appeased the fury of soldiers, and inspired fortitude in the most forlorn situation. In foreign negociations a great deal depends on the address, wit and genius of a minister. Political eloquence is absolutely necessary in republics—the dull must be roused, the cold warmed, the impetuous restrained, the daring intimidated, the artful detected through all their fraudulent windings, the selfish and ungenerous exposed in all their meaness. A great speaker or writer for a party is very dangerous without an able champion of patriotism—truth has an invincible power, but she must be held up in her true majestic form, with the just proportions, animated features, beaming eye, fine complexion, and noble air; in drapery that becomes a godess, like that of her sister nature, now like a morning in the blooming spring, then the star bespangled midnight sky, sometimes as the foaming ocean, the thunder

that strikes the lofty tower, and shatters the solid rock. The writings of *Swift* greatly promoted the peace of Utrecht: His *conduct of the allies* in particular had a great effect upon the nation, though its pride was so highly flattered by a continual series of illustrious victories. How much *Common Sense* disposed the people of America for independency, is well known. Again, had the Earle of *Chatham* been alive and well, it would probably not have been obtained without a severer struggle—I speak of this ardent inflexible character only as an orator; for had he again been keeper of the British lion,[b] he would much more have rouzed it to desperate deeds—it would not have slumbered, frisked whole days round a whistling mocking bird, hunted rabbets and sheep, and to no purpose left bits of the tail, and a claw here and there—it would not have struck a few bold storkes now and then, but darted furious on the chest of the fierce unicorn, though his horn might have gored its heart.[c] A collection of the great events produced by political eloquence in antient and modern states would make an entertaining instructive volume. While it is a truth, that a single speech in a national assembly may determine peace or war, and that one pen may do more than 10,000 swords; that political eloquence, which is the offspring of strong sense, great knowledge, sublime fancy, warm sensibility, and above all, a noble heart, cannot be too highly valued.

Sublime learning is a powerful antidote against that love of property, which in the present mode of civilization prevails every where too much. A man, who has read the best political and military authors, who is well acquainted with the best poets and historians, who has often sighed over the select scenes of heroic tragedy—such a man cannot have low thoughts, and mean sentiments; he cannot regard shining toys, or some hogsheads of sugar more or less, as great national objects: and in voting for a tax he does not calculate *how many shillings* will come out of his own pocket. Men of letters know their own dignity, scorn to flatter the rich or great, and under the frowns of fortune often preserve a noble spirit of independency—I have known a fine female poet in a European country, who refused fifty guineas from those she could not esteem.

Natural philosophy and mathematics are the same every where; but moral and sentimental litterature has a great influence on manners and government. A critical inquiry into the species and forms of learning most proper for America, would be a noble object to a man of genius and political knowledge. I shall only remark, that the European is not in all cases suitable; but that some justly admired compositions may have a bad influence. The characters of many favourite dramas are Kings and Queens, Lords and noble ladies. A celebrated French author pretends that only persons of the first rank can engage the sympathy

of mankind:[d] An idea degrading to the human species every where, and particularly destructive in free countries. Persons of quality must also figure in the more ordinary scenes of novels. Lady Sophy, and Charlotte, &c. &c. &c. my Lord, his Grace &c. &c. Well, let this fine gentry stay at home, and not set the Americans a gazing on their coronets, diamond buckles, and brilliant stomachers. I have not the least doubt but every valiant American will esteem the *blade of true steel* whether the handle is of iron or gold; but I would not have any hopeful lads attracted by tinsel. As for the young ladies, let me tell them, that *Sir Charles Grandison* might have been the same fine fellow without his coach and six, and that Miss Pamela with all her boasted virtue was *not a girl of spirit*; or she would never have married a fellow, who by every means endeavoured to ruin her, though he had been 100 times more wealthy and cried himself blind. Popes rape of the lock is an elegant piece for a European court; but in America an high admiration of it would betray a decay of Republican manners. Bettinda is but a handsome well dressed lady who can gracefully smile ogle and play with her fan. The sparkling cross Jews might kiss for the diamonds, and Turks for the ivory besom; for my part I could be happy without such bliss, 'til I knew something more of *her heart.*[e] When European Nobles come to see us, they must be like Sir William Thornhill, who was truly great in the shape of Burchel:[f] Lady Suffolk, who was—

> Polite as all her life in Courts had been,
> Yet good as she the world had never seen[g]

and Lady Littleton, whose heavenly graces will in the mournful numbers of a disconsolate husband forever charm the world.[h]

Grays Elegy in a country Church Yard is excellent—Yet how low is the rank of common farmers, where this verse can be admired:

> Let not ambition mock their useful toil,
> Their humble joys and destiny obscure
> Nor grandeur bear with a disdainful smile,
> The short and simple annals of the poor.

America must have her own sterling even in learning—*Let her establish an academy of Belles Letters*: of this every true genius in the union should be a member: it must be central and under the patronage of the Federal Power.

(a) *See Smith on the wealth of nations vol.* 3. *b.* 4.
Those called oeconomists in France are blind votaries of agriculture, though it never can be the only object in any country, nor even flourish without some manufactures.

(b) *Prime Minister.*
(c) *In these examples I speak of men and things without discussion of true and false, right and wrong.*
(d) *Abbe Barteux on Belles Letters.*
(e) *On her white breast a sparkling cross she wore,*
Which Jews might kiss, and infidels adore.
(f) *Vicar of Wakefield.*
(g) *Wrote over her bust by Lord Littleton in his gardens at Hayley.*
(h) *Monody on her death, in Ld. Lyttleton's poems.*

45. Assembly Debates (Lloyd)
Monday, P.M., 17 September 1787 (excerpt)[1]

. . . The following letter was read; and on motion, and by special order, the same was read a second time.

Philadelphia, Sept. 17, 1787.

SIR, The Convention having decided on the form of a constitution, to be recommended to the consideration of the United States, we take the earliest moment to communicate this important intelligence to the assembly of the commonwealth of Pennsylvania, and to request you would inform that honorable House, that we shall be ready to report to them, at such time and place as they may direct.

With respect we have the honor to be,

Sir, Your most obedient and humble servants,

B. Franklin,	*Rob. Morris,*
Tho. Mifflin,	*Jared Ingersol,*
Geo. Clymer,	*Tho. Fitzsimons,*
Gov. Morris,	*James Wilson.*

The honorable the Speaker of the House of Assembly.

Whereupon, on motion of Mr. Fitzsimons, *Ordered*, that 11 o'clock tomorrow morning be assigned for reading the said report.

Adjourned.

1. Lloyd, *Debates*, 52–53.

46. Jacob Hiltzheimer Diary
Philadelphia, 17 September 1787[1]

In the forenoon gave Mr. John Luken a ride in my chair to Mr. Ogden's ferry. He told me that he had not been so far from his house in twelve months. In the afternoon attended at the State House, when a communication from our delegates in the Convention was read, informing the House that the Convention had adjourned, and that they

would be ready to-morrow to lay before the House their proceedings of a four-months' session.

1. *Diary*, 132.

47. Foreign Spectator
Philadelphia Independent Gazetteer, 17 September 1787

This institution is separate from the university, and will be on the same footing as the philosophical societies: only more extensive, both in a federal view, and to render it more respectable by a combination of all the sons of Apollo. Distant members may correspond, and besides form the like societies on a smaller scale in their respective states. This federal academy of belles letters will not require any public expense, nor any other care from government than encouragement and protection. In proportion as elegant learning is cultivated, it will tincture manners, religion, laws, and government. The great admiration of the British constitution, which is not confined to Great-Britain, is in great part owing to the enthusiastic eulogiums on it blended with the finest English compositions. When the federal system shall be established, this federal academy of polite learning will be an ornamental and not feeble support to it. The large western territory is in several views a great federal object. A firm union will prevent those dissentions, which may otherwise arise between some states about lands so valuable—Extent of dominion is immaterial, when they are united provinces of one empire—What other advantage may be had from possession, is the same, when thrown into a common stock, and impartially administered. It is highly necessary to settle this territory *slowly and regularly*; otherwise this part of the union can neither be civilized, governed, nor secured. Among those who flock hither from the different states, some are bold and enterprizing; many of the most idle and licentious character; not a few fled from criminal and civil justice. The well disposed will generally degenerate in bad society, under want of education, public worship, and other means of civilization. A continual warfare with the Indians will render them fierce and warlike. Constant hunting naturally creates a ferocious temper: humanity is undoubtedly weakened by the constant destruction of animals, sight of blood and mortal agonies in various forms. In consequence of all this, the back inhabitants would for a while be like the wild herds of Tartars and Arabs; and with an encreasing population form many petty states unconnected with the union, and in perpetual war among themselves—if attacked by a federal force they would unite and erect a considerable empire. This is a serious consideration; in comparison to which it is but a small evil, that

so many hands withdraw into the wilderness from the scenes of industry, to the great hurt of necessary manufactures, and agriculture itself. The vast frontiers of Persia, Turkey and Russia have always been infested with rebellions—The last Russian rebel Pugaschef was a mean wretch; yet he seduced a multitude of ignorant, savage people, gave the government great trouble; and caused the destruction of many thousands:[a] What may not America dread from such men as Sullivan—If the letter signed by that name, and addressed to the Spanish Governor of Florida, is genuine, what may not be feared from such a daring ambition, such ardour for war, such a military genius improved by liberal knowledge.

Though the federal power should not interfere in the internal management of the states; yet some extraordinary affairs demand an exception. At present the negro slavery is a federal object—It revolts against the plainest and universally established principles of humanity and common equity; it is in that respect a national disgrace; it is a standing proof and example of corruption. In a political view the effect is dangerous—A man who exercises absolute power over some hundred fellow creatures, although he should not abuse it, cannot easily have a heart-felt sensibility of the equal rights of mankind, the moderation of a republican, and a genuine love of liberty. It is impossible but the cruelty of some masters, and the obstinacy of some slaves should often create horrid excesses.[b] Who does not know many examples, that shock humanity! This national evil must indeed be abolished with prudence, and by degrees; but let it be done with all possible speed, and in the mean time be mitigated by the humanity and wisdom of federal government. Let no barbarian with impunity starve, mangle, and kill in lingering tortures a miserable defenceless fellow-creature! Let not a brute, who never felt parental, filial or conjugal affection, by a cruel separation inflict on husband and wife, parents and children, agonies worse than the most dreadful death—agonies from which the most affectionate bosoms often seek from the poison, the dagger, the friendly wave that relief which an impotent or inhuman government will not give. America! Africa is thy sister; thy children may one day become her slaves, if thou wilt not regard thy honor, the sacred rights of humanity, that liberty which is thy pride, and that GREAT GOD, who is the universal father of mercies, and a terrible avenger of his injured children.

In all national affairs, and especially in the modern state of political society, money is a great and necessary instrument. The federal government, though frugal, has a considerable expence in time of peace: it must have certain and adequate resources for an eventual war; and

for discharging the national debt. No person of any sense can believe that foreign powers will wait for ever. When they cannot even obtain interest for a generous loan, what must they think of national honor, integrity, gratitude! Will they think America worthy of their friendship, or even common civility! will they again spend their blood and treasure for her independency! In case of war with any formidable power, how will an army be raised and equipped! Will the troops again list for money, of which a month's pay will soon scarcely buy a morning dram? Will men of honor suffer hunger and cold, bleed and dye, for a country that will not do them common justice? While the states are disputing whether they shall grant the federal requisitions or not; an enemy may penetrate into the heart of a country, and cut off some members of the union. In the midst of a debate whether a few hundred pounds more or less shall be granted, an enemies' grenadiers may step in, and say *deliver* or *die*: raise immediately so many thousand pounds, or have your city pillaged and burnt! This is plain sense; those who will not comprehend it, arie insane, and if nothing else will cure them, had better *be bled* by their own citizens, than massacreed by an enemy. Was I an American, my sword would not sleep in the scabbard, while sordid wretches ruined my country. Is it not horrible that at this very time the savages riot in blood and destruction, because the federal government cannot support a regiment of soldiers on the frontiers! The wail of the babe, who dies under the tomahawk on the mothers breast, the shrieks of the mother that fill the wilderness, and pierce the very rocks—the expiring groans of the father writhing in slow fires, do they not cry to heaven for vengeance over that cruel avarice, which is the cause of such woe.[1]

It is high time then to have done with those requisitions of Congress so neglected, and even treated with contempt.[(c)] This head of the Empire has been forced to declare publicly in pathetic addresses to the States that the confederacy is in danger, and that it cannot answer for the cruel accidents that may befall the body politic.

The federal government must have a *fixed and ample revenue to be furnished by certain taxes in every state, and collected by officers of its own appointment, and under its own direction.* Without this we shall either have foreign soldiers or our own Shayses for collectors; or the brave and generous must join, and with the bayonet to every ignoble breast, say *deliver.*

(a) Cox's travels in *Russia.*
(b) *See in the American Museum an account of a negro enclosed in an iron cage, and miserably devoured by birds of prey.*

(c) *Col. Hamilton's speech in the Assembly of New-York.* 18*th February, forcibly treats of this matter—but alas rocks will not as in ancient times move for the best music—the impost was strangled by a band of mutes.*

1. This paragraph was reprinted in the Philadelphia *Freeman's Journal*, 26 September, and the *Pennsylvania Packet*, 12 October.

48. Assembly Debates (Lloyd)
Tuesday, A.M., 18 September 1787 (excerpts)[1]

. . . Mr. *Piper* and Mr. *C. Moore* were appointed a committee to introduce the honorable deputies, representing this state in the Federal convention, into the assembly chamber. . . .

The honorable delegates representing this state in the late Federal Convention were introduced; when his Excellency B. Franklin addressed the Speaker:

SIR, I have the very great satisfaction of delivering to you, and to this honorable House, the result of our deliberation in the late convention. We hope and believe, that the measures recommended by that body, will produce happy effects to this commonwealth, as well as to every other of the United States.

His Excellency then presented the Constitution, agreed to in Convention, for the government of the United States,—which was read as follows:

[Here follows the Constitution, the 17 September 1787 resolutions of the Convention, and the 17 September letter from the president of the Convention to the president of Congress.]

His Excellency the President of this state now addressed the chair.

SIR, Your delegates in Convention conceive it their duty to submit in a more particular manner, to the consideration of this House, that part of the constitution just now read, which confers on the Congress exclusive legislation over such district, as may become the seat of government of the United States. Perhaps it would be adviseable to pass a law, granting the jurisdiction over any place in Pennsylvania, not exceeding ten miles square; which, with the consent of the inhabitants, the Congress might chuse for their residence. We think, Sir, that such a measure might possibly tend to fix their choice, within the bounds of this commonwealth, and thereby essentially benefit the citizens of Pennsylvania.

After attending to these important considerations the House Adjourned.

1. Lloyd, *Debates*, 53–64.

49. Erkuries Beatty Diary
Philadelphia, 18 September 1787 (excerpt)[1]

. . . The business of Convention read before the house of Assembly & was published in the Evening. . . .

1. MS, Misc. MSS, Box of Beatty Diaries, New-York Historical Society.

50. Jacob Hiltzheimer Diary
Philadelphia, 18 September 1787[1]

Forenoon attended the Assembly as usual. Our delegates to the Convention brought into the Assembly the proceedings of said Convention, signed by thirty-nine members, as appears in the said Constitution read by our Speaker, Thomas Mifflin, to the House this day.

1. *Diary,* 132.

51. Foreign Spectator
Philadelphia Independent Gazetteer, 18 September 1787

In this federal composition it is not proper to draw comparisons. It is generally known which of the states have been most deficient. Pennsylvania has paid nearly the whole, and New-York more than her quota.[(a)] The former has however taken the resolution to discount by federal contribution to her own citizens who are creditors of the United States; and this would not grant the impost but on condition of reserving to herself the power of collecting it, and the liberty of paying in paper money. Both these states assume thus powers very antifederal; yet what else can be expected from the federal states, when others are so neglectful. How alarming are these facts! do they not plainly say—*the ship will be lost, let every one take care of himself.* If a foreign power should by arms demand payment from the United States, it would not inquire how they have paid their respective quotas; if most convenient, it may take New-York or Philadelphia, and let these cities take satisfaction from New-Hampshire or Carolina as they can. Is it not then shocking, that in this federal anarchy *those states that have been the most generous may be ruined by the most selfish!* Would not this alone be an ample cause of civil war? When the peace establishment is calculated, and the proportion of the national debt to be annually paid is determined; the federal revenue may with tolerable precision be fixed for several years. Accounts of the federal expenditure to be laid at regular intervals of time before the several Legislatures, will fully satisfy the states. When the national finances will allow, there should be at all times a saving of

ready money in the federal treasury, or some certain fund, that could immediately be commanded, as a resource against a war, or some unexpected exigency. In time of actual war, and especially of an invasion, the federal government should have very ample powers for levying money; it will not be possible to limit them but in very general terms.

I have thus ventured to draw a general sketch of the necessary federal powers. To set this grand affair in one clear point of view, let us consider: *first, the great interest of the United States*—this is nothing less than independency, with external safety, and internal peace; and on this depends the liberty, property, families, lives, and whatever dearest concerns of the people in general, as I have fully proved: *secondly, the extent of the union*—this requires *a center of information and of action*, which may collect a speedy and perfect knowledge of all federal affairs, and by quick effectual operations take care of the whole. Can any thing be so absurd as to make the fate of Georgia depend on the exertions of New-Hampshire, when two or three months may elapse before an authentic information could be obtained; as many more be spent in deliberations; and the same time again taken up in the preparation for executing the resolves: The southern states may be conquered by a powerful enemy; before the northern troops had begun their march. The badness of the public roads, and the broken situation of the country divided by great rivers, bays, and many large creeks, are also great impediments of communication—an enemy may by establishing some posts, and by means of a fleet, extremely distress the country if not defended by a federal force. This very local situation necessarily lessens the reciprocal simpathy of different states. They cannot see those flames, that lay a town in ashes, and ruin in a few hours so many hundred families—they do not behold the fields deluged with blood, strewed with human limbs, with the dead and dying—they cannot hear the frantic shrieks of mothers, wives and daughters. Thus neither humanity nor self-interest are alarmed: the enemies roaring artillery is heard only as the faint rumbling of a distant thunder storm, though it approaches fast, and will soon pour its deadly fury on the unfeeling and thoughtless. We read perhaps with indifferency, or with a transient emotion the sufferings of the back settlements from Indian barbarity; how different would the effect be, if the scenes were nearer! When there is a fire in the Northern Liberties, the people not only of Southwark, but in the city, are quite easy. *Thirdly*, though these reasons are quite sufficient, the present habits of the people require a strong federal government. Every person knows the exorbitant ideas of liberty so generally entertained, which render great numbers jealous of their rights, and fond of personal independency, to a degree absolutely incompatible with

good government, the general welfare, and their own safety. The great attachment to property so common is visible, and in many respects pernicious to individuals and society. Carelessness about public affairs is another material characteristic, and palpable on numberless occasions. To cure a distemper, we must not contest it; every nation has its virtues and vices; a discreet apprehension of what is wrong, so far from affecting virtuous individuals, reflects the greater honor upon them. These three qualities in the present national character have originated from the peculiar circumstances of this country, as I have at large demonstrated and will be amended in the regular course of civilization and of an efficient government—at present this absolutely requires a strong federal power. The indolent and licentious man will say; *I shall pay my federal tax some time or other, when it suits me. The licentious miser says, my property is my right hand, I will not part with it.* The haughty independent spirit says—*I will grant the requisition of Congress*; *but they must come to me cup in hand, and wait my pleasure, they are but servants of the people.* The moderate and not ungenerous will naturally say—*I will do my part, if others will contribute*; *but why should the burden fall on a few, property is valuable, liberty is dear.* When marching orders come, one says, let who will be a butt for balls and bayonetts, for my part, I will stay at home, and *mind my business.* Another, I prefer a warm bed and hot supper, to sleeping on the ground with an empty stomach—A third is kept within the arms of a wife, who is more concerned for the safety than the honor of her dear—The generous and brave who cheerfully hazards his own life and property, and though with a tender pang leaves his family, is justly incensed by the selfishness of his fellow citizens; can he be very criminal if he forces the griping hand to contribute for the public safety, and drags the coward into the field, where he may at least do some good with the pickaxe.

Under these circumstances the union cannot possibly be safe without a strong federal government—*It must so far as the grand interest of the confederacy requires, have legislative, executive, and judiciary powers.* For the benefit of those readers who are less accustomed to political reasoning, I shall illustrate this matter by a plain simile. Suppose thirteen families are settled upon an island in this river, that is liable to be overflowed by the many accidental freshes dangerous to life and property. They must erect a strong bank, and keep it at all times in good repair. If the muskrats bore it through with many small holes, or if it is sunk in one or two places, a sudden storm may destroy the hay, grain, provisions, household goods; drown the cattle and the people themselves. Will they not then naturally appoint overseers, to inspect this bank, and with the most scrupulous attention keep it in order! They will fix a certain fund,

to be collected by these men without any delay and opposition; and moreover impower them in case of any sudden danger to imploy all necessary hands; to press men and horses, take provisions and tools that are next at hand. The accounts may be settled when the danger is over. In proportion as all or some of these families are careless, stubborn, contentious, and selfish, those overseers must have greater powers. Suppose the case so bad, that one family keep loitering in their beds, while the water rises rapidly, another is groggy or foolish, and cannot see the danger; a third says, if I lose, my neighbour the rogue will lose more; a fourth will not expose its sons and fine horses to hardship and danger; a fifth is quarrelling and fighting when the furious waves threaten to swallow them up. But let the thirteen families be ever so good; future events are unknown—the overseers must have power adequate to any eventual situation. When those men are near relations of the families, and have themselves a great interest in the island, they may the more be trusted, and still more, if they are only for a time, and must be under other overseers in their turn. If we enlarge this idea, by supposing the island containing thirteen townships, and situated in the ocean, depending on the bank for its safety; the necessity of giving the overseers adequate powers, appears yet more striking. The inland people who seldom or never saw the sea, make hay and reap without any thought of the bank. While assistance is begged from house to house for twenty or thirty miles; or even while the generous hasten from shore to shore, the whole island may be buried in the briny waves; every wary mariner will shun the fatal strand with the reflexion—this land perished by the folly of its people.

(a) *Hamilton's speech, &c.*

52. Newspaper Reports of Assembly Proceedings Tuesday, 18 September 1787

Philadelphia Independent Gazetteer, 18 September 1787

Yesterday afternoon the Honorable the Convention of the United States closed their deliberations; and we hear the plan of the New Federal Government will, at eleven o'clock this day, be promulged by our Delegates to the General Assembly of this Commonwealth.

Pennsylvania Herald, 18 September 1787[1]

Yesterday afternoon, about 4 o'clock the foederal convention, after having concluded the important and difficult task of framing a foederal

system of government, broke up; and many of the delegates, we are informed, are already on their way to communicate to their anxious constituents the result of their deliberations. At 11 o'clock this forenoon, the delegates from Pennsylvania will make their report to the General Assembly, and we trust every friend to the peace and prosperity of America, is prepared to receive with respect, and to consider with candour the propositions which will then be divulged.

Philadelphia Freeman's Journal, 19 September 1787[2]

On Monday last, the 17th instant, the FEDERAL CONVENTION adjourned, having completed the object of their deliberations; and yesterday his excellency the President of this State, delivered to the honourable the Speaker of the General Assembly the following Address, and copy of the New Federal Constitution of the United States.

SIR, I have now the very great satisfaction of delivering to you, and to this honourable House, the result of our deliberations in the late Convention. We hope and believe, that the measures recommended by that body, will produce happy effects to this commonwealth, as well as to every other of the United States.

Pennsylvania Journal, 19 September 1787

Yesterday the proceedings of the Fœderal Convention were laid before the house of Assembly by the delegates of this state and read by the speaker.

1. Reprinted in the September issue of the Philadelphia *Columbian Magazine* and the December issue of the Philadelphia *American Museum*.
2. Reprinted once in New York and eight times in New England.

53. Philadelphia Independent Gazetteer, 18 September 1787

The *Western Chatham* [Hugh Henry Brackenridge] ironically so called, observes a correspondent, has been more quiet and submissive during this session, than formerly; owing, it is said, to his being so well dubbed during his absence, by his *compeer*. He was the other day capitally defeated in his favorite subject, the erecting a county at Pittsburgh. He had given out, that this object taking place, he would come down as the first Representative. Sunt lacrymae rerum, et mentem mortalia tangunt. That prospect is now over. It is said also that coming down in the capacity of Legislator, he would have brought his books with him, and set up his law shop in this city; his books, that is his *Lyttleton*, and *Muggleton*, and *Shadrach*, *Meshach*, and *Abed-nego*, &c. But that career is

also over. It is well it is, we can do without him here, but they could not do without him to the westward. What with our own sun and stars, and the city lamps together, we can make a shift; but without his illumination, what would become of the western hemisphere? There would be that kind of darkness which exists at the poles of the equator. Scarcely night and not quite day. It is right he should stay where he is. All great luminaries are fixed. Would this superlative genius convert himself into a wandering star?

54. A Farmer
Carlisle Gazette, 19 September 1787

Messieurs KLINE & REYNOLDS.

By inserting the following in your useful paper, you will oblige a constant reader.

To the Electors of Pennsylvania.

A Citizen whose interest is closely connected with your own, who has hitherto been a silent spectator of your political transactions, impressed with a deep sense of the impending danger that awaits you, and an anxious solicitude for your welfare and happiness as a republic, wishes now to address you on a very important occasion—I mean the annual Election.

How little is the importance of this period prised, how few of the people even attend upon it, or if they go to the place appointed by law, how easily are they led by party, interest, or pecuniary motives—If a candidate for the sheriff's office happens to solicit your vote (which they seldom fail to do) you can generally spare time to go, and to them, I believe, we are indebted for a great number of votes for Representatives, Councillers, &c. Strange inattention to your real interest! Of what consequence is the sheriff to you? perhaps in the whole course of his time of service 'tis not in his power to favour or injure one tenth man of you, yet he engrosses almost the whole of your attention at the election, while your members of Assembly and Councillers (the sole guardians of your liberty) are but secondary objects of your attention.

America is now arrived at a very critical crisis of her political existence, she is almost tottering on the verge of Anarchy, her federal government has been found inadequate for the purpose it was designed; here millions have been roused from their lethargy, and are now endeavouring to ward off the impending blow—they have met in general convention to deliberate upon a new mode of government, their plans will probably be laid before the assemblies of the different states for their concurence—this requires the utmost circumspection, we are not

in my opinion (as some would have us) to confirm their proceedings or constitution without examination, on the contrary it requires the utmost attention and impartial scrutiny—the fate of America in a great measure depends upon it:—this will probably be part of the important business of the next assembly.

Let us turn out unanimously at the next election—let party prejudice give way to public good—let us chuse men to represent us of inflexible integrity, and distinguished patriotism; men who are well acquainted with our country, its laws, customs, and manners, the good of the public ought to be their pole-star, and the invariable rule of their conduct in public life—they should not with the fawning sycophant give up their judgement to flatter the vanity of the oppulent, or serve their purpose in hopes of future reward or favour, nor with the obstinate party man who opposeth every thing that is not done by himself or party, let it be ever so consistent with public good. I hope we are not so far involved in vice and depravity, but we may yet find a sufficient number of good characters to fill these public offices, if we will but look for them, if any of our public servants have done wrong, we have it in our power to [turn?] them out, and fill their places with others—If we neglect the present opportunity our evils will multiply upon us, and in a short time we must inevitably fall into an inextricable labyrinth of difficulties and distress.—Shall the blood of patriots shed to secure to us the blessings of liberty and independence, and the treasures of our country expended be sported with; shall the reins of government, and the keys of our public coffers be given into the hands of those who are secretly our enemies, or who never in the hour of danger dare espouse [– – –] cause—Forbid it ye free and honest [citiz]ens of Pennsylvania—turn your eyes around and find out the honest, sensible, and true patriot—prevent frauds, and let none but those properly qualified vote at your elections, the enemies of your country deserve not to enjoy the priviledge of free citizens: be more virtuous, more industrious and less extravagent, and we may yet be a great and happy people.
Franklin county, Sept. 5, 1787.

55. James Pemberton to John Pemberton
Philadelphia, 20 September 1787 (excerpt)[1]

. . . The Continental Convention which has been held in this city full three months, having finished their business, broke up on second day last; the Plan for a Foederal Government proposed by them, is published; the Legislative part of which is vested in a Congress of the

United States, to consist of a house of Representatives, and a Senate—the Representatives are to be chosen every Second year by the People of the Several States, no person to be in this Station under the age of twenty five years, & who has not been a Citizen Seven years, & an Inhabitant of the State in which he shall be chosen—

The number of Reprẽs is not to exceed one for every thirty thousand Inhabitants in each state, which enumeration is to be made within three years after the first meeting of the Congress until which time, Newhampshire is intituled to chuse three; Massachusets 8. Rhodeisld & providence one.—Connectt.—5. New york 6. N Jersey 4. Pennsilvania 8 Delaware one, Maryland 6. Virginia 10. No Carolina five So Carolina 5 and Georgia three—

The Senate is to be composed of two Senators from each State chosen by the Legislature thereof for Six years—and are to be divided into three Classes in such manner, that one third of them only are to be chosen every Second year, and none to be under thirty years of age, he must have been nine years a Citizen of the United States, and an Inhabitant of the State for which he shall be chosen—

The Executive Power is to be vested in a President of the United States of America, to hold his Office four years, and with a Vice President chosen for the same term, and to be elected by a number of Electors equal to the whole number of Senators and Representatives of each State, and appointed by the Legislature thereof, but no Senator, Representative, or other person holding an office of Trust, or profit under the United States, shall be appointed an Elector, the President must be a Citizen not less than 35 years of age, and 14 years a Resident; he is to be Comander in chief, to have power with the consent of the Senate to make Treaties, appoint Ambassadors, consuls & other Public Officers Judges of the Supream Court &c

The Congress is to have the Power to lay & collect taxes, duties, imposts, & Excises &c

The Judicial power is vested in one Supream Court, and in such Inferior Courts as the Congress may from time to time ordain, & establish. . . .

1. RC, Pemberton Papers, Historical Society of Pennsylvania.

56. David Redick to Josiah Harmar
Philadelphia, 20 September 1787[1]

I have just enclosed you the Federal Constitution it will Speak for itself. let me add that if you Should think it a high toneed government

I can Assure you, that I believe it is the best that could be Agreed to by the delegates; from the Many Jaring prejudices & intrests:—tomorrow I Should, in all probabillity, have had it in My power to have enclosed a paper which would have given a particular Account of the Unexpected Movement of a French fleet from Boston bay. two officers which were left on Shore declares they dare not take a passage in a french Ship. So that it is verry probable France and Britain will immediatly be at loggerhead in the Duch dispute.—

1. RC, Harmar Papers, William L. Clements Library, University of Michigan. Endorsed: "Answered December 24th. 1787."

57. Pennsylvania Herald, 20 September 1787[1]

It is said that the General Assembly will break up in the beginning of next week. The important business reported from the foederal convention will probably be left to the succeeding house.

1. Reprinted: *Pennsylvania Mercury* and *Pennsylvania Packet*, 21 September; and *Neue Unpartheyische Lancaster Zeitung*, 26 September. It was answered by an article in the Philadelphia *Independent Gazetteer*, 22 September (Mfm:Pa. 59).

58. Foreign Spectator
Philadelphia Independent Gazetteer, 21 September 1787

My general sketch of additional federal powers has come very near to the plan of the Honorable Convention now published, and I am glad to have in one or two particulars rather gone beyond than below the mark. Unasked, unadvised, and unbiassed I have only sought truth on this important subject; and beg leave to observe that she is the same in American and European minds, invariable from the North to the South Pole; that this blessing, like the Great Giver of it, is found by all that earnestly seek it.

It is evident, that all the necessary powers of this federal government are fully consistent with every species of right and liberty of the people. *First*, This constitution has very few alluring objects of avarice and ambition: no standing armies, ecclesiastical establishments, pensions, and titles of nobility; and but a few offices in the revenue, foreign, and civil departments, that will be objects for men of easy fortunes either in profit or dignity. While land is so plenty, and consequently every kind of industry profitable, the lower offices will not be much affected by the middle classes as means of subsistence, nor as distinctions while a republican spirit is kept alive. This influence then is trifling to that in the best limited monarchies, where so great a part of the gentry and

nobility depend more or less on the crown for support, honor, power; and the difficulty of subsistence with prejudices of ambition render the petty offices valuable to great numbers. As a further security, the 6th section of the 1st article, enacts, that no senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emolument whereof shall have been encreased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office."

Secondly. The conduct of members in both houses will be publicly known, because by 5th section of 1st article, "each house shall keep a journal of its proceedings, and from time to time publish the same— and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal," Any unpatriotic member may therefore be excluded at the new election. The representatives are chosen every second year, and the senators for six years; but with the proviso, that one third of them goes out at the end of two years, and another after four, so that only two thirds of them coexist for four and one third for six years. Art. 1 Sect. 3. This excellent regulation sufficiently prevents all combination; men that come together with different habits, principles and interests, could not in a short time form a dangerous collusion. What scheme of iniquity could ripen in two years? or by what supernatural means could the whole body of representatives, and the new third part of the senate, be corrupted? A quicker rotation would be prejudicial, because men of the best theoretic knowledge want practice; and among the great numbers who in their turn become members of Congress, many, however sensible in the common affairs of life, must be indifferent politicians, even when the public education is brought to great perfection. No solid system can be concerted in a continual change of legislators; neither plans or modes of execution can be fixed. Besides a member who but comes and goes, is less responsible for bad public measures, and consequently less animated by a sense of duty and honor. It is therefore necessary, that no part of the legislature should be changed too often, and that one part should remain for a longer time, in order to form and preserve the stamina of administration. A person who wants only a common dwelling house, does not change the master workmen every week. The high office of president is held only during the term of four years. His electors must not be representatives, senators, or persons holding an office of trust or profit under the United States. The person having the greatest number of votes, becomes president, if such number is a majority of the whole number of electors; if

more than one have such majority, and an equal number of votes; the house of representatives immediately chooses by ballot one of them; if no person has a majority, then from the five highest on the list, the said house chooses in like manner the president. Art. 2. Sect. 1. This prudently guards against any aristocratic collusion between the executive power and the senate, as some members of this body may otherways take an undue advantage from their superiority of talents and fortunes, and from a longer continuance in power. *Thirdly*, though it is nearly impossible, that under these circumstances a majority of the congress with the president should conspire to subvert the constitution; yet supposing the worst—their design must be watched and opposed by the minority, who would give the nation an early alarm—they have not money to carry it on, because by the 9th sect. 1st arct. "no money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." They could not raise an army without a pretence of war, nor impose on the nation by a false alarm; and though they have a right "to call forth the militia to execute the laws of the union, and to suppress insurrections, sect. 8. art. 1; it is evident, that a people of tolerable virtue would never become tools for enslaving themselves: would any man be ordered to kill himself by his own sword? who but an ideot or a most dastardly wretch would not plunge it in the heart of the tyrant. For the raising and supporting armies no appropriation of money is allowed for more than two years by the 8th sect. 1st art. This term must be prolonged when necessary; but while an enemy is in the country, the army cannot be employed against its liberties; and after the war it is disbanded, or must be for the want of pay. The happy situation of America will generally guard her against long and severe wars—but should any such happen; even the power of a veteran army could not subdue a patriotic militia ten times its number, and rendered perfectly military in the course of such war. Besides, regular troops, who are natives of a country, allied by friendship and blood to the other citizens, bred in the principles of republican liberty, and who have for years defended this country with their blood against a powerful invader, cannot be so generally corrupted, as to turn their arms against those with whom they have so long shared danger and glory; to enslave and murder their friends, and relations, brothers, sons and fathers—in all probability a great part of this army would take part with the nation.

The constitution incorporates all the states as members of one body with a federal and generous spirit. Representatives and direct taxes are apportioned among them, according to their respective numbers, with

proper allowance for the inferior value of *persons not free.* Art. 1. sect. 2. By this the people are wisely regarded more than property; because a multitude of virtuous, brave, industrious people is the real strength, glory, wealth, and prosperity of a country; especially in America, where no necessity renders great numbers indigent, consequently dependent, poor in spirit, and in many respects less valuable as men and citizens. By the 3d sect. 1st art, a generous indulgence is shown to the smaller states, who delegate two senators equally with the greater. In cases when the house of representatives chooses the president, the votes are also taken by states. Art. 2. sect. 1. All duties, imposts, and excises are uniform through the United States; likewise the rule of naturalization, and the laws on bankruptcies. No preference is given by any regulation of commerce or revenue to the ports of one state over those of another. Art. 1. sect. 9. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. Art. 4. sect. 2. &c. It would be very unjust and impolitic to grant all the states an equal right in the house of representatives. Voting by states, though according to the established proportion, would only keep up a local antifederal spirit; it is therefore laid aside, even in the senate, notwithstanding the indulgence mentioned—The United States in Congress assembled, should consider themselves as provinces of one empire: every member of either house is a federal citizen, sent there to think and act for the prosperity and glory of the UNION, and should never desire any thing for his own state, but an equitable share in the general happiness, which must be the result of *united wisdom and federal virtue.*

59. Philadelphia Independent Gazetteer, 22 September 1787

We are informed by good authority, that our Legislature have no intention of rising next week as has been reported;[1] so far from it, that they are anxiously waiting the return of the new Federal Constitution from Congress, in order that they may take it under their most serious consideration before they close the present session.

1. See the *Pennsyulvania Herald*, 20 September (Mfm:Pa. 57).

60. Foreign Spectator
Philadelphia Independent Gazetteer, 22 September 1787

The federal constitution has a careful regard to personal rights and liberties. The privilege of the writ of habeas corpus, is only suspended "when in cases of rebellion or invasion the public safety may require it." "No bill of attainder, or expost-facto law shall be passed," art. 1, sect. 9. "The trial of all crimes, except in cases of impeachment, shall

be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the Congress may by law have directed," art. 3, sect. 2. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted." Art. 3. Sect. 3. The judges both of the supreme and inferior courts shall hold their offices during good behaviour, and have fixed salaries. Art. 3. sect. 1. Consequently can with more impartiality do justice both to the union, and individuals. For the protection of individuals the judicial power is wisely extended to "controversies between a state, and citizens of another state, between citizens of different states, and between those of the same state claiming lands under grants of different states." Art. 3. sect. 2. In every country state-criminals may sometimes from particular circumstances, especially their wealth, power, and influence, defy the common resources of public justice; they must then be checked by the immediate hand of government—But in cases of such magnitude, when atrocious guilt must be severely punished, the most scrupulous regard should be paid to innocence. On this principle one part of the legislature impeaches, and the other tries. In this constitution, the senate, when sitting upon a trial, shall be on oath or affirmation; no person can be convicted without the concurrence of two-thirds of the members present; neither can their judgment extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; though the party indicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law. Art. 1. sect. 3.

Virtue and wisdom are the two great qualifications of a legislator; but it is not easy to point out the degrees of either by general external marks. A people generally virtuous will form a pretty good moral judgement of characters—otherwise the laws can at best only disqualify those persons, who have been convicted of actions proceeding from uncommon selfishness, want of humanity, and weak sense of honor. Where institutions for learning are general and well contrived, public examinations in general politics and national affairs might be of excellent use—this cannot as yet be done in America. Property alone is never a safe criterion. In the old countries one half of the wealthiest people are dissipated, foppish, indolent, luxurious, profligate, as inclination and fashion lead, and inferior in knowledge to men of lower fortunes;

because, except nature has liberally given superior sense and goodness, wealth is too often regarded by the possessor, as a substitute for every good quality; especially in a corrupt age—gold is not seldom a passport through a mean and selfish world, and opens to blockheads and knaves an avenue to the highest stations. Swift remarks, that in Great Britain the greatest ministers and military commanders have generally been commoners, or younger brothers of noble families. In America great proprietors are often ignorant and uncultivated from the defect of public education, and other pecularities of a young country, as I took the liberty of observing in my fifth and sixth papers. Property in a certain degree, determinable by the state of manners and national circumstances, is very valuable, as it is a means of education, independency, and the exertions of great talents. But very moderate property is sufficient for all this in a republic. It also creates an interest in the general welfare, equal with that of superior wealth in most cases, in others more or less according as national property in its various forms is affected by public measures. One hundred a year is as necessary to the happiness of one family, as 1000 to that of another. Besides property is not the principal, much less the only object of political union.—Life, personal liberty, tranquility, virtue, honor are great objects, and according as they affect ourselves, friends and connections, in many cases more important than property. The Federal Constitution has adopted qualifications least equivocal, *natural and political age*. The first will generally be attended with superior degrees of virtue, and knowledge. Men are wicked principally from the violence of passions, erroneous judgement of the real pains and pleasures of life, and ignorance of the real consequences of virtue and vice, in all their combinations and remote events. At the age of 25 the heat and hurricanes of youth are over—a considerable stock of moral knowledge must also have been acquired by every man of sensibility and reflection—if happy enough to have hitherto steadily kept the path of honor and virtue, he will not easily deviate hereafter—if guilty of some youthful errors, he will probably be reclaimed by maturing reason, and that manly ambition, which now or never must animate the breast. At this age all the advantages of a liberal education are obtained; and a deficiency of it is in a great measure compensated by a general knowledge of the world, and that experience in civil affairs, which every young man of parts must have acquired by acting on juries, arbitrations, at elections, &c. during the four years he has been of age. The age of 30 is the meridian of life. The luminary of reason has rose to its zenith—all the noble affections are warm and vigorous, firm integrity, high sense of honor, love of fame, patriotic virtue, ardor and perseverance in public affairs. A noble

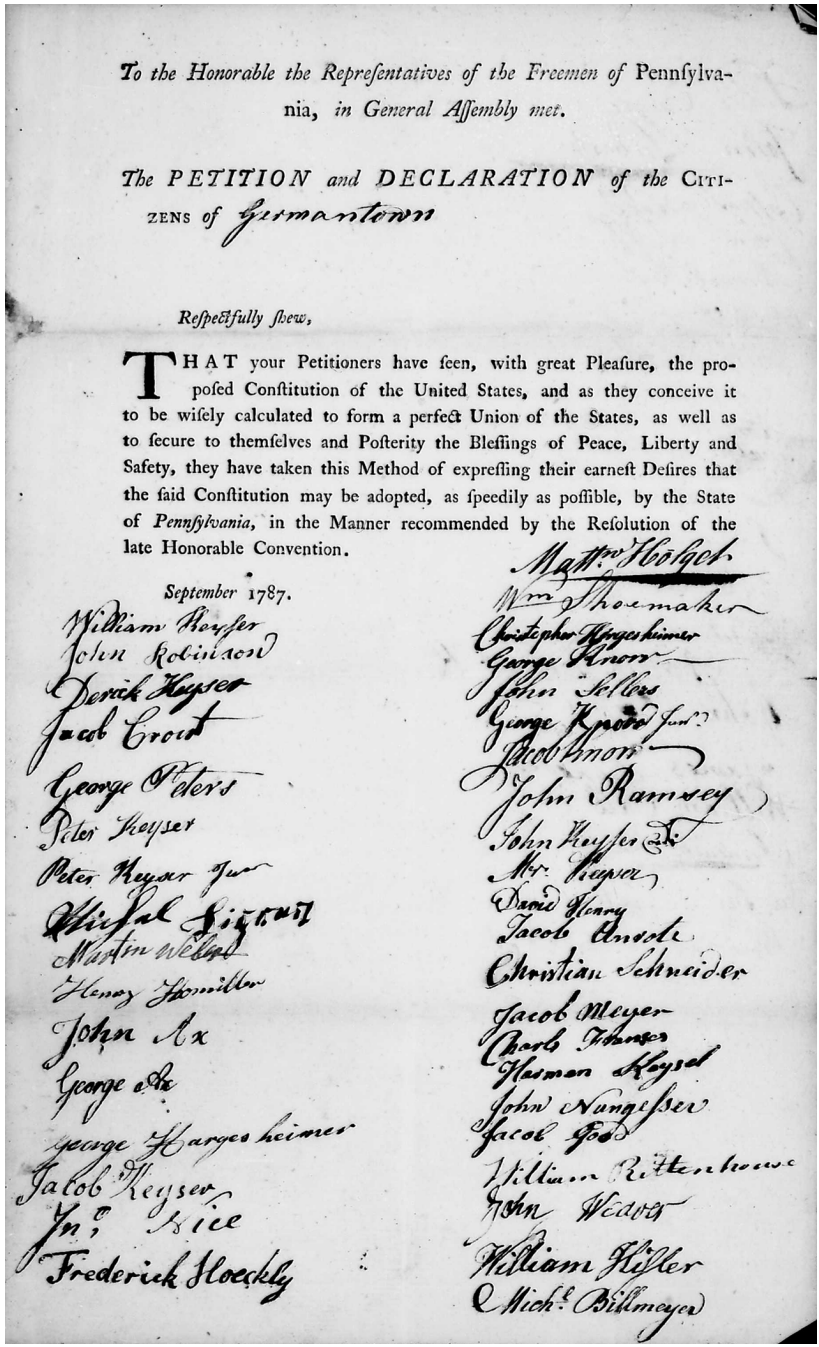
treasure of political knowledge must now have been collected from theory and experience, and will be happilly employed by that *love of business* and public affections, which Providence has so wisely made the passions of manhood. A steady virtue may reasonably be expected from men who are not inchanted with the *love of pleasure*, nor tossed by turbulent passions; who having probably spent the half of life, must know its real good and ill, the delusion of so many painted clouds, the final vanity of sublunary scenes, and the immortal value of a noble mind. The addition of 5 years required for the office of President, is not superfluous. By this, he might have been a representative five years, and a senator 5 more; or have bore some very high offices either in a State or the Confederacy. In this first magistrate of the United States an exorbitant ambition is the most dangerous quality—this passion abates as the calm evening of life approaches, and gives a solemn warning of the melancholy shades, that envelop for ever all human grandeur.

Age is a great consideration in regard to the dearest connections of life. How will this affect my wife and children? says a man of sensibility on every important occasion. Rulers, that love a partner for life, with one child in the cradle, others lisping the tender prattle, or blooming in the graces of youth, have given the nation great security for their good behavior. This will be the situation of delegates in Congress, under this regulation, while republican manners recommend early marriages.

In a country with ample resources for industry, men of probity, temperance, and sense may before 30 years of age considerably improve a small paternal estate, and sometimes acquire one from nothing; and thus without material injury to their interest, be enabled to dedicate some years to the agreeable and honorable service of their country.

The qualification of *political age* is founded on the well known fact, that foreigners cannot for a considerable time attain a perfect knowledge of the government, laws, manners, and interests of a country, nor with the best dispositions til many years be weaned from particular sentiments and habits, and perfectly incorporated into the body politic.

61. Printed Petitions with Signatures Presented to the Assembly Between 24 and 29 September 1787[1]



To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* Germantown

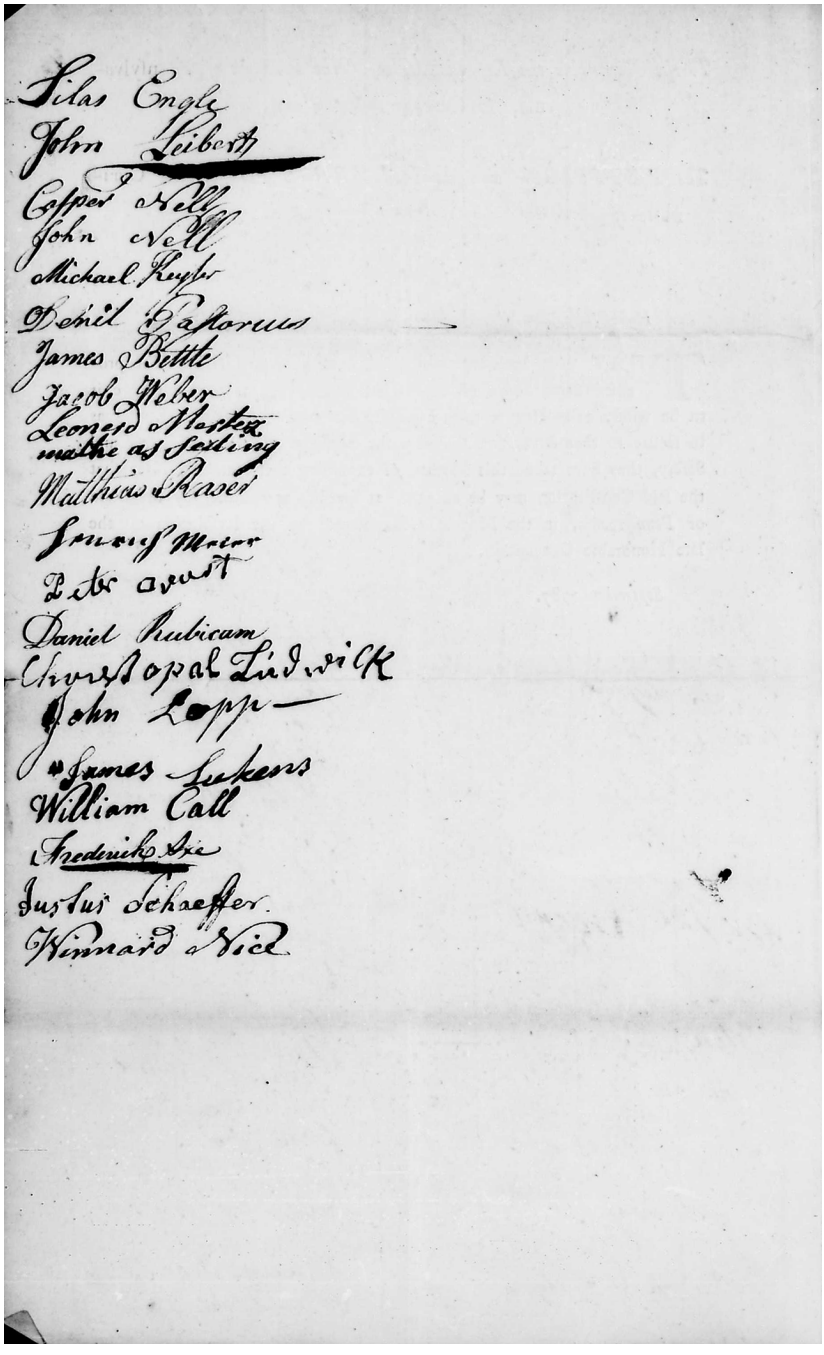
Reſpectfully ſhew,

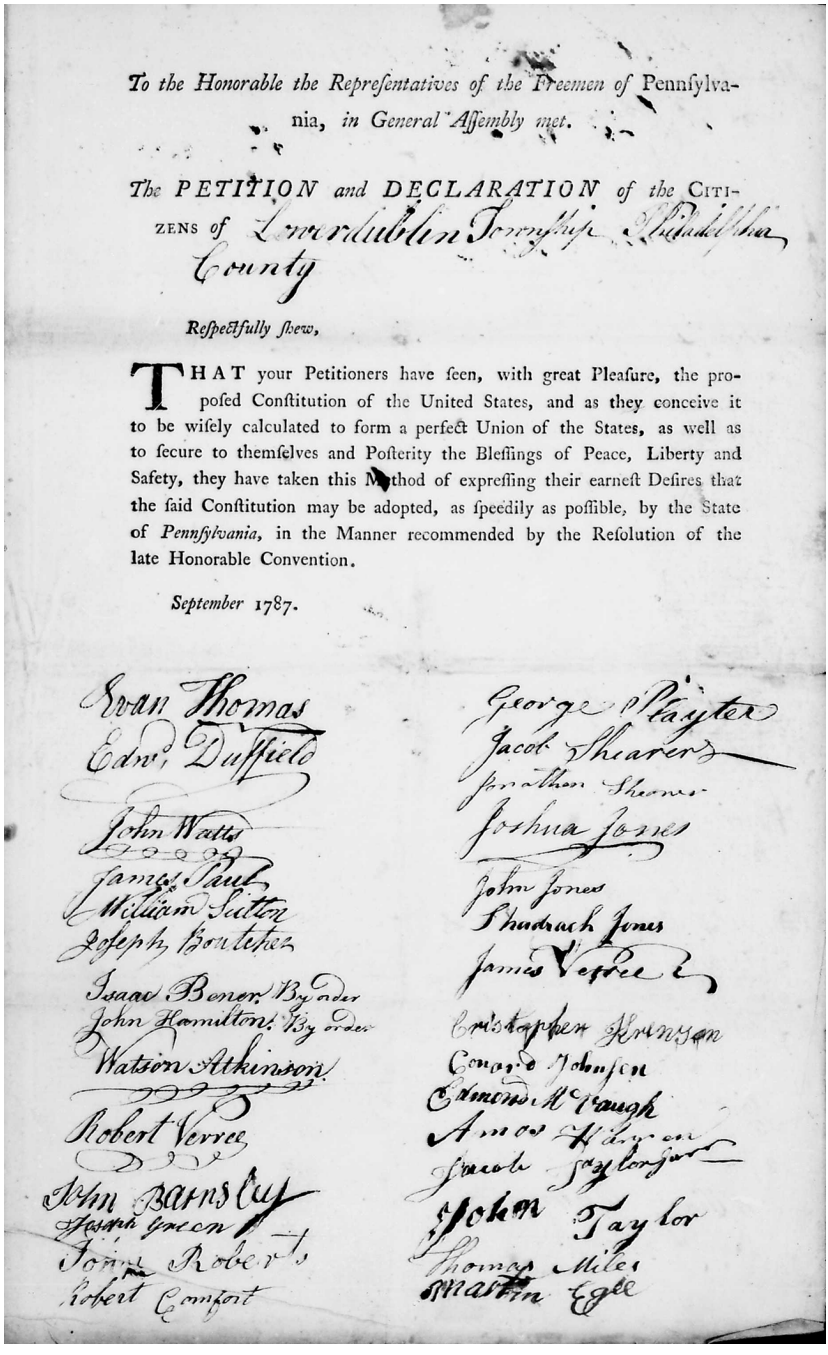
THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, they have taken this Method of expreſſing their earneſt Deſires that the ſaid Conſtitution may be adopted, as ſpeedily as poſſible, by the State of *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

William Keyser
John Robinson
Derick Keyser
Jacob Crout
George Peters
Peter Keyser
Peter Keyser jun
Michal Sigfried
Martin Weber
Henry Hamilton
John Ax
George Ax
George Hargesheimer
Jacob Keyser
Jn° Price
Frederick Hoeckly

Matthias Hoelgel
Wm Shoemaker
Christopher Hargesheimer
George Knorr
John Stiles
George Knorr jun
Jacob Knorr
John Ramsey
John Keyser 2d
Mr. Keyser
David Henry
Jacob Knorr
Christian Schneider
Jacob Meyer
Charls Thones
Harmon Keyser
John Nungesser
Jacob Gos
William Rittenhouse
John Weaver
William Fisher
Michl. Billmeyer


Silas Engle
John Leibert
Casper Nell
John Nell
Michael Keyser
Daniel Gastorius
James Bettle
Jacob Weber
Leonard Mester
Matthias Raser
Peter Levert
Daniel Rubicam
John Lapp
James Lukens
William Call
Justus Schaeffer
Winnard Nice



To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

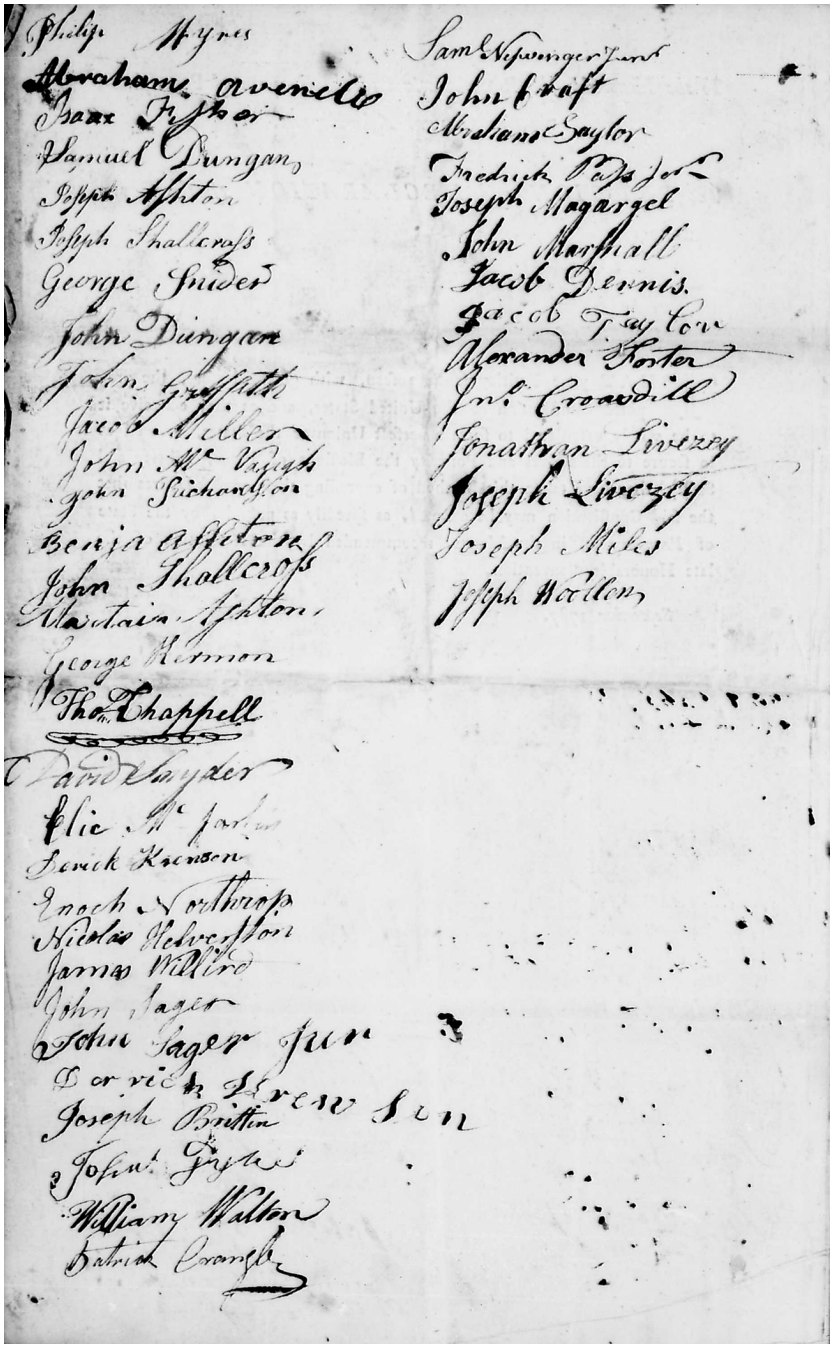
The PETITION *and* DECLARATION *of the* CITIZENS *of* Lower Dublin Township Philadelphia County

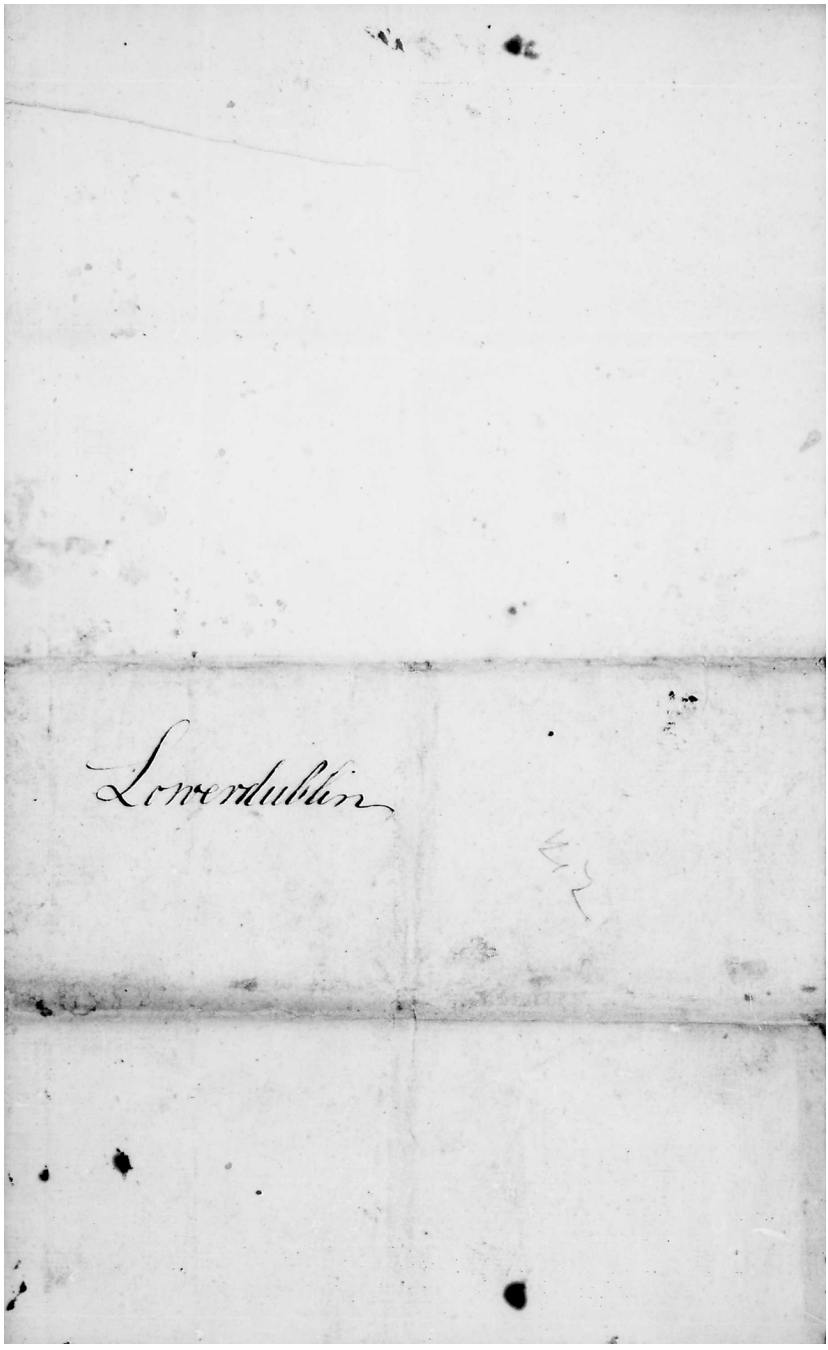
Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

Evan Thomas
Edwd Duffield
John Watts
James Paul
William Sutton
Joseph Bonsteter
Isaac Bonsor By order
John Hamilton By order
Watson Atkinson
Robert Verree
John Barnsley
Joseph Green
John Roberts
Robert Comfort
George Craycroft
Jacob Shearer
Jonathan Thomas
Joshua Jones
John Jones
Thadrach Jones
James Verree
Christopher Emerson
Edward Johnson
Edmond M'Gough
Amos Hagan
Jacob Taylor jun
John Taylor
Thomas Miles
Martin Egle




Lowerdublin

To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* Oxford Township Philadelphia County

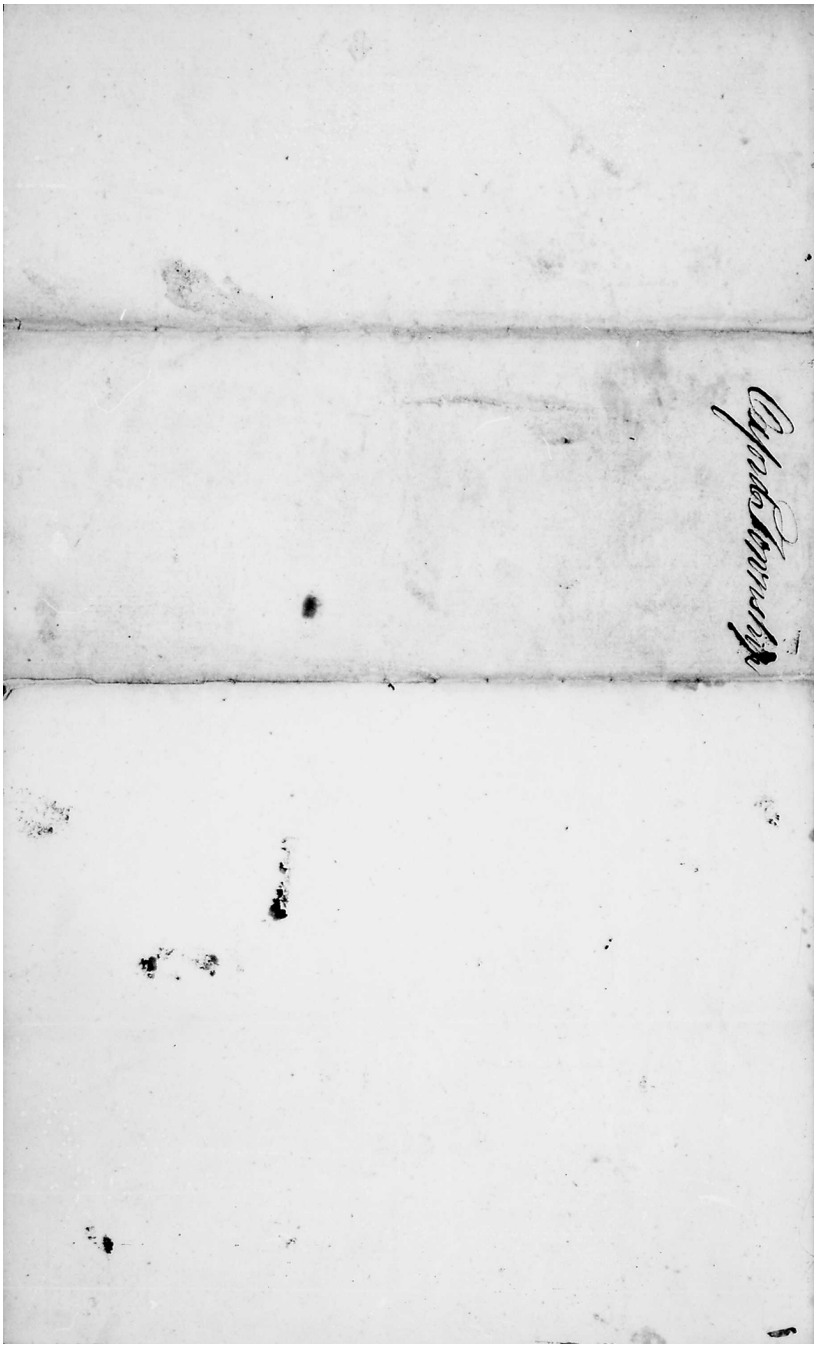
Reſpectfully ſhew,

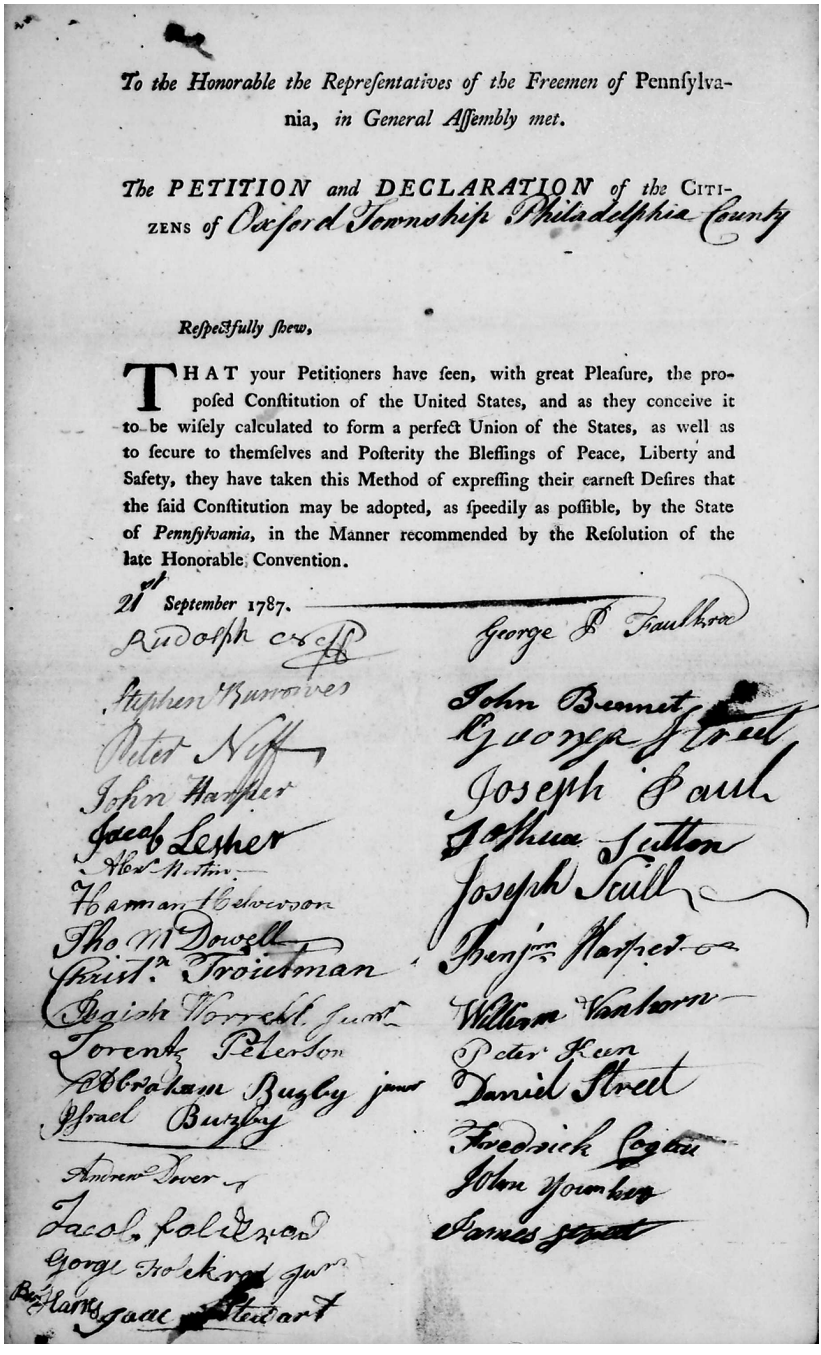
THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, they have taken this Method of expreſſing their earneſt Deſires that the ſaid Conſtitution may be adopted, as ſpeedily as poſſible, by the State of *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

William Landon
Brian Wilkinson
James Potts
Montgo Gantz
John Knowles
John Knowles Jun
Matthias Keen
Elisha Keen
Isaac Lyle
Joseph Davids
Thomas Weldon
William Betton
Wm Elfshington
Fra Gyrill

Benjamin Fisher
Benjamin Jandergrift
Levi Benton
Edmond Hats
Jacob Hats
Sam Howell Jun





To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* Oxford Township Philadelphia County

Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

21st September 1787.

Rudolph Ch Ss
Stephen Burrows
Peter Neff
John Hatfper
Jacob Lesher
Hor Hutton
Thomas Stevenson
Tho M Dowell
Christ. Troutman
Elijah Worrell Junr
Lorentz Peterson
Abraham Buzby junr
Israel Buzby
Andrew Dyer
Jacob Koldzad
George Folckroth junr
Benj Harris Isaac Stewart
George D Faulkner
John Bennet
George Street
Joseph Paul
Joshua Sutton
Joseph Scull
Benjn Harper
William Vanhorn
Peter Kerr
Daniel Street
Frederick Coglan
John Youmans
James Street

To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION and DECLARATION of the CITIZENS *of* Philadelphia, *and the Diſtricts of* Southwark *and the* Northern-Liberties,

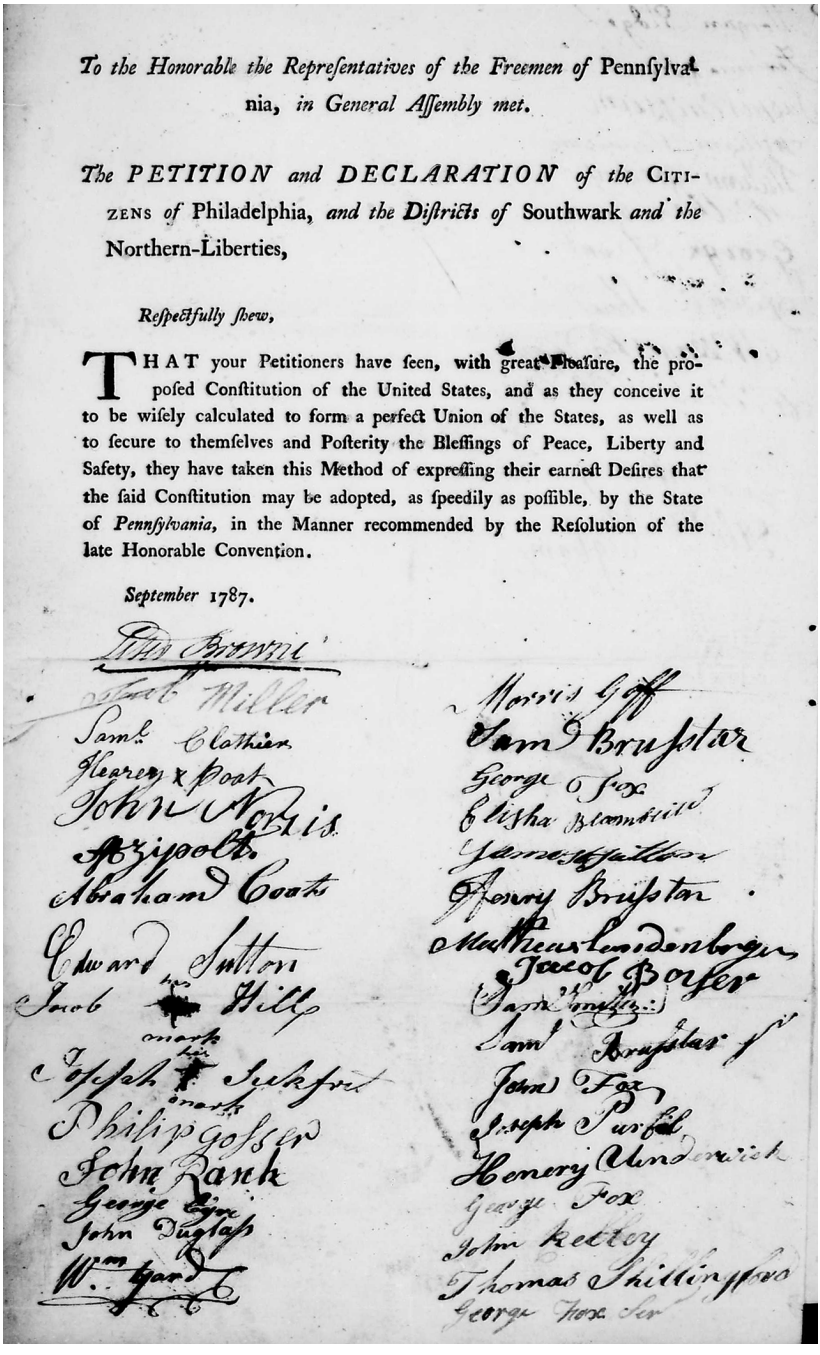
Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

William Bowes
Joſeph Bowes
Paine Newman
Peter Paris
Samuel Bowes
Richard Douglaſs
John Gartley
Jacob Gruſh

No 8



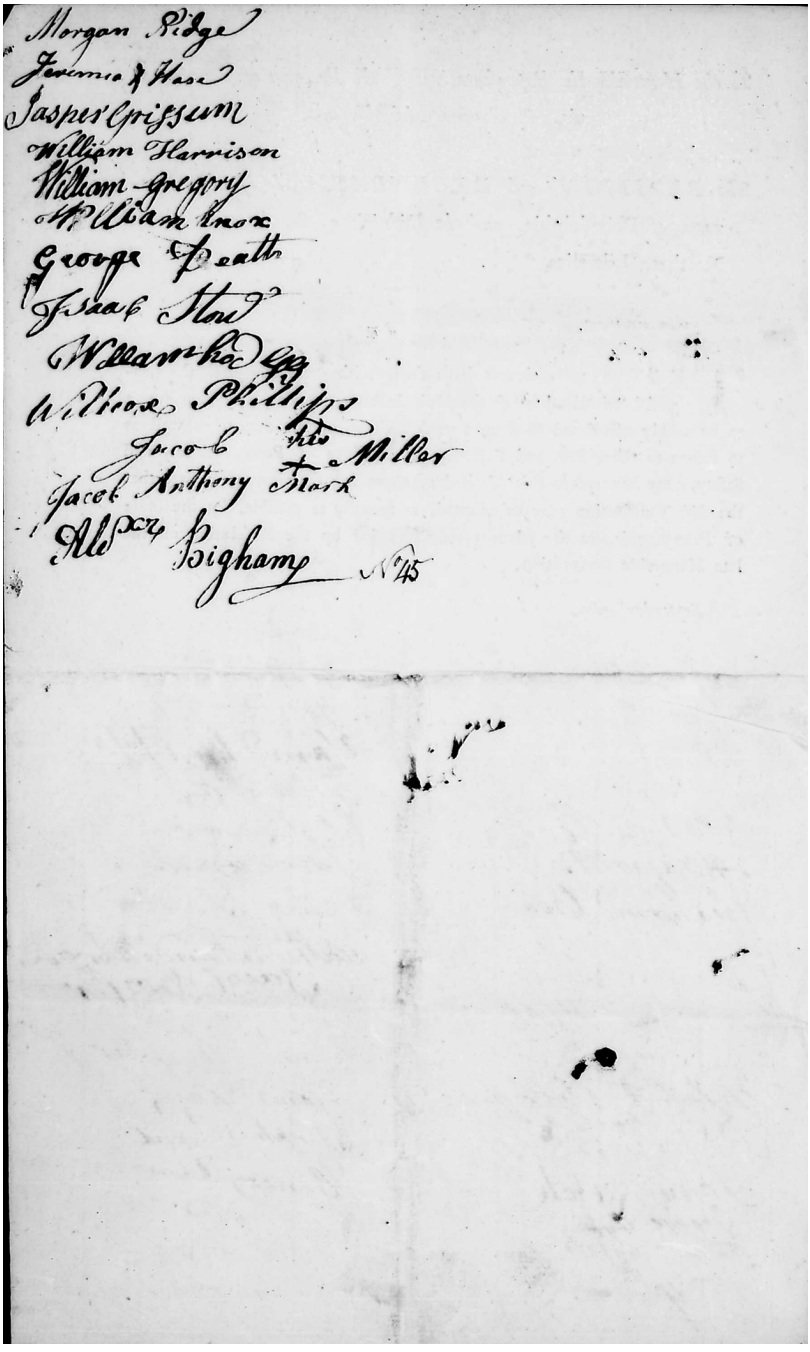
To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* Philadelphia, *and the Diſtricts of* Southwark *and the* Northern-Liberties,

Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.


Morgan Ridge
Jeremiah Hess
Jasper Grissum
William Harrison
William Gregory
William Knox
George Peath
Isaac Stout
William Hodgin
William Phillips
Jacob Miller
Jacob Anthony Mark
Alexr Bigham

To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* the District of Southwark

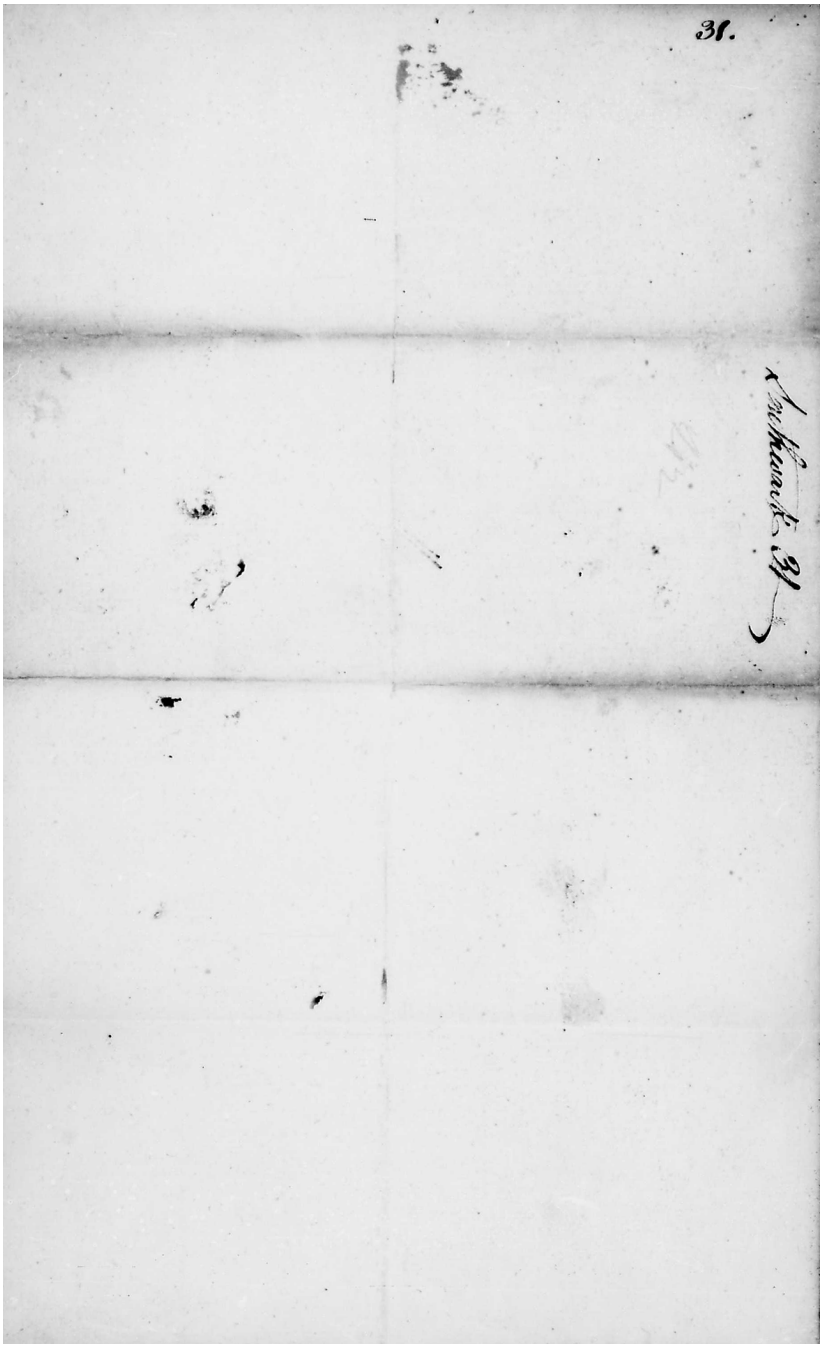
Reſpectfully ſhew,

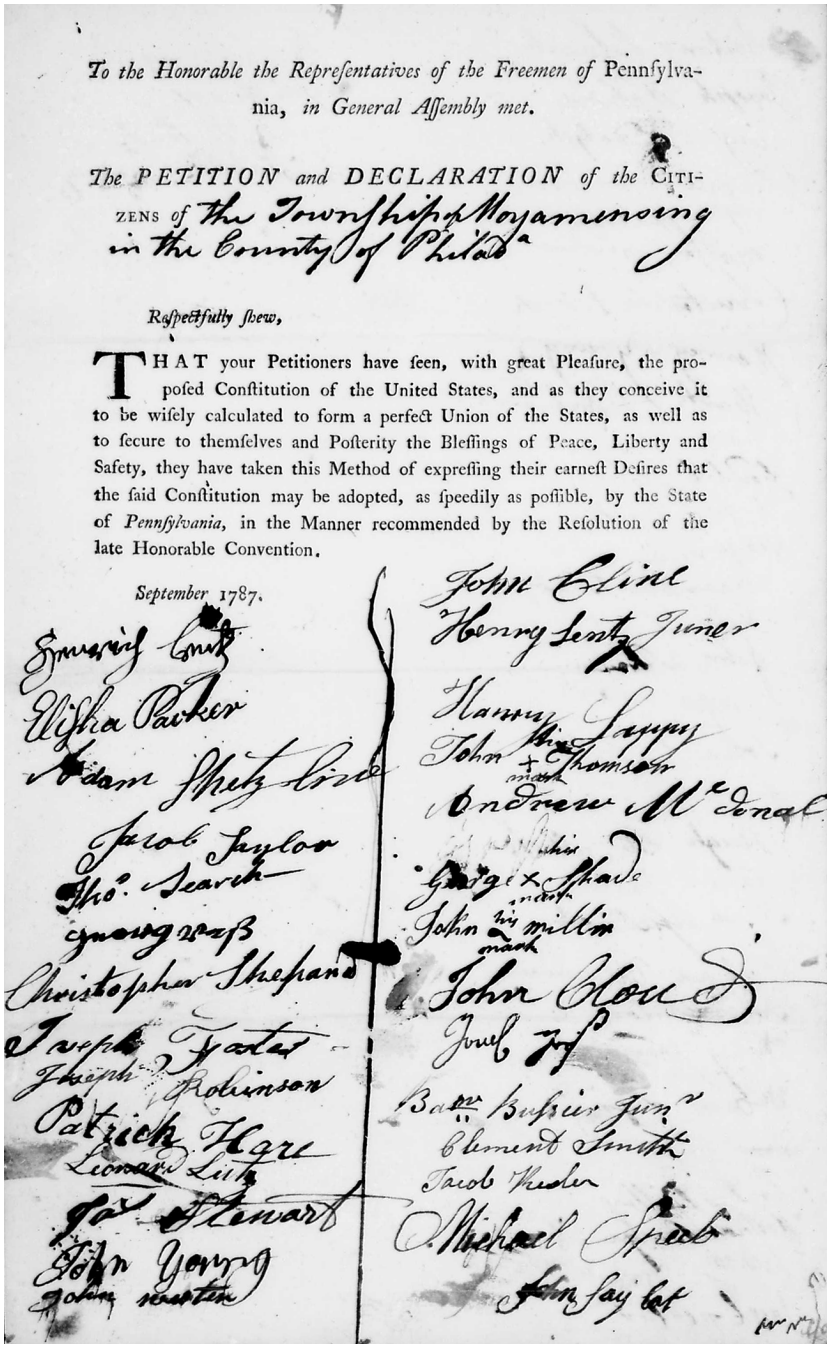
THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, they have taken this Method of expreſſing their earneſt Deſires that the ſaid Conſtitution may be adopted, as ſpeedily as poſſible, by the State of *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

Thos. Penrose
George Bowan
Jno. Church
Thos. Penrose Jr.
John Spruel
James Magaines
John Dawkins
John M Lush
Abraham Hoops
Edmond Connor
Jacob Clemens
Peter George
Nath. Gatt

Jno. Johnston
Elias Boys
George Graham
John Mease
John Mease jun
Andw. Dick
Robert Inman
John. Ruderkell
Robt. Jones
John Galt
James Champnis
Wm Jackson
John Thomson
James Gibson
Saml. Boys
Wm Stevenson
Jno. Bradford


31.



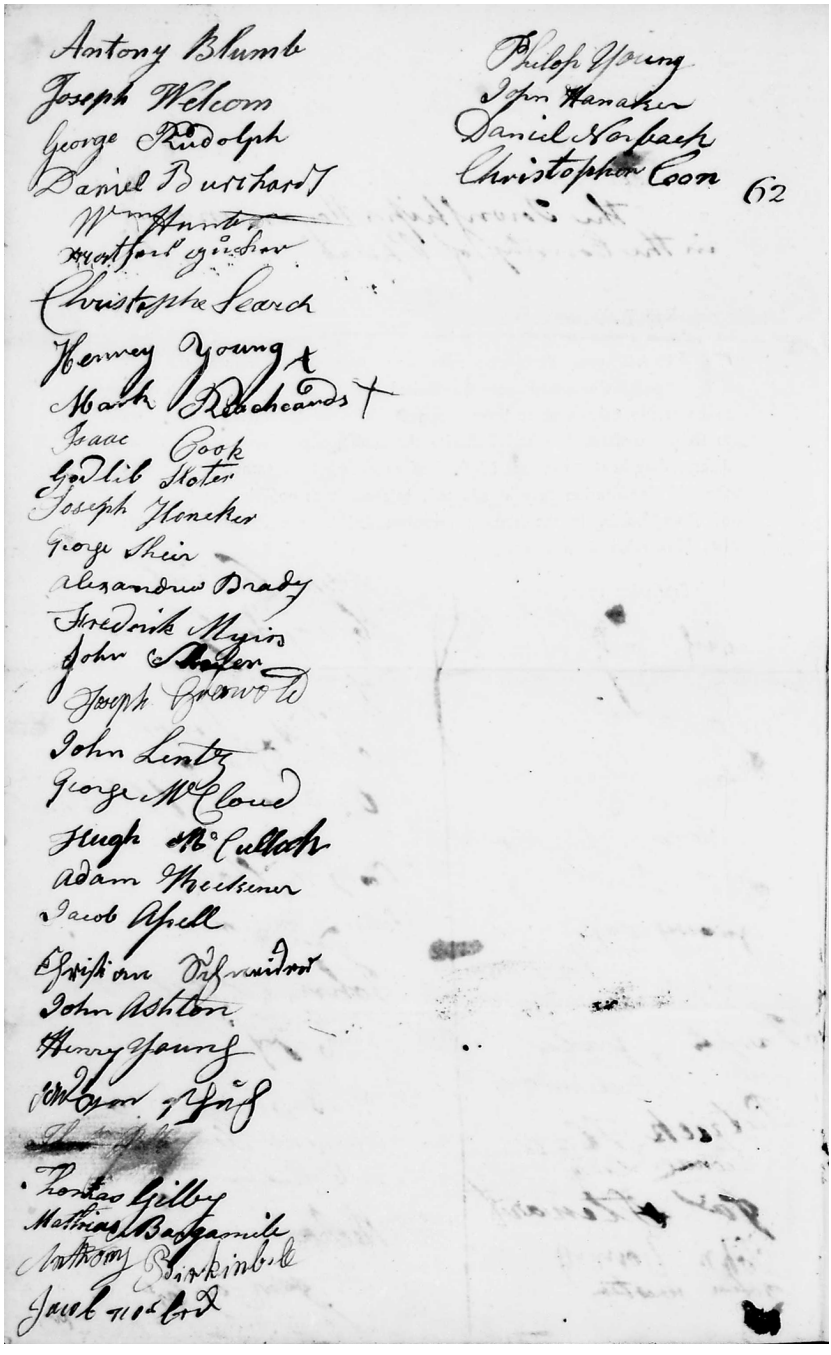
To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* the Township of Moyamensing in the County of Philad.a

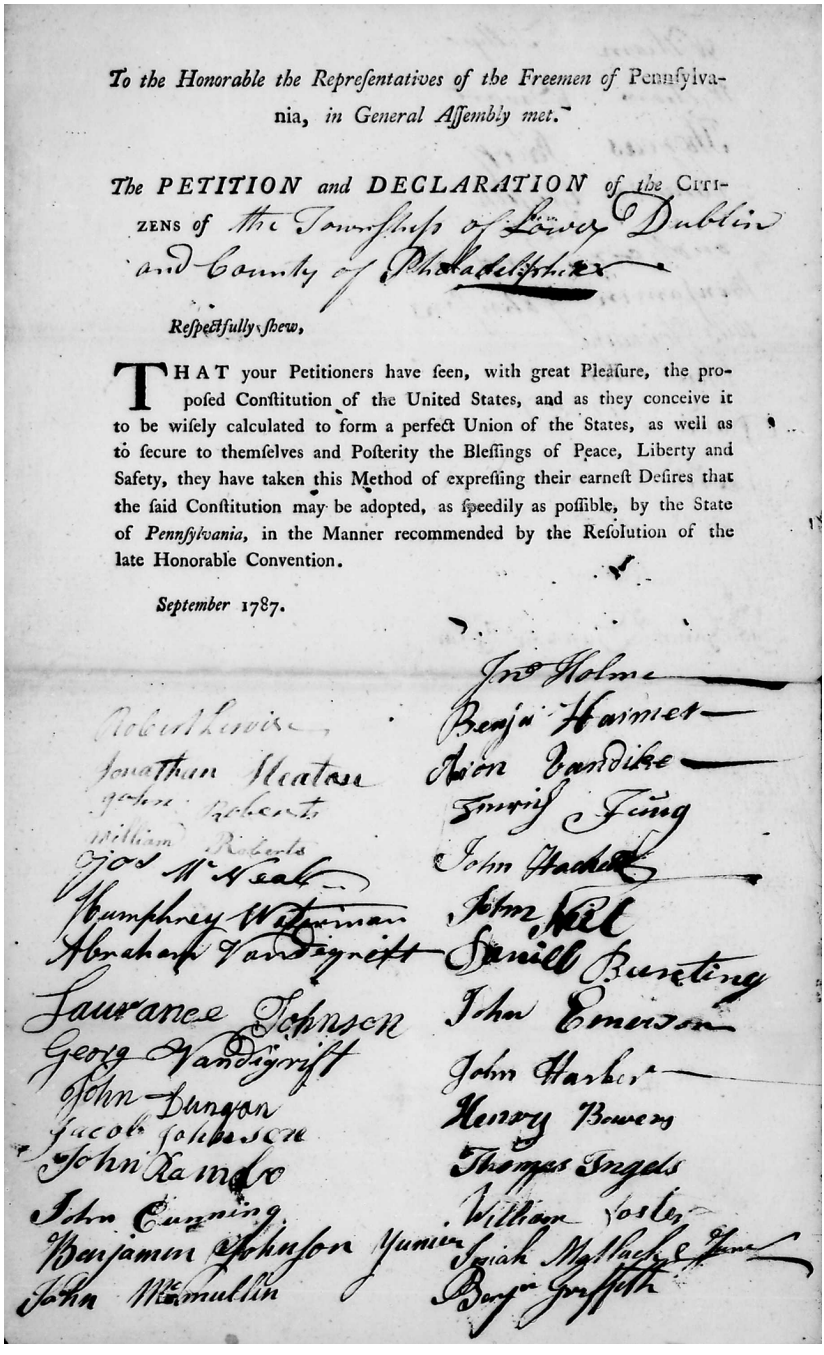
Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.



Mayamming 62



To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* the Township of Lower Dublin and County of Philadelphia

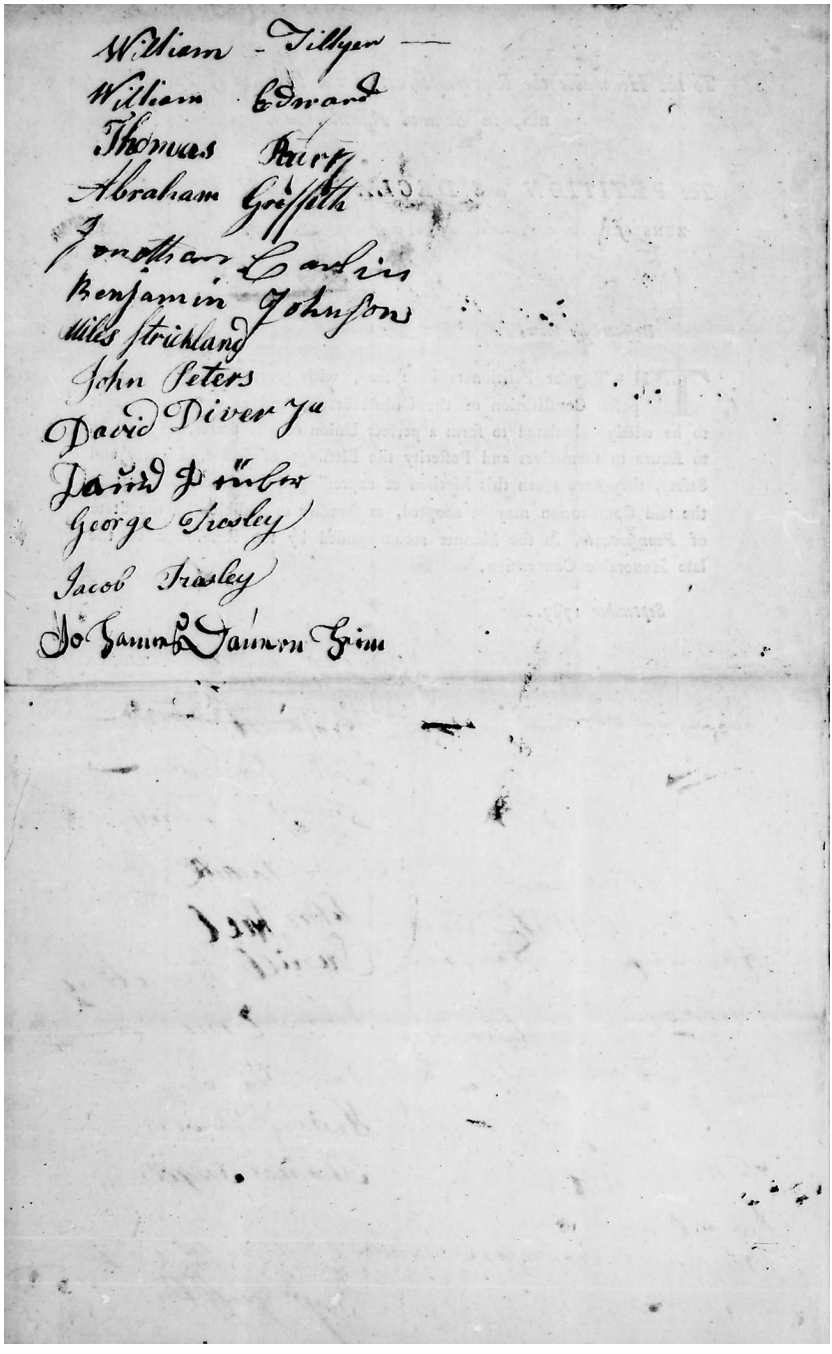
Reſpectfully ſhew,

THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, 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 *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

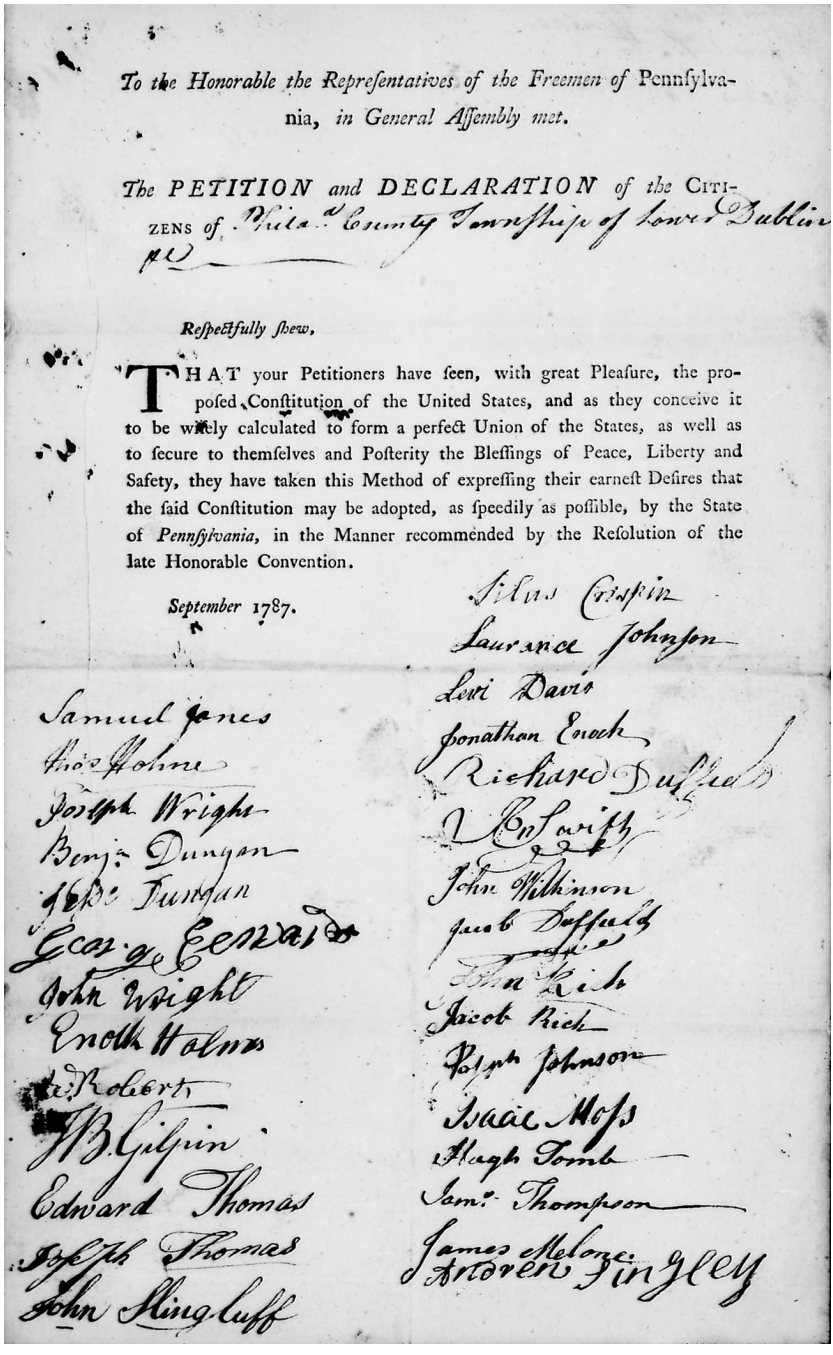
September 1787.

Robert Lewis
Jonathan Heaton
John Roberts
William Roberts
Jos M'Neal
Humphrey Waterman
Abraham Vandegrift
Laurance Johnson
George Vandegrift
John Dungon
Jacob Jacobson
John Ramdo
John Cunning
Benjamin Johnson
John M'Mullin

Jno Holme
Benja Harmer
Aaron Vandike
Emrich Jung
John Stadel
John Hill
Daniel Bunting
John Emerson
John Harbert
Henry Bowers
Thomas Ingels
William Fosler
Josiah Mathews
Benja Joseph


William Tillyer
William Edward
Thomas Parry
Abraham Griffith
Jonathan Carlis
Benjamin Johnson
Miles Strickland
John Peters
David Diver Ju
David Diver
George Frasley
Jacob Frasley

Philadelphia County
Court of District of Pennsylvania
42



To the Honorable the Repreſentatives of the Freemen of Pennſylvania, *in General Aſſembly met.*

The PETITION *and* DECLARATION *of the* CITIZENS *of* Phila.a County Township of Lower Dublin &c

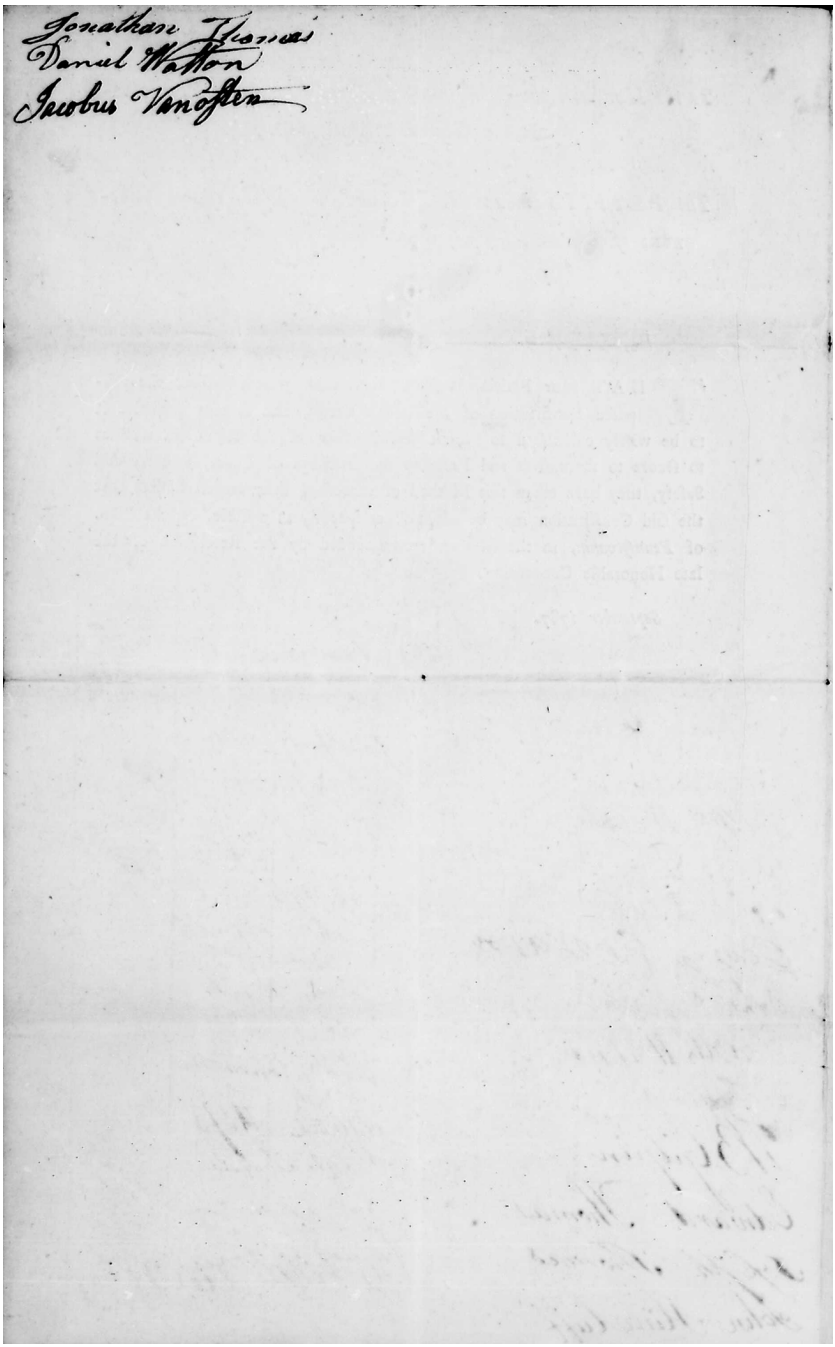
Reſpectfully ſhew,

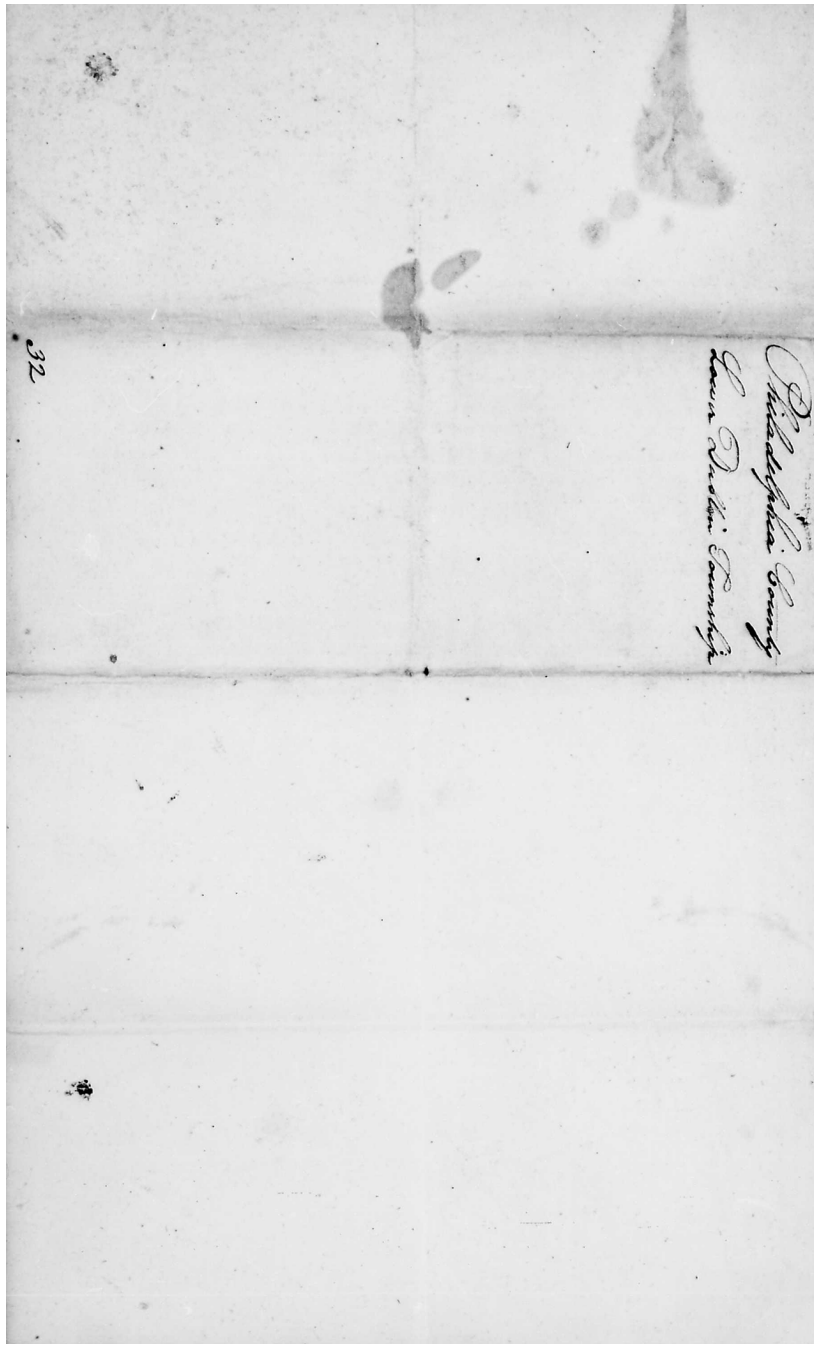
THAT your Petitioners have ſeen, with great Pleaſure, the propoſed Conſtitution of the United States, and as they conceive it to be wiſely calculated to form a perfect Union of the States, as well as to ſecure to themſelves and Poſterity the Bleſſings of Peace, Liberty and Safety, they have taken this Method of expreſſing their earneſt Deſires that the ſaid Conſtitution may be adopted, as ſpeedily as poſſible, by the State of *Pennſylvania*, in the Manner recommended by the Reſolution of the late Honorable Convention.

September 1787.

Silas Crispin
Laurance Johnson
Levi Davis
Jonathan Enoch
Richard Duffield
[illegible]
John Wilkinson
Jacob Duffield
[illegible]
Jacob Rich
Ralph Johnson
Isaac Moss
Hugh Toomb
Sam.l Thompson
James Melone
Andrew Fingley

Samuel Jones
Thos Johns
Joseph Wright
Benja Dungan
Jesse Tuttle
Geo.g Conard
John Wright
Enoch Holmes
[illegible] Robert
W.m B. Gilpin
Edward Thomas
Joseph Thomas
John Slingluff


Jonathan Thomas
Daniel Watson
Jacobus Vanoster



1. John A. McAllister Papers, Library Company of Philadelphia.

62. Newspaper Report of Assembly Proceedings Monday, 24 September 1787

Pennsylvania Herald, 25 September 1787 (excerpts)[1]

. . . A petition from the inhabitants of Germantown, praying that the house would take measures for the adoption of the constitution recommended by the federal convention, and several other petitions were presented, and ordered to lie on the table. . . .

Mr. Findley moved, that 1500 (1000 in English and 500 in German) copies, of the plan of government proposed by the federal convention, should be printed for the use of the people, which being agreed to, Mr. Brackenridge moved, that a committee be appointed to make the German translation, and a committee was accordingly appointed. . . .

1. Reprinted: *Pennsylvania Packet*, 26 September.

63. Ezekiel Forman to Alexander Hamilton Philadelphia, 24 September 1787[1]

I have been so indisposed, and so much confined at Home that I did not know of your last Visit to the Convention untill the Day you left the City, or I should surely have called on you.

I wish to know if the process against Mr. Livingston was served and return made to the Term expected when I saw you in the city—July Term—and if any thing more is wanted for the effectual prosecution of that suit.

please to look over the papers I left, and judge, if the acct. stated by the sheriff, and the Writing thereon be not sufficient to empower me to carry on a suit. The business of the Convention has given very universal satisfaction, The people may be said to be violent in there desires to carry it into effect—Petitions circulating in every Ward of the City, and thro' the Country to the Assembly to appoint a Convention &c.

1. RC, Hamilton Papers, Library of Congress.

64. Matthias Harrison to Silas Talbot Philadelphia, 24 September 1787 (excerpt)[1]

I have just returned to the City after an absence of six weeks, when I had the pleasure of receiving your Letter, and take the first opper-

tunity of acknowledging it, I am fearful you have blamed me at least for inattention to your business, if not for total neglect, but I assure you the moment I opened your Letter, I went to those better acquainted with such transactions than myself, to sollicit their advice, and am informed should the present plan of Government be adopted, those certificates that are left at large will in all probability be the soonest paid, and at present this State pays no Interest and in the opinion of many the funding System will be repealed; General Mifflin too thinks you had better wait; however if it is your wish to have them funded, you may depend upon my doing all in my power to serve you.—You say nothing of Mrs. Talbot by that I conclude she is well, remember me particularly to her and assure her, it would give me great pleasure could I transport myself to Johnson Hall to enjoy her Company, but I am afraid it will not be in power ever to effect it—I thank you for you[r] good wishes, but I am not so nigh being happy as you imagine or as your informant [– – –] led you to believe. . . .

1. RC, Silas Talbot Collection (Coll. 18), G. W. Blunt White Library, Mystic Seaport Museum, Mystic, Conn.

65. Matthew M'Connell to William Irvine
Philadelphia, 25 September 1787[1]

There is little else talked of but the new fœderal Government and the citizens are for it very generally indeed, but I find there are some few individuals who raise difficulties with regard to the Constitution of Pennsylvania.

I will esteem it a particular favour if you will take the trouble to send a few lines as soon as possible after Congress have agreed to recommend it, informing me thereof, and whether state Conventions are to be called, or it is to be left to the Legislatures.

Everything else as when I wrote you last, only New loan [certificates] are rather duller.

1. RC, Irvine Papers, Historical Society of Pennsylvania.

66. Philadelphia Evening Chronicle, 25 September 1787

JUST PUBLISHED;
Price 1*s* 6 *neatly bound in Sheep-skin in a handsome Pocket Volume*, the
CIRCULAR LETTR, From His Excellency GENERAL WASHINGTON.
Commander in chief of the armies of the United State AMERICA;

Addressed to the Governors of the several states, on his resigning the command of the army, and retiring from public Business.

Which is the Foundation of Civil and Religious Liberty displayed, asserted, and established agreeable to its true and genuine Principles, above the reach of all petty Tyrants, who attempt to Lord over the human mind. The elegancy of style and purity of sentiment, desplayed through this incomparable composizion, will establish WASHINGTON, as a descripteve PATRIOT, to the latest posterity.

Sold by Messrs. Dobson, Seddon, Woodhouse and, the Printer hereof.

67. A Freeman
Pennsylvania Packet, 25 September 1787

To the Printers of the Daily Advertiser.

As the Federal Convention have recommended an appeal to the judgment of the people that measure cannot be adopted too soon. The assemblies of the states have only to expedite and facilitate it. I was therefore sorry to observe a paragraph in your paper of the 21st instant, expressing, though evidently from want of due reflection, an expectation that our assembly would break up so early as to leave the plan of the federal constitution to the consideration of the next house. I am so confident of the hearty concurrence of Pennsylvania in the measures of the Convention, that I should be equally pleased to leave the subject to the next house, or to proceed on it in the present, but for two strong reasons

1st. The expence and trouble attending an election of a state convention may be very much lessened, by holding it at the same time, as is fixed for the choice of members of assembly, sheriffs, &c.

2dly. As an appeal to the honest feelings and judgment of the people is the mode proposed by the federal Convention, and is the only one consistent with the nature and spirit of our free governments, and as we are hourly suffering in our interests and honor, both at home and abroad, any *unnecessary* delay—any delay *that can possibly be avoided* is a deep injury to our country.

My enquiries about the probable course of this interesting business have given me the comfort of learning, that the honorable house is disposed to give it their serious consideration before they part—and, I trust with deference to their wisdom, their hearty approbation.

Sept. 22, 1787.

68. Newspaper Report of Assembly Proceedings Wednesday, 26 September 1787

Pennsylvania Herald, 2 October 1787 (excerpt)[1]

The House met pursuant to adjournment.

The following petitions were presented, and ordered to lie on the table, viz. The petition of a number of the citizens residing in Philadelphia county, in favor of the constitution recommended by the Foederal Convention. . . .

1. Reprinted: *Pennsylvania Packet*, 3 October.

69. Foreign Spectator Philadelphia Independent Gazetteer, 26 September 1787

A division of the legislative power has been a very general maxim in free countries, whether the constitution has most favoured monarchy, aristocracy, or democracy in its complexion. I shall only make a few remarks on this subject. On the supposition of a wise and virtuous majority at all times, a single house is preferable, because a division would only stop the action of government in all cases, when either house might have a wrong majority. But as we must necessarily suppose, that sometimes a majority of the whole may either from error or ill design be in the wrong, it is some security that by the laws of chance this majority may be so divided, that a majority in either house may be in the right, and thus defeat the ill effect of the wrong majority in the other. Suppose f. e. the whole legislature to consist of 30 delegates, in two equal divisions of 15; let a majority of 20 be in the wrong—the minority may nevertheless form a majority in either house by several modes, as even 8 will be sufficient. The greater the minority of the whole is in such a case, the more probability has it of being a majority in either division. The expediency of a division must so far be determined by the circumstances of a nation, whether the public welfare depends more *on passing a good law, or not enacting a bad?* Perhaps in general the first is the case in times of public danger and distress; the latter in a peaceable course of national affairs. Bad laws cannot immediately be repealed, and a frequent change not only creates disorders, but brings contempt upon the government, consequently weakens the principles of loyalty, and habits of subordination. When corruption is not too rife, neither branch of the legislature can be so wicked as not to join in the necessary measures for national defence, or removing

any great public evil—Ignorance or any prejudice whatever, moral, religious or political can never be a plea for such base conduct. A single house is more liable to corruption; *first*, because a correspondence between the ill-disposed is, in some degree at least, retarded by a distribution in two houses; they cannot so readily discover sympathising principles, and make open offers of joining in wicked measures; nor can they carry on the attack on national liberty with the same concert, *in the same place, and at the same time.* Two or three animated speeches delivered successively by 3 masked traitors in the same assembly, and supported by their partizans, have often an unhappy effect on the weak in judgement, and the lukewarm in virtue—But separate houses are neither impressed by the same force, nor at the same time equally disposed to receive the impression. *Secondly*, because a less majority is sufficient. In the example above, 18 in 30 may be a pretty secure majority, but not in two equal divisions of 15, because the defection of two in nine in either house, would give a majority of eight to the country party, and frustrate any bad design. *Thirdly*, because a point of honor and rivalship is apt to arise in the separate branches from the very nature of man, and will, except in party or great temptation of interest, make them watchful of each other—the appearance of corruption in one, will flatter the other with the pride of being the sole guardian of the constitution.

But the principal reason for dividing the legislative power has been a reciprocal jealousy between the several orders of citizens, that have their respective rights and privileges; as is evident from the history of ancient and modern states. Nature herself has made a great difference between men—Beauty, strength, and other bodily perfections give some advantage, and in a particular state of society, more considerable—The qualities of the mind always create a very great distinction; the wise, brave, active, temperate, just and good have an amazing superiority over the stupid, indolent, cowardly, base and slaves of passion: *those are absolutely born to command, and these to obey.* In the progress of civilization, a difference in fortune improves those qualities without a proportional remedy of the opposite imperfections; learning, property, and connexions make a man of great sense, intrepid fortitude and other distinguished talents, very great; whereas the glare of wealth and rank, only the more expose a despicable character to the public eye, while manners are uncorrupted. Again in the equality of natural merit, property and birth give a great advantage in powerful and beneficial connexions, the means of education, experience in civil affairs, &c. Hence there must necessarily in every state, be several classes of people, that cannot

be made equal, notwithstanding an equal participation of all civil rights—You may fill a number of unequal vessels from the river, but still a barrel, gallon, and quart cannot hold more than their natural measure. Personal merit, property, and family, are the three great sources of inequality. A free constitution should limit them all—by prohibiting nobility, and moderating official dignity—by preventing entails and some other modes of accumulating fortunes—and by not entrusting even the worthiest citizens with power too great or for a long time. Yet, superior industry, genius, and moral conduct, inheritance, marriage, and many happy changes must form great inequality of property—by the unalterable law of Providence the merit and lustre of parents, in some degree descends on worthy children—and men of great parts must have great influence, a just claim to power, and honors, which in spite of envy or caution is enforced by the necessity of national affairs. Men who possess all these advantages must be very illustrious. In all states there is then a *natural aristocracy*, which far from being an evil, is under a proper limitation necessary for the safety, liberty, and happiness of society, because it equally guards against despotism, popular licentiousness, and that odious dominion of a few overgrown citizens called oligarchy. The members of a political body, like those of a natural, are all necessary to each other, and all respectable; yet they differ in dignity, because some like the eyes and hands are more important for the welfare and the very existence of the whole. All rational and well-disposed men venerate this disposition of Almighty God; pay a chearful respect to superior sense, probity, fortitude, and whatever talents, and regard the advantages of fortune when they improve personal merit, and enable it to be more useful: they acknowledge their *natural superiors* without any formal declaration of laws. Again, these regard themselves as the natural guardians, counsellors, and protectors of their inferior fellow citizens; and, though conscious of their own dignity, should desire no more than that respect, confidence, and share of power, which is their right—if they do not think so, they want that integrity and benevolence which is the first title to superiority. The higher classes in society will naturally by intermarriage, and social intercourse be much connected, and in a great measure detached from the lower, who for the same reasons will also be interwoven; and both will generally have a fellow feeling with those who are their equals or nearly so. Among the less generous in either class this sympathy will also be attended with some degree of antipathy—one party will envy their superiors, and the other despise their inferiors. As to real interest, there will in some things be a difference—taxation may affect great

and small property very unequally: a war will in general more endanger the personal safety of the poorer citizens: public institutions that promote refinement will less benefit them, &c. But a rivalship in power will be a natural permanent cause. Great abilities, riches, family connexions, official dignities, which form the natural aristocracy, and in a great measure connect it, will inspire a desire of too much power, and of great emolument—It will not only govern, but be well paid for governing by many expensive establishments, military civil and ecclesiastical. On the other hand the people would in their resistance go too far, and finally pull down every necessary dignity, nay fear and hate the most eminent citizens, and commit the nation to mean blockheads, or turbulent demagogues. It is therefore very proper, that one branch of the Legislative power should more especially be formed by the people, and the other by the gentry, or what name you will give the necessary and natural aristocracy. In the United States there is less inequality than any where, some parts of Switzerland excepted; yet there is some, and it will probably increase—The Constitution does very properly consider this; the people at large elect the House of Representatives, and the respective Legislatures appoint the Senate. It is by no means my design to insinuate, that any natural opposition should exist between these two houses; but a remedy is provided against what might occasionally happen. An additional security is given to the body of the people by the 1 sect. 1 art. as *all bills for raising revenue shall originate in the House of Representatives.*

Dispatch and secrecy so necessary on many occasion permit not a division of the Executive power. It is so far less dangerous in the hands of one person, as the eyes of the whole nation are fixed upon him, and he may even dread the violence of individuals, whereas no scheme is easily formed for assasinating a number of tyrants, and when united they may often elude public justice. The constitution does very justly annul the negative of the president when two thirds of both houses agree, and in the important affair of treaties, require the concurrence of two thirds of the senators present.

70. Tar and Feathers
Philadelphia Independent Gazetteer, 26 September 1787

Extract of a letter from a gentleman in Montgomery county to his friend in the city, dated 24th September, 1787.

"We hear that the petitions which are handing about in favor of the federal constitution, have met with no opposition in your city, except by five persons, who have lived upon the distresses of the people for

some time past; you may expect those gentlemen will in time, on finding their little opposition will not avail, become good subjects of the federal government; they were not decided characters in our late glorious revolution, until they found independence would be maintained; it is even said that one of them who was in Europe early in the contest, was decidedly against us! but, on finding we were able to support our independence, they became the best street-whigs you had, and got themselves fixed in fat offices, which they cannot but with reluctance run the risk of losing. We also hear that the only machine for spinning cotton with facility in your city, has been bought up by a British rider, and put on board a vessel for London. It is to be hoped the Manufacturing Society will have spirit enough to furnish that enemy to our country with a coat of 'TAR & FEATHERS.'["]

71. Pennsylvania Packet, 26 September 1787[1]

Petitions to the Honorable House of Assembly for the Adoption of the *Constitution* recommended, by the late *Honorable Convention*, are left at the *Old Coffee House*, where those Citizens of Philadelphia, the Northern-Liberties and Southwark, who chuse to sign them, and have not yet had an opportunity, are requested to apply.

1. Also printed in the Philadelphia *Independent Gazetteer* on 26 September.

72. Newspaper Report of Assembly Proceedings Thursday, 27 September 1787

Pennsylvania Herald, 2 October 1787[1]

The house met pursuant to adjournment.

The following petitions were presented and ordered to lie on the table, viz. a petition from sundry inhabitants of Bedford, praying for a division of that county, and sundry petitions from the inhabitants of the city and county of Philadelphia amounting to between 3 and 4000, in favor of the new plan of Fœderal government.

1. Reprinted: *Pennsylvania Packet*, 3 October.

73. A Pennsylvania Farmer Philadelphia Independent Gazetteer, 27 September 1787[1]

Mr. OSWALD, In searching among some old papers, a few days ago, I accidentally found a London newspaper, dated in March, 1774, wherein a certain Dean Tucker, after stating several advantages attendant on a separation from the then colonies, now United States of North-America,

proceeds thus—"After a separation from the colonies, our influence over them will be much greater than ever it was, since they began to feel their own weight and importance"—"The moment a separation takes effect, intestine quarrels will begin"—And "in proportion as their factious republican spirit shall intrigue and cabal, shall split into parties, divide and subdivide; in the same proportion shall we be called in, to become their general umpires and referees."

I stood aghast on perusing this *British prophecy*, and could not help reflecting, how my infatuated countrymen are on the very verge of suffering it to be fulfilled—Already have they, in several of the states, spurned at the federal government, despised their admonitions, and absolutely refused to comply with their requisitions: nay they have gone further, and have enacted laws in direct violation of those very requisitions; nor does the present federal constitution give Congress power to enforce a compliance, with the most trifling measure they may recommend. Hence liberty becomes licentiousness (for while causes continue to produce their effects, want of energy in government, will be followed by disobedience in the governed.) Hence also, credit, whether foreign or domestic, public or private, hath been abused, and of course is reduced to the lowest ebb: Rhode-Island faith in particular, is become superlatively infamous, even to a proverb. Would to God that censure in this respect, were only due to that petty state! Sorry I am to say, several others merit a considerable share of it—Ship-building and commerce no more enrich our country—agriculture is neglected, or what is just the same, our produce, instead of being exported, is suffered to rot in the fields. Britain has dared to retain our frontier posts, whereby she not only deprives us of the fur trade, but is enabled to keep up a number of troops, to take every advantage of any civil broils which may arise in these states; and to close the dismal scene, rebellion with all its dire concomitants, has actually reared its head in a sister state—such have been the deplorable effects of a weak and impotent government. Perhaps the present situation of America cannot be better described than by comparing her to a ship at sea, in a storm, when the mariners tie up the helm, and abandon her to the fury of the winds and waves. O America! arouse! awake from your lethargy! bravely assert the cause of federal unanimity! and save your sinking country! Let it not be said, that those men who heroically extirpated tyranny from America, should suffer civil discord to undo all that they have achieved; or to effect more than all the powers of Britain, aided by her blood-thirsty mercenaries, were able to accomplish. Let not posterity say—"Alas! our fathers expended much blood and treasure in erecting the temple of liberty; and when nothing more was wanting but thirteen pillars to

support the stately edifice, they supinely neglected this essential part; so has the whole become one mighty heap of ruins, and slavery is entailed on their unhappy offspring." God forbid, that this should ever be the case!

Do any of my fellow citizens ask, how may we avert the impending danger? The answer is obvious—let us adopt that federal constitution, which has been earnestly recommended by a convention of patriotic sages, and which, while it gives energy to our government, wisely secures our liberties. This constitution, my friends, is the result of four months deliberation, in an assembly composed of men, whose known integrity, patriotism and abilities, justly deserve our confidence; let us also remember that the illustrious WASHINGTON was their president. And shall we, my fellow citizens, render all their measures ineffectual, by withholding our concurrence? The preservation of ourselves and of our country, forbid it. Methinks I hear every hill from St. Croix to the Mississippi re echo the praises of this simple, but excellent constitution.

Having once adopted this truly federal form of government, Dean TUCKER, and all the divines in England, may prophecy our downfall if they will, we shall not regard them. Then shall commerce revisit our shores; then shall we take a distinguished rank among the nations of the earth; then shall our husbandmen and mechanics of every denomination, enjoy the fruits of their industry; and then, and not till then, shall we be compleatly happy.

Bucks County, September 22, 1787.

1. Reprinted: Philadelphia *American Museum*, September 1787.

74. Assembly Debates (Dallas), Friday, 28 September 1787[1]

Pennsylvania Herald, 29 September 1787[2]

Yesterday Mr. George Clymer rose in the General Assembly, and having premised that the subject which he proposed to introduce to the House, was of so interesting a nature, was so generally understood, and so unanimously approved, that he thought it superfluous to attempt, by any prefatory reasoning, to impress it upon the minds of the members, he presented resolutions of the following purport to the chair: "Whereas the late Federal Convention, has digested a plan of government for the United States, and recommended that it should be referred to the consideration of State Conventions, therefore resolved, that all persons entitled to elect Representatives in General Assembly, shall elect as many Delegates to form a Convention for the purpose aforesaid, as the city and counties respectively to which they belong,

are by law authorized to return to the General Assembly—that the said election of Delegates shall take place for the city of Philadelphia, and all the counties, except those hereafter mentioned, on the day of the next general election, and for Bedford, Huntingdon, Washington and Westmoreland on the _____ day of _____ that the Delegates so elected shall meet at the state-house in Philadelphia on the _____ day of _____ next, and that it be recommended to the succeeding house of Assembly, to provide the same allowance for the attending members of the said Convention as is provided for the members of the legislature." These propositions produced a very long, and animated debate (which will be given in our next paper) and upon the question, will the House adopt the resolution for calling a convention, it was determined in the affirmative. Yeas 43—Nays 19.

The House having come to the resolution, mentioned in the preceding paragraph, adjourned 'till four o'clock in the afternoon; but at that time no more than 45 members assembled, in consequence of which the Speaker stated, that the only alternative was to adjourn, or to order the sergeant at arms to summon the absent members. The officer being sent upon that duty, was, on his return, examined at the bar, when he informed the Speaker, and the members present, that at the house of Alexander Boyd, he had spoken with Mr. Whitehill, Mr. Findley, Mr. Antis, and several other members (being the whole of the minority upon the question for calling a convention, except Mr. Brown, who answered on going over the roll) and having informed them, that he was ordered by the Speaker and the House to desire their attendance in their places, he was answered by Mr. Whitehill, that they would not attend, as they had not made up their minds upon the subject, and it seemed to be the general disposition of the persons present, not to comply with the summons of the House. The sergeant being questioned, said that no other persons besides the members and Messrs. M'Lean and Smilie, members of the Executive Council, were at that time at Major Boyd's, that Mr. M'Lean asked him, who had sent him, but that Mr. Smilie was silent. The Speaker then recapitulated to the members the business that remained to be completed this session, which consisted chiefly of a few bills to be compared at the table, and the suite of the resolutions that had occasioned the secession. It was then moved to adjourn, when Mr. Robinson addressed himself to the chair to the following effect: Mr. Speaker, Before we adjourn, I wish to submit a thought to the members now assembled, that they may revolve it in their minds, and come prepared at our next meeting to decide upon its propriety—The House, this morning, sir, adopted a resolution for calling a convention. Proceedings of this nature have not the obligation

of laws, but are merely recommendatory, and may afterwards be complied with or rejected, at the pleasure of the people. Notwithstanding then, the unwarrantable secession, which has thus a second time disgraced the records of the legislature, there are a sufficient number of us left to frame and present to our constituents an eligible mode for conducting the election of the proposed convention, and though it may want the authority of a quorum, the good sense of the people will not allow them to reject it on that account, if they find it in other respects salutary and convenient. I shall propose therefore, that we make the necessary arrangement at our next meeting, and under our hands and seals offer it as a tribute to the public welfare; at least, as an instrument to rescue our characters from the imputation of indulging a factious spirit, or of basely deserting our duty upon so important an occasion.

Mr. Fitzsimmons added, that he hoped every gentleman present would consider himself bound to attend at the next meeting, which was appointed for this morning at half past nine o'clock.

Pennsylvania Herald, 2 October 1787

George Clymer: Mr. Speaker, I shall now present to the House certain resolutions, respecting the plan of government offered to our consideration by the Federal Convention. The subject has been everywhere discussed, it is perfectly understood, and from the number and the nature of the petitions upon your table, we have every reason to presume, that it meets the unanimous approbation of our constituents. I do not, therefore, consider it necessary, sir, to exercise your patience with arguments in favor of a measure, which, I flatter myself, every member is already prepared to receive and adopt; but I cannot forbear recommending unanimity to the House, which will give additional authority to our proceedings, and reflect additional honor upon the legislature. The resolutions being seconded by Mr. Wynkoop, they were read at the table, and upon the question, will the House take them up by distinct propositions, Mr. Whitehill objected, that he was by no means prepared for the discussion of the subject, and as he was confident that many other members were in the same predicament, he moved that the further consideration of the resolutions be postponed 'till the afternoon.

Thomas Fitsimmons: Sir, I think it would be highly improper to postpone the determination of the House, upon the business to which their attention has been called; not only from its natural importance, but because the shortest delay might put it out of our power to resume the subject. This is, perhaps, the last day of our legislative existence; and as an hour's procrastination may be fatal to our purpose, it becomes

every member to reflect seriously upon the consequences, before he votes for the proposed postponement. The object of the resolutions, Mr. Speaker, must awaken the sensibility of every man, who is a friend to his country. I wish it was within the scope of my talents to do justice to the subject; but I am persuaded, the feelings of all who hear me, must, in this respect, speak more forcibly than anything I could utter. Let it be remembered, however, that the authority of this House is not essentially requisite to the accomplishment of the measure recommended in the paper now before us: for whether we do, or do not, advise the calling a convention, and ascertain the preliminary forms of proceeding, the people, sir, will think for themselves; and, if they find it expedient, it is not the want of our sanction that can prevent their assembling at so important a crisis. It is therefore merely to preserve decorum, and to prevent the confusion which must otherwise arise, that the interference of the House becomes necessary; and I still hope, that on further reflection, the members that are inclined to favor the postponement, will perceive the propriety of waiving their objections, and of fortifying the resolutions on the table with a cordial and unanimous vote.

Daniel Clymer: Sir, the subject which is offered to the consideration of the House calls for immediate attention, and deserves universal approbation and support. I am therefore averse to everything like delay; nor, can I conceive upon what principle the postponement is proposed. The propriety of calling a convention is acknowledged upon all hands, and the plan of government which is to be laid before that convention, is the production of men venerable for their wisdom, patriotism, and integrity. Sir, I am told there are five leading persons in this city, and I sincerely believe there are no more, who entertain sentiments inimical to that plan. These men should be cautious how they proceed, for the time must come, when they will be ashamed and afraid to show their faces, while the virtuous citizens of the Union are in the full enjoyment of the glorious fruits of so excellent a Constitution. The subject, Mr. Speaker, animates and inspires, and when I freely and unequivocally bestow these encomiums upon the new federal system, I feel myself impelled to call down the blessings of Heaven upon its authors; and every heart that participates in the reputation and prosperity of his country, must join me in a grateful and fervent *Amen*.

William Findley: Sir, every argument which has been stated to prove that the subject before us, is of an important nature, will likewise apply to evince the propriety of the postponement which has been moved for by the member from Cumberland [Robert Whitehill]. We agree with the gentlemen on the other side, Mr. Speaker, that the object of

the resolution is of a very important nature—but we differ from them in this, that we wish to treat it as such, and they wish to treat it as a trifle.

The principles of the plan, recommended by the Federal Convention, are not at all connected with the present subject, and therefore the gentleman who spoke last, has deviated from the order of debate, to indulge himself in a language calculated rather to inflame and disgust, than to conciliate and unite. That plan I have only read with a view to consider its merits, and when they properly become the theme of discussion, I shall neither be ashamed or afraid to deliver the sentiments which my judgment shall prescribe. But, sir, I have never regarded it, with a view to calling a convention, for I have always thought it necessary, to wait for the recommendation of Congress, and the present sessions was so near a close, that I did not therefore expect it could possibly be agitated till the meeting of the succeeding assembly. But when we reflect that in business of infinitely less moment (even the appointment of a recorder of deeds, as happened yesterday) it is the practice of the House to make an order of the day, we cannot but consider the sudden introduction of the present motion, as an attempt to trick the legislature into a measure which will not bear deliberation and argument. I call therefore upon the candor of those who urge the resolutions, and who have undoubtedly taken time to weigh and prepare them, to allow us a similar opportunity, and, the delay proposed for that purpose cannot be deemed an unreasonable one. It is indeed indispensably requisite in order to enable those members who never heard of the motion before, to consult with each other, and to ascertain the times and places most convenient in their respective counties for holding the conventional election.

George Clymer: Sir, the resolutions before you may be divided into two propositions—first, whether the House will call a convention, and secondly, in what manner it shall be done. On the first of these propositions the House is certainly prepared to decide, and the other may be left till the afternoon. I therefore propose a division of the question in order to accommodate the arguments of the gentlemen, who think it necessary to consult upon the times and places of holding the election.

Hugh H. Brackenridge: Sir, I had made up my mind to vote in favor of the postponement, but the arrangement which the member from the city has just suggested, appears to me to be the properest mode of proceeding, and I therefore hope it will be adopted.

The question being stated by the Speaker, shall the further consideration of the resolutions be postponed till the afternoon, it was carried

in the negative, and the first proposition being read, the following debate arose.

Those who were against calling a convention at this time reasoned in the following manner.

Mr. Speaker, the importance of this subject required, in our opinion, some time for deliberation; but as the House have determined to enter immediately into the consideration of the propositions, we shall now discuss, at large, the reasons for opposing them. We are sensible that a convention ought to be called; and that it will be called, is certain. But we are confident, nevertheless, that at this period it is equally irregular and precipitate—at once contrary to the respect which is due to Congress, and to the justice which we owe to our constituents. Hitherto, the State of Pennsylvania has acted upon federal ground; and in this last solemn stage of the existence of that Confederation, which, with all its imperfections, real and imputed, has borne us triumphantly through an arduous and protracted war, let us not stain our national reputation with an act of wanton ingratitude. Whatever may be the merits of the new system, it is neither prudent nor proper to abandon the old one, 'till that has been organized, and adapted to the purposes of government. When indeed our modern tenement is finished and furnished, we shall readily consent to quit the antiquated cabin in which we have hitherto lived together—tho' even then, reflecting that it has served to shelter us in many a bitter storm, we should not reproach it with its inconveniences and decay, but bid it a kind and honorable farewell. From the arguments that have been used, however, it would be presumed, that the cement of our Union is already dissolved, and that in relation to the federal body, the several commonwealths of America are once more in a state of nature. But, sir, neither insinuation nor assertion can support this pernicious doctrine, which is peremptorily contradicted by the great compact of the states, and the municipal laws of Pennsylvania. Those who urge the adoption of the resolutions before us, can indeed only proceed upon that supposition; but we appeal to a higher authority, the decisive language of the Articles of Confederation, and of the act of Assembly appointing delegates to the late Convention. "No two or more states," says the sixth article of the Union, "shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying, accurately, the purposes for which the same is to be entered into, and how long it shall continue"; and by the 13th article of the same instrument, it is expressly stipulated, that "the Articles of Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration be agreed to in a congress of the

united states, and be afterwards confirmed by the legislatures of every state."

Thus, sir, we find ourselves bound upon general principles to wait for the agreement of Congress to the projected alterations, and we have only therefore to inquire, whether the present case ought to form an exception to the rule. Upon this point, the law passed with an immediate view to the late Convention, is so explicit, that the gentlemen on the other side, must either pronounce it nugatory and void, or they must abandon the positions they have advanced. For, we find the preamble reciting in direct terms that the business originated with Congress—"whereas the general assembly of this commonwealth, taking into their serious consideration the representations heretofore made to the legislatures of the several states in the union, by the united states in congress assembled &c." and the second section of the act establishes incontrovertibly the proceedings for which we contend, when it directs the delegates to "join in reporting such act or acts for the purposes of the union, to the united states in congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same." Having then clearly deduced the opinion of this House in favor of a delay till we hear from Congress, where a preparatory jurisdiction has thus been lodged, what, but the most absolute necessity, can be an inducement to deviate from that federal conduct, which has, it is confessed on all hands, reflected honor and dignity upon the state? The necessity, sir, must either arise from the danger of persevering in our former course, or from the advantages which will be produced by the change.

Does any man here apprehend, that there will be the smallest risk in waiting the determination of that body? Is there a doubt in the most sceptical mind, but that the projected plan will be fully and cordially embraced, by those who have been for years recommending, soliciting, nay, begging an extension of the federal powers and authority? If there is any man of a contrary opinion, let him assert it, and take the consequence upon his character; but, no, sir, we all believe, and we all know, that, as expeditiously as the forms of business will admit, the congressional approbation, and recommendation of the new Constitution, will be officially announced. Whence then, proceeds this violent precipitancy, that calls upon us to act before we have thought, and seeks to govern an extensive state by the partial opinions of a single district? Sir, it is answered, that it will secure to Pennsylvania high honor and useful influence, if she takes the lead in adopting the new Constitution. Let us examine this. If we wait till accounts are received from Congress, as we shall certainly receive them no later than our sister states, our

exertions will then, as well as now, place us foremost in the federal list. But if we rashly adopt a system which we have not considered, will the *honor* (as some call it, we say *dishonor*) that is expected to result, repel the charge of having sacrificed the deliberation due to so important a subject, for the visionary preeminence of a name? To consider this subject in another light, we claim for our constituents, a full and equal opportunity of canvassing, and ascertaining the merits of the Constitution, by which it is proposed to connect their interests and liberties, with the interests and liberties of the whole continent. The citizens of Philadelphia, it is true, have expressed their approbation of the plan, but it is because they have studied it, they have heard it explained, and they understand its principles. This is not the case with the remote inhabitants of Pennsylvania—they have hardly seen it, they have it not in their power to apply to those who can explain it, and it is not improbable, that they do not at this hour comprehend its principles. Will you then summon these persons to a convention, before they are apprised of the business which is to be there transacted? Sir, we wish not to make indelicate allusions or reflections, but it is well known that the members of the late Convention were chosen from the city, and that the landed interest of the country was neither consulted nor represented in the delegation. If anything could add to the mortification of that circumstance, it must be to find ourselves forced into the adoption of this plan, by the very persons who were appointed to assist in framing it. To conclude, sir, the people have a right to demand a sufficient time, not only to digest the measure itself, but to inquire into the sentiments of those whom they mean to elect as their representatives in convention. And as the delay will be consistent with the principles of the federal government, as it will not interfere with the honor or interest of the state, and, above all, as it will enable us to examine with accuracy, and to decide with judgment upon a subject, in which is involved the most sacred rights of freemen, we confidently hope that the resolutions on the table will be referred to the succeeding General Assembly.

Those members who were in favor of the resolutions spoke to the following effect.

Mr. Speaker, we consider this question as of a very important nature, but, at the same time, we cannot agree to place it on the ground, which the gentlemen have taken. It is allowed that the calling a convention is a proper and necessary act, but we are told that it must originate in a recommendation of Congress and that the present is too early a period. Sir, we do not think that it would be either legal, natural, or necessary, that the present proposition should be founded on any resolution of that honorable body, and indeed the arguments which have

been used, show, to a demonstration, that Congress can have nothing to do with the transactions of the late Federal Convention.

It appears from the cited Articles of the Confederation, that no alteration can take place in that compact, but at the instance, and after the approbation of the United States in Congress assembled; whereas it is certain on this occasion, that Congress was not consulted in the beginning, and, their determination will have little influence upon the conclusion of the business. The plan is indeed of a tendency altogether inimical to the existing Confederation, and must eventually destroy it.

The true foundation, therefore, upon which the argument should rest, is whether this Federal Convention did not originate with the people, and consequently, whether the people are not the proper and immediate judges of the system which is produced by that body? Certainly, it is to be wished that the approbation of Congress, had arrived in time, as a form in favor of the measure; but it is not so essential as to induce us to lose the opportunity of the present sessions for advancing the honor and influence of the state, by leading the way in adopting an efficient and comprehensive government. The report of the delegates has been already ten days in circulation, and will be many more, before the time appointed for the conventional election, so that every man may be fully prepared to act with certainty and confidence on this important occasion. Upon the whole, as we do not perceive an argument in favor of delay which cannot be obviated by fixing a remote time for choosing the delegates, we hope the resolution will be agreed to by the House.

The question being put, the resolution was adopted 43 yeas—19 nays.

The House adjourned to meet at 4 o'clock in the afternoon of the same day.

The Speaker and 45 members being assembled, adjourned, for want of a quorum, 'till tomorrow morning at half past nine o'clock.

For a more particular account of the proceedings on this meeting, see our last paper.

1. The documents in Mfm:Pa. 74 have been edited.

2. The *Pennsylvania Herald's* account was reprinted in the *Pennsylvania Packet*, 1, 5 October, and the *Pennsylvania Gazette*, 3 October. It was reprinted, in whole or in part, sixteen times from Maine to Virginia.

75. Newspaper Reports of Assembly Proceedings Friday, 28 September 1787[1]

Philadelphia Evening Chronicle, 29 September 1787

Yesterday Mr. George Clymer rose in the general Assembly, and having premised, that the subject he proposed to introduce to the house,

was so interesting nature, was so generally understood, and so unanimously approved, that he thought it superfluous to attempt, by any prefatory reasoning, to impress it upon the minds of the members, he presented resolutions of the following purport to the chair "Whereas the late federal Convention, has digested a plan of Government for the United States, and recommended that it should be referred to the considerations of the state Conventions, therefore Resolved, that all persons entitled to elect Representatives, in General Assembly, shall elect as many delegates to for a Convention for the purpose aforesaid as the city and counties respectively to which they belong, are by law authorised to return the general Assembly—That the said election of Delegates shall take place for the city and County of Philadelphia, and all the Counties except those hereafter mentioned, on the day of the next general election, and for Bedford, Hundington, Washington, and Westmoreland on the _____ day of _____ that the Delegates so Elected shall meet at the State House, in Philadelphia, on the _____ day of _____ next, and that it be recommended to the succeeding house of Assembly, to provide the same allowance, for the attending members of the said Convention, as provided for the members of the legislature"

The house having come to the resolution mentioned in the preceding paragraph, adjourned till four o'clock in the afternoon; but at that time no more 45 members assembled, in consequence of which the Speaker stated, that the only alternative was to adjourn, or to order the Serjeant at arms, to summon the absent members. The officer being sent on that duty, was, on his return examined at the bar, whe[n] he informed the Speaker, and the members present, that at the house, of Alexander Boyd, he had spoken with Mr. Whitehill, Mr. Findley, Mr. Antis, and several other members (being the whole of the minority upon the question for calling a convention, and having informed them, that he was ordered by the Speaker, and the members present, that at the house to desire their attendance in their places, he was answered by Mr. Whitehill, that they would not attend as they had not made their minds upon the subject. In consequence the house have broke up.

Philadelphia Independent Gazetteer, 29 September 1787

WHEREAS the Convention of Deputies from the several States composing the Union, established in this city, have published a Constitution for the future government of the United States, to be submitted to a Convention of deputies chosen in each state by the people thereof, under the recommendation of its Legislature, for their assent and ratification—And whereas it is the sense of great numbers of the good

people of this state, already signified by petitions and declarations to this House, that the earliest steps should be taken to assemble a Convention within the state, for the purpose of deliberating and determining on the said constitution:

Resolved, That it be recommended to such of the inhabitants of the state as are entitled to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Deputies in a State Convention, for the purposes herein before mentioned, that is for the city of Philadelphia and for the counties respectively, the same number of Deputies that each is entitled to of Representatives in the General Assembly.

This resolution was carried in the affirmative 43, against 19.

Pennsylvania Journal, 29 September 1787

Yesterday came on in the House of Assembly the following motion.

Whereas the Convention of deputies from the several states composing the union, lately held in this city, have published a constitution for the future government of the United States to be submitted to convention of deputies chosen in each state, by the people thereof under the recommendation of its legislature, for their assent and ratification: And whereas it is the sense of a great number of the good People of this State, already signified in petitions and declarations to this House, that the earliest steps should be taken to assemble a convention within this state for the purpose of deliberating and determining on the said constitution.

Resolved, That it be recommended to such of the inhabitants of this state, as are intitled to vote for representatives to the General Assembly that they chuse suitable persons to serve as deputies in a State Convention, for the purpose herein mentioned, that is for the city of Philadelphia and the counties respectively, the same number of deputies that each is entitled to, of representatives in General Assembly.

Which was warmly opposed by Mr. Whitehill and Mr. Findly, on the impropriety of adopting it 'till the Foederal Constitution should be forwarded to the house by Congress—which idea was combatted by Mr. Clymer, Fitzsimons, Robinson, Brackenridge, &c. and the sense of the house was taken, when it was carried in the affirmative; yeas, 43; nays, 19; when the house adjourned to the afternoon, leaving a part of the business unfinished.

The following is the list of those who voted against the above resolve:—Robert Whitehill, Thomas Kennedy, David Mitchel, Robert Brown, John Piper, Joseph Powel, Samuel Dale, William Findley, James

Barr, Alexander Wright, John M'Dowel, James Flanagan [i.e., John Flenniken], James Allison, Theophilus Philips, John Gilchreist, James M'Calmot, Abraham Smith, Robert Clark, Jacob Miley.

In the afternoon the House met, but the above 19 Members, excepting Robert Brown, being absent, the Sergeant at Arms was sent for the absent Members; who reported on his return, that he found most of them at the house of Major Boyd, and that they refused attending the House: On which the Speaker adjourned the House 'till this morning, half past nine o'clock.

Carlisle Gazette, 3 October 1787

A gentleman immediately from Philadelphia, on whose authority we can rely, affirms, that our assembly have Resolved, that a state convention for the people as recommended by the Continental Convention, be elected the first Tuesday in November next; the city of Philadelphia, and each county electing the same number as they are represented by in Assembly, for the purpose of deliberating on the propriety of establishing the late proposed Federal Constitution.

The above resolution was carried, in the affirmative 43, against 19.

The house of Representatives adjourned on Saturday last.

1. The accounts in the Philadelphia *Independent Gazetteer* and the *Pennsylvania Journal*, 29 September, were reprinted fifteen times from Vermont to Georgia.

76. Erkuries Beatty Diary
Philadelphia, 28 September 1787 (excerpt)[1]

. . . 19 Members of the Legislature would not meet the house this afternoon, on account of their dissenting to the new Constitution Mr. Finley and Mr. Whitehill at the head of them, the remaining 45 wanting one Member to make a Quoram, sent the Sergeant at arms for them, to Major Boyds where they were all convened together & Mr. Smilie harranguing them, but they would not come, they adjourned [– – –] [– – –] tomorrow. . . .

1. MS, Misc. MSS, Box of Beatty Diaries, New-York Historical Society.

77. Foreign Spectator
Philadelphia Independent Gazetteer, 28 September 1787

It is the singular happiness of America, to establish her federal empire at this enlightened era, when the principles of political union are in general pretty well understood; and when superstition, a passion for war, or other dangerous prejudices have no baneful influence. A sad

experience of the evils that arise from an immoderate pursuit of wealth, and an overdriven love of liberty, is also very beneficial to a young nation, as it will impress the great maxims of moderation and integrity, without which neither individuals or civil societies can be happy. By the grace of Providence peace and tranquility favors a mature deliberation on the grand affairs of a national system. A solid confederation will secure the states against any external force, and prevent any dangerous internal tumults; but they may fear every calamity from the *evil genius of party*, that is the peculiar fiend of republics, and has ruined so many flourishing states—Let us then see, through what avenues this daemon may approach, and may they be shut up forever. No great or permanent national object can so differently affect individuals, as to create a general party through the states; but men may differ in sentiment on some capital matters to such a degree as to form opposite parties, which will afterwards, as usual, be variously blended with personal interest, pride, influence of leaders, mutual sympathy, antipathies, religious prejudices, &c. Extensive foreign connexions would among other great evils occasion this; because such complex systems are beyond the comprehension of great numbers, and cannot be regulated by fixed rules, but often require that reasoning of probability, in which men seldom agree. When foreign powers meddle in national affairs, foment animosities, and introduce a fatal corruption, great disasters are certain consequences—some of the greatest citizens will be their avowed partizans; and foreign gold will purchase yeas and nays in the most important debates. America, if wise, will enjoy her happy situation, and neither covet a greater share of the western continent, was it ten times more fertile, nor cast a wishful eye on the mines of Mexico; nor force over the friendly barrier of the Atlantic into the political labyrinths of Europe, in which she would lose her money, and many of her best sons. As to commerce, she will form a proper estimate of its advantages; not seek with danger and toil in remote climes what can be had at home; and value human blood more than liquors and toys.

The constitution itself often becomes an object of contention, even when it has no material faults, merely from a too refined political taste, irritated by pride, personal pique, and the other usual sauce of party. No human production was ever perfect; individuals should not presume to pick out little blemishes in systems composed by some of the best and wisest citizens. In a grand building a small omission in minute parts, is nothing—yet little minds can often espy this, but are not capable of admiring the great design, the beauty and strength of proportion, the skill in attaining advantages almost incompatible. The memorable expression of Solon, that his laws were the best his country would

admit, should be well considered by all political critics. It is better to put up with some real imperfections, than to be always reforming—Hudibras justly ridicules those who seemed to think, that religion was only made to be mended—A political satirist relates how a nurse, in order to reduce the overgrown foot of a child, first squeezed, and then trimmed it, till it became necessary to cut it off. It is wisdom to be satisfied with that degree of perfection allotted our present state. The 5th article reserves a very proper mode for amending the federal constitution; it is certainly reasonable to give it a fair tryal by some years experience; and it must be madness *to pull down a house at the approach of winter because there may hereafter be a leak in the roof.*

It would be presumption not only in me, but I scruple not to say, in most native Americans, to define how far the federal union may in all cases be agreeable to the interest of the respective states; because they have as a nation just entered into the political world; and the very circumstance of being a young country not half improved is a source of many unknown complicated events. Should upon a fair trial any perminent inequality appear in favor of some states, it will no doubt be remedied—In the mean time all well-disposed Americans will pay a grateful regard to the faithful endeavors of the honorable Convention; the modesty and sensibility expressed in their address to Congress—"In all our deliberations on this subject we kept steadily in our view, &c. the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, &c. perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude—And thus the constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our situation then rendered indispensible." In a discussion of respective rights, the main question is, *to what states is the union most necessary*? Local situation, natural strength, and the temptation of advantage to foreign or internal enemies, must determine this. The small states want protection, those on the frontiers especially. The most powerful could not resist a formidable power. The southern states are more wealthy than strong; their situation and wealth would naturally invite a foreign attack. The union of Great-Britain was much opposed by those who extolled the superior wealth of England; but men of sense set a proper value on the military spirit of Scotland, and observed that *gold must be defended by steel.* If some states derive any superior advantage from the Inland carrying trade, it is a mark of their inferiority in a landed interest, and should not be a cause of envy;

besides their maritime strength would upon occasion defend the other parts of the union. Thus the interest of property, which is a secondary object, may on the whole be not very unequally shared among the states.

Though the many small causes of parties cannot endanger the union, they will no doubt disturb its happiness, and should be carefully suppressed. It is an absurd maxim with some, that parties are happy symptoms of a public spirit, and support the balance of power. These men think that a person *must be mortally sick, or have a slight disorder.* A lethargy is indeed worse than a fever; but many constitutions are free from both. As to the balance, sober men will hold it better than those who are drunk. It is very pernicious merely for a temporary advantage to sour the public mind, and weaken all the social virtues, which are the bonds of civil union. I know, that furious flames are stopped by kindling a fire in a contrary direction; but I would not except in case of necessity, throw out a single spark. It is even dangerous to foment antipathy against foreign nations, because it contracts the heart, and raises an evil spirit, that often recoil upon those ungenerous silly politicians. How common is it to hear a rude person first vent his spleen in the most absurd and mean expressions against some European nation, and then with the same virulence curse his own government. Unhappily too many Americans know but little of Europe, and look upon it as a land of slaves—whereas though some parts of it are oppressed, others have as much liberty as they can bear, and much more real freedom, than America in her present anarchy. The many needy adventurers, bad characters, and low bred wretches, that flock hither from European countries, cannot but give unfavorable ideas; but it is wrong to judge from these; and happier would America be without this scum of the earth.

The United States are as yet not the most homogenial body politic—the federal union will gradually incorporate and animate it with one spirit; at the same time any ill humors and heterogeneous particles must be corrected. A diversity of manners and customs is found in all countries, and causes an agreeable variety; but any peculiarities that are objects of contempt, and aversion, should be prevented. An equal improvement of human nature through all the states is an important object; a superiority in virtue, learning, and manners would not only give some political ascendency, but inspire an antifederal disregard of their inferiors.

The rational opinion, that sincere worshippers in whatever religion are pleasing to Almighty God, is now pretty generally established in all

civilized nations. It is of the highest consequence, because the belief that eternal happiness depends on a particular creed or mode of worship, will prompt even good men to establish such at all adventures. We must not however imagine that this species of bigotry has alone produced the many religious wars and tumults; for there are antipathies arising merely from the peculiar genius of a religion, capable of doing much hurt. Any thing that appears to another sect very absurd, mean, unsocial, &c. has an ill effect. A bad influence on manners and government is a serious affair. If it cannot be helped, *divide et impera* is a good maxim with religious as other parties—where any sect has a decided superiority, or a rapid increase, others may be encouraged. Indifferency is not the proper remedy against superstition; for a very defective religion is better than none. Let then the several professions respect the advantages of each other, and with candid benevolence criticise mutual infirmities—Let the bright luminary of reason gradually rise, and shed its majestic radiance over this western world; it will manifest to all the same great God, and the same road to happiness here and hereafter.

78. Assembly Resolutions of 29 September 1787
Philadelphia, post-29 September 1787[1]

State of *Pennſylvania.*

In GENERAL ASSEMBLY,

Saturday, September 29th, 1787. A. M.

RESOLVED,

THAT three thouſand Copies of the Reſolutions which the Houſe have this Day adopted for calling a Convention on the Fœderal Conſtitution, recommended to them by Congreſs, be ſtruck off, and tranſmitted by the Clerk to the Members of the City of Philadelphia and the different counties of this ſtate; two thouſand of ſaid copies to be in the Engliſh, and one thouſand in the German Language.

WHEREAS the Convention of Deputies from the ſeveral ſtates compoſing the union, lately held in this city, have publiſhed a conſtitution for the future government of the United States, to be ſubmitted to conventions of deputies choſen in each ſtate by the people thereof, under the recommendation of its legiſlature, for their aſſent and ratification. And whereas, Congreſs, on Friday, the 28th inſtant, did unanimouſly reſolve, that the ſaid conſtitution be tranſmitted to the ſeveral legiſlatures of the ſtates, to the intent aforeſaid. And whereas it is the ſenſe of great numbers of the good people of this ſtate, already ſignified in petitions and declarations to this Houſe, that the earlieſt ſteps ſhould be taken to aſſemble a convention within the ſtate, for the purpoſe of deliberating and determining on the ſaid conſtitution.

Reſolved, That it be recommended to ſuch of the inhabitants of the ſtate as are entitled to vote for repreſentatives to the General Aſſembly, that they chuſe ſuitable perſons to ſerve as deputies in a ſtate convention, for the purpoſe herein before mentioned; that is, for the city of Philadelphia and the counties reſpectively, the ſame number of deputies that each is entitled to of repreſentatives in the General Aſſembly.

Reſolved, That the elections for deputies as aforeſaid be held at the ſeveral places in the ſaid city and counties, as are fixed by law for holding the elections of repreſentatives to the General Aſſembly, and that the ſame be conducted by the officers who conduct the ſaid elections of repreſentatives, and agreeably to the rules and regulations thereof.

Reſolved, That the election of deputies as aforeſaid ſhall be held for the city of Philadelphia, and the ſeveral counties of this ſtate, on the firſt Tueſday of November next.

Reſolved, That the perſons ſo elected to ſerve in Convention ſhall aſſemble on the third Tueſday of November, at the State-Houſe, in the city of Philadelphia.

Reſolved, That the propoſition ſubmitted to this Houſe by the Deputies of Pennſylvania in the General Convention of the ſtates, of ceding to the United States a diſtrict of country within this ſtate, for the ſeat of the General Government, and for the excluſive legiſlation of Congreſs, be particularly recommended to the conſideration of the Convention.

Reſolved, That it be recommended to the ſucceeding Houſe of Aſſembly, to make the ſame allowance to the attending members of the Convention as is made to the members of the General Aſſembly, and alſo to provide for the extraordinary expences which may be incurred by holding the ſaid elections.

Extract from the Proceedings of the Houſe,

PETER Z. LLOYD, *Clerk of the General Aſſembly.*

Philadelphia: PRINTED BY HALL AND SELLERS.

1. Broadside, Rare Book Room, University of Pennsylvania.

79. Assembly Debates (Dallas), Saturday, 29 September 1787

Pennsylvania Herald, 2 October 1787 (excerpts)[1]

The Speaker having taken the chair, only 44 members answered upon calling over the roll, so there was not a quorum of the House to proceed to business. The Speaker however, laid before the members present, the following resolutions of Congress which had been transmitted to him by the delegates from Pennsylvania.

[The congressional resolution of 28 September is inserted at this point.]

The resolution being read to the House, the Speaker asked if it was the pleasure of the members present that the sergeant at arms should be sent to the seceding members, desiring their attendance in their places, and informing them of the resolution of Congress which had been received, and now lay for the consideration of the House. This being unanimously agreed to, at the instance of Mr. [Daniel] Clymer the assistant clerk was directed to accompany the sergeant at arms, and to make a report of the answers which might be received from the absent members. While the officers of the House were gone upon this duty, Mr. Miley, and Mr. M'Calmont entered the Assembly room, in appearance greatly agitated, and the roll being again called, the Speaker announced that there was a quorum. Mr. M'Calmont then rose and informed the Speaker, that certain persons, whom he could not at that time ascertain, had forcibly intruded upon his lodgings, and brought him to the House by compulsion. He therefore, desired that he might have leave to withdraw, as his coming was involuntary, and his remaining there would be in direct opposition to his wishes and intention. He declared however, that he would be governed by the rules of the House, to which he appealed. The rule upon this subject being read, it appeared that there was only a fine of five shillings imposed for a member withdrawing without leave, and Mr. M'Calmont tendered that sum at the table, but was informed, that Mr. Barr had been appointed by the House to collect all forfeitures, and that to him the money must be paid. Mr. M'Calmont now made an attempt to withdraw, but a general cry of *stop him*, proceeding from the gallery as well as the House, he paused, and observed, that tho' he insisted upon his right to depart, he would certainly yield to the judgment of the House, which he desired might be immediately taken upon the subject. Upon this, the Speaker stated the question to the House, and the following remarks were made by the respective members.

Alexander Lowrey: Sir, the gentleman has told us that he was brought hither by force; this is certainly to be lamented, and the persons who

have been guilty of the violence ought to be punished, but when the gentleman asks permission to withdraw, I think, Mr. Speaker, this House has a right to demand his reasons for absenting himself at all; and unless they are very substantial ones, we shall not do our duty if we comply with his request.

Thomas FitzSimons: I hope, Mr. Speaker, the gentleman's request will not be complied with. For the force which has been used towards him, this House cannot be immediately responsible; and if the member will point out the aggressors, we ought certainly to concur in any proper mode to punish them. But, sir, we are engaged in an important transaction, and are involved in circumstances of a very critical nature. If you allow the gentleman to leave this room, you defeat the whole business of the legislature, and, in effect, put it in the power of an individual to dissolve the government. The alternative being so stated, I am confident the House will not accede to the request; and their power to refuse, cannot be disputed.

William Robinson: Sir, I am confident that my disposition in favor of the resolutions on your table, is so well known, that I need not trouble the House with any declaration upon that subject, in order to explain the principle which actuates me on the present question; but, I confess that from what has been declared by the gentleman (Mr. M'Calmont) I do not consider that there is at this time a quorum of the legislature assembled; for if any member is detained here by force, he can no longer be considered as a constituent part of the House, and, however disagreeable the consequences, it is not in our power to prevent his departure. The question is evidently of a very critical nature, and on either hand, we are involved in difficulties. It is true, I shall not vote for the leave of the House to sanction his absence, but I can never agree to bar the doors, or to use any other means which shall prevent his quitting it, if, contrary to what I think is his duty, he should be so disposed. In that respect he can only be answerable to his conscience and his constituents, and the popular odium must be his punishment.

Hugh H. Brackenridge: Sir, I conceive that it is of no importance to the question how the gentleman has been brought hither—whether by the advice of his friends (and they certainly must be his friends who have induced him to attend to his duty) or in the easy conveyance of a sedan. Here he is, and it is incontrovertible that it is in the power of the House to keep him here. If any violence has been offered to him, his redress must be sought at another tribunal, either in the form of an action for the trespass, or of an indictment for the assault, but we have no business to interfere in those points, and it is our duty to secure his attendance, if requisite, to points within our jurisdiction. I hope therefore the House

will dismiss the present question, and proceed to a more important subject.

Messrs. D. Clymer, Logan, G. Clymer, and Wynkoop, concurred in these sentiments, and the House finally resolved unanimously, that Mr. M'Calmont should not be permitted to withdraw.

The Speaker observed that the member was certainly within the power of the House; but at the same time the subject of his complaint might be taken up as a breach of privilege.

The assistant clerk and sergeant at arms being returned, the former stated to the House that at Mr. Whitehill's lodgings he had spoken with a woman, who appeared to be a servant, and was at first told by her that Mr. Whitehill was at home, that she went upstairs to call him, and remaining there a few minutes, she returned and said he was not within. The clerk then went after Mr. Findley and some other members whom he saw in the streets, but Mr. Findley looked back, and seeing him, as he thinks, that gentleman quickened his pace, and suddenly turned into a house. Those members with whom the clerk had spoken, were informed of the resolution of Congress and the request of the House, but uniformly refused to attend, some saying that the resolution had not been transmitted officially, others that they would think of it, and the rest, peremptorily, that they would not return to the House.

The Speaker then stated the resolutions which were under consideration on Friday last, and upon the article fixing the time for electing delegates to the convention, it was proposed by Mr. Brackenridge to insert the last Tuesday in October, by Mr. Wynkoop, to insert the first Tuesday in November, and by Mr. M'Calmont, to insert the fourth Tuesday in December (which was not seconded) but the House finally appointed the first Tuesday in November for choosing the delegates, and the last Tuesday in the same month, for the meeting of the convention, at the State House in the city of Philadelphia.

On motion of Mr. M'Calmont it was proposed to make Lancaster the place of meeting, but the yeas and nays being called on the question, there appeared 15 in favor of the motion, and 30 against it.

The resolutions being amended and adopted by the House are in the following words:

[See Assembly Proceedings, Saturday, 29 September, RCS:Pa., 101–2.]

. . . The House adjourned *sine die*.

1. Reprinted three times in Philadelphia, once in both Carlisle and Lancaster, and eleven times from Maine to South Carolina. This document has been edited.

80. Newspaper Reports of Assembly Proceedings Saturday, 29 September 1787

Philadelphia Independent Gazetteer, 1 October 1787[1]

On Saturday last the General Assembly resumed the consideration of assembling a Convention within this state for the purpose of deliberating and determining on the Federal Constitution, and in addition to their resolution of the 28th ultimo, which appeared in our paper of the 29th, the following resolves were carried in the affirmative.

Resolved, That the elections for deputies as aforesaid be held at the several places in the said city and counties as are fixed by law for holding the elections for representatives to the General Assembly, and that the same be conducted by the officers who conduct the said elections for representatives, and agreeably to the rules and regulations thereof.

Resolved, That the election of deputies as aforesaid shall be held for the city of Philadelphia, and the several counties of this state, on the first Tuesday of November next.

Resolved, That the persons so elected to serve in Convention shall assemble on the third Tuesday of November at the State-House in the city of Philadelphia.

Resolved, That the proposition submitted to this House by the Deputies of Pennsylvania in the General Convention of the states, of ceding to the United States, a district of country within this state for the seat of the General Government, and for the exclusive legislation of Congress, be particularly recommended to the consideration of the Convention.

Resolved, That it be recommended to the succeeding House of Assembly, to make the same allowance to the attending members of Convention as is made to the members of the General Assembly, and also to provide for the extraordinary expences which may be incurred by holding the said elections.

The Assembly then rose *sine die*.

Pennsylvania Packet, 1 October 1787[2]

Whereas the Convention of Deputies from the several states composing the union, lately held in this city, have published a constitution for the future government of the United States, to be submitted to conventions of deputies chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification. And whereas Congress on Friday the 28th inst. did unanimously resolve, that the said constitution be transmitted to the several

legislatures of the states to the intent aforesaid. And whereas it is the sense of great numbers of the good people of this state, already signified in petitions and declarations to this house, that the earliest steps should be taken to assemble a convention within the state for the purpose of deliberating and determining on the said constitution.

Resolved, That it be recommended to such of the inhabitants of the state as are entitled to vote for representatives to the general assembly, that they chuse suitable persons, to serve as deputies in a state convention for the purpose herein before mentioned, that is, for the city of Philadelphia and the counties respectively, the same number of deputies that each is entitled to of representatives in the general assembly—That the elections for deputies as aforesaid, be held at the several places in the said city & counties as are fixed by law for holding the elections of representatives to the general assembly, and that the same be conducted by the officers who conduct the said elections of representatives, and agreeably to the rules and regulations thereof.

Resolved, That the election of deputies as aforesaid shall be held for the city of Philadelphia, and the several counties of the state, on the first Tuesday of November next—That the persons so elected to serve in convention shall assemble on the third Tuesday of November, at the State-house in the city of Philadelphia—That the proposition submitted to this house by the deputies of Pennsylvania in the general convention of the states, of ceding to the United States a district of country within this state for the seat of the general government, and for the exclusive legislation of Congress, be particularly recommended to the consideration of the convention—That it be recommended to the succeeding house of assembly to make the same allowance to the attending members of the convention as is made to the members of the general assembly—and also to provide for the extraordinary expences which may be incurred by holding the said elections.

Pennsylvania Gazette, 3 October 1787[3]

RESOLVED,

THAT three thousand Copies of the Resolutions which the House have this Day adopted for calling a Convention on the Foederal Constitution, recommended to them by Congress, be struck off, and transmitted by the Clerk to the Members of the City of Philadelphia, and the different counties of this state; two thousand of said copies to be in the English, and one thousand in the German Language.

WHEREAS the Convention of Deputies from the several states composing the union, lately held in this city, have published a constitution

for the future government of the United States, to be submitted to conventions of deputies chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification. And whereas, Congress, on Friday, the 28th instant, did unanimously resolve, that the said constitution be transmitted to the several legislatures of the states, to the intent aforesaid. And whereas it is the sense of great numbers of the good people of this state, already signified in petitions and declarations to this House, that the earliest steps should be taken to assemble a convention within the state, for the purpose of deliberating and determining on the said constitution.

Resolved, That it be recommended to such of the inhabitants of the state as are entitled to vote for representatives to the General Assembly, that they chuse suitable persons to serve as deputies in a state convention, for the purpose herein before mentioned; that is, for the city of Philadelphia and the counties respectively, the same number of deputies that each is entitled to of representatives in the General Assembly.

Resolved, That the elections for deputies as aforesaid be held at the several places in the said city and counties, as are fixed by law for holding the elections of representatives to the General Assembly, and that the same be conducted by the officers who conduct the said elections of representatives, and agreeably to the rules and regulations thereof.

Resolved, That the election of deputies as aforesaid shall be held for the city of Philadelphia, and the several counties of this state, on the first Tuesday of November next.

Resolved, That the persons so elected to serve in Convention shall assemble on the third Tuesday of November, at the State-House, in the city of Philadelphia.

Resolved, That the proposition submitted to this House by the Deputies of Pennsylvania in the General Convention of the states, of ceding to the United States a district of country within this state, for the seat of the General Government, and for the exclusive legislation of Congress, be particularly recommended to the consideration of the Convention.

Resolved, That it be recommended to the succeeding House of Assembly, to make the same allowance to the attending members of the Convention as is made to the members of the General Assembly, and also to provide for the extraordinary expences which may be incurred by holding the said elections.

1. Reprinted: Philadelphia *Columbian Magazine*, October 1787.

2. Reprinted: *Philadelphische Correspondenz*, 2 October.

3. Reprinted: *Philadelphische Correspondenz*, 9 October; Philadelphia *American Museum*, September 1787; and *Pittsburgh Gazette*, 20 October.

81. Jacob Hiltzheimer Diary
Philadelphia, 29 September 1787 (excerpt)[1]

Forenoon attended the Assembly. When the Speaker, General Mifflin, took the chair, two members were wanting to make a House, although there are twenty members about the city that stayed away on purpose that the public business—I mean that the report which recommended the choosing a Convention to confirm the late made Federal Constitution—should not be adopted, but the spectators, being much displeased that a matter of so much consequence should be left undone for want of two members, they hunted up two—Claymont [M'Calmont] and Miley—and brought them to the House. After that the report was adopted, which is that the several counties elect the same number of delegates to serve in Convention as they do for the Assembly the first Tuesday in November next, to meet in Philadelphia in two weeks after the House adjourns. . . .

1. *Diary*, 133.

82. Erkuries Beatty Diary
Philadelphia, 29 September 1787 (excerpt)[1]

. . . Advice from Congress arrived last night that 12 states in Congress had unanimously approved of the new Constitution and recommended it to the legislatures, yet the 19 members who absconded yesterday would not meet the House. The members in the House ordered the sergeant at arms to go for those gentlemen and desire their attendance particularly. The mob who was in and round the State House followed. The sergeant at arms found Mr. McCommon and Mr. Miley (two dissenting members) at Major Boyd's their lodging and delivered the message from the House to them. They said they would not go to the House. The mob immediately cried out "seize the rascals" which was instantly done with some opposition from within by shutting doors etc. These [obstacles?] were soon removed and the two members escorted to the House by a numerous populace. Some arguments took place in the House about the propriety of the measure, however the House was formed and proceeded to business. The majority carried their point and dissolved the House at 2 o'clock in regular order. Paper money sold today at 30 percent. Purchased a number of articles today. General [William] Irvine arrived this evening from New York. Says there is a majority in Congress that wishes the new Confederation to be adopted as it is, but every member from New York is against it as it stands, altho they have recommended calling a convention of the different states. Also says that Judge [John C.] Simms is in a very good way of pur-

chasing from Congress all the land lying between the two Miamis north to Hutchins' west line continued, supposed to contain 2,000,000 acres. . . .

1. MS, Misc. MSS, Box of Beatty Diaries, New-York Historical Society. This document has been edited.

83. Phineas Bond to the Marquis of Carmarthen
Philadelphia, 29 September 1787 (excerpt)[1]

. . . Much, my Lord, as the discreet part of the citizens of America, seem to approve of this new form of government which (as I have heretofore observed to Your Lordship) considering the democratic spirit of the times is perhaps the most eligible shape in which it could have been handed forth to the people, a faction has already appeared to throw obstacles in the way of its establishment.

The appointment of a convention to deliberate upon the new Constitution, was the subject of debate in the Assembly of this state yesterday morning. The Constitutional Party objected to the matters being then brought on. They expressed a wish to have time till the afternoon to make up their minds upon so important a subject, and moved to adjourn. This was acceded to. At the hour of meeting in the afternoon there was not a sufficient number of members assembled to form a House: the Constitutional members did not attend and, 19 in number refused to obey the summons of the Speaker, delivered by the sergeant at arms. This secession so enraged the inhabitants that a body of respectable men assembled early this morning, and made a very active search for the delinquent members. Having found two of them, who were sufficient to form a House, they carried them to the Assembly and forced them into the House. The two members protested for a time against this act of violence. They were referred to a legal remedy against the aggressors. The Assembly then entered upon the business of the appointment of a convention to determine upon the new Constitution, which was carried unanimously, and the delegates are to assemble in this city on the third Tuesday in November.

The measure of force was, in this crisis of public affairs, deemed inevitable, but the expedient is a dangerous one, and may perhaps be retaliated upon some future occasion, when the same discretion and moderate conduct may not prevail.

1. RC, Foreign Office, Class 4, America, Vol. 5, ff. 286–87, Public Record Office, London, England. For the entire letter, see J. Franklin Jameson, ed., "Letters of Phineas Bond, British Consul At Philadelphia, To The Foreign Office of Great Britain, 1787, 1788, 1789," American Historical Association *Annual Report . . . 1896* (2 vols., Washington, D.C., 1897), I, 546–49. This document has been edited.

84. From Coxe and Frazier
Philadelphia, 29 September 1787[1]

To John Johnson and Company, Liverpool (excerpt)

. . . The united states in congress adopted the new form of fedaral government recommended by the convention, on Thursday there were Eleven states fully represented. a member from one more, and one whose members were not present. The vote was unanimous. Yesterday the State of Pennsylvania adopted it, being the only legislature now sitting and we have no doubt that it will become our Constitution in the course of the ensuing spring. . . .

To Wakefield and Bell, London (excerpt)

. . . Congress have unanimously adopted the new federal Constitution—Pennsylvania (whom Legislature only was sitting) has, in, conformity with the recommendation of Congress and the federal convention, directed a convention to be chosen by the people of this State in November to consider, & if they approve, adopt of which there can be no doubt. . . .

To John and Robert Barclay and Company, London (excerpt)

. . . Congress by an unanimous Resolution have adopted the new federal Constitution. Our Legislature the only one sitting have done the same. We hope this will be the prelude to credit order, and prosperity—

To Adam Sobother, St. Croix (excerpt)

. . . The united States in Congress have confirmed the proceedings of the federal Convention, as has our legislature the only one sitting. . . .

To Christopher McEvoy, St. Croix (excerpt)

. . . Our new federal government is approved by an unanimous Resolution of Congress, and by the Legislature of Penna. the only Assembly sitting—We hope it will give us more character in the world than we have possessed latterly. . . .

1. FC, Coxe Papers, Tench Coxe Section, Coxe and Frazier Foreign Letterbook, Series I, Volumes and Printed Material, Historical Society of Pennsylvania.

85. Reformation
Philadelphia Independent Gazetteer, 29 September 1787

Mr. OSWALD, The constitution declares that when an office becomes very profitable, the emoluments of it shall be divided. It is said the

profits of the Prothonotary's Office of the city and county of Philadelphia, amount to £.2,000 a year. Would it not be proper to allow £.500 to each of the three out of the four applicants for the Sheriff's Office? These gentlemen have all been active in the revolution, and some of them have impaired their fortunes by their services to their country.

It seems the Council have lately passed a resolve to appoint all the officers of government (except the Prothonotaries) every year. The reason of this is now obvious. These offices are to be reserved for councillors and judges' brothers, nephews and sons. Witness the late appointment of James M'Clene, son to the Prothonotary of Huntington county, in preference of Captain Henderson, who was fighting and bleeding for his country, at the same time when Master Lazarus M'Clene was playing *steal cloaths*, or *prison baste*, on his dada's farm in Franklin county. I do not wonder at the five, &c. antifederal objecting to the new government, since it prevents honors and offices being hereditary in particular families, an oppression which these men have been trying to introduce among us.

There are now 19 members in our Executive Council, who cost the state above £.6000 a year. Is not this too much to pay men, for giving offices to their sons, reading newspapers, and chewing tobacco?

86. Germantown Petition, 1 October 1787[1]

We the Subscribers, Inhabitants of Germantown in Pennsylvania beg leave in this Way to address your Excellency with all due respectful Consideration.—

Having been informed that the honorable Congress of these United States have in Contemplation to remove from the Place of their present Residence, and being ambitious of the Honor of accomodating according to our Abilities the Supreme Powers of the foederal Empire we humbly presume to invite them to an Establishment in this Village: A village tho in itself comparitively inconsiderable may nevertheless in this Event claim an eminence in many respects vieing with the first Cities in the World.

As some convenient Edifices will be necessary for their immediate Use, we are Authorized by the Trustees of the Public-Academy in this Place to signify their Readiness to resign that Building with its Appurtenances for the Purpose, until in the Course of Time more suitable Accomodations can be provided. It contains two very spacious Appartments with a proportionable Hall, on the first Floor and four of answerable Dimensions, each with a fire-Place on the second; besides an adjacent Building at each End, now in the Use of the principal Masters:

On a contiguous Lot is a large commodious Dwelling House the Property of William Bingham Esquire which he hath also authorized Us to tender in his Name. In the Town are moreover several very decent, and some not inelegant Dwelling-Houses now vacant and others which if required may be vacated for the Reception of the Delegates or Officers of Congress, who shall choose with their Families to be seperately accomodated; likewise agreable lodging and boarding Houses for others at convenient Distances—The Town is eminently Situated; its Air and Water remarkably salubrious; and most Kinds of necessary Provision may be procured with ease and cheapness as at the Markets of the Neighbouring City—

And whereas it is provided in the Constitution of the late general Convention, that, on the Establishment of that System, a District of ten Miles square, shall be marked out, and appropriated to the exclusive Jurisdiction of the supreme foederal Power. We are happy to inform your Excellency that we doubt not all the good People within those circumjacent Limits will cordially acquiesce in such exclusive Government as in the Wisdom of Congress shall be thought most eligible and in this Case consistent with the natural Rights of Freemen. The Limits, should they be favored with the Choice of Congress and the legal Designation of our State Assembly will include a principal Part, if not the whole, of the Northern Liberties, Kinsington with it's Piers and Yards for Ship-building Frankford, Chestnut hill, the Falls of Schuylkill &ca. On the whole we are disposed to presume that the Residence to which we now invite you will (on a strict and thorough Investigation) be found to be as favorable to the present Exigencies, and future Designs of the foederal Administration, as perhaps any other within the Bounds of the Empire—

But, Sir, whether this our humble Application be successful or not, we most earnestly pray your Excellency to accept our best Wishes for the future Establishment Honor and Prosperity of the Congress of the United States of North America—October 1, 1787.

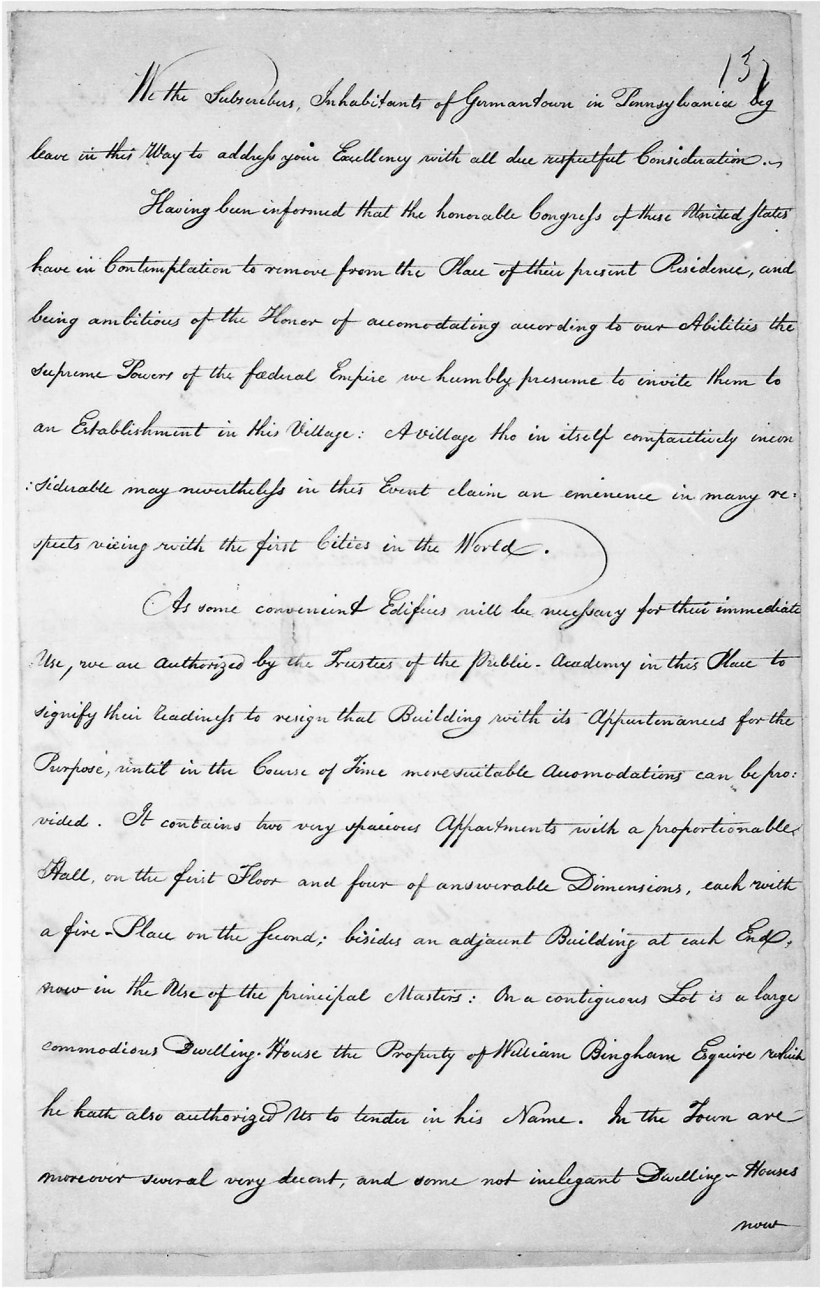
Christian Schneider	John Bringhurst
Wm Ashmead	Charles Bensel
Peter Libert	John Howell
George Bringhurst	Geo Logan
John Fry	Leonard Stoneburner
Samuel Turk [?]	Joseph Ferree
Justus Fox	Wm Shippen
George Losh	Blair M Clenachan
John Keyser	John Hesser
Saml Bringhurst	Abraham Rex

Noah Townsend
William Libert [?]
Casper Moyer [?]
Matth Clarkson

John Roop
John Rose
Christopal Ludwick
Wi Miller
Saml Ashmead

His Excellency
The President of Congress—

1. MS, RG 360, PCC 46, National Archives. A photographic reproduction of the manuscript appears immediately below.

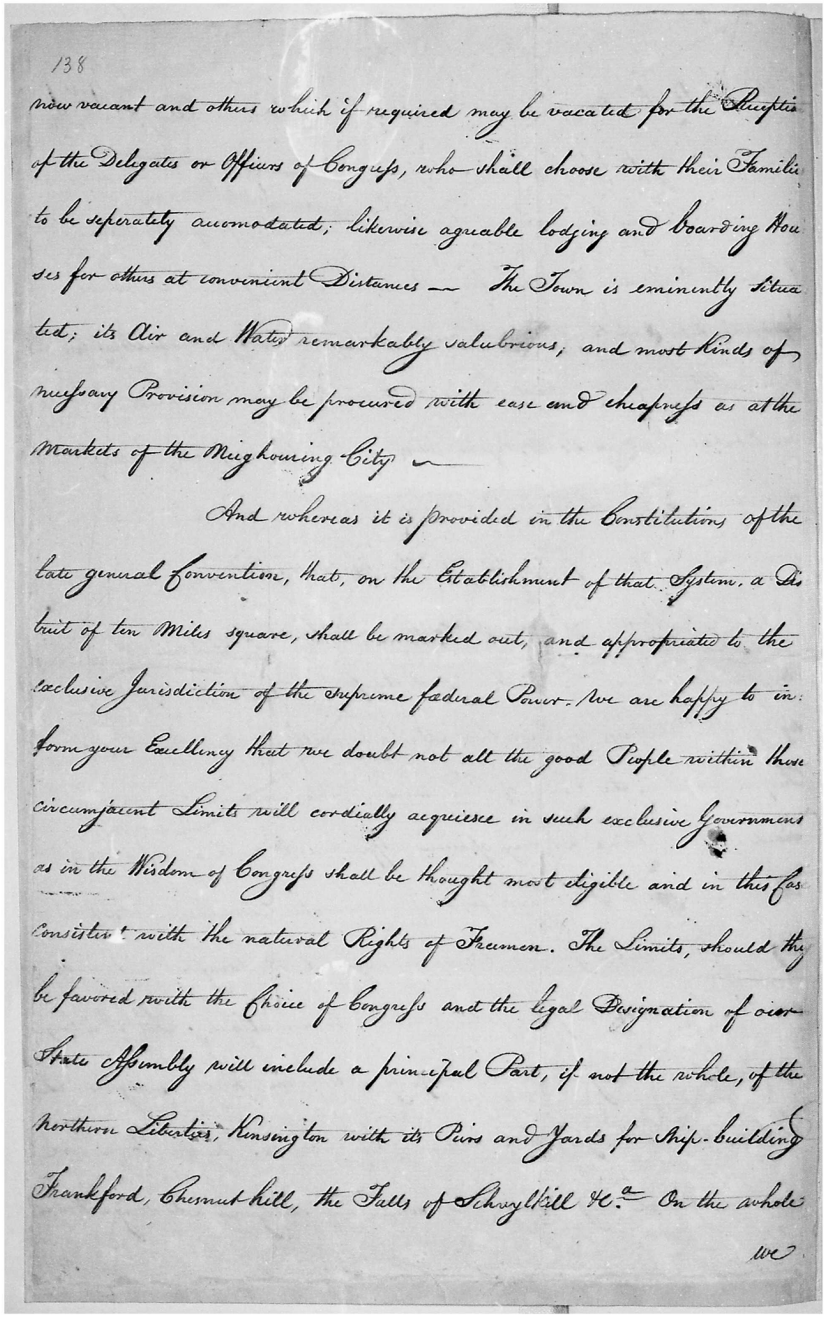


We the Subscribers, Inhabitants of Germantown in Pennsylvania beg 13
leave in this Way to address your Excellency with all due respectful Consideration.

Having been informed that the honorable Congress of these United States have in Contemplation to remove from the Place of their present Residence, and being ambitious of the Honor of accomodating according to our Abilities the Supreme Powers of the federal Empire we humbly presume to invite them to an Establishment in this Village: A Village tho in itself compartively inconsiderable may nevertheless in this Event claim an eminence in many respects vieing with the first Cities in the World.

As some convenient Edifices will be necessary for their immediate Use, we are authorized by the Trustees of the Public Academy in this Place to signify their readiness to resign that Building with its Appurtenances for the Purpose, until in the Course of Time more suitable Accomodations can be provided. It contains two very spacious Appartments with a proportionable Hall, on the first Floor and four of answerable Dimensions, each with a fire-Place on the second; besides an adjacent Building at each End, now in the Use of the principal Masters: On a contiguous Lot is a large commodious Dwelling-House the Property of William Bingham Esquire whilst he hath also authorized Us to tender in his Name. In the Town are moreover several very decent, and some not inelegant Dwelling-Houses

now

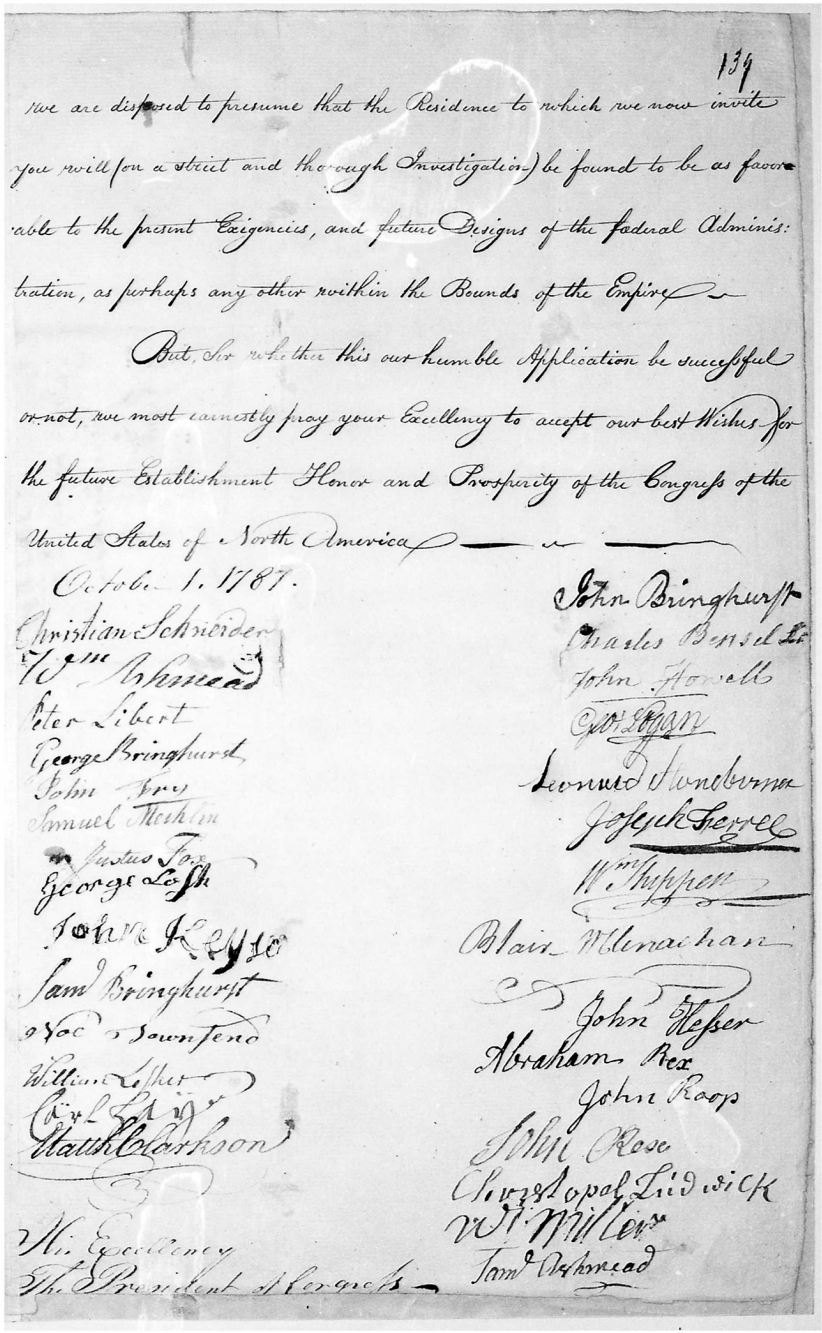


138

now vacant and others which if required may be vacated for the Reception of the Delegates or Officers of Congress, who shall choose with their Families to be seperately accomodated; likewise agreable lodging and boarding Houses for others at convenient Distances — The Town is eminently Situated; its Air and Water remarkably salubrious, and most Kinds of necessary Provision may be procured with ease and cheapness as at the Markets of the Neighbouring City —

And whereas it is provided in the Constitutions of the late general Convention, that, on the Establishment of that System, a District of ten Miles square, shall be marked out, and appropriated to the exclusive Jurisdiction of the supreme federal Power. We are happy to inform your Excellency that we doubt not all the good People within those circumjacent Limits will cordially acquiesce in such exclusive Government as in the Wisdom of Congress shall be thought most eligible and in this so Consistent with the natural Rights of Freemen. The Limits, should they be favored with the Choice of Congress and the legal Designation of our State Assembly will include a principal Part, if not the whole, of the northern Liberties, Kensington with its Piers and Yards for Ship-building Frankford, Chesnut Hill, the Falls of Schuylkill &c.ª On the whole

we



139

we are disposed to presume that the Residence to which we now invite you will (on a strict and thorough Investigation) be found to be as favorable to the present Exigencies, and future Designs of the Federal Administration, as perhaps any other within the Bounds of the Empire —

But, Sir whether this our humble Application be successful or not, we most earnestly pray your Excellency to accept our best Wishes for the future Establishment Honor and Prosperity of the Congress of the United States of North America —

Octob. 1. 1787.

Christian Schnieder
Wm Ashmead
Peter Libert
George Bringhurst
John Penn
Samuel Meehan
Gustavus Fox
George Losh
John R. Lyle
Saml Bringhurst
Isaac Saunders
William Usher
Chr. Ludwig
Matth. Clarkson

His Excellency
The President of Congress

John Bringhurst
Charles Bensel Jr.
John Howell
Geo. Logan
Leonard Vandeburna
Joseph Siegel
Wm Shippen
Blair Mcnaghan
John Hefner
Abraham Rex
John Roop
John Rose
Christopal Leidwick
W. Miller
Saml Ashmead

87. Francis Johnston to Timothy Pickering
Philadelphia, 1 October 1787 (excerpt)[1]

. . . We have had within these few days some very novel proceedings amongst us. On Friday last 19 members (the minority of our House) *seceded*, so that no house could be formed on the afternoon of that day agreeably to adjournment. The cause of this secession was *they disapproved* of directing a convention to be elected to take into consideration the new federal government, until Congress should adopt the same. Early on Saturday morning Mr. Speaker Mifflin received from Congress their unanimous recommendation to the different legislatures to choose a convention, etc. (as will appear by the enclosed resolution), immediately after this, General Mifflin waited on the 19 gentlemen with a view of persuading them to attend, having, as he informed them, received the resolution of Congress aforesaid, but they refused to attend, upon new grounds. They alleged that the business was of too important a nature to be gone into so precipitately and that the succeeding house ought to take it up; in the meantime, the people would have an opportunity to deliberate thereon and take each others' sentiments with respect to the propriety of adopting it. The Speaker attended the House with the majority, 43 (but there was not a quorum by two) at the usual hour of meeting and still finding the 19 *seceding members* absent, sent the sergeant at arms with the deputy clerk for two of them, vizt., Major McCalm[ont] and Mr. Miley, the first from Franklin and the other from Dauphin, but they totally refused to attend. The cit[izens] who accompanied the clerk and sergeant then interfered and insisted on their attending the House; in short, tis said, they compelled them to attend. The public mi[nd] seems much irritated at present and how this affair will end I really cannot pretend to say. . . .

1. RC, Pickering Papers, Massachusetts Historical Society. This document has been edited.

88. William Bradford, Jr., to Elias Boudinot
Philadelphia, 2 October 1787 (excerpt)[1]

. . . it is evident that the whole system of paper money is hastening to destruction. This day, tis at 33 1/3. Tis even said by some to be near 40 percent discount. The prospect of the new government, the contests likely to take place, and the intermediate time, which will be a kind of *interregnum*, when the exertion of government will be weak and ineffectual, are all cooperating causes of the downfall of paper money.

We shall have very serious disputes in Pennsylvania. You must have heard of the secession here. There was an exhibition of folly on both

sides. The enclosed address (just come out) will give you some insight to this business. You perceive that it announces a determination to oppose the new Constitution. Very serious effects will, I am afraid, flow from the division of sentiment among us. . . .

1. RC, Wallace Papers, Historical Society of Pennsylvania. This document has been edited.

89. A Mechanic
Philadelphia Independent Gazetteer, 2 October 1787

Mr. OSWALD, I have never interested myself much, in the politics of the state, from an idea that the difference between a constitutionalist and a republican was of so trifling a nature that it was not worth interesting myself in. I have asked some of the parties what they were contending for; was it the bare name, a shadow, or was there a substance in view? but found they could not tell. It then appeared to me like two men worshipping the same being, but differing in the mode, as there were many valuable and worthy men in each party who were worthy members of republican government.

I have seen with astonishment! "*a land*," I may say, "*flowing with milk and honey*," a country that can boast of more natural advantages, than perhaps any other on the face of the globe, a-going to destruction from the factions and bad policy of its inhabitants: I viewed with pleasure the meeting of the late federal Convention; a convention composed of our wisest and best men,—men perhaps unequalled for wisdom and virtue, with *Washington* at their head, as the only thing that could save a distressed people from destruction, and from falling an easy prey to foreign powers. The Convention has given us a constitution perhaps superior to any upon earth, and notwithstanding its excellence, it meets the opposition of a factious few, whose lives and conduct have been filled with dissimulation and deceit. These few men have had address sufficient to sway the judgment of nineteen of their creatures, Members of the late General Assembly, whose names will be handed down with infamy to posterity. On Friday last when a vote was to be taken of the utmost importance to Pennsylvania, and to keep them from attending the house contrary to their positive oaths, contrary to religion and virtue, and contrary to the real interest of their constituents, who have unfortunately placed a mistaken confidence in their integrity and patriotism, and who were paying them for their attendance and services as their representatives.

The people will now be convinced, that the leaders of this party have not, nor never had, the real interest of Pennsylvania in view; they have clearly shewn that their attachments to the constitution were from its

elasticity—they have turned it, and twisted it, as their interest and party views required, into a thousand shapes; and all under the mask of supporting it, have created offices, officers, and place-men to strengthen their party. They have under a funding bill loaded the state with debts she never contracted, debts of the neighbouring states in order to enrich a few individuals in Philadelphia; in short, their conduct has been such as shew the only spark of patriotism they have is the bare name; I would advise the leaders of this party to take care how they conduct themselves in future, to offer no more injuries—they are well known: the people of Pennsylvania are an easy good people; but they are a spirited people, let those enemies to the state & to the United States recollect how Doct. Kearsley was treated in 1775, for his abuses of the people, they may probably share the same fate he did.

The federal constitution no doubt will put an end to all parties, if it is adopted, as it clearly will. Offices and officers will not be so numerous, nor offices so valuable as to make it the interest of the people to neglect their business in pursuit of them. The large sums of money paid to [a] set of supernumerary officers and members of Assembly and Executive Council, will serve to pay our foreign and domestic debts. Our credit at home and abroad will revive; our treasury will be enabled to pay the real creditor, and the federal treasury, by imposts and indirect taxations, which will not be felt by the people, will be enabled to answer all demands that may be upon it.—British gold could not have done more injury to Pennsylvania, than a few party men in Philadelphia have done under the mask of friends to the constitution, and friends to the people. The grievance is great and must be redressed: The only cure for it is, to lay hold of the heads of the faction, do justice to yourselves, inflict the punishment on their persons equal to their demerits, which, by the bye, will not be a small one, and you will soon settle and cure the disease, and afterwards be a happy people.

90. Official Receipt of Congress' Resolution
3 October–22 November 1787

Council Minutes, Wednesday, 3 October 1787 (excerpt)[1]

. . . A letter from the Secretary of Congress transmitting the report of the Convention lately Assembled at Philadelphia together with the resolutions and letter accompanying the same agreeably to a resolution of Congress dated the twentyeighth of September last—and requesting that the same may be laid before the Legislature in order that it may be submitted to a convention of Delegates to be chosen by the People of this State—was read—and filed. . . .

Carlisle Gazette, 10 October 1787

(CIRCULAR.)

Office of Secretary of Congress, September 28th, 1787.

SIR, In obedience to an unanimous resolution of the United States in Congress assembled, a copy of which is annexed, I have the honour to transmit to your Excellency the report of the Convention lately assembled at Philadelphia, together with the resolution and letter accompanying the same, and have to request that your Excellency will be pleased to lay the same before your Legislature in order that it may be submitted to a Convention of delegates to be chosen by the people of the state, in conformity to the resolves of the Convention, made and provided in that case.

With great respect sir,
I have the honour to be
Your Excellency's most
Obedient, &c.
CHARLES THOMPSON.

His Excellency the President of Pennsylvania.

Assembly Minutes, Thursday, 25 October 1787 (excerpt)[2]

. . . On motion,

Ordered, That Mr. *Willing*, Mr. *Lollar* and Mr. *Schott* be a committee, to inform Council that the House, being met, are ready to receive any business they may have to lay before them. . . .

Council Minutes, Thursday, 25 October 1787 (excerpt)[3]

. . . Mr. Lollar, Mr. Willing, and Mr. Schott, a Committee from the General Assembly, attending, were introduced, and informed Council that the House of Assembly was now met, and were ready to receive any business the Council might have to lay before them.

The Committee were informed that a Message was preparing, and should be transmitted to the House to-morrow forenoon, together with a number of papers received since the late meeting of the House.

Assembly Debates (Lloyd), Friday, A.M., 26 October 1787 (excerpt)[4]

. . . The assistant Clerk, was sent to enquire of the Honourable Supreme Executive Council, at what time they would please to forward their message, and was informed, it could not be ready to lay before the House until one o'clock. No other business presenting,

The House adjourned, to meet to-morrow morning at half past nine o'clock.

Assembly Minutes, Saturday, A.M., 27 October 1787 (excerpts)[5]

. . . The Secretary of Council attending at the door, was introduced, and presented to the chair a message from his Excellency the President and the Supreme Executive Council, which was read, as follows, *viz*. . . .

[President Benjamin Franklin's message appears at this point.]

And the several papers therewith transmitted were also read; and on motion, and by special order, the same message and papers were read the second time.

Ordered, That they be referred to Mr. *Clymer*, Mr. *Fitzsimons*, Mr. *M'Lene*, Mr. *Lollar* and Mr. *Rittenhouse*, to arrange the subject matters, and report thereon. . . .

Assembly Debates (Lloyd), Saturday, A.M., 27 October 1787 (excerpts)[6]

. . . [President Franklin's message appears at this point.]

The enclosures were as follow:

Two letters from Charles Thomson, Esquire, secretary to Congress; the former, enclosing the report of the Convention lately assembled in Philadelphia, together with the resolution and letter accompanying the same. . . .

On motion, and by special order, the message was read a second time, and referred to Messrs. Fitzsimons, M'Lene, and Rittenhouse, to arrange and report. . . .

Assembly Minutes, Monday, P.M., 29 October 1787 (excerpt)[7]

. . . The committee appointed the 27th of *October*, to arrange and report on the message from Council, made report, which was read; and on motion, and by special order, the same was read the second time. . . .

Assembly Debates (Lloyd), Monday, P.M., 29 October 1787 (excerpts)[8]

The Committee appointed to arrange the papers accompanying the message on Saturday morning, made report which was read, and ordered to lie on the table. . . .

On motion and by special order, the report of the Committee of arrangement was read a second time. . . .

The resolution of Congress on the subject of granting favors in commerce, to foreign nations, requiring no immediate consideration, and

The recommendation of Congress to call a state Convention, having been already acted upon, it is not necessary to commit either of them. . . .

Assembly Minutes, Monday, A.M., 22 November 1787 (excerpt)[9]

. . . On motion of Mr. *M'Lene*, seconded by Mr. *Findley*,

Ordered, That the proceedings of the late Foederal Convention, containing the constitution by them proposed for the government of the United States, as officially transmitted from the United States in Congress assembled by the honorable Executive Council, with their message of *October* 27th last, be inserted on the journals of this House.

[The Constitution and accompanying documents and the congressional resolution of 28 September appear on the Journal at this point.] . . .

1. MS, RG 27, Smooth Minute Book, Pennsylvania Historical and Museum Commission.
2. *Minutes*, 6.
3. See note 1.
4. Lloyd, *Debates*, II, 8.
5. *Minutes*, 8–9.
6. Lloyd, *Debates*, II, 15–17, 19.
7. *Minutes*, 12.
8. Lloyd, *Debates*, II, 21, 25.
9. *Minutes*, 72–83.

91. James M'Calmont's Appeal to the Supreme Executive Council 3 October 1787–16 February 1788

Council Minutes, Wednesday, 3 October 1787 (excerpt)[1]

. . . The Memorial of James McCalmont Esquire being read and several depositions in support thereof—On Motion Resolved, That the Attorney General be directed forthwith to commence a prosecution against Captain John Barry and such other persons as shall be found to have been principally active in seizing the said James McCalmont, or otherwise concerned in the riotous proceedings as set forth in the said memorial and that the said Memorial and depositions or Copies thereof be transmitted with this resolution to the Attorney General—The yeas and nays being called upon the foregoing resolution were as follows vizt.

Yeas
Mr. President [Franklin]
Mr. Vice President [Biddle]
Mr. McLene
Mr. Redick
Mr. Hoge
Mr. Smilie
Mr. Whitehill
Mr. Baird

Nays
Mr. Hill
Mr. Dean
Mr. Muhlenberg

So it was carried in the Affirmative.

We disent from the resolve entered into on the second Instant for the following Reasons.—

1st. The powers of Government being perticularly divided among the several departments of legislative—executive—and judicial authority the public peace and security of individuals require that the bounds assigned to one should not be invaded by the other—Great part of the excellence of a free Government consists in the exact order and precision with which the duties of Administration are arranged and defined by which a certain and regular remedy is provided for every wrong done and which the sufferers are entitled of wright to demand—In every species of offence from Treason to the smallest misdemeanor—our Constitution and the Laws have provided certain adequate remedies for which proper Officers are appointed.—To interfere in the duties which these Officers are to perform before it appears to Council that they have refused on a reasonable request made to them is to disorder the harmony of Government and to blend and confuse the Offices which the constitution has indeavoured to preserve seperate and distinct.

2nd. It is true that the Constitution declares Council are to take care that the Laws be faithfully executed but is evident that their interference is not directed to take place *a priori* and in the first instance otherwise it would become their duty to give the same directions to the Attorney General with those which were voted in the third instant in every application and whether the proper Magistrates had been dilenquent or not.

3rd. Cases may indeed arise of such consequence as to render it meritorious in Council to break thro' the Legal boundaries assigned to their jurisdiction and anticipating an obvious and pernicious refusal in the proper Offices—give directions in the first instance for the faithfull execution of the Laws—But what are the cases in which such an interference can be necessary or Justifiable surely it can only be when Conbinations to oppose not to support, legal Government—to resist not to establish Authority threaten the safety of the State the Liberty and happiness of the public—Such were the late unwarrantable Associations in the County of Northampton in express defiance of the Laws and contempt of the Authority of the Commonwealth, but unless on other occasions the declared object and intentions of the parties accused should appear to Council to be in a similar manner directed against the existance of all legal Authority no precedent can justly be drawn from what was done on that occasion.

4th But tho that resolve can afford no precedent for the Act of the second instant entered on the Minutes of Council it is probable that the latter will hereafter be converted into a frequent and convenient example for the purposes of party and that future factions may derive from this occation a mode of obtaining assistance in the pursuit of favorite measures which had Council adhared to the plain original principles of the Constitution would never have been afforded to them.—

Samuel Hodgdon to Timothy Pickering
Philadelphia, 4 October 1787 (excerpt)[2]

. . . inclosed you have the papers and the Minutes of the house to the close of the session, and the curious defence made by the *abandoned Nineteen* for their secession from the Assembly on friday and Saturday last. *State warrants* were talked of to apprehend certain obnoxious characters for aiding the sergeant of arms in bringing them to their duty—but the Chief Justice [Thomas McKean] being consulted put an end to the measure; he declared that the Mass of the people were so incensed at their conduct, that tumult and further outrage would be the inevitable consequence so the Matter rests for the present—you will see [Robert] *Whitehill* the Jesuit conspicuous in the debates on the last Wyoming bill—distraction and confusion are essential to the existance of such consummate villans—The terms are harsh, but I confess I am excee[d]ing angry with them—I will leave them and politicks at this time. . . .

Carlisle Gazette, 10 October 1787

The memorial of James M'Calmont, Esquire, being read, and several depositions taken in support thereof, on motion resolved, that the Attorney General be directed forthwith to commence a prosecution against Captain John Barry, and such other persons as shall be found to have been principally active in seizing the said James M'Calmont, or otherwise concerned in the riotous proceeding as set forth in said memorial, and that the said memorial and depositions or copies thereof be transmitted with this resolution to the Attorney General.

Thomas McKean to William A. Atlee
Philadelphia, 22 October 1787 (excerpt)[3]

. . . Council have directed a prosecution against Captain John Barry and others for a riot & false imprisonment of Messieurs Mc;Callmont and Miley, the two late Members of Assembly—The Attorney General applied to me for a Precept night before last, but as the Affidavits pointed out no person, except Captn. Barry by name, and the two Gentlemen are returned as Members for the present year, I thought it expedient to postpone issuing any precept until I should see them. This affair will probably create some noise and heat in the State, but we Judges are accustomed to difficulties and disagreeable disputes, and must go through them as well as we can. . . .

Hugh Boyle to John Barry
Philadelphia, 14 December 1787[4]

Subjoined you have the memorandum which you desired me to prepare for you

May every happiness await you & may the success of Your expedition be proportiand to the Wishes of Your affectionate friend

John Brown to John Barry
Philadelphia, 14 December 1787[5]

I deliver to you herewith Six Hundred dollars which I request you to take with You to Canton in China and in due Season after your arrival there be pleased to purchase to the same amount in Nankeens of the Common kind for my Acct and bring them with you to this place and for Your trouble and [in] lieu of the freight thereof you are to receive one third of the Nett profits that may arise on the sales of them here free of any Charges except that of Insurance. My constant wishes shall be offerd for a safe Speedy and prosperous Voyage to you

Pennsylvania Herald, 15 December 1787[6]

PHILADELPHIA, Dec. 11–14.

	Arrived from
Brig Jenny, English,	Tortola
	Sailed for
Ship Asia, Barry,	Canton

Philadelphia Freeman's Journal, 19 December 1787[7]

Last week a warrant was issued by one of the Judges for John Barrey, master of the East India ship, belonging to Robert Morris Esq. upon complaint of James M'Calmont, Esq. one of the members of the present and late house of Assembly, for violently abusing and dragging him to the State house last September, for the purpose of making a quorum, for calling a convention.

Council Minutes, Saturday, 16 February 1788 (excerpt)[8]

. . . The Attorney General having requested the Advice of Council relative to the suit now carrying on by their order against Captain John Barry &cta

Resolved That the attorney General be informed that Council do not wish to interfere but that they leave the matter intirely with him to act as he shall Judge best. . . .

1. MS, Smooth Minute Book, Pennsylvania Historical and Museum Commission.
2. RC, Pickering Papers, Massachusetts Historical Society.
3. RC, Atlee Papers, Library of Congress.
4. RC, Barry Papers, Library of Congress.
5. Ibid.
6. Also printed in the *Pennsylvania Packet*, 15 December.
7. Reprinted twelve times from Maine to Georgia.
8. See note 1.

92. Joseph Hart to George Bryan
Newtown, Pa., 3 October 1787[1]

Yours of the 1st instant I received a few minutes ago per Mr. Ewing (having been some time at home). I also received the other you make mention of, and for which I return you many thanks. I have indeed seen the production of the Convention, but have not had time to digest it, and therefore, and for want of time, shall not say one word for or against it.

Before I had seen it I heard Mr. Wynkoop recommend it much; and Murray declared he was resolved to adopt it before he knew anything what it would be; and that is the most I have heard about it. I had indeed heard something of the confusion occasioned by the hearty proceeding of the Assembly, but very imperfectly to what you give.

1. RC, Bryan Papers, Historical Society of Pennsylvania. This document has been edited.

93. New York Morning Post, 6 October 1787

Extract of a letter from Philadelphia, Oct. 3.

"The *Fœderal Mania* at present rages in this city with great violence, not only among the Barber Shop and Ale-House Patriots, but among the higher orders; however there were 19 members of our legislature who escaped the infection, and retired from the House, with a fixed resolution to return no more; but on the arrival of a messenger from Congress, the Clerk of the Assembly, together with the Sergeant at Arms, attended by two or three Catchpoles '*of visage vile*' were sent to hunt up the seceding members, some of whom they met in the street, who immediately avoided them, and made their retreat into the nearest houses; while this was going forward, the *Canaille* forcibly broke into the lodgings of Messrs. [Jacob] Miley and [James] M'Clamot (two members) whom they riotously carried to the House of Assembly, pushed them in, and shut the door; these gentlemen begged leave of the House to depart, as they were brought there against their will; but the majority refused them that reasonable request, and forced them to stay, and even attempted to brow-beat them into a compliance with their measures. The House seemed greatly to approve of this high-handed outrage of the *mobility*. Happy presage this of foederal government!"

94. Carlisle Gazette, 3 October 1787[1]

Extract of a letter from a gentleman of distinction in Philadelphia, to his friend in this town, dated September 29.

"New-Jersey, Delaware, and New-York, will certainly adopt the new Foederal Constitution. 3500 citizens in the city and liberties of Philadelphia, subscribed the petition to our Assembly, to comply with the recommendation of the late Convention. The Constitutionalists (five or six excepted) are all in favour of the New Government. Their conduct in joining with the Republicans in this business, does them great honour, and it is expected will be the means of destroying party in our state. Nothing but the New Government can save our sinking country.

Our state constitution is a trifling object, compared with the safety, and salvation of a nation. Mr. M'Kean says, it must be altered so as to suit the Continental Government, and its enormous expences must be reduced, especially as the United States will take from us the imports and excise which are the chief means or supporting our expensive state government; 19 executive councellors, alone cost us 6000 l. a year, and what good do they do? One man or two at most would do all their business for a sixth part of that sum a year.

"The antifederal junto are acting the part of the tories over again. They dare not object to the New Constitution, but they object to the TIME of calling the Convention to adopt it. The true secret is, they had rather, the Union went to Destruction, than loose their hold of dominion and offices in Pennsylvania."

1. Reprinted: *Lancaster Zeitung*, 10 October.

95. Philadelphia Freeman's Journal, 3 October 1787[1]

Nothing, says a correspondent, proves the decline of our European trade, in American bottoms, more incontestibly than the amazing increase of our domestic and coasting trade. Twenty years ago one vessel only (a brig) was established in the trade from Philadelphia to Charleston, at present there are six or seven: At the same time a sloop of 50 tons answered that purpose from New-York, there are now three or four from that port. Exports from the middle colonies would always before the revolution pay a good freight to Rhode-Island, Massachusetts, &c.—At present those branches of business are overdone by a superfluity of hands. The West-India islands are equally glutted with the produce of our continent, and the American shippers and importers for the most part live by the loss.—What does all this prove, but that we ought to give up the idea of a very extensive marine trade, employ ourselves in agriculture and manufactures, and, if possible, be happy at home.

1. No Pennsylvania reprints; reprinted eight times from Connecticut to South Carolina by 29 November.

96. Pennsylvania Gazette, 3 October 1787

Monday being the day for the payment of the interest on certificates, many persons went to the treasury of the state for money, but received none. This failure in the public faith of our state, while it affects the credit of our *paper* money, cannot fail of rendering a *Specie* fœderal treasury highly acceptable to every public creditor.

97. Pennsylvania Gazette, 3 October 1787[1]

A Philadelphia mechanic, who heard one of the members who objected to calling a Convention say, that he did not like to have the new constitution of the United States "crammed down our throats," very justly remarked to a circle of his friends afterwards,—"If Mr. F———, said he, had had no victuals to *cram down his throat*, but what he had procured with borrowed money, or upon credit, as has been my case for these three months past, and solely from the decay of trade, occasioned by the want of a good foederal government, he would not require three or four months to consider of the new constitution."—The case of this honest mechanic is the case of many thousands of our citizens. Nothing can save them from ruin, but the adoption of the new government.

1. No Pennsylvania reprints; reprinted nine times from Maine to South Carolina by 8 November.

98. Pennsylvania Packet, 3 October 1787

A virulent competition, which vents itself in gross abuse and defamation, has arisen among the candidates for representing the town of Baltimore in General Assembly. It is with pleasure, a correspondent observes, a different conduct is pursued in this city, and that the important business of the election will probably be transacted with that independence which distinguishes the freemen, and with that cordiality which becomes the fellow citizens of a virtuous commonwealth. The crisis is perhaps the most important that has occurred in the annals of Pennsylvania, and at once awes and interests the feelings of every patriot.

99. Philadelphia Independent Gazetteer, 4 October 1787

ANECDOTE

An old soldier who was wounded in the late war, went into the State-House, since the sitting of the Supreme Court, with intention of applying for a pension, &c. After many remarks on various subjects, he asked why one of the *Judges* who seemed separated from the rest, took his seat in the place he did, being on the out side of the *throne*? He was answered by an *invalid*, that *that*, was Judge *B——n*, the *fourth Judge*, that there was not room for him to sit with the other three, that when the House was built, three Judges were thought sufficient for Pennsylvania, and the seat was planned to accommodate three only. *By J——s said the soldier, I am afraid* there will not be room for *Judge B——n* in *H——n* unless *he* amends *his life* and *conduct*.

100. Plain Truth
Pennsylvania Herald, 4 October 1787

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, The opposition to the federal constitution, comes chiefly from our officers of government. No wonder they cry out against it, since it must soon place them on a footing with their fellow citizens, who are out of office. But turn about is fair play. Most of these men have made fortunes out of the public. Look at the houses they are building, or have bought—those who have done neither, draw many hundreds a year out of the state treasury, on purchased certificates. This is too much to bear. It is high time to have a fresh scramble for the loaves and fishes, since rotation is the main spring of our constitution.

101. Pennsylvania Herald, 4 October 1787

A correspondent who has read two PROTESTS by the same MINORITY, of a very different nature, one in Mr. Oswald's and the other in Messrs. Hall & Sellers's paper of yesterday, wishes to be put right in determining the true from the false. Some are of opinion that the protest signed by the gentlemen is that in Oswald's, and at the same time they declare that the true protest is that in Hall & Sellers's.

Our correspondent says he was delighted with the observation of an honest Hibernian, on this subject, viz.—By St. Patrick the *counterfeit* is the *true* one.

102. Philadelphia Independent Gazetteer, 5 October 1787

DUETTO,

Sung by W—h-ll and F—dl-y, accompanied by G——e B——n, with a Violincelo—Tune, Darby in the Poor Soldier.

Though rascals and rogues they may call,
Right toll loll, &c.
Yet now we may laugh at them all;
Right, &c.
'Twas well we escaped with whole bones,
Right, &c.
For we merited horsewhips and stones.
Right, &c.

2.

In troth we have cut no great dash,
Right, &c.

Run away and not compass the cash,
Right, &c.
I am sure 'twas a damnable shame.
Right, &c.
But on fear we may lay all the blame.
Right, &c.

3.

They may call us the glorious sixteen,
Right, &c.
Such glory I wish I'd not seen;
Right, &c.
For of all rogues the greatest we are
Right, &c.
That ever smelt feathers and tar.
Right, &c.

4.

Then quietly let us jog on,
Right, &c.
Drink in comfort our whisky grog strong,
Right, &c.
Rejoice that we escap'd without evil,
Right, &c.
And go as we ought to the devil.
Right, &c.

103. Matters of Fact
Pennsylvania Packet, 5 October 1787[1]

Mess. DUNLAP & CLAYPOOLE,

What has been, will be, while men continue to be men, and there is nothing new under the sun. Some people seem alarmed at the opposition of a few weak and deluded men to the federal government; but if we look into the histories of our own and foreign countries, we shall find that there never was a revolution brought about in any country in favor of liberty or government, that was not opposed by ignorant or interested men.

The revolution that brought King William to the throne of England was effected by a majority of only *three* votes.

Thousands opposed the accession of the Hanover family to the same throne some years afterwards. In 1715 and 1745 attempts were made to depose them, by an appeal to arms which ended in the destruction of the leaders of the *minority*, and in the defeat of those *brave and hardy*

mountaineers, who were seduced by those leaders into a rebellion, against the voice and interests of a *majority* of the people.

The union of the parliaments of England and Scotland was opposed by a strong minority of Scotland: recourse was had to arms by a few deluded men in the west of Scotland to prevent it. But they were soon prevailed upon to return in peace to their habitations, and in a few years afterwards joined with the majority of the nation, in praising the happy effects of the union.

The declaration of independence was opposed by a wealthy and powerful party, a *whole* state, and many counties in every state refused to concur in supporting it; and yet the independence of our country, finally triumphed over all opposition.

I shall conclude, by repeating my first observation—*What has been, will be, and there is nothing new under the sun.* The present enemies of the federal government will ere long be its most zealous friends, and some of them, who are most *prudent* and *silent* about it, or most clamorous against it, will probably soon fill its highest or most profitable offices.

1. No Pennsylvania reprints; reprinted fourteen times in New York and New England by 8 November.

104. Erkuries Beatty Diary
Philadelphia, 6 October 1787 (excerpt)[1]

A Great meeting at the State house this evening to form a ticket for Assembly men—Majr. Jackson got great applause for his address to the people—Mr. Wilson spoke very well & Dr. Rush with his religion & mildness, wound up the business exceeding genteely—Colol. Will, Mr. Fitzimmons, Mr. Geo. Clymer and Mr. Lewis the Lawyer was unanimously agreed to by this meeting for representatives for the City next Year—

1. MS, Misc. MSS, Box of Beatty Diaries, New-York Historical Society.

105. Stephen Collins to Henry Chapman
Philadelphia, 6 October 1787 (excerpt)[1]

. . . I note your observations on the new Fabrick. I am beyond every thing clear if it is fully & properly established it will relieve this nation from the present Distressed & contemptious situation which it is reduced to and I heartily pray for its adoption. Indeed Harry (con-[s]idering the various Intrest & Habits of this cuntry) this constitution apears to me to be a kind of Perfection. yet you see there will be a grate oppesition to it by such sort of People as the Devil can find and

they are _____ I leave you to fill up the Blank. . . .

1. FC, The Papers of Stephen Collins and Son, Letterbook, 1786–89, Library of Congress.

106. Philadelphia Evening Chronicle, 6 October 1787

A SONG on a late POLITICAL Hunting Match.

1.
Hark! Hark! within the noisy walls
The *Speaker's* voice to *Order Calls*;
Spectators all are mute;
The Clamourous arguments resound,
Whilst *Speculators* stand around,
Aw'd by the grand Dispute.

2.
Nor *Laws*, nor *Reason*, can prevent
The *Bankers* on their plans intent:
The *hungry Pack* pursue;
Resolv'd to Rule or Crush the *State*,
They mingle in the loud debate;
With *Interest* full in view,

3.
Her friends oe'r powred, by Foes distres'd
The Constitution sinks opprest,
And pants awhile for Breath;
Stout FINDLEY, vents the Heart-felt Groan,
Nor WHITEHILL can her fate postpone,
She sees approaching Death.

4.
Directed by the well-known breeze,
Republicans their victim seize;
Poor *Constitution* dies:
The fierce—*Brokers* now come in,
And join the loud resounding din,
Whilst Echo rends the Skies.

☞ The above Song was prepared at the time the late Debates, for a suspension of the Law for annuling the Charter of the Bank, were argued before the late House of Representatives.

107. Philadelphia Independent Gazetteer, 6 October 1787

A correspondent who sees with horror the low ribaldry, which is daily published against Messrs. *Whitehill*, *Findley*, and other virtuous characters, cannot but lament the blindness of those, who smile at such wretched productions—Let us suppose for a moment, that the scene is reversed, and that a piece is published in which *Robert Morris* is styled a rascal, *Thomas Fitzsimons* a scoundrel, *George Clymer* a vain fool, &c. a cry of *scandalum magnatum* will immediately be raised, the people will take the part of the *well born*, not from respect or love for their *virtues*, but from reverence for their WEALTH. *O altitudo divitiarum!*

* * * * *

⁂ We are authorised to declare that the two first pieces published in our paper, signed *Tar and Feathers*, were received from a different quarter from the two last under the same signature; and that therefore no part of the reply by *Fair Play*, was intended for the author of the two first—He only meant in general, to reprobate the idea of raising a commotion among the citizens.

108. Philadelphia Independent Gazetteer, 6 October 1787

A few days since Captains Craig, Brady, Stephenson, Begs, Mr. Pim and Mr. Erb, went to the county of Luzerne, and there, by order of the Supreme Executive Council, apprehended *John Franklin*, and yesterday brought him to this city. This man has been very active in fomenting disturbances in the county.—Great address and resolution was shown by the gentlemen employed in conducting this business; they were all officers in the late continental army, who distinguished themselves for their bravery during the late war—it is to be hoped they will receive sufficient compensation for their services.

A correspondent with pleasure informs the public, that, *John Franklin*, of *Luzerne county*, *a refractory member* of our late Assembly, was taken a few days ago by a few of the old continental officers, and is now safely lodged with Captain Reynolds in the gaol of this city; where he is to remain without *bail or main-prize*; until he is *impeached* with the *infamous nineteen members*, who had the *audacity* to attempt the breaking up of the late House of Assembly at the close of the last session, after wasting £. 1067 10*s.* of the public's money, without finishing any part *of* the business the House had been sitting upon.

109. Pennsylvania Herald, 6 October 1787

A correspondent observes, that the address of the seceding members contains some strictures highly deserving the public attention. The vindication of their conduct is certainly of great importance to the people, as well as to themselves, and that will depend upon the propriety of their objections to the new Fœderal Constitution; which, after all, must be considered as the ground of division between the majority and the minority, for calling a Convention. That these members should dissent, is not, it must be owned, an extraordinary circumstance; for, continues our correspondent, we find that some persons who heard all the arguments that passed on the subject during five months, have not stamped the plan of government with their approbation; and, it is said, that the resolution of Congress, after much altercation, was produced as a compromise between those who were for adopting, and those who were for rejecting it. The cool and formal language of the resolution, seems indeed to corroborate that assertion.

110. "D."
Pennsylvania Herald, 6 October 1787

To the EDITOR of the PENNSYLVANIA HERALD.

I know Sir, that PLAIN TRUTH is, in some cases, a very disagreeble thing, but your correspondent has proved, what I did not know, that it may be an absurd and ridiculous one.

I have endeavoured to decypher his meaning, but could only arrive at a probable conjecture; which, however, corresponds with his signature. It is in all countries, and has been at all times, a *plain truth*, that the *outs* would be very glad to be the *ins;* and it is likewise a necessary consequence of industry, integrity, and oeconomy, that the property of individuals should accumulate, and their personal influence be established. If such are the sentiments which your correspondent intended to communicate, I must regret that he does not possess the powers of expression in a higher degree, since, however trite, they are *plain truths* which may serve to detect the slanders of envy, and to inculcate the precepts of morality.

But every accusation should ascertain its object, or this evil will result, that it may be directed against a character which the accuser does not wish to wound. "Most of the officers of government, it is said, have made fortunes out of the public, and this is proved by the houses they are building, or have bought." I am not a curious inquisitor into the circumstances of my fellow citizens, and therefore in searching for persons to whom this remark might be applied—the most conspicuous

officers in our government naturally presented themselves to my observation.

Sir, there is a man in this state, whose whole life has been devoted to the service of his country, and whose fortune has been created by the emoluments arising from his public avocations. This venerable Patriot has lately purchased; and has erected houses—Is it a *plain truth*, that he is an object of reproach? or, that he would basely raise an opposition to any wholsome measure, because it would place him on a footing with his fellow-citizens. If the reflection is generally just, I am confident your correspondent has not ingenuity enough to discriminate between this, and every other case, in which a public servant, while he faithfully discharges the duties of his office, honestly flourishes upon its profits.

The truth is, Sir, that every labourer is worthy of his hire; and, unless the business is unskilfully or dishonorably transacted, the compensation can neither be a ground for impeachment or removal. I hope therefore we shall never stigmatize any man, 'till there is some criminality in his conduct, or displace him, until, at least, we are provided with a more able, and more virtuous successor. On that principle it is perhaps a *plain truth*, that the most clamorous against the present officers, are the least entitled to supercede them.

Philadelphia, Oct. 4, 1787.

111. The Gander, No. II
Pennsylvania Herald, 6 October 1787

The events which have lately occurred in our political transactions, furnish a very serious and alarming subject for reflection. Every citizen who loves his country, and every man who understands the principles of government, must shudder at the consequences of the late convulsion in the legislative body. The petty cavils, and the vindictive recrimination of party, are lost in the more momentous consideration of the indignity offered to the rights of the people, and the violation committed upon their social compact. It is not now a question between contending factions, upon partial and speculative arrangements, but between the representative and the constituent, the legislature and the commonwealth. We ought not, therefore, to indulge those prejudices which have hitherto fatally divided the citizens of Pennsylvania, and attached them to men and not to measures,—to the opinions of a few, instead of the welfare of the whole. To consider the late proceedings then, upon impartial and general principales, we shall find, I apprehend, that the parties have been equally wrong, and that the resulting injury is fatal to the happiness and order of society.

To those who have urged the calling a convention, must be ascribed the original aggression. In this business, the importance of which is universally acknowledged, there has been a precipitancy that amounts to rashness, and a confidence that savours of insult. The plan of government framed by the convention, had scarcely been published to the people, before the party, called Republican, lead by those members of assembly who had been likewise members of the convention, determined upon its immediate adoption, and propagated their determination with such menaces, that it became dangerous, even in the search of information, to suggest a doubt upon the principles which it contained. The public prints exhibited a gibbet, and tar and feathers *in terrorem*, and the hallowed walls of the legislature echoed with denunciations of shame and fear upon all who should oppose the new constitution. Not only an opposition, but a candid scrutiny was likewise precluded; for, a few desultory observations upon this interesting subject, drew upon their author a charge of *audacity*, as if the paramount right of freemen to express their sentiments was already abrogated, and the liberty of the press had already experienced the deadly operation of the projected system. Thus even in the capital of Pennsylvania the minds of men were fettered and subdued: Those who possessed the talents to canvass and ascertain the merits of this foederal production, were silenced by their fears; and those who were unequal to that task, became vehement in favor of the plan, merely because it was sanctioned by names which they had been taught to venerate.

The popular frenzy being thus excited and supported abroad, the conduct of the advocates for calling a convention, was not less extraordinary within the house of assembly. Without any preparatory intimation, a string of resolutions for the conventional purposes was presented to the speaker, and neither argument or intreaty could procure a few hours suspension of the business, that those who had not known or suspected it was then to be agitated, might consider it with the deliberation to which it was entitled. Emboldened by the superiority of their forces, the majority would not yield a moment's delay, and the measure was adopted without the recommendation of Congress, and before it had been seen perhaps, certainly before it had been approved, by far the greater number of the people of the state at large. Upon these circumstances then, it must be agreed that the precipitancy of the proceeding amounted to rashness, and the confidence with which it was urged savoured of insult.

But as one improper action will neither in politics or ethics justify another, the secession which has taken place cannot possibly be excused, unless it is proved to be the consequence of absolute necessity,—

and in this case no necessity existed. The calling a convention, was not deciding upon the plan of government, and its being called a month sooner or later could not be injurious to the people, before whom the great question must eventually be agitated. To argue, remonstrate and protest, against the intemperate expedition of the majority, was the duty of every member who differed from them in sentiments; and surely by those means the most scrupulous man might have satisfied his conscience and his constituents. Defeated in that form indeed, the object of the seceders was still attainable by the interposition of the people; for there would have been sufficient time to have transmitted petitions to the new assembly before the election of delegates to the convention, and in those petitions if a determination not to adhere to the prescribed times and places was set forth, the legislature must have accommodated the wishes of the people by extending and altering them.

With these opportunities of proceeding in a constitutional manner, no plea can be admitted to extenuate the crime (for highly criminal it is to introduce so pernicious a precedent) of the late secession. The energy of government has been thus destroyed, its operations rendered precarious, and, in effect, its dissolution accomplished. For, I shall, in the next number, proceed to consider the violence which was exercised in order to obtain a quorum; evincing that upon this occasion the people have resumed the legislative powers of the state for the accomplishment of a popular object.

112. Philadelphia American Museum, 8–10 October 1787[1]

On the love of our country.

Ye souls illustrious, who, in days of yore,
With peerless might the British target bore—
Who, clad in wolf-skin, from the scythed car,
Frown'd on the iron brow of mailed war—
Who dar'd your rudely-painted limbs oppose
To temper'd steel, and skill of Roman foes—
And ye, of later age, not less in fame,
In tilt and tournament, the princely game
Of Arthur's barons, wont by hardiest sport
To claim the fairest guerdon of the court—
Say, holy shades, did e'er your gen'rous blood
Roll thro' your faithful sons in nobler flood,
Than when, of late, fair Liberty unfurl'd
Her injur'd banners o'er the western world?
Your brave descendants heard the voice around,

And, swains till then, turn'd heroes at the sound.
Say, holy shades, did patriotic heat
In your big hearts with quicker transports beat,
Than in your sons, when forth like storms they pour'd,
In freedom's cause, the fury of the sword—
And bade Quebec and Saratoga tell,
How Gates subdued, and how Montgomery fell?
Poor is his triumph and disgrac'd his name,
Who draws the sword for empire, wealth, or fame.
For him tho' wealth be blown in ev'ry wind,
Tho' fame announce him mightiest of mankind,
Tho' twice ten nations crouch beneath his blade—
Virtue disowns him; and his glories fade:
For him no pray'rs are pour'd, no paeans sung,
No blessings chaunted from a nation's tongue.
Blood marks the path to his untimely bier:
The curse of widows, and the orphan's tear,
Cry to high heav'ns for vengeance on his head—
Alive deserted, and accurst when dead.
Indignant of his deeds, the muse who sings
Undaunted truths, and scorns to flatter kings,
Shall shew the monster in his hideous form,
And mark him as an earthquake or a storm.
Not so the patriot chief, who dares withstand
The base invaders of his native land—
Who makes her weal his noblest, only end—
Rules but to serve her, fights but to defend—
Her voice in council, and in fight her sword,
Lov'd as a father, barely not ador'd;
Who, firmly virtuous, and humanely brave,
Strives not to conquer fellow-men, but save.
On worth like his the muse delights to wait,
Reveres alike in triumph, or defeat;
Crowns with true glory, and with spotless fame,
And, fix'd on his, forgets proud Fred'ric's name.
In times like these, if such a man there be,
Who does not feel, that WASHINGTON is he?
Hail, first of patriots! form'd by heav'n's own hand,
First to preserve, then teach thy native land:
Whose arm was nerv'd by freedom, when he fought,
Whose pen bright wisdom guided while he wrote—
Whose conduct seals the lessons he has taught—

From whose wise page Columbia's rising youth
Must gather public honour, faith, and truth;
There learn by times, that freedom's sacred cause
Must sink, when faction bursts the gen'rous laws,
By wisdom fram'd, the wayward to controul;
And from the public body tears the soul.
Hail happy man! thy animating name
To latest times shall kindle freedom's flame,
The grateful breasts of future myriads fire,
When heav'n-taught bards shall strike the sounding lyre,
And tell them, glowing with a conscious pride,
Thou wast their chief, deliv'rer, parent, guide.
  Illustrious warriors, late Columbia's boast,
Who, in the noblest cause, were nobly lost,
Fain would the muse here check her bold career,
To drop o'er you a monumental tear;
But from your ashes, hark! a voice proceeds,
"That blest is he, who for his country bleeds."
This bids us not your envied fate to rue,
But in your brave survivors honour you.
Dear is the tie that links the anxious fire,
To the fond babe that prattles round his sire:
Dear is the love that prompts the grateful youth
A parent's cares and drooping age to soothe:
Dear is the sister, brother, husband, wife,
Dear all the charities of social life:
Nor wants firm friendship holy wreaths, to bind,
In mutual sympathy, the faithful mind.
But not th' endearing springs that fondly move
To filial duty or parental love—
Not all the ties that kindred bosoms bind—
Nor all in friendship's holy wreaths entwin'd,
Are half so dear, so potent to controul
The gen'rous workings of the patriot's soul,
As is that holy voice, that cancels all
Those ties, and bids him for his country fall.
At this high summons, with undaunted zeal,
He bares his breast, invites th' impending steel,
Smiles at the hand, that deals the fatal blow,
Nor heaves one sigh for all he leaves below.
Nor yet does glory, though her boast be bold,
Her aspect radiant, and her tresses gold,

Guide through the walks of death alone her car,
Attendant only on the din of war:
She ne'er disdains the gentle vale of peace,
Or olive shades of philosophic ease,
Where heav'n-taught minds, to woo the muse resort,
Create in colours, or with sounds transport,
Where freedom's senate form'd the noblest plan,
That e'er compris'd the various rights of man;
More pleasfd on Hudson's silent marge to roam,
Than lead her captive foes in triumph home;
Where Pennsylvania's polish'd farmer greets
The home-born pleasures of his calm retreats;
And far from strife a chosen few among
Pours the mellifluous wisdom of his tongue.
Thus safely landed on some friendly shore,
The seamen smile while distant tempests roar.
To read; with Newton's ken the starry sky,
And God the same in all his orbs descry,
With Franklin, nature's hidden paths explore,
To point at causes never known before,
Disarm the storm, and bid the lightning's fire,
Rush innocently down the guardian wire,
To lead forth merit from her lonely shade,
Extend to rising arts a patron's aid,
Build the nice structure of the gen'rous law,
That holds the freeborn soul in willing awe,
To swell the sail of trade, the barren plain,
To bid with fruitage blush, and wave with grain,
O'er pale misfortune drop, with friendly sigh,
Pity's mild balm, and wipe affliction's eye—
These, these are deeds Columbia must approve,
Must nurse their growth with all a parent's love.
These are the deeds her Washington pursues—
The public good still cent'ring all his views.
These are the deeds that public virtue owns,
And, just to public virtue, glory crowns.

1. First printed: *Pennsylvania Packet*, 28 May 1787.

113. Observer
Philadelphia Independent Gazetteer, 8 October 1787

ANECDOTE.

A Republican angling on the bank of a river, was addressed by a Constitutionalist after this manner;—sir, may I take the liberty of asking you what you are fishing for, and with what bait? When his reply was, I am fishing for the *Devil*, to constitute him in the room of *Jefferies*, and G——e B——n is my bait.

114. Francis Johnston to Josiah Harmar
Philadelphia, 9 October 1787[1]

It is with peculiar pleasure I congratulate you on your late promotion; I hope and believe that both yourself and your country will derive advantages from it. Thus far by way of preface, and now to the point. Herein I have enclosed you a copy of our new Federal Constitution, which, I am happy in giving you information, is received with very general *éclat* in all the towns and counties along the seaboard, and trust, it will in the back counties also. It is indeed opposed by interested men in office and possessed of power who formerly were unacquainted with both, and who in future, tis devoutly to be wished, may again become total strangers to either.

My opinion is, it is a government full of energy and calculated to promote the happiness of the people. By its wise economy and complete protection of personal liberty and enjoyment of such property as may be acquired, thro honest industry, every man is secured from the lawless and rapacious hands of uplifted royalty, of proud and headstrong aristocracy, or still more dangerous and factious democracy.

I herewith send you a piece signed "Centinel" and a kind of protest made by 16 seceding members of our legislature which will at once show you our situation. We are in fact like an untoward and fretful child that refuses to receive the necessary food by which it is to be nourished and comforted.

Your sentiments on this subject would, my dear sir, give me sincere and heartfelt pleasure. Pray let me have a line by an early opportunity.

I congratulate you on your *addition* to the family and believe me, I speak truly, when I assure you, that the happiness of General and Mrs. Harmar is very near my heart.

Being at present very much involved in business I am therefore obliged to be thus laconic. My intention was to have written you a little volume by way of apology for my former remissness. God bless you. Adieu.

P.S. I shall soon write again and that more fully.

1. RC, Harmar Papers, William L. Clements Library, University of Michigan. This document has been edited.

115. Philadelphia Independent Gazetteer, 9 October 1787

A correspondent says, that the new constitution of the United States, which was proposed by the late Convention, is fraught with various disadvantages. It is an elective monarchy, which is perhaps the worst of governments, and may, in the course of time, involve the country in tumult and confusion, and deluge it in blood. It is said, article 2. section 4. "The executive power shall be vested in a president of the United States." This president or monarch is to be elected every four years, but he may be elected during his life. The various states of the union are to be melted down into one large state. "The Congress is to consist of a senate and a house of representatives, and is to lay and collect taxes, duties, imposts and excises," without being under sufficient controul from the people. For it is expressly declared, art. 1. sect. 6. "The senators and representatives shall receive a compensation for their services, to be ascertained by law, and PAID OUT OF THE TREASURY OF THE UNITED STATES."—It is stipulated in the new constitution, most wickedly stipulated, that there shall be a power to import negroes for twenty-one years, and that nothing shall revoke that power. The trial by jury is in some cases left dubious, in others it is expressly abrogated. For the supreme continental court is to "have appellate jurisdiction both as to law and fact-" Art. 3. sect. 2. In short, it appears the part of wisdom to abide by the old articles of confederation, or to elect a new convention;—for by the constitution which they have proposed to us (though it may contain some excellent things) we may be easily reduced, by a standing army which is to be kept on foot, to UNCONDITIONAL SUBMISSION, and may BE BOUND IN ALL CASES WHATEVER, by a tax or a halter.

116. A By-Stander
Philadelphia Independent Gazetteer, 9 October 1787

MR. OSWALD, A writer in the New York Journal under the signature of *Cato* asserts that the Federal Constitution now proposed is similar to that of Holland, and will infallibly draw upon the United States such civil dissentions and calamities as now distract that country. This gentleman has either from ignorance or sinister views advanced what is by no means true. The Earl of Chesterfield who was Ambassador from Great Britain to the Republic of the seven United Provinces in the year 1731, gives the following account of their government.[(a)] "It is merely

aristocratical, the people not having the least share of it, either themselves, or by representatives of their own chusing—the sovereign power is commonly thought to be in the States General, *as they are called*, residing at the Hague. It is no such thing; they are only limited deputies, obliged to consult their constituents upon every point of importance. These are the Senate, Council, or *Vrootschaps*, call it what you will, of every town, in every province, that sends deputies to the provincial states of the said province. These Vrootschaps are in truth the States General; but were they to assemble, they would amount for ought I know, to two or three thousand; it is therefore for conveniency and dispatch of business, that every Province sends deputies to the Hague, who are constantly assembled there; who are commonly called the States General. These deputies are chosen by the Vrootschaps; but their powers are extremely circumscribed, and they can consent to nothing without writing or returning themselves to their several constituent towns for instructions in a particular case." He then mentions a very singular fact: That the accession of the Republic to the treaty of Vienna, which he was negociating, could not be obtained till the little town of Briel was humoured in its demand that a certain major should be promoted to the rank of Lieutenant Colonel. He remarks that this absurd unanimity required by the constitution is from indispensible necessity disregarded on some critical occasions, but yet seldom, as being in fact unconstitutional. He adds, that William the *taciturn* Prince of Orange, who from his great influence might have abolished this absurdity, probably suffered it to remain, in order to render the office of Stadtholder absolutely necessary; and that some of the greatest politicians in Holland thought that this defect would at last introduce monarchy.

From this account it is evident, that the government of Holland is the very reverse of the Federal Constitution now proposed, by which a Congress chosen for a short time by the whole people will have the supreme power necessary for the safety and happiness of the Union, But without an effectual federal government, the United States will probably very soon be like the united Netherlands. An immoderate spirit of independency, mutual jealousy, and local prejudices naturally tend to dissolve the present weak federal union, and even to split the several states: These causes would in a few years create perhaps an hundred petty communities, every one of which would have 100 independent corporations. Whoever is versed in history, and has attended like a politician to American affairs, knows this not to be exaggerated. But suppose the Union so far weakened, that no matter of consequence could be done without a unanimity of all the states; how wretched would be the common defence? What numberless causes of discord

would arise? The same jealous, surly, selfish spirit of independency, that had so far dissolved the general bond, would naturally make all the counties and towns of every state independent, and give every one of them a negative on all the rest. If then f.e. Maryland is attacked by a powerful army, it can have no succours from Virginia or Pennsylvania, till all the towns and counties in both have agreed: Or if Pennsylvania is invaded, Philadelphia and all the front of the state may be ruined before the back counties consent to the raising of troops—A few villains in any district may thus ruin the whole country. This is the liberty antifederal Americans would give their country.

(a) *His miscellaneous pieces in the* 4*th vol. of his letters printed in London* 1774.

117. A Gaul
Philadelphia Independent Gazetteer, 9 October 1787

MR. OSWALD, I have put on *my spectacles* and read with attention the proposed *Federal Constitution*, and find that the right of citizenship, if it is adopted, will meet with a very material change; in one clause in the tenth section, "No person except a natural born citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." Now I would only ask if this is not very improper? The Americans ought not to be Governors, they ought to be governed—let them cultivate the soil, and Europeans govern. What American in the United States is capable of governing or being President? O! it is a *horrid* Constitution. *Methinks* the whole of it is *damnable*; What do you think Mr. Oswald?

118. An Independent Citizen
Philadelphia Independent Gazetteer, 9 October 1787

Fellow Citizens, Upon perusing the address of sixteen of the seceding members of the late general assembly to their constituents, I was much surprised to find, that they had so far lost all sense of their own dignity, as representatives of a free people, as basely to assert what I am informed are absolute falsehoods with respect to the conduct of those citizens, who did them the honor to conduct them to that house. The manner in which they have endeavoured to interest the feelings of their constituents in the supposed insults offered, and fancied wrongs done them, must convince every impartial mind, that they were aware of the

impropriety of their own conduct, and fearful lest the good sense of their constituents should doom them to future neglect, if a true state of facts should reach them. They knew full well, that first impressions are, generally, the strongest, and that injuries or insults offered the representatives of any part of the community, could not but deeply interest that part in their favor—they knew these things, and they wisely determined to be beforehand with their opponents.

But let us candidly examine into the conduct of both parties in this affair, and let us not fear to censure where blame is due. What were the reasons which induced the seceding members to swerve from that duty which they owed their constituents—from that duty which they owed themselves.

The first grievance which they complain of is, that there were no country members in the delegation of this state to the late convention. What occasioned this circumstance I presume not to say, although I have no doubt that the house by which they were appointed, had ample reason for this part of their conduct, and such reason as would be perfectly satisfactory to the state at large. Their next complaint appears to be, that the house of assembly did not wait for Congress officially to recommend to them the calling of a convention upon this great and truly interesting occasion—but they are not candid enough to mention, that an express arrived to them from that body (whilst that very business was yet before them) earnestly recommending the very mode of conducting this important affair which the assembly had had in contemplation, and which they have since adopted. From this statement of the case, our representatives in the general assembly, do not appear to have acted improperly, and the progress they had made in the business, before they were officially called upon, is rather deserving of praise than censure; for it shews, that they attended to the call of duty, without reflecting whether it might turn to their private emolument or not.

What good could have resulted from delay, or why should a calling of a convention require so much deliberation? No good I am bold to say could have been derived from the postponement, but much evil might have resulted from such a measure—and certainly no one will hesitate to say, that the representatives of a people convened for the express purpose of examining a constitution proposed for the acceptance, or refusal of the citizens of the United States, will be fully competent to the task assigned them, and be as much possessed of the confidence of their constituents as any assembly, which they might choose at any future day. But is it not probable, that the seceding members might have had something else in view which they wished to give the appearance of public good. As an individual I must acknowledge

that I think they had, and I fully believe, that every candid man, and every impartial observer of public transactions and party cabals, will join me in this acknowledgement. For it is too evident from the meeting of the junto at a certain clergyman's house in the neighbourhood of the university, as well as from the frequent passings of one of the judges of the Supreme court from that house to the lodgings of Mr. W********, not long since, when a Sunday's dinner was given by that clergyman to a chosen few, that private interest was deeply concerned in the decision, and that a scheme was laid to impose upon our fellow-citizens in the back, as well as neighbouring counties, that by sowing dissentions amongst us, they may save from deserved censure and disgrace, those poor tools who had shown themselves ready to encounter the displeasure of all good men, to forward the sinister views and wicked designs of a wretched faction.

After much pretended regard for your interests (which by the bye is a convenient cloak for their ruinous, and I may add, detestable schemes) they wish to excuse their conduct in attempting to break up the house, at this important crisis, by asserting that they had no alternative left—that they must either abandon your interests or break up the house. But how would they sacrifice your interests by calling of a convention? It is true, that they are conceited enough to imagine, that you are not able to form a judgement without their assistance; and they treat you like children who must be closely watched, to prevent them from injuring themselves: at the same time, they do not neglect this opportunity of filling your ears with complaints against the citizens of Philadelphia, for injuries and insults offered you, as they pretend, through them your representatives. But the fact appears very different from what they have stated it to every impartial mind, and I have not the least doubt but that you will judge, upon calmly considering the action which hath excited their spleen, that the persons complained against by them, were induced by motives of necessity and public good to exert themselves in bringing your servants, as well as theirs, to that duty from which they had disgracefully absconded. They wish to prejudice you also against the house of assembly, by representing their conduct as illegal, and of course insinuating, that you ought not to consider yourselves bound by their resolves for calling a convention—they must certainly have thought differently upon this subject, or at least those two who were conducted to that house, and who have joined in the address to you; for they made motions and proposed alterations in the same manner as they would have done, if they had considered that house, as it most certainly was, legally and constitutionally formed.

Shortly after they discover a little more of their true sentiments, and throwing off the mask, which they have worn too long for your good, discover themselves to be much opposed, nay utterly averse, to the constitution proposed by the convention. And in declaring the delegates from this state no ways authorised to accede to the constitution proposed, by the act of assembly in which they were appointed, they injudiciously point out what they would wish to conceal, and discover as the author of their piece, and as their prime mover and adviser upon all occasions, an hackneyed attorney, and an unnecessary judge. Little do their constituents imagine that they are paying men to answer private purposes, and that the alarm which is sounded arises to seceding members from their fears, that the offices under this commonwealth will be made less lucrative, and, instead of being confined to one party, will be more regularly diffused through the community. They fear least their particular friends in this city by being found unworthy of the posts they fill, should no longer eat the bread of idleness, or riot in the spoils of their fellow-citizens; and that the Trenton hero, who mistook the march of his battalion, and claimed the place of vendue-master of this city, in a long parade of imaginary services rendered the state, should no longer fill offices for which he is totally unqualified. They also fear for the descendants of their masters, and they lament, that the great man in embryo, whose strut has long since announced his self-importance, will no longer have an opportunity of occasioning to disappear from the files of the house, such papers, as like the petition or rather demand of the Trenton hero, shew their authors in their proper colours as vain—as useless and as ignorant tools.

They declare themselves apprehensive, that the constitution of this state should dwindle into a corporation, and that the Congress of the United States should levy contributions by an armed force, instead of collecting taxes by municipal officers. What part of the constitution offered to you gives them such a power? I am bold to say, that there is no part, and that they have not the slightest apprehension of the kind. The fear that paper money, that engine of oppression, should be banished the land, and that honest industry should rise superior to fraud and deceit, makes them anxious of reserving the power within their own hands of defrauding the widow and the orphan, and of keeping persons better principled than themselves, within the humble limits in which they had rather move than rise to power and to wealth by disreputable means. The concluding prayer of their address I will venture to assume as I am sure that if that is attended to, they will forever be neglected. “Shew that you seek not yourselves, but the good of your

country, and may He alone who has dominion over the passions and understandings of men, enlighten and direct you aright, that posterity may bless God for the wisdom of their ancestors."

119. Philadelphia Freeman's Journal, 10 October 1787[1]

After all that has been spoken and written relative to the new code of government, (observes a N. York writer) it is generally allowed, that with a very few alterations, that have been already hastily suggested by anonymous writers on the subject, it will gratify the most sanguine wishes of the public. Perfection, it has been often said, is not the lot of human nature, why then must this *Magna Charta* of American liberty be supposed to come at once into the world, like Minerva out of the head of Jupiter, in every respect finished and perfect?—Be the matter as it may, no friend to the liberties of this country and the rights of the people can object to a liberal and decent discussion of a form of government which the public are yet to choose or reject, as their united wisdom shall hereafter determine, and not to saddle themselves with, merely because it may be agreeable to the men of great name and property amongst us.—I am convinced, also, that very few men of knowledge and reflection, unless interested, have already so fully made up their minds on the matter as to say that the plan proposed ought to be adopted as it stands, without any alteration or amendment. The subject is momentous, and involves the greatest consequences.

1. Reprinted: Philadelphia *Independent Gazetteer*, 12 October.

120. Tullius
Philadelphia Freeman's Journal, 10 October 1787

To the PRINTER *of the* FREEMAN'S JOURNAL.[(a)]

Sir, It is the peculiar birthright of a freeman to publish, at pleasure, his sentiments through the medium of the press—"which ought not to be restrained." As a citizen of the United States, where this inestimable privilege is well understood, I had flattered myself that no one could be found hardy enough to venture a contrary doctrine, either avowedly, or by implication:—But it remained for two writers in the Independent Gazetteer to convince me of the mistake.

A blustering blade, Sir, comes forward on Friday, and swears he will *tar and feather* me, for having "*daringly*" (as he presumes to say) "attacked the new federal Constitution"—meaning, probably, my anonymous strictures upon it in your last number. This redoubted hero, who wallows in scurrility and nonsense, quotes from me a passage I never

used, and, without even *attempting* to refute a single argument, struts and frets his[(b)] minute on the stage—and then goes off (with *peculiar* propriety) in a coat of TAR and FEATHERS.

Nestor, another adversary, succeeds him on Saturday, and aims a furious *passado*. This I shall endeavour to parry, without the aid of "*insidious enemy—wilfully wicked—double faced wretch*," *&c.* weapons my opponent thinks proper to brandish.

This gentleman, Sir, opens with a wonderful secret—which however, he confesses has been discovered by experience—"That the opinion of the people becomes of great moment, either to impart applause, or obtain condemnation on the proceedings of those who have been signally employed in national service;"—but it remains for Nestor to prove that his axiom is "best understood and attended to by men of *base* intentions," as he asserts. This is complimenting the head at the expence of the heart with a witness. He then accuses me of "*daring effrontery*," in making "strictures on the *new constitution*, in order to tarnish with corrosive ink, extracted from an anti-federal heart, the lustre of our august convention." The expletive requires no answer:—but, in pity to its author, I will instruct him, that there can be no *new Constitution*, in the case before us, till the conventions of nine states, at least, shall agree to it; a consideration which may induce even Nestor to mollify the crime of my "daring effrontery."

Nestor now lays hold of my Exordium, and, falling in with the devil and St. Anthony—a comical groupe—says, (queerly enough) some pretty things of the arch-fiend; but neither "the modest *habit of a fair face*," nor "the charming *form* of his" devilship's "*virgin innocence*," (intolerable stuff!) can make me one of their party. I fear Nestor is already under the seduction of this *fair* tempter. I had said in this Exordium,—*It is therefore to be hoped that every State will be speedy in calling a Convention*—"But for what," adds Nestor: "Why," answers he, "to follow the example of this writer—to remark upon, and to condemn several articles of the New Constitution; and, finally, *to reject the whole* of such a well wrought piece of stuff. I appeal to the understanding," continues he, "and ask, Is not this the language and true meaning of the writer?"—A very bold appeal, indeed, Mr. Bailey. You printed and published my remarks;—to you and to the public I appeal in return.—Has Nestor a colourable pretence for the inference he has drawn, as to a rejection of the *whole?* Both my language and *obvious meaning* say, No. But the *sage*, the dextrous Nestor can *forge* a construction, and substitute falsehood for truth.

The parts of the proposed Federal Government which my strictures hold up for investigation, are exceptionable *in my opinion*. If such be

my opinion, Sir, is it a crime to express it? Will not the Plan of Government in question bear to be looked on?—or shall we only be permitted to feel it? I venerate the outlines of the Plan, and honour the illustrious body who drew them: But this champion, I fear, has marred what he meant to befriend—When he aims at our approbation, he excites our distrust.

I submitted my strictures to the public eye with the purest intentions, and, I hope, with becoming deference. I was desirous they should receive an ingenuous, a *rigid* examination—not a tortured construction, nor a torrent of exclamation. Thus far I discharged my duty, and exercised the privilege of a citizen—'the right of writing and publishing my sentiments.' If these have any pretensions, the *wise* will, in spite of Nestor, weigh them in the balance of reason, and try them by the test of truth. A free and liberal discussion of the principles of government ought *at all times* to be cherished: And, surely, this discussion was never more requisite than at present—a crisis which involves the fate of untold ages, and of millions yet unborn.

Nestor continues to nibble at my poor Exordium.—"The following strictures on the Constitution," quotes he, "are submitted with diffidence. Excepting a single instance, they regard points of inferior magnitude only; and as the writer is not possessed of any of the reasons which influenced the Convention, he feels the more diffident in offering these remarks." Now mark the wonderful sagacity of Nestor! "Here is *matter of curiosity* undoubtedly" says he: "This gentleman *is not possessed of any of the reasons which influenced the Convention*; and yet I affirm it, there is not *another* person in America besides himself *unacquainted with them.* There is not a man in America, or even in Europe, possessed of common sense, that has heard of the meeting of that honorable body, but *knows the reasons and motives which influenced every member of* it."—A pretty round assertion! But mark how he comes off! "The reasons and motives which influenced the Convention were—*to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and to secure the blessings of liberty to themselves and their posterity*; *and to promote the lasting welfare of that country so dear to us all.*" I perceive Nestor is partial to quotations—and if his judgment were equal to his fondness for them they might stand him in some stead: But here we see him ransacking the Constitution of the Convention, and their letter to Congress, for assistance; and—oh miserable! joining the head of the former to the tail of the latter, thinks he has wonderfully succeeded—*wonderfully* indeed! Mr. Printer. As well might he have borrowed the story of Jack the giant-killer, and applied it to the point in dispute. Nestor labours in vain; since he cannot prove that this declaration of *general principles* designates the *particular reasons*

which induced the Convention to adopt the several clauses to which I object.—It is pleasant to observe how this gentleman concludes the paragraph before us. "Perhaps," says he, "the writer may pretend to say, that he meant no more in this paragraph than *he is not possessed of any of the reasons which influenced the Convention to adopt those articles on which he has thought proper to make strictures.* Now," continues this profound quibbler, "if this even were his meaning, the *general answer given above will still apply*; for the same motives which influenced the Convention to frame the whole body of this noble Constitution, must necessarily have influenced them in framing every article of it, namely the good of their country." Nestor has saved me the trouble of a comment here. He promised to feast us with *matter of curiosity*, and has generously furnished the *trimmings* also.

Coming now to the strictures themselves, this futile reasoner sets out with a general assertion, that they are "groundless and absurd." We will not take his *ipse dixit* for it, however. He steps lightly over this ground—deals largely in *generals*, but cautiously avoids *particulars*—acknowledges the paragraph now before him to be *long*, and feels disposed to get over it by the *shortest* route—stiling it "unmeaning sentences." At length he springs and levels at some game. It shall now be my business to bring him back, as well to exhibit the real number and weight of my *unmeaning sentences*, as to supply Nestor with some information which he seems to be in want of. Permit me, therefore, to re-insert in your useful paper the entire stricture upon the 3d clause in the 2d section of the 1st article, viz. "*The number of Representatives shall* NOT EXCEED *one for every* 30,000." "If we consider the *vast* extent and *increasing* population of the United States, it will appear that a representation upon this principle, tho' proper to *begin* with, cannot last *very long*: It must grow far too *unwieldy* for business—and the Constitution must, therefore, be mended and patched with new work. Let your government be invariably fixed, so far, at least, as human foresight can go—and age will secure it respect and veneration from the multitude. In framing a government we should consider a century to come as but a day, and leave the *least possible* for posterity to mend. Errors sanctified by long usage, are not easily relinquished. Their age attaches the people, and renders a reform difficult. There is danger in reforming the errors of a government; but there is more in letting them alone. Hence we ought to aim at permanency in *every part* of a Constitution intended to endure. *In America Representation ought to be in a Ratio to Population*—and this should be provided for in the government of the United States."

Nestor affects not to comprehend a word of all this; but seizes on, and exults over the last sentence, where it happens to be incomplete, viz. "Representation ought to be in a ratio to population." He says this

is already provided for.—Granted; But is it kind, Sir; or does it answer any good purpose to shun the sense of an entire paragraph to cavil at the expression of a sentence with which it stands connected? The addition of a single word to this sentence would have amplified the idea intended, and robbed Nestor of his fancied triumph. Let us now glance at the intended House of Representatives, its principles and probable consequences.

It consists of *sixty-five* members; but a Census is directed to be taken within the first 3 years, when future Representation is to be apportioned among the several States "according to their respective numbers, which shall be determined by adding to the whole number of free persons (including those bound to service for a term of years, and excluding Indians not taxed) three fifths of all other persons." To save the multiplication of words, as being of no material consequence in the following calculation, I shall forbear to notice the remaining two fifths.

Estimating the inhabitants at present within the U. States, at 3,500,000, this number gives us, on the principles laid down by the Convention, 150 members for the House of Representatives. It is to be presumed that there were particular reasons for limiting the number to 65; I do not object to it, as it is but a temporary expedient, from which no real inconvenience can be apprehended. My aim is to shew the propriety of providing a *moveable* ratio of representation in the federal constitution *now to be adopted*—thereby avoiding the necessity of calling a future convention of the States *upon that account.*

It is somewhere observed by a celebrated American philosopher, that the British colonies in America doubled their inhabitants every 20 years.[c] If, then, the United States now contain 3,500,000 inhabitants, and the causes which conduced to their rapid population should continue to operate another century (which from the great extent and fertility of the country, it may not be unreasonable to expect) population will be encreased in an hundred years more, to 112 millions. Here let me pause—and ask Nestor if his capacious imagination has yet planned a room for the reception of 3733 representatives, the proportion of one to every 30,000? By what rules would he govern the house, and enable it to dispatch the business of the nation? He will answer, that the 5th article of the new constitution leaves it open to amendments: but I reply it were better to supersede such necessity, by anticipation, as far as we can, for reasons already given. Here is a consequence we all can foresee—Why not mould the federal constitution to it, by allowing but one member hereafter to represent 60,000, or one, two or three hundred thousand, according to the advanced stages of population?

Mr. Adams, in his *concluding* letter; and which, without meaning to be ironical, is perhaps the *best* in his book, has a thought so *a propos* that you will pardon my quoting it—"It is, says he, of great importance to *begin well*: misarrangements now made will have great, extensive, and distant consequences; and we are now employed, how little soever we may think of it, in making establishments which will affect the *happiness of an hundred millions of inhabitants at a time, in a period not very far distant.*"

Quitting my first stricture, Nestor, like an angry cur, snarls as he passes the 2d, 3d, & 4th, but dares not stop to bite. This I call *prudence*,—and he ought to lament that it ever forsook him. He ventures, however, to snap at and inveigh against the last, which respects trial by jury; but all he alledges tends only to confirm the truth of my assertions, (and so far he deserves my thanks) that "*errors sanctified by long usage, are not easily relinguished*,"—and that "*the monstrous attachment of the people to an English jury, shews how far the force of prejudice can go.*" At length the labours of this Hercules end in "the mines a thousand yards deep," and there "the injured ghost of Columbia" is invoked to torment me.—Poor man!—let me inform him that Columbia is yet *alive* and will flourish when Nestor and Tullius (the signature I now assume) shall both be forgotten.—Let me admonish him to beware, least another throe of his addled brain plunge him into that pit which he has made for another.

Permit me finally to observe, Mr. Bailey, that if, in your last, I appear to be "antifederal," or an "insidious enemy," or a "double-faced wretch," (according to the liberal effusions of Nestor) I have most egregiously mistaken *myself*, and the *business* I was upon; for my intention was to support the character of *a friend to an efficient federal government.*—Having long ago felt and lamented the effects of the wretched system under which we are suffering—I wish to see a better. That noble plan of a political edifice which the convention have drawn, merits in my opinion, the praise of every citizen. But the materials we are called upon to furnish for erecting it, require our greatest care in the choice of them, *as the meanest is of considerable value, and each should be sound, and aptly fitted to the other.* A happy combination of the several parts will give strength and symmetry to the whole. Remember that the fair temple to be raised is sacred to VIRTUE, LIBERTY and ORDER. May it deserve the blessings of posterity, and endure with time.

Philadelphia, *October* 2d, 1787.

(a) This piece was intended for insertion last week, but came too late.

(b) The singular production alluded to is comprized in 30 lines.

(c) The writer has not the authority at hand, and therefore does not insist this being the exact number of years.

121. The Couching Needle
Philadelphia Independent Gazetteer, 10 October 1787

From a CORRESPONDENT.

A *medical* gentleman speaking to one of his friends about the piece signed "*Centinel*," asked him if he had seen the *couching needle?* It seems that that gentleman is justly apprehensive that many citizens are afflicted with the *Cataract*, and that this excellent piece will be of great use to remove the *inspissation of the crystalline humor of their eyes.* (Johnson)

Those who say that the petition presented to the Legislature, praying them to call a convention to adopt the new federal plan, assert what is not strictly true—there were not above 3000 signatures from the whole city and Liberties, and it is well known that the city alone contains 5000 taxables; the districts of Southwark and the Northern Liberties may contain about 2000, which makes 7000. Here then are 4000 who have not signed—and now deduct from the number of signers, the minors, foreigners and *old women*, who have subscribed this famous petition, and see whether there is any ground for the assertion that was made in the House of Assembly, and echoed, and re-echoed afterwards out of doors—and judge also whether there are no more than 5 persons opposed to this *precious* new plan—*The Couching Needle!*

122. A Turk
Philadelphia Independent Gazetteer, 10 October 1787

MR. OSWALD, I have read *without spectacles* the proposed *federal constitution*, and I see with the most heartfelt pleasure the resemblance that it bears to that of our much admired SUBLIME PORTE—Your *president general* will greatly resemble in his powers the mighty *Abdul Ahmed*, our august SULTAN—the *senate* will be his *Divan*—your *standing army* will come in the place of our *Janisaries*—your *judges* unchecked by *vile juries* may with great propriety be styled *Cadies*; and bishop *Seabury* will be your *Mufti*—Oh! I am delighted with this new constitution—is it not a *charming*, a *beautiful* form of government? What do you think *Aga* Oswald? What do you say, you *Christian* dog?

Allah ekber, allah illallah, Mohammed resul allah!

123. Pennsylvania Herald, 10 October 1787[1]

The Subscribers to the Herald are respectfully informed, that during the recess of the General Assembly, our publications will be limited, as

formerly, to Wednesday and Saturday. It is the intention of the proprietor however, to present his friends with an additional paper in each week, during the succeeding sessions of the legislature, as business of the most interesting nature will probably be agitated before that honorable body.

1. Also printed in the *Pennsylvania Herald*, 9 October (extra).

124. Coxe and Frazier to Walter Livingston
Philadelphia, 11 October 1787[1]

We were honored on Saturday with your favor of the 4th. Inst. & Imm[ediatel]y made our Enquiries & Applications for your quantity of balloons—We had little hopes of them a[t] 2/6, no one talking of less than 2/9—We thought a few days might give us a chance, & waited till now, keeping up our Enquiries, but the sales of Land in N York seem to have created a demand for them—Tis strange that Sales which are less than the amot. of 2 years Intert. shod. make such a Change—Per[haps] the Idea of the new federal Government may have assisted to raise them. We find 2/9 a[nd] 3/ the Prices talked of, but have no doubt they may be got for 2/9—We shall be happy to take yr. Commands.

1. FC, Coxe Papers, Coxe and Frazier American Letterbook, Series I, Volumes and Printed Material, Historical Society of Pennsylvania.

125. William Lewis to Thomas Lee Shippen
Philadelphia, 11 October 1787 (excerpt)[1]

. . . Our Assembly was on the point of breaking up, and it was immediately brought on the carpet. Our back-county men, who have had much pains taken with them by those whose places will become less lucrative, opposed it, being agitated, not because they objected (for the thing was good), but because it came not from Congress. They thought it impossible it could come in time. A vote was carried 43 to 19. They were to meet to fix a time of election. The 19 absconded, so as to prevent there being a house. The resolution of Congress was sent forward by express (by [William] Bingham) and was here 12 hours after signature. They now still refused to attend. A sergeant at arms and some citizens went for them, and two were obliged to attend. The prints tell the rest. 16 of the 19 addressed, and will render themselves infamous by their wicked and abominable lies. All parties (except the few interested) are for it. It meets with general approbation, and we have no doubt of its adoption.

Our Assembly election has passed without any opposition. Constitutionalists and Anti-Constitutionalists are lost in Federal and Antifederal; and we expect no opposition but from those above-mentioned and the lawless banditti on the frontiers whose depredations would be then put an end to, and they obliged to be under regular government.

The attempt is novel in history, and I can inform you of a more novel one; that I am assured by the gentlemen who served, that scarcely a personality, or offensive expression escaped during the whole session. The whole was conducted with a liberality and candor which does them the highest honor. I may pronounce that it will be adopted. General Washington lives; and as he will be appointed President, jealousy on this head vanishes. The plan once adopted, difficulties will lessen. 9 states can alter easier than 13 agree. With respect to Rhode Island, my opinion is that she will join speedily. She has paid almost all her debts by a sponge, and has more to gain by the adoption than any other state. It will enable us to gain friends, and to oppose with force the machinations of our enemies.

1. Transcript, Thomas Jefferson Papers, Library of Congress. Printed: Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950–), XII, 228–34. This document has been edited.

126. A Plain Citizen
Pennsylvania Packet, 11 October 1787

TO THE CITIZENS *of* PENNSYLVANIA.

Friends and Fellow Citizens, The important moment is at length arrived, which must fix the *Fate of America*, perhaps for ever. The Fœderal Convention have at length submitted to your consideration, that plan of government which appeared to them best calculated to ensure the future happiness of these States: with you, therefore, it rests to say, whether you will establish order and good government: whether laying aside every narrow selfish motive, you will open wide your circling arms, to embrace your fellow citizens of every denomination, with these generous exclamations—O ye, who have every claim to our fraternal regard!—O brothers, and more than brothers descended from the same cruel parent, fostered by the same unnatural mother, taught in the same school of national adversity!—O ye, who have fought, bled, and conquered at our sides, whose brothers, friends, and relations, have mingled their martyred bodies with those of our brothers, friends, and relations!—O ye, who have participated in our good fortune, and sympathized with us in the hour of our distress! whence is it, that our mutual ties are forgotten, our family compact almost dissolved, and our

very existence, as a nation, threatened with an immediate and total annihilation?—Let us once more embrace with that brotherly affection which inspired every heart among us in 1775 and 1776, and which, under the guidance of a benign Providence, established the *Freedom* and *Independence* of America.—Such are the sentiments of every candid, of every generous, of every truly exalted and noble heart among us.

Indeed, my friends, it would be an insult to your understanding, should I attempt to prove to you, what is self evident, viz. The absolute necessity of cherishing Foederal Sentiments; or should I tell you, that we are as sheep wanting a shepherd. These things have been acknowledged by 12 of the States, who sent delegates to the late Convention. And I am bold to say, that in this congregated body, was more *real* wisdom, patriotism, and integrity, than in any assembly that ever was convened, in any age or country, for the same, or even for different purposes—It was composed of men, whose liberal souls were not influenced by any partial, self-interested, or local views, who were no less tenacious of your liberties, than they were desirous to give sufficient force and energy to your government; for while they, agreeably to your instructions, gave the Foederal government power of making war, peace, and treaties, regulating commerce, &c. they nevertheless, guarded against any possible abuse of this power, by instituting two distinct houses, each of which holds a check upon the proceedings of the other.

But, my friends, this NEW constitution is like the form of government it proposes simple and easy to be understood, not fraught with puzzling mazes or perplexing intricacies; the judgment, therefore, of the meanest capacity is adequate to the task, of fully and fairly examining it.

In short, it implies no more than is expressed in the plainest and most unequivocal terms, so that there is no need of any comments or learned disquisitions to explain it.

Be therefore aware of men who insult your understanding, by telling you, "this NEW constitution is not intelligible to you, or you would not hesitate one moment to fling it in the fire;—we who have more learning, and better judgments, have discovered many faults in it—and in particular, it smells strong of the British form of government, which consists of three distinct branches, viz. King, Lords, and Commons."

Let us, my friends, weigh well this objection, with respect to its similitude to what is British.—Is it a crime to imitate our enemies in what is right?—Reason and common sense answer NO.—A retrospect to the conduct of the ancient Romans, will confirm the justness of this answer. I allude to that period of their history, when their country was invaded by a powerful army under Pyrrhus, an experienced commander, and one, who, perhaps in those days, was first in the knowledge of

military discipline. On his invasion of their country, he found them rude, barbarous, and ignorant of regular discipline. So that he expected an easy conquest; but mark the consequence. The Romans attentively observed his method of attack, &c. which they never failed to imitate, until they at length became complete masters of the art of war, were able to fight him with his own weapons, and finally obliged him to relinquish the conquest of their country, as impracticable and absurd.

I might also instance your conduct, my friends, in the late war with Great Britain.

We are next to consider, whether the Convention have copied from the British form of government what is right *only*:—Had they suffered the President and Senate of the United States to become hereditary, and the House of Representatives only to be elected septennially, then would they have given you the British form of government, with *all* its faults and imperfections; but this they have not done. In England, they may have a boy, a fool, or a knave for their King, for the son MUST always succeed his father, who, I affirm, is as absolute and despotic, as the Grand Signior, or the Great Mogul, with this difference only, that the people of Great Britain have insult added to injury, for they are enslaved under the show of liberty—That he is vested with despotic power to all intents and purposes, is by no means strange, when we reflect, that all offices of emolument are in the gift of the Crown; that the men who fill these offices are not excluded from seats, either in the House of Commons or House of Lords; that the Crown has also a power of creating any number of *sinecures* with enormous salaries annexed to them; and this prerogative the Kings of Great Britain have not failed to exercise effectually. Hence it is, that the influence of the Crown has swallowed up the power of the Commons, who are the *only* part of government that is chosen by the people, and that septennially, in a country where none but freeholders vote, and where landlords have an absolute controul over these freeholders, who are their tenants. I have known two men of large landed property, by uniting their interests, procured the election of themselves as representatives for a whole county, contrary to the real sense of at least five sixths of the people.

The influence of the Crown in the House of Lords is still greater if possible, composed as it is, of men, many of whom hold profitable offices in the government, and have younger sons provided for in the revenue, &c. The number of Bishops who sit in this House, also much increase the influence of the Crown. Thus, we see, that the King and his minions, can always command a decided majority in either House, to give a sanction to any the most infamous measure he may recommend.—So that in truth, we may say, Great Britain is governed by the Crown alone.

Widely different is our proposed Constitution—the President of the United States bears no similitude to the despot I have just described—he will not be hereditary, for he is to be chosen by you every fourth year; nor can he be a boy, or a giddy young man, for he must have attained the age of 35 years, when all the whims of youth are generally superseded by reason and sound judgment; he will never have an undue influence in the Senate, nor in the House of Representatives, for no man who fills any office in the gift of the President, or of Congress, can be a member of either House; he, like every other officer of government, is at all times amenable to the people for his conduct, is liable to be impeached by the House of Representatives, tried by the Senate, and if convicted of treason, bribery, or other high crimes and misdemeanors, shall be removed from office.

If we proceed to examine the other two branches, you will find that the Senate and House of Representatives, are the voluntary choice of a free people; since one-third part of the former, and the whole of the latter, are to be elected every second year.

Upon the whole, my friends, it evidently appears that this is a truly republican form of government, by which your liberties can never receive the smallest injury, but on the contrary, will be transmitted inviolate to your latest posterity.

From what has been said, I trust you will think with me, that the proposed Fœderal Constitution comes very near that perfect form of government which has been aimed at by the English, but they unluckily overshot their mark, by leaving too much in the power of the Crown.

These thoughts, my fellow citizens, I committed to writing a few days since, and afterwards proceeded to answer sundry objections which have been made to the NEW Constitution; this part, however, I have suppressed, on finding the matter has been taken up by a learned gentleman, who was a member of the Convention, and whose satisfactory speech at a late meeting will, I flatter myself, appear for your perusal, before the publication of this.

127. A Citizen of Pennsylvania
Pennsylvania Packet, 12 October 1787

To the PEOPLE *of* AMERICA.

The present situation of the United States has attracted the notice of every country in Europe. By the discussions which led to the revolution, we have proved to the world, that we were intimately acquainted with the natural rights and political relations of mankind. By those discussions, and the subsequent conduct of America; her enemies must

be well convinced, that she is sincerely attached to liberty, and that her citizens will never submit to a deprivation of that inestimable blessing. To ensure the continuance of that real freedom in the spirit of which our State Constitutions were universally formed; to ensure it from enemies within, then existing and numerous; to ensure it from enemies without, then and ever to be watched and repelled, the first confederation was formed. It was an honest and solemn covenant among our infant States, and virtue and common danger supplied its defects. When the immediate perils of those awful times were removed by the valor and persevering fortitude of America, aided by the active friendship of France, and the follies of Great Britain, those defects were too easily seen and felt.—They have been acknowledged at various times by all the legislatures of the Union; and often, very often indeed, represented by Congress. The Commonwealth of Virginia took the first step to obtain this object of universal desire, by applying to her sister States to meet her in the Commercial Convention in the last year. Some of the States immediately adopted the measure, Congress *afterwards* added their sanction, and a few more of the States concurred. A meeting of the deputies, though not a general one, took place at the appointed time. The members of that body, influenced, I am persuaded, by the purest considerations, added their voice to the general wish for another Convention, whose object should be the revision and amendment of the foederal government. It is worthy of remark, that these proceedings of the States were not conducted through those channels the confederation points out, but they were not inconsistent with it, they were certainly not improper: for it is not material, in what manner the United States in Congress become possessed of the matter and form of changes *really desired by the* PEOPLE of the Union. It is only necessary when that body shall determine on alterations, that they proceed constitutionally to obtain the adoption of them. It may be observed further, that the address of the Annapolis Convention signed by the Hon. JOHN DICKINSON, Esq; was published in Sept. 1786 in the News-papers, of all the middle States, and particularly those of Pennsylvania, during the sitting of the Hon. the General Assembly of the Commonwealth. The People, therefore, throughout the Union, *and most certainly in Pennsylvania*, must have known that the important duty of amending our Fœderal Constitution (so far as the legislatures could interfere in it) must come before the members they were then about to chuse. I have drawn the attention of my fellow-citizens to this fact, and request they will observe it, because a contrary idea has been given by some members of our legislature.

The recommendation for calling the late Convention for the purpose of giving the requisite efficiency to the Union, was adopted by Congress and all the States, *but Rhode Island*. I will not abuse that unhappy, fallen, lost sister. As a sincere relation, however, wounded by the dishonor to our family name—as an honest man, distressed at the injury she has done to the cause of public and private virtue—as a friend to liberty, alarmed at the arguments against our Republican Governments, which she has furnished to Royal Tyrants, I solemnly conjure her to consider her late conduct, unexampled in the History of the world. She exhibits to mankind the unheard of spectacle of a *People*, possessed of a constitution containing all the principles of substantial justice, and of civil and religious liberty, disregarding the rights of property, and the obligations between man and man, & trampling under their feet, a solemn compact with neighbouring and *related* States yet bleeding with wounds, sustained in fighting by their side in a common cause, and infringing the established laws of nations, and treaties with allies *most powerful* and *friendly*. Let them ask themselves, let them permit a friend to ask them, what they can hope from such a conduct, or in what fatal catastrophe it may not issue?

The twelve States which made the appointment, sent forward their deputies in due time. I wave all weight of names, but they were such in general as it became the States to appoint. Exceptions, perhaps just ones, may have been made to some of them; but remember these were not alone; they did not even form a majority of the representation of one State; much less could they affect the general views of the whole body. I am not acquainted with the situation of parties in the other States, but have had too much opportunity with the rest of the world, of judging of them in Pennsylvania. I acknowledge, that in my mind there might have been more propriety in the appointment from this State. The gentlemen were individually fully competent to the duty. They were so collectively. Had some of the same men resided in the western counties, it would have been more satisfactory. In point of good policy it should have been so. While candor forbids us to withhold these observations, *the public good* requires that even the just offence it may have given, should not interfere with a plan sincerely intended to promote the happiness of our country. I wish to avoid offence, but I beg to be indulged in remarking, that the appointment of our deputies to the Convention, from the city and county of Philadelphia, does not appear to have made any painful impressions on *the People* of the Western counties. Perhaps it is because they have not observed the fact. If that is the case, it cannot be of importance to the tranquility of the

State, nor to the great business before us. I confess my wishes were strongly in favour of some Western deputies, though it seems the seceding members themselves proposed but one. I believe, however, many persons wished at the time, he had been appointed. Yet the people of that part of the State have not complained, and it was the act of a real majority. Besides, I feel too independent a freeman to endure the idea, that any one man could be indispensably necessary in that appointment,—The truth is, that some members of the Pennsylvania Assembly after seceding from their brethren, have brought the idea for the first time, at an ill-judged moment, before the public. They have suggested it to their constituents, not their constituents to them. Reflect dispassionately on these circumstances, my Pennsylvania readers. I mean not offensive censure, which I despise and condemn. The seceding members, I say, suggested the idea of offence at the appointment of our deputies, after an unlucky quarrel had taken place. Does it not seem to be a little in the way of apology? When these gentlemen say they were apprehensive of the consequences of the appointment, I can believe they spoke truly—but when they bring it forward to the people, only after their own secession from the house, to the people who have never complained of it; does it not rather appear, that the jealousy they entertained in their own minds, has, by too much brooding over it, grown to a sore, & that their letting it out now, is rather a proof of their own feelings, than of any discontent among the people. Is it consistent with the delicacy of one of those gentlemen, that he should sign this sentiment among the sixteen, when he was himself a candidate. It were to be wished his name at least had not been there, or that the observation in their address had been omitted. Is it consistent with propriety, that another gentleman should vote for calling the Convention, and afterwards secede from his brethren. How much more becoming the honor of their private characters, and the dignity of their public offices, was the conduct of the two gentlemen who were brought to the house by the Speakers order, in entering freely into the debates that ensued. Though they have not accustomed themselves to speak often, they, on this occasion, proposed matters for the good of their constituents, (which they could not have done if absent) and their motions were adopted.

The address carries an idea that the new foederal constitution has been only approved by what is called the republican party. I would chearfully rest the disproving this insinuation upon any Man of honor in the constitutional party. Dr. Franklin and Mr Ingersol, who assisted to frame and afterwards signed the act of the convention, never opposed our state constitution. Messrs. Will, Foulke, G. Heister, Kreemer,

J. Heister, Davis, Trexler, Burkhalter, and Antis, and other members of the house, who voted for the call of a state convention, are surely not republicans; and among the four thousand petitioners for the adoption of the new foederal government, will be found many of the most zealous, active and respectable friends of the constitution of this commonwealth.—This I assert as an incontrovertible fact, of which every individual of the sixteen seceding gentlemen was fully possessed, for the petitions, with a very great number of the names of such persons, were presented to the house on Monday, Wednesday and Thursday. The secession took place on Friday afternoon, and was repeated on Saturday morning. The good men of Pennsylvania will satisfy themselves whether their sixteen representatives have given this wrong idea from want of temper or from want of virtue—it was indeed unguarded to pass upon their constituents a suggestion that the friends of the new fœderal government were all of them enemies to the constitution of the state of Pennsylvania, and had all of them destructive designs on the state frame of government. Before I quit this point let me add one piece of information, which is, that the gentleman alluded to in a preceding paragraph, is the only unsuccessful candidate for a seat in the convention who has not declared for the adoption of the fœderal constitution.

But to return.—The twelve states which concurred sent forward their deputies in due time. I shall not attempt, as I have already said, to pass upon your understandings the weight of names—determine that matter for yourselves. Suffer me to remark only, that the faithful, disinterested and invaluable services of WASHINGTON—the incessant, faithful and essential services of FRANKLIN might have saved them from the contemptuous insinuations of a late writer. Were such compositions applauded, it might indeed be said "*that republics are ungrateful.*"

The constitution which these gentlemen have offered to their fellow citizens has been considered with manly freedom, such I am sure as they wished it to meet. If in some cases it has been carried further, it is a proof at once of our liberty, and of the passions which we know to prevail among men; and as every cause is open to the friendship and enmity of bad men, there can be no doubt but that very wicked and dangerous motives influence some, both among the friends and enemies of the new frame of government. Leaving all observations upon such points, in treating which even truth will appear uncertain, and candor may heat and inflame, I recommend to all men of pure honest intentions the utmost moderation and forbearance. The object before us is indeed great and interesting. We are to arrange affairs essential to our own happiness, and highly important to the present

and future people of the earth. Tho' it must be admitted that too much and too bitter contention has appeared in our affairs, yet it is no less true that the active and speculative friends of liberty, throughout the world, consider us *at this day* as the enlightened and sincere supporters of their cause, and look to us for examples which the one expects to approve, the other to imitate. Let us refrain then from these little, mean, bitter invectives; let us suppress those contemptable remains of narrow party spirit, and consider our critical situation with decency and candor, remembering that *the true sons of Liberty are brothers to each other.*

Much observation has been made in regard to the omission of a bill of rights in the new frame of government. Such remarks, I humbly conceive, arise from a great inadvertency in taking up the subject. When the people of these states dissolved their connection with the crown of Great Britain, by the declaration of independence, they found themselves, as to government, *in a state of nature*: yet they were very sensible of the blessings of civil society. On *a recommendation* of Congress, who were then possessed of no authority, the inhabitants of each colony respectively, formed a compact for themselves, which compacts are our state constitutions. These were original agreements among *individuals*, before actually in a state of nature. In these constitutions a bill of rights (that is a declaration of the unaliened rights of each individual) was proper, and indispensibly necessary. When the several states were thus formed into thirteen separate and independent sovereignties, Congress, who managed their general affairs, and their respective legislatures thought it proper (and it was surely absolutely necessary) that a confederation should be prepared and executed. The measure was accordingly adopted? and here let us observe this was *a compact among thirteen independent states* of the nature of a perpetual treaty. It was acceded to by the several states as sovereign. *No individuals* were parties to it. *No rights of individuals* could therefore be declared in it. The rights of *contracting parties* (the thirteen *states*) were declared. Those rights remain inviolate. No bill of the rights of *the freemen* of the union was thought of, nor could be introduced. No complaint was made of the want [of] it, for it was a matter foreign from the nature of the compact. In articles of agreement *among a number of people forming a civil society*, a bill of the rights of individuals comes in of course, and is *indispensably* necessary. In articles of agreement *among a number of independent states*, entering into an union, a bill of the rights of individuals is *excluded* of course. As in the old confederation or compact among the thirteen independent sovereignties of America, no bill of rights of individuals could be

or was introduced: so in the proposed compact among the same thirteen independent sovereignties, no bill of the rights of individuals has been or could be introduced. This would be to annihilate our states constitutions, by rendering them unnecessary. The liberty of the press, from an honest republican jealousy, which I highly applaud, has also been a subject of observation; but the right of writing for publication, and of printing, publishing and selling, what may be written are *personal* rights, *are part of the rights of individuals.* Thus we see when attempts have been made to restrain them in any country, *the individuals concerned* have only been, or indeed could be the objects of attention. They are the rights of *the people in the states*, and can only be exercised by them. They are not the rights of the thirteen independent sovereignties, therefore could not enter into either the old or new compact among them. Every constitution in the union guards the liberty of the press. It has also become a part of the common law of the land. But who is to destroy it? Not the people at large, for it is their most invaluable privilege—the palladium of their happiness—Not the state legislatures, for their respective constitutions forbid them to infringe it. Not the foederal government, *for they have never had it transferred into their hands.* It remains amongst those rights *not conveyed to them.* But who are the fœderal government, that they should take away the freedom of the press, was it not out of their reach? *Are they not the temporary responsible servants of the people?* How then, my countrymen, is this favorite inestimable privilege in danger? It cannot be affected. It is understood by all men that it is never to be touched. It is guarded by insurmountable barriers, as you have already seen; and woe betide—the heaviest woe will betide the sacrilegious hand that shall attempt to remove them.

128. Dentatus
Philadelphia Independent Gazetteer, 13 October 1787[1]

Were it possible to suppress the honest indignation of patriotism, or to stifle that resentment which arises against the foes of persecuted America, while we behold the boasted freedom of her press prostituted to the purposes of her bitterest enemies—yet would the soldier, who has fought and bled by the side of his beloved chief (while many of these miscreants mingled in the opposing ranks) have cause to reproach himself did he silently suffer his respected name to be thus vilified by the base agents of Europe, or the baser parricides of America, who, (under the cloke of concern lest the liberties of this land should be

exposed to danger from the determinations of *a Washington*, *a Franklin*, *a Livingston*, *a Rutledge*, *a Dickinson*, *a Maddison*, *a Morris*, or *a Hamilton*,) are allowed to act a part for which the laws of Athens would have consigned them to the gibbet—No, Mr. Printer, the honest American, who, in asserting the freedom of the western world, wasted his youth and impaired his fortune, has a right to look for protection from the government in his old age—and he will rather rise in vengeance than submit to be thus abused by the *Briton*, the *Gaul*, the *Spaniard*, the *Turk*, or the *turn-coat American*—and whether they act in their distinct capacities of agents for their several countries, or, are leagued with the detestable placement of our own country, in opposing the establishment of the Federal Constitution, that first production of political wisdom and integrity, they are alike the objects of a just resentment, from which neither the gold of Europe, nor the friendship of apostate Americans will be able to protect them.

1. Reprinted: Philadelpha *American Museum*, October 1787.

129. A Gaul
Philadelphia Independent Gazetteer, 13 October 1787

MR. OSWALD, Methinks by this time you are more fully convinced of the justice of my remarks on the *Federal Constitution*. I am astonished, that so many of the Americans were so *stupidly ignorant* of their *real interest* as to run head long with an *enthusiastic spirit* OR *mistaken zeal*, and sign petitions to the late House of Assembly praying for the calling of a State Convention, for the adoption of so *vile* a system of Government, for the Americans, as I observed before, are unfit to govern themselves. *Judge B[rya]n*, *Dr. E[win]g*, *C[harles] P[etti]t*, *J[onatha]n B S[mit]h*, *and Johnny S[mile]y*, who are the only men of *good sense* in Pennsylvania, were convinced of the absurdity of such a constitution the moment I discovered to them its design. A writer under the signature of A TURK, shews clearly what designing men would be at. He says, "*I see with heart-felt pleasure* the resemblance that it[a] bears to our much admired Sublime Porte. Your *President-General* will greatly resemble in his powers the mighty *Abdul Ahmed* our august *Sultan*, the Senate will be his *Divan*; your standing army will come in the place of our *Janisaries*; your *Judges* unchecked by *vile Juries*, &c. Such a government no doubt would be pleasing to him, provided he should be chosen the *Sultan* of the *Empire*. O! *Methinks* it is *damnable*. I love our present government from its extensive liberty, as our Supreme Executive Council of this state, can appoint me Sworn Interpreter of the English as well as the Foreign languages, with a salary of £.500 a year, to expound the

laws to them, and let the people *pledge themselves* to *each other* to *support* and carry into execution the *wholesome* and *wise laws* that are made under the present *Constitution*, and there needs no new form of government in Pennsylvania.—What do you think Mr. Oswald?

(a) *The Federal Constitution.*

130. Sly-Boots
Pennsylvania Herald, 13 October 1787

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, I observe that the writers and speakers in favour of the new foederal constitution uniformly ascribe all opposition to sinister motives; and an oratorical gentleman went so far at a late meeting, as to assert, that there were only two denominations of men inimical to the plan—viz.—pensioned place men, and foreign agents. I cannot conceive to whom the latter description applies, except it is to those agents that have been sent hither for the collection of debts, and it is surely their interest to promote a strong and honest government to inculcate or enforce the faith of private engagements. But the other part of the proposition, respecting pensioned placemen, is easily understood, and must in some degree be admitted. I wish however to reverse the question—are not the warmest advocates in favour of the new constitution instigated by the hopes of attaining some place of profit or distinction?—This will put the matter upon a fair footing; for and if we equally disregard the interested opinions of those who are to gain as well as those who are to lose by the change, the merits of the work will undergo a candid and satisfactory investigation. A very worthy member of the late convention has been heard to say, that if ever another foederal assembly was called for improving our government, he hoped the persons that composed it would be sworn never to accept or undertake any of the offices of the union, whether honorary or lucrative. This was not merely a hint for the future, but an intimation of the past. The delegates who composed the late convention are deservedly the favourites of their constituents, and will certainly be called upon to fill the departments of a government which they have been employed to create. *Verbum Sapientia.*

131. Connecticut Courant, 15 October 1787

Extract of a letter from a gentleman in Philadelphia to his friend in this city, dated Oct. 7.

"You will probably wish to know how the new Constitution is relished in this state. The state of affairs here is briefly this:—The Constitution

was read to the General Assembly, a few days before the close of the session. One party wished to suspend the calling a Convention, till the new Legislature should convene, which will be soon—The other, urged for a resolve of the Assembly recommending the measure this session. The members, who were opposed to it, nineteen in number, neglected to attend on the day when the matter was to be agitated; for as a majority appeared to favor the proposal for calling a Convention immediately, the minority had no way to prevent the measure, but by withdrawing and preventing their making a house. On discovering this, the Speaker ordered the Deputy-Secretary and a Sergeant at Arms to go in quest of the seceding members. Some were found at home; others in the streets, who immediately on seeing the officer, disappeared. A large number of men, some of them very respectable, left the galleries and attended the officer. Two of the members were brought to the house by force; though no violence was offered to their persons. One of them offered his fine to the Speaker and desired he might withdraw; but he was refused. After some curious transactions, unworthy of a legislature, a resolve for calling a Convention was passed by a large majority.

"The members of the minority, who are from the back counties, are exceedingly exasperated—they have published a vindication of their conduct, and thrown out a variety of objections against the new constitution. Other inflammatory addresses, filled with surmises and falshoods, are industriously circulated to prejudice the minds of people against it, and prevent its adoption. The leaders of that party are the most artful, selfish, unprincipalled set of men on earth. They are the same men who sent a military force to drive the inhabitants of Wyoming from their habitations after the decree at Trenton. But the citizens are generally so warm in favor of the federal government, that the Council hardly dare to prosecute the persons who forced the members of Assembly to the house. It is believed that a riot would be the certain consequence.

"These proceedings should have no influence on the minds of the neighboring states; for they all arise from a despicable party spirit: the most cool sensible people are friends to the constitution; and it is believed so, throughout the state.—However respectable this state may appear to strangers, there is no state in the Union, except Rhode-Island, whose proceedings are so disorderly, trifling, factious and tyrannical.

"Another serious affair has just taken place. The Assembly of this state, having come to their senses, the last session but one, passed an act confirming to all the actual settlers at Wyoming, prior to the decree at Trenton, a farm of about 300 acres. Most of the inhabitants were disposed to accept of these terms, and Commissioners were appointed

to adjust the claims and execute the law, and had entered on the business. But the noted Franklin took unwearied pains to prevent the effect of the law, and had assembled his adherents at Tioga to take some measures for that purpose, and perhaps to erect a separate state. The Council, informed of this, dispatched six men privately, who took Franklin and brought him to Philadelphia, where he is confined under the charge of misprision of treason. He arrived in town on Friday morning the 5th. His friends at Wyoming assembled in order to take Col. Pickering, one of the Commissioners and Prothonotary of Luzerne County, and keep him as a hostage for Franklin. Col. Pickering was apprised of their design early enough to escape into the woods, and this day he came to town. His family however are detained as hostages—Here our information ends—but where the controversy will end, God only knows."

132. An American Citizen
Philadelphia Independent Gazetteer, 15 October 1787

MR. OSWALD, It is a pretty *cunning trick* of the aristocratical party, to fill the papers with ludicrous pieces, under the signatures of *Britons*, *Gauls*, *Spaniards* and even *Turks*, against the proposed Federal Constitution, in order to make you believe that the opposition that is made to it arises chiefly from *foreigners* and *foreign agents*. But I hope my fellow citizens will not suffer themselves to be deceived by this thread-bare piece of political *jockeyism*; look around you, Mr. Oswald, ask the *British* and other *foreign agents* their opinion of this new constitution, and you will find them all open mouthed, bellowing forth its praises—how could it be otherwise when its principles are so similar to those of the constitutions of their own respective countries, which they have sucked with their milk—it is well known that all the *foreign ministers* at New-York have declared in favor of this new form of government, and it is suspected that they have not been inactive in endeavouring to bring it about. What say the *British Consuls* in every part of the continent? Are they ever seen to mix or keep company with those who oppose the *pretended federal* plan? No; they would think themselves polluted to mix with any of those *brave whigs*, who after having defended their liberties from the British tyrant, will not suffer them to be laid prostrate by tyrants of their own creating—This new proposed form of government is much better suited to their views than any other, because it will be much easier for them to *deal* with a single *magistrate* and a *handful* of senators, who are to remain *six* years in office and may be *re-elected* during their lives, than with a *numerous Congress*, *annually elected*, who cannot preserve their appointment longer than *three* years in *six*, and

consequently are in a constant state of fluctuation—Away then with such perfidious insinuations! Those who are intent upon pursuing the interest of foreign Princes in America, will never suffer this country to preserve its liberties—Their most earnest wish is to see us under a tyrannical government, lest we should become too formidable.

133. An Old Whig
Philadelphia Independent Gazetteer, 15 October 1787

MR. PRINTER, I omitted mentioning in my address on *Friday last*, one *great cause* of our distresses in Pennsylvania, and I may add throughout the United States, *that is*, the want of a *tender law*, our paper money depreciates every day from that cause, and *that* alone. Formerly *paper money* in Pennsylvania was as good as *gold and silver*, and why should it not be so now? Was the money emitted formerly on a better foundation than the present? No. Were the former emissions better secured *or* on more *virtuous principles?* No. WHY THEN *does the present paper money depreciate?* The answer is easy—The *farmers*, the *millers*, the *bakers*, the *brewers*, the *ship-carpenters*, the *house carpenters*, the *bricklayers*, the *tanners*, the *shoe makers*, the *taylors*, the *weavers*, *and in short the mechanics all refuse it*; they all seem to be under *tory influence*. Let the good WHIGS join in a petition to the House of Assembly, praying paper money may be made *a legal tender in all cases whatsoever* for *debts contracted* and to *be contracted*, and then it will have *a free circulation*. The *merchants*, it is true, have taken it occasionally, BUT with reluctance—they took *I suppose* enough to pay their *duties*, and no more. BUT I would submit it to the *good people* of Pennsylvania, whether they ought to have the PRIVILEGE of TAKING or REFUSING it; and I would also submit it to the consideration of the *good people*, if an *emission* of 100,000 l. more would be too much for a medium of commerce.

134. Morsus
Philadelphia Independent Gazetteer, 15 October 1787

Mr. OSWALD, I wish your correspondent *Dentatus* would be pleased to tell us who are those *bitterest enemies* of America, who while the American soldier fought by the side of his beloved Chief, *mingled in the opposing ranks*, and who now are writing against the proposed federal Constitution? Is it not a shame to have recourse to such *base lies* in order to support the cause of *tyranny* and aristocratic power? But, Mr. Oswald, to confound your *toothless* DENTATUS and his compeers, I think I am well grounded to assure you that many of the paragraphs and

pieces, which have appeared in the newspapers in *favor* of the new Constitution, were written by a person who was, *during the late war*, a SERJEANT IN THE BRITISH ARMY IN AMERICA.

135. Philadelphia Independent Gazetteer, 16 October 1787[1]

A correspondent remarks, that there is but one single German among the nineteen members of Assembly who opposed the call of the convention, and only the same one among the sixteen addressers. On the other hand, there are twelve Germans among the members who voted for the call of the convention, and these, to their honor, of both parties, a most agreeable proof of the sentiments of that numerous and respectable body of our citizens in favor of the new federal constitution. It would be unjust and ungrateful not to acknowledge our obligations to them on this occasion, both as Pennsylvanians and citizens of the United States.

1. Reprinted: *Pennsylvania Journal*, 17 October; *Philadelphische Correspondenz*, 23 October; *Lancaster Zeitung*, 24 October.

136. Philadelphia Independent Gazetteer, 16 October 1787

It is astonishing, says one of our correspondents, that any body should suppose the new federal constitution will destroy the sovereignty of the individual states, when a separate republican form of government is thereby guaranteed and engaged for, to all the states that shall come into the proposed plan. As to those who do not adopt the new federal constitution, it is hard to say what will become of them. The only antifederal state under the old federal constitution appears to have become one *absolute monarchy*, subject to *the Prince of Darkness*. To be sure an honest man in Rhode-Island is in a *devil* of a situation.

137. Philadelphia Independent Gazetteer, 16 October 1787

ANECDOTE

A foreigner took occasion to ask why some of the people of Pennsylvania were less willing to part with their constitution, than the other states were with their constitutions; and why they were so much alarmed about the matter, as the proposed federal constitution did not interfere with the constitutions of the different states? A gentleman, well known for his humor, answered him by saying, "Men part with their children, when duty or interest require it, *more readily* than an *old debauchee* parts with a *kept mistress*."

138. Defecater
Philadelphia Independent Gazetteer, 16 October 1787[1]

Natural Reflections of an Illiterate Countryman, September 27, 1787, viz.

What says the Legislatures and people to the new frame of government, where the whole thirteen *sovereign* states are to be blended and united into one efficient compact body? The sovereignties of the thirteen states are such great hobby horses to haughty proud spirits, that some of those Nabobs no doubt will revolt at the idea of parting with them on such easy terms, to be forever after deprived of their beloved gratification of exalting their near and dear family connections and special favorites, to lucrative and honorable offices as was their wonted practices. But maugre all their vain efforts to frustrate and defeat these just and equitable measures, Alas! it must and will be accomplished. I profess myself an advocate (though but a feeble one) for a single sovereign body (under such just, nice, equitable balances now proposed) to govern the whole land, and were it otherwise, anarchy and fell confusion, I am persuaded, would soon, very soon deluge our country with human blood, the just and beloved negative at the option of each branch of government against the unjust strides of haughty ambitious spirits (adopted perhaps from the sagacious Brittons, unknown to the *wise* ancients, and for well known reasons not practised by the despotic nations of Europe) will prove a sure specific antidote against the poison of ambition and misrule!—The wisdom of Solomon in his zenith, and in the pinacle of all his glory, could not have devised a better government! Here are checks upon checks, and balances against balances, enough in all human reason to preserve the just balance in due equilibrium! Not the least danger of either side kicking the beam, and should the first President and States General of America, by universal sufferage (as in gratitude, veneration, love and equity it ought) be fixed on our wise, virtuous, magnanimous, renowned and glorious late commander in chief, all, all will go well! The six years of his anti monarchal reign, will be sufficient to establish our happy constitution on an adamantine, permanent, sure foundation, never, never to be shaken till the final dissolution of universal nature! The admiration and envy of the world!—And myriads (if not restrained by laws of the old world) will migrate in hast[e] to people this new happy land of equal laws and liberty!—A million sterling per annum has been found inadequate to the support of a modern king of Britain, and many, many millions more to support ministers, parliament, place-men, pensioners, sinicures, &c. &c. but the virtue and patriotism of American rulers, will, (no doubt)

make the hundredth part of that enormous sum answer every good purpose, and support all in dignity, splendor and affluence too.

The wanton heriogabilus[2] emperor of Rome once ordered all the houses of that magnificent city to be deprived of their natural hangings, i.e. cobwebs, to be transported at his expence, and piled up in the great public center square of that city, there to be consumed with fire, first ascertaining their weight to be no less than ten thousand pounds!

Query. May it not with equal reason be imagined the king of Britain has superfluous wealth enough too, to put such an artifice in practice, to shame (if it be possible) the dissipated ladies of England, congenial with those of ancient Rome, perpetually gadding about to the utter neglect of all their domestic affairs. Yours,

DEFECATER.

1. Reprinted: Philadelphia *Freeman's Journal*, 7 November.
2. "Heliogabilus" in the Philadelphia *Freeman's Journal*, 7 November.

139. Impartial
Philadelphia Independent Gazetteer, 16 October 1787[1]

To the Impartial of all Denominations in the United States:

Permit one who has not only the welfare of the United States at heart, but the happiness and harmony of all mankind, to offer to your serious consideration a few impartial remarks on some of the most material articles of the Constitution proposed by the late honorable Convention for the future government of the United States.

The great and ultimate end of government is the happiness and prosperity of the people.

The natural and civil rights, privileges and substantial freedom of the people are fully provided for and secured by the second section of this Constitution.

The being *wellborn* or possessing great wealth or pompous equipage confers no distinct legal privileges or exclusive jurisdiction.

While ever the spirit of this article is preserved, the wealthiest, the proudest, and the most ambitious man in the state will find it absolutely necessary to cultivate the good opinion of the poorest and least noted—especially in Pennsylvania, where the meanest person is possessed of certain rights which render him an object deserving the attention of the greatest. Sensible of his political importance, and that he is accountable only to God and the just and impartial laws of his country, for his actions he fears neither injury nor insult from his superiors in fortune, and spurns at the degrading idea of being influenced by interested motives or selfish expectations in giving his vote.

We need therefore be under no apprehensions of encroachments upon our liberties from Congress, because the principal branch of that august body will always be chosen by free and independent electors.

As Congress will have very few places of profit to bestow their power of employing, unfair or corrupt means will be exceedingly limited.

By this Constitution, elections are amply guarded from undue influence of every kind. Merit is the qualification most likely to succeed.

There the interest of the Representative will correspond with that of his constituents. Every measure that is prejudicial to the people will be equally so to those whom they appoint to govern them. They cannot betray their electors without injuring themselves. Their power, their official existence depends upon the people. Hence, instead of any danger of their adopting measures oppressive to the people, the only danger to be apprehended will arise from their being too cautious of giving offense, and thereby suffering the necessary operations of government to be conducted with too much remissness. Is it possible that such a plan of government can be disapproved of by any except a few vain conceited men, whose distorted and conceited imaginations make them conceive themselves created of more refined materials than the common mass of mortals, and who think the being born to wealth is sufficient title to rank and distinction?

Every social and generous affection will concur with the interest of the Representatives, in animating them to an honest and faithful discharge of their important trust. Each patriotic effort of having acted a worthy part will vibrate in a delightful union with the applause of their fellow citizens, who never fail to express their warmest acknowledgments to the friends and benefactors of their country.

Those men most esteemed for patriotism and knowledge will always be elected, and those only will retain the esteem and affection of the people who act steadily and uniformly in support of their legal rights, and who endeavor to promote their prosperity and happiness.

The objections which have been offered respecting the Senate appear to be the result of misconstruction or a design to mislead. There is not the most distant prospect of this body of men being able to usurp independent power, if they should be so inclined, because neither the treasury nor army will be at their disposal, and because it will be contrary to the interest of the House of Representatives. But the advantages to be expected from a house so constituted, are too obvious to the meanest capacity to require enumeration. Among other things, they will restrain the large states from having improper advantages over the small ones. And their time will be short enough for the members thereof

to make themselves acquainted with the intricate business of government, so as to guard against the embarrassments and inconveniencies of inexperience.

By section 7th, of article 1st, the people are preserved from all danger of oppressive taxes, because "all bills for raising revenue, must originate in the house of representatives." It will be their interest to have the taxes as moderate as the exigencies of government will possibly admit, for their own sakes. This Constitution provides against any law being enacted precipitately or prematurely.

No grievance can arise from the powers granted to Congress by the 8th section of the first article, equal to what exists at present. Every tax will continue to be levied in the same manner as hitherto. The mode of collection only will be different; but that difference will consist in a more punctual, and I hope impartial, collection than has hitherto been practiced, so that everyone may pay his quota without exception, against a stated period, and the disadvantages arising from delinquency be thereby prevented. But if any illegal and unconstitutional methods should be employed, they cannot subsist long in a country where the rights of men are so well ascertained and so generally known. If remonstrances should not be sufficient to procure redress, the militia will always have it in their power to command it.

The only part of this Constitution that I have been able to discover after repeated examination, which comes in "a questionable shape," is the latitude allowed Congress respecting the raising and supporting of armies. I confess myself opposed to a standing army of every description, in the time of peace, however it may be regulated and restricted to time or place.

A standing army in time of peace is a suspicious circumstance and is always unpopular. They are a body of men distinct from the body of people, at least they consider themselves so; they are governed by different laws, and blind obedience and an entire submission to the orders of their commanding officer is the rule of their conduct.

A standing army has been the main engine of oppression and the means of enslaving almost all the nations of the world. When we have had so many examples open to our view have we not room for alarm? It is surely a subject which claims and deserves our most dispassionate consideration. But it is the Congress that will run the greatest risk, the first danger will be theirs. The army must subvert them and destroy their very existence, before the people can be affected.

An idle licentious army, headed by an arrogant imperious aspiring leader, will have it in their power to overawe Congress, and may refuse

to submit to their directions. Congress, sensible of this, will always be cautious and never keep one in pay so numerous as to endanger either their own safety or that of the people.

To conclude, the whole of the Constitution appears to be pretty well calculated and contrived to promote the great and ultimate end of government, the prosperity and happiness of the people. That all the states may embrace it with gratitude and transmit it inviolate to posterity is the constant wish of the devoted servant of the people.

Pine-street, October 12, 1787.

1. Reprinted: Philadelphia *American Museum*, October 1787. This document has been edited.

140. Montezuma
Philadelphia Independent Gazetteer, 17 October 1787

MR. OSWALD, *That the enclosed defence may be laid open to the general scrutiny of my fellow citizens, I request a place for it in your paper.*

LYCURGUS.

We the Aristocratic party of the United States, lamenting the many inconveniencies to which the late confederation subjected the *well-born*, the *better kind* of people bringing them down to the level of the *rabble*, and holding in utter detestation, that frontispiece to every bill of rights—"that all men are born equal," beg leave (for the purpose of drawing a line between such as we think were *ordained* to govern, and such as were *made* to bear the weight of government without having any share in its administration) to submit to *our friends* in the first class for their inspection, the following defence of *our monarchical, aristocratical democracy*,

1st. As a majority of all societies consist of men who (though totally incapable of thinking or acting in governmental matters) are more readily led than driven, we have thought meet to indulge them in something like a democracy in the new constitution, which part we have designated by the popular name of the House of Representatives; but to guard against every possible danger from this *lower house*, we have subjected every bill they bring forward, to the double negative of our *upper house* and president—nor have we allowed the *populace* the right to elect their representatives annually, as usual, lest this body should be too much under the influence and controul of their constituents, and thereby prove the "weatherboard of our grand edefice, to shew the shiftings of every fashionable gale," for we have not yet to learn that little else is wanting, to aristocratize the most democratical representative than to make him somewhat independent of his *political creators*—We have taken away that rotation of appointment which has so long

perplexed us—that *grand engine* of popular influence; every man is eligible into our government, from time to time for life—this will have a two-fold good effect; first it prevents the representatives from mixing with the *lower class*, and imbibing their foolish sentiments, with which they would have come charged on re-election.

2d. They will from the perpetuality of office be under *our* eye, and in a short time will think and act like *us,* independently of popular whims and prejudices; for the assertions "that evil communications corrupt good manners," is not more true than its reverse. We have allowed this house the power to impeach, but we have tenaciously reserved the right to try. We hope gentlemen, you will see the policy of this clause—for what matters it who accuses, if the accused is tried by his friends—In fine, this *plebian house* will have little power, and that little be rightly shaped by our house of *gentlemen*, who will have a very extensive influence, from their being chosen out of the *genteeler class*, and their appointment being almost a life, one as seven years is the calculation on a man's life, and they are chosen for six: It is true, every third senatorial seat is to be vacated duennually, but two-thirds of this influential body will remain in office, and be ready to direct or (if necessary) bring over to the good old way, the young members, if the old ones should not be returned; and whereas many of our brethren, from a laudable desire to support their rank in life above the commonality, have not only deranged their finances, but subjected their persons to indecent treatment (as being arrested for debt, &c.) we have framed a privilege clause, by which they may laugh at the fools who trusted them; but we have given out, that this clause was provided, only that the members might be able without interruption, to deliberate on the important business of their country.

We have frequently endeavoured to effect in our respective states, the happy discrimination which pervades this system, but finding we could not bring the states into it individually, we have determined, and in this our general plan we have taken pains to leave the legislature of each *free and independent* state, as they now call themselves, in such a situation that they will eventually be absorbed by our *grand continental vortex*, or dwindle into petty corporations; and have power over little else than *yoaking hogs* or determining the width of *cart wheels*—but (aware that an intention to annihilate state legislatures, would be objected to our favorite scheme) we have made their existence (as a *board of electors*) necessary to ours; this furnishes us and our advocates with a fine answer to any clamours that may be raised on this subject, viz—We have so interwoven continental and state legislatures that they cannot exist separately; whereas we in truth, only leave them the power of electing us,

for what can a provincial legislature do when we possess "the exclusive regulation of external and internal commerce, excise, duties, imposts, post-offices and roads; when we and we alone, have the power to wage war, make peace, coin money (if we can get bullion) if not, borrow money, organize the militia and call them forth to execute our decrees, and crush insurrections assisted by a noble body of veterans subject to our nod, which we have the power of raising and keeping even in the time of peace. What have we to fear from state legislatures or even from states; when we are armed with such powers, with a president at our head? (a name we thought proper to adopt in conformity to the prejudices of a silly people who are so foolishly fond of a Republican government, that we were obliged to accommodate in names and forms to them, in order more effectually to secure the substance of our proposed plan, but we all know that Cromwell was a King, with the title of protector.) I repeat it, what have we to fear armed with such powers, with a president at our head who is captain-general of the army, navy and militia of the United States, who can make and unmake treaties, appoint and commission ambassadors and other ministers, who can grant or refuse reprieves or pardons, who can make judges of the supreme and other continental courts, in short who will be the source, the fountain of honor, profit and power, whose influence like the rays of the sun, will diffuse itself far and wide, will exhale all *democratical vapours* and break the *clouds of popular insurrection?* But again gentlemen, our judicial power is a strong work, a masked battery, few people see the guns we can and will ere long play off from it; for the judicial power embraces every question which can arise in law or equity, under this constitution and under the laws of "the United States"—(which laws will be you know, the supreme laws of the land)—This power extends to all cases, affecting ambassadors or other public ministers, and "consuls to all cases of admiralty and maratime jurisdiction—to controversies to which the United States are a party, to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, citizens or subjects."

Now, can a question arise in the colonial courts, which the ingenuity or sophistry of an able lawyer may not bring within one or other of the above cases? Certainly not. Then our court will have original or appellate jurisdiction in all cases—and if so how fallen are state judicatures—and must not every provincial law yield to our supreme fiat? Our constitution answers yes—then how insignificant will the makers of these laws be—it is in the nature of power to create influence—and

finally we shall entrench ourselves so as to laugh at the cabals of the commonality—a few regiments will do at first, it must be spread abroad that they are absolutely necessary to defend the frontiers. Now a regiment and then a legion must be added quietly, by and bye a frigate or two must be built, still taken care to intimate that they are essential to the support of our revenue laws and to prevent smuggling. We have said nothing about a bill of rights, for we viewed it as an eternal clog upon our designs—as a lock chain to the wheels of government—though by the way as we have not insisted on rotation in our offices, the simile of a wheel is ill. We have for some time, considered the freedom of the press as a great evil—it spreads information, and begets a licentiousness in the people which needs the rein more than the spur; besides a daring printer may expose the plans of government and lessen the consequence of our president and senate; for these and many other reasons we have said nothing with respect to the "right of the people to speak and publish their sentiments," or about their "palladiums of liberty," and such stuff. We do not much like that sturdy privilege of the people—the right to demand the writ of *habeas corpus*—we have therefore reserved the power of refusing it in cases of rebellion, and you know we are the judges of what is rebellion. Things as yet are well—Our friends we find have been assiduous in representing our federal calamities, until at length the people at large frightened by the gloomy picture on one side, and allured by the prophecies of some of our fanciful and visionary adherents on the other, are ready to accept and confirm our proposed government without the delay or forms of examination, which was the more to be wished as they are wholly unfit to investigate the principles or pronounce on the merit of so exquisite a system. Impressed with a conviction that this constitution is calculated to restrain the influence and power of the LOWER CLASS—to draw that *discrimination* we have so long sought after, to secure to our friends *privileges and offices*, which were not to be valued on under the former government, because they were in common—to take the burthen of *legislation and attendance on public business* off the commonality, who will be much better able thereby to prosecute with effect their private business, to destroy that *political thirteen headed monster* the state sovereignties, to check the *licentiousness* of the people by making it dangerous to *speak or publish* daring or tumultuary sentiments, to enforce obedience to laws by a *strong executive*, aided by *military pensioners*, and finally to promote the public and private interests of the *better kind* of people. We submit it to your judgement to take such measure for its adoption as you in your wisdom may think fit.

Signed by unanimous order of the lords spiritual and temporal

MONTEZUMA, President.

141. John Nicholson: A View of the Proposed Constitution of the United States, 17 October–13 November 1787

Philadelphia Freeman's Journal, 17 October 1787

Just Printed, Published, and to be Sold by R. AITKEN, *in Market street, price* One Shilling,

A

VIEW

OF THE

PROPOSED CONSTITUTION

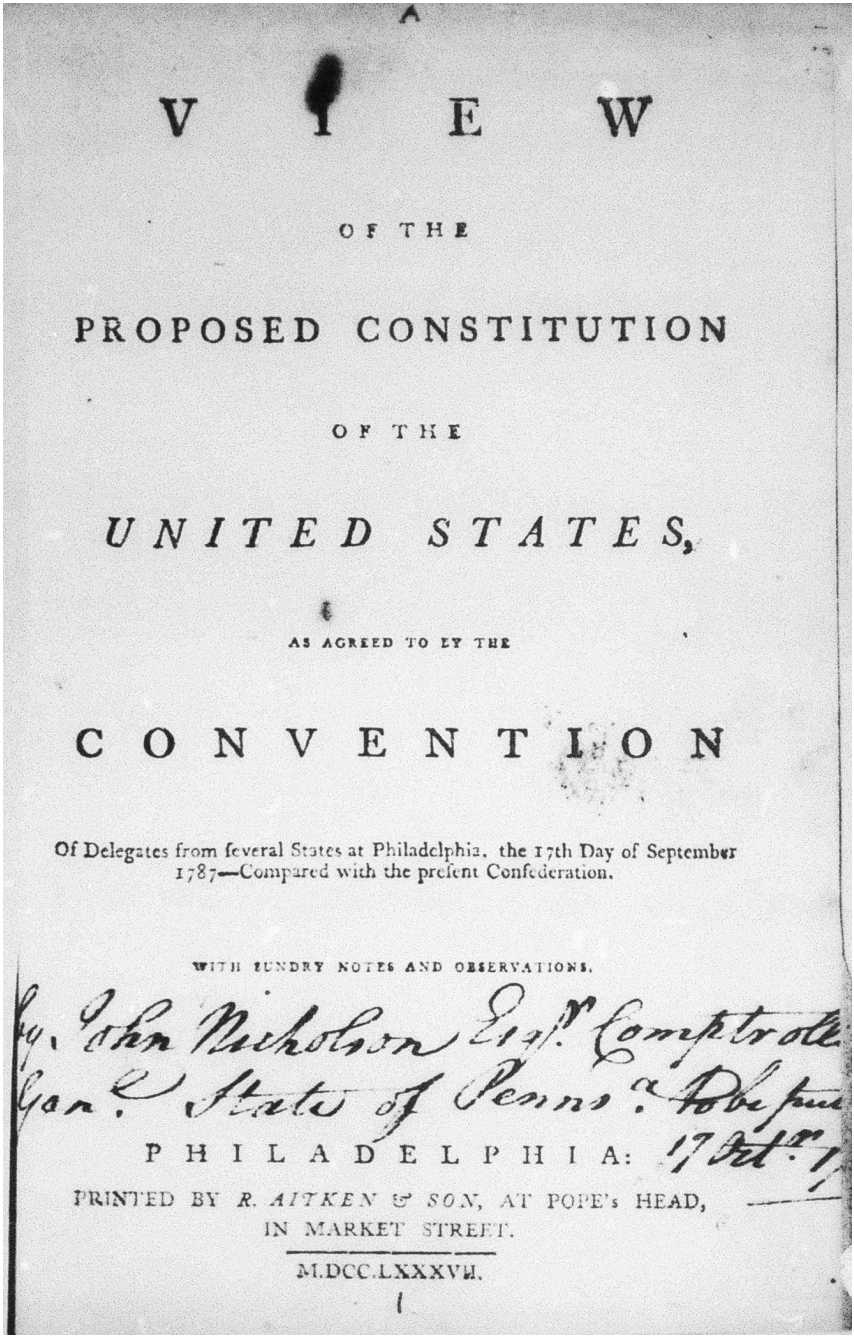
OF THE

UNITED STATES,

As agreed to by the CONVENTION of Delegates from several States, at Philadelphia, the 17th day of September, 1787—Compared with the present Confederation.

With sundry Notes and Observations.

John Nicholson: A View of the Proposed Constitution of the United States
Philadelphia, 17 October 1787[1]



V I E W

OF THE

PROPOSED CONSTITUTION

OF THE

UNITED STATES,

AS AGREED TO BY THE

CONVENTION

Of Delegates from ſeveral States at Philadelphia, the 17th Day of September 1787—Compared with the preſent Confederation.

WITH SUNDRY NOTES AND OBSERVATIONS.

by John Nicholson Esq.r Comptroll
Gen.l State of Penns.a Pobe pur

PHILADELPHIA: 17 Oct.r 1

PRINTED BY *R. AITKEN & SON*, AT POPE's HEAD,
IN MARKET STREET.

M.DCC.LXXXVII.

INTRODUCTION.

THE present is a period of vaſt importance to America. A Conſtitution is now propoſed for the government of the United States and it intereſts the people, to promote whoſe good all government ſhould be framed, to read and conſider well before they adopt it, whether the one propoſed is likely to promote that end.—In the following pages the preſent Confederation and it are brought into one view that they may be compared with each other. Our public credit and reſources through miſmanagement are at preſent very low but under the ſame form of government, the United States have aſtoniſhed Europe and the world, vindicated the natural rights of mankind, carried on a powerfull war and finally eſtabliſhed their Sovereignty and Independence.

(3)

A VIEW OF THE PROPOSED CONSTITUTION, &c.

ON the 21ſt of February 1787, the United States in Congreſs aſſembled, declared, that "Whereas there is proviſion in the articles of Confederation and Perpetual Union for making alteration therein by the aſſent of the Congreſs of the United States, and of the legiſlatures of the ſeveral ſtates (*a*): and whereas experience hath evinced that there are defects in the Confederation, as a mean to remedy which ſeveral of the ſtates, and particularly the ſtate of New-York by expreſs inſtructions to their delegates in Congreſs have ſuggeſted a Convention for the purpoſes expreſſed in the following reſolution, and ſuch Convention appearing to be the probable means of eſtabliſhing in theſe ſtates a firm national government; therefore *Reſolved*, that in the opinion of Congreſs it is expedient, that on the ſecond Monday in May next a Convention of delegates, who ſhall have been appointed (*b*) be held at Philadelphia for the ſole and expreſs purpoſe of reviſing the articles of Confederation, and reporting to Congreſs and the ſeveral legiſlatures ſuch alterations and proviſions therein (*c*) as ſhall, when agreed to in Congreſs, and confirmed by the ſeveral ſtates, render the Fœderal Conſtitution adequate to the exigencies of government, and the preſervation of the Union.

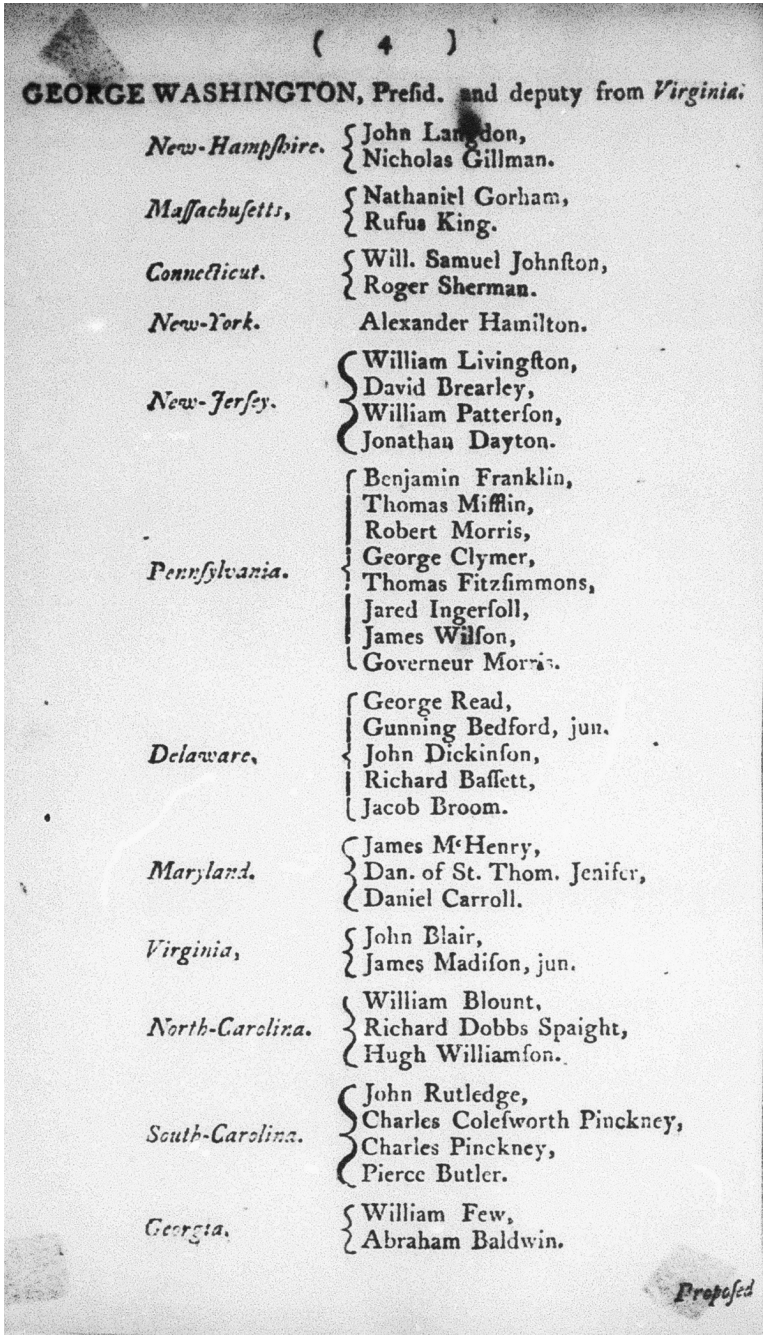
In purſuance of the ſaid reſolution, and ſundry laws and reſolutions of the reſpective ſtates, deputies from every ſtate in the Union, except from the ſtate of Rhode-Iſland, aſſembled in Philadelphia, and the ſtates aforeſaid agreed to the following Conſtitution, unanimouſly, and ſigned the ſame as follows, viz.

GEORGE

(*a*) This is the only fœderal way of making amendments or alterations.

(*b*) Several of the ſtates had before this appointed delegates, for the purpoſe of meeting delegates from other ſtates, but other ſtates juſtly conſidered it an infraction of the 6th article of the Confederation for any two or more ſtates *without the conſent of Congreſs*, to enter into any conference or agreement.

(*c*) The Convention have propoſed no *alterations* or *proviſions* in the preſent Confederation, although appointed *ſolely* and *expreſsly* for that purpoſe, nor any abolition thereof, ſo that if the new Conſtitution ſhall be adopted in the method preſcribed, we ſhall have two exiſting at the ſame time.



(4)

GEORGE WASHINGTON, Preſid. and deputy from *Virginia.*

New-Hampſhire.	John Langdon, Nicholas Gillman.
Maſſachuſetts,	Nathaniel Gorham, Rufus King.
Connecticut.	Will. Samuel Johnſton, Roger Sherman.
New-York.	Alexander Hamilton.
New-Jerſey.	William Livingſton, David Brearley, William Patterſon, Jonathan Dayton.
Pennſylvania.	Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzſimmons, Jared Ingerſoll, James Wilſon, Governeur Morris.
Delaware.	George Read, Gunning Bedford, jun. John Dickinſon, Richard Baſſett, Jacob Broom.
Maryland.	James M'Henry, Dan. of St. Thom. Jenifer, Daniel Carroll.
Virginia,	John Blair, James Madiſon, jun.
North-Carolina.	William Blount, Richard Dobbs Spaight, Hugh Williamſon.
South-Carolina.	John Rutledge, Charles Coteſworth Pinckney, Charles Pinckney, Pierce Butler.
Georgia.	William Few, Abraham Baldwin.

Propoſed

(3)

Propoſed Conſtitution. *Preſent Confederation*.*

* We the people of the United States in order to form a more perfect

Articles of Confederation and perpetual union between the States of

* The preſent Confederation was agreed to in Congreſs the 15th November 1777, having been under their conſideration from the 12th of July 1776, but was not finally agreed to and ratified by all the ſtates until the 1ſt day of March 1781. Where there were ſo many jarring intereſts to be reconciled and ſo many to be conſulted, it was not any eaſy matter to effect, although then preſſed together by a weighty and powerful foe attempting to cruſh them all; therefore wiſdom points out that unleſs the alteration is indiſpenſible, and, that evils are juſtly complained of which will be remedied thereby—No alteration ſhould be propoſed. To render the United States happy under any form of government, much muſt be done by thoſe intruſted with the care of their intereſts and management of their concerns. Induſtry, vigilance, aſſiduity, attention, and a hearty diſpoſition to forward and promote the public good, and a due exerciſe of the power with which Congreſs are veſted, it is ſuppoſed by ſome would render the United States happy and reſpectable.—Even a bad form of government well adminiſtered will flouriſh when a good one, whoſe intereſts are neglected will decline and decay.—

The objections, made by the reſpective ſtates to the preſent exiſting Confederation before they ratified it may be intereſting to many; I have therefore arranged them referring to parts of the confederation, by correſponding figures and are as follows.

Objections to and amendments by

New-Hampſhire.

None.

Maſſachuſetts-Bay.

2. That the rule of appointment be varied from time to time as may appear moſt equal and juſt. 8th article.

12. To reconſider the rule of appropriating the number of forces to be raiſed by each ſtate on the requiſition of Congreſs.

27. To reconſider the 6th ſection, of the 9th article, ſo far as it makes the aſſent of nine ſtates, neceſſary to exerciſe the powers with which Congreſs are hereby inveſted.

Rhode-Iſland.

3. In the 5th article, after the word "two" "inſert "members unleſs by ſickneſs, death or other unavoidable accident, but one of the members of a ſtate can attend Congreſs, in which caſe ſuch ſtate may be repreſented in Congreſs, by one member for the ſpace of months."

2. In the 8th article, after the word " appoint," add " ſuch eſtimate to be taken and made once in every five years."

19. In the 9th article, at the end of the ſecond paragraph, after the word, " for the benefit of the United States," add " provided nevertheleſs, that all lands within theſe ſtates, the property of which, before the preſent war, was veſted in the Crown of Great-Britain, or out of which revenues from quit-rents ariſe, payable to the ſaid Crown, ſhall be deemed, taken and conſidered as the property of theſe United States,

Propoſed Conſtitution. *Preſent Confederation.*

fect union, eſtabliſh juſtice inſure domeſtic tranquility provide for the common of New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence

States, and be diſpoſed of and appropriated by Congreſs for the benefit of the whole confederacy; reſerving, however, to the ſtates within whoſe limits ſuch crown-lands may be, the entire and compleat juriſdiction thereof."

Connecticut.

2. In the 8th article, after the words, " in proportion to," ſtrike out what follows to the end of the ſentence, and in lieu thereof inſert, " the number of inhabitants in each ſtate."

13. In the 9th article, at the end of the fifth paragraph, add the words following, " provided that no land army ſhall be kept up in time of peace, nor any officers nor penſioners kept in pay by them, who are not in actual ſervice, except ſuch as are or may be rendered unable to ſupport themſelves, by wounds received in battle in the ſervice of the ſaid ſtates, agreeably to the proviſion made by a reſolution of Congreſs.

New-York.

None.

New-Jerſey.

Wants an oath, teſt or declaration to be taken or made by the members before they take their ſeats in Congreſs, but do not inſiſt on it, preſuming the ſeveral ſtates will attend thereto before they ſend their members—deſire that the ſole and excluſive power of regulating the trade of the United States, with foreign nations, be veſted in Congreſs; and the revenues ariſing from all duties and cuſtoms, ſhould be appropriated and applied to the general uſes of the United States.

That no body of troops be kept up by the United States in time of peace, except ſuch number only as ſhall be allowed by the aſſent of nine ſtates. And that, as ſtanding armies are dangerous to liberty, the happineſs of the people in this reſpect may be carefully and explicitly guarded by the confederation.

2. That on the 8th article, the returns of property be taken quintennially.

That the boundaries and limits of each ſtate ſhould be finally fixed in the Confederation, or proviſion therein made, that the ſame ſhould be done within five years after their ratification.

That the real and landed property which exiſted in the Crown of Great-Britain, previous to the preſent revolution, ſhould be declared to belong to the Congreſs, in truſt for the United States, eſpecially the vacant and unpatented lands; ſaving to the ſtates their juriſdiction within their reſpective limits.

12. That in the ninth article, for apportioning the number of land forces on the ſtates, the word " white" be ſtruck out. If black cannot

Propoſed Conſtitution.	*Preſent Conſederation.*
common defence, promote the general welfare and ſecure the bleſſings	dence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania,

not be admitted to arms for defence of the nation, yet they can be employed uſefully at home, in the room of thoſe who go out;—and that for this purpoſe there ſhould be an enumeration of the inhabitants quintennially.

That as the ſtates admitted into the union increaſe in number, where the voice of nine ſtates was before requiſite the number required be increaſed.

Pennſylvania.

1. In the firſt paragraph of the 5th article, *dele* the words "for the remainder of the year."

10. That the 9th article, ſo far as reſpects the poſt-office be amended, ſo as that Congreſs be oblidged to lay the accounts annually before the Legiſlatures of the ſeveral ſtates.

In the 5th paragraph of the 9th article, expunge the word "white"

5. In the laſt ſection of the 9th article, after the word "delegates" add "reſpectively."

Delaware.

Deſire that the lands belonging to the crown of Great Britain, before the revolution may be therein declared to belong to the United States.

Maryland.

In article 4th ſtrike out the word "paupers(20)" and after the words "or either of them" inſert(21)" that one ſtate ſhall not be burdened with the maintenance of the poor who may remove into it from any of the others in the union."

2. In article 8th, after the words "granted to or ſurveyed for" inſert "or which ſhall hereafter be granted to or ſurveyed for any perſon."

19. In article 9th, after the words "ſhall be deprived of territory for the benefit of the United States" inſert" the United States in Congreſs aſſembled, ſhall have the power to appoint commiſſioners who ſhall be fully authorized and impowered to aſcertain and reſtrict the boundaries, of ſuch of the confederated ſtates which claim to extend to the river Miſſiſſippi or South-Sea, to the end that all without their limits ſo reſtricted may be enjoyed by the United States and applied to their uſe generally.

Virginia.

None.

North-Carolina.

None.

South-Carolina.

20. In article 4th, between the words "free inhabitants" inſert "white."

20. In

ings of liberty to ourſelves and our poſterity, do ordain and publiſh this vania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina,

20. In the next line, after the words "theſe ſtates" inſert "thoſe who refuſe to take up arms in defence of the confederacy."

20. After the words "the ſeveral ſtates" inſert "according to the law of ſuch ſtates reſpectively for the government of their own free white inhabitants."

21. After the words "of which the owner is an inhabitant" inſert "except in caſes of embargo."

In the fifth paragraph of the 5th article, ſtrike out "firſt Monday in November" and inſert "nineteenth day of April." In the ſecond paragraph ſubſtitute the word "three" in the place of "two"(3) and "two" in the place of "three"(24) and "four" in the place of "ſix." In the third paragraph, for "committee"(25) read "grand council."

14. In the firſt paragraph of the 6th article, for "prince or ſtate" read "prince or foreign ſtate, except the ſame be upon the ſubject of commerce nor then ſo as to interfere with any treaty or alliance of the United States, made or treaty propoſed by Congreſs."

15. In the 2d paragraph, ſtrike out "by ſome nations of Indians," and after the words "to invade ſuch ſtate," inſert, "or upon requiſition to aſſiſt a ſiſter ſtate actually invaded or threatened with an invaſion."

16. In the firſt paragraph of the 7th article, ſtrike out "of or under the rank of colonel," and after "ſhall be appointed," inſert, "and commiſſioned."

17. At the end of the ſeventh article add, "The troops to be raiſed ſhall be deemed the troops of that ſtate by which they are raiſed. The Congreſs, or Grand Council of the ſtates, may, when they think proper, make requiſiton to any ſtate for two thirds of the troops to be raiſed, which requiſition ſhall be binding upon the ſaid ſtates reſpectively; but the remaining third ſhall not be liable to be drawn out of the ſtate in which they are raiſed, without the conſent of the executive authority of the ſame. When any forces are raiſed, they ſhall be under the command of the executive authority of the ſtate in which they are ſo raiſed, unleſs they be joined by troops from any other ſtate, in which caſe the Congreſs or Grand Council may appoint a general officer to take the command of the whole, and until the ſame can be done, the command ſhall be in the ſenior officer preſent, who ſhall be amenable for his conduct to the executive authority of the ſtate in which the troops are, and ſhall be liable to be ſuſpended thereby. The expences of the troops to be raiſed, ſhall be defrayed by the ſtates to which they belong, but when called into ſervice by the United States, they ſhall be fed and paid at the expence of the United States."

2. In

Propoſed Conſtitution. *Preſent Confederation.*

this Conſtitution for the United States of America. rolina, Georgia.

In the firſt line of the 8th article, ſtrike out "charges of war & all other".

2. In the ſame article, ſtrike out, " according to ſuch mode as the United States, in Congreſs aſſembled, ſhall from time to time direct and appoint;" and inſtead of, " and improvements thereon ſhall be eſtimated," read, " and improvements thereon ſhall, by periods of years, not exceeding ten, as often as may be required by Congreſs, be generally eſtimated by perſons to be appointed by the Legiſlatures of the reſpective ſtates, to value the ſame upon oath."

11. In the 5th paragraph of article the 9th, ſtrike out, " appointing courts for the trial of piracies and felonies committed on the high ſeas," and in lieu thereof, inſert, " declaring what acts committed on the high ſeas ſhall be deemed piracies or felonies."

18. In the 2d paragraph of 9th article, for " be the laſt reſort on appeal," read, " decide and determine;" and ſtrike out all that relates to the mode of felling differences between ſtates and controverſies, concerning private right of ſoil.

In the 5th paragraph of the 9th article after the words " in any term of" ſtrike out " three" (26) and inſert " two"

27. In the 6th paragraph of the 9th article, for " unleſs nine ſtates" read " unleſs eleven ſtates." At the end of the ſame paragraph ſtrike out the words " in Congreſs aſſembled".

In the laſt paragraph of the ninth article after the words " and the yeas & nays of the delegates of each ſtate or" for "any" read "every"(6) and ſtrike out the words " when it is deſired by any delegate". (7)

23. In the ſame ſentence ſtrike out " a ſtate or" and alſo " at his or their requeſt" and after the words " and the" inſert " reſpective ſtates or the" and after " ſhall" inſert, " upon requiſition".

23. Amend the laſt clauſe of the 13th article ſo as to read "unleſs ſuch alteration be agreed to by eleven of the United States in Congreſs aſſembled, and be afterwards confirmed by the legiſlatures of eleven of the United States.

Georgia.

Art. 4th, add the words, "white inhabitants."

20. Do. between the words "vagabonds and" add, "all perſons who refuſe to bear arms in defence of the ſtate to which they belong, and all perſons who have been or ſhall be attainted and adjudged guilty of high-treaſon in any of the United States.

9. 9th Art. between the words "emitted to" add, "and the expenditure of the ſame."

22d. 11 Art. between the words, "Canada acceding" add, "and the colonies of Eaſt and Weſt-Florida."

Such of the foregoing objections made by ſeveral ſtates as reſpect the weſtern territories and the boundaries of the ſtates claiming the ſame, have been obviated by the ſaid ſtates ſurrendering thoſe lands to Congreſs, and quitting claim both as to juriſdiction and right of ſoil.

The foregoing objections ſerve to ſhew the ſenſe of the ſeveral ſtates, when the federal plan of government was under their conſideration.

Propoſed Conſtitution.	*Preſent Confederation.*
ARTICLE 1ſt.	
Sect. 1ſt, All legiſlative powers herein granted, ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives. (*a*)	5th. For the more convenient managemnnt of the general intereſts of the United States, delegates ſhall be appointed to meet in Congreſs.
Sect. 2d. The Houſe of Repreſentatives ſhall be compoſed of members choſen every *ſecond year*, (*b*) by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors in the moſt numerous branch of the State Legiſlature.	Idem. Delegates ſhall be *annually* appointed, with a power reſerved to each ſtate, to *recall its delegates or any of them at any time within the year*, and to ſend others for the remainder of the year. (1)
No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen. (*c*)	Idem. Delegates ſhall be appointed in ſuch manner as the legiſlature of each ſtate ſhall direct.
Repreſentatives and direct taxes (*d*) ſhall be apportioned among the ſeveral ſtates which may be included within this union, according	Art. 8. All charges of war and all other expences which ſhall be incurred for the common defence and general welfare, and allowed by

(*a*) No law can be enacted if the preſident of the United States approve not of the ſame, unleſs two thirds both of the Senate and Houſe of Repreſentatives ſhould perſiſt therein and enter their names in oppoſition to him—And he can alſo propoſe to Congreſs ſuch meaſures from time to time as he may think neceſſary. Wherefore the Senate and Houſe of Repreſentatives are not to be veſted with all the legiſlative powers of the propoſed government.

(*b*) Annual elections are deemed bullwarks of liberty, in free governments.

(*c*) By the preſent Confederation the ſtates are left at liberty to chuſe ſuch men for delegates as they may think moſt proper to repreſent them.

(*d*) Among ſo great a multitude as there are in a ſtate, this rule by averaging the numbers will not operate ſo unjuſtly as when applied to individuals.—An alteration in the 8th article of the propoſed Confederation was agreed to by the United States, and hath been acceded to by the greateſt part of the legiſlatures of the ſtates, making the number of inhabitants the rule for aſcertaining the quotas of the reſpective ſtates in fœderal requiſitions, the ſame propoſed alteration requires this enumeration to be taken triennially, but what is moſt exceptionable in it is that after the three years the returns have no force, and no fœderal requiſition can again be made, unleſs new returns from all the ſtates are had: which may embarraſs the fœderal government if adopted.—

Propoſed Conſtitution.	*Preſent Conſederation.*
ing to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons including thoſe bound to ſervice for a term of years and excluding Indians not taxed three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of repreſentatives ſhall not exceed one for every thirty thouſand, but each ſtate ſhall have at leaſt one repreſentative, and untill ſuch enumeration ſhall be made the ſtate of New-Hampſhire ſhall be intitled to chuſe three, Maſſachuſetts, eight, Rhode-Iſland and Providence Plantations, one, Connecticut, five, New-York, ſix, New-Jerſey, four, Pennſylvania, eight, Delaware, one, Maryland, ſix, Virginia ten, North-Carolina, five, South-Carolina, five, and Georgia, three	by the United States in Congreſs aſſembled, ſhall be defrayed out of a common treaſury, which ſhall be ſupplied by the ſeveral ſtates in proportion to the value of all land within each ſtate granted to or ſurveyed for any perſon as ſuch land, and the buildings and improvements thereon ſhall be eſtimated (*d*) according to ſuch mode as the United States in Congreſs aſſembled ſhall from time to time direct and appoint (*e*). (2)

(*d*) The United States in Congreſs aſſembled, have never appointed any perſons to obtain and make out theſe returns, nor hath this important buſineſs been done, conſequently they have never been able to aſcertain the relative value of the ſeveral ſtates, nor to make a *fœderal requiſition*—hence they are reduced to the humiliating neceſſity of *recommending* advances from the ſeveral ſtates, when they ſhould be *requiring* payments to be made by them. Recommendations to the ſtates reſpectively, to provide and furniſh returns ſuch returns were once made by Congreſs, and ſome of the ſtates did prepare them, but a different mode being by Congreſs propoſed ſhortly after, little was done therein, and perhaps the intereſt and delinquency of ſome of the ſtates might have induced them to neglect to furniſh them.

(*e*) By this rule it will be in the power of the Unit. States in Congreſs aſſembl. in fixing the value of the lands, buildings & improvements in the reſpective ſtates, to take into view their additional value on account of their proximity to ports of trade, and their increaſed improvements on account of the advantages of importation or exportation, and thus guard againſt the inequality complained of by inland or non importing ſtates, on account of the cuſtoms and duties which are brought into the treaſuries of ſeparate ſtates.

Propoſed Conſtitution.	*Preſent Confederation.*
three (*f*). When vacancies happen in the repreſentation from any ſtate, the executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.	
The Houſe of Repreſentatives ſhall chuſe their Speaker and other officers, and ſhall have the ſole power of impeachment (*g*).	Art. 9. The United States in Congreſs aſſembled ſhall appoint one of their number to preſide.
Sect. 3d. The Senate of the United States ſhall be compoſed of two ſenators from each ſtate choſen by the legiſlature thereof for *ſix years* (*h*), and each ſenator ſhall have one vote.	Art. 5th. Delegates ſhall be *annually* appointed in ſuch manner as the legiſlature of each ſtate ſhall direct. No ſtate ſhall be repreſented in Congreſs by leſs than two, (3) nor more than ſeven members. In determining queſtions in the United States in Congreſs aſſembled, each ſtate ſhall have one vote.
Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the 2d claſs at the expiration of the 4th year, and of the 3d claſs at the expiration of the 6th year, ſo that one third may be choſen every ſecond year, and if vacancies happen by reſignation, or otherwiſe, during the receſs of the legiſlature of any ſtate, the executive thereof may make temporary appointments untill the next meeting	

(*f*) By the 7th article hereof, the ratification of this Conſtitution by the Conventions of nine ſtates, will eſtabliſh it between the ſtates ſo ratifying it, quere, will not the four non-acceding ſtates be hereby allowed to ſend Repreſentatives to the Congreſs for three years notwithſtanding they will not be governed thereby?

(*g*) This is equivocal and may be conſtrued to take away from the ſtates reſpectively. All power of impeaching their own officers for mal-practices, or not, as may be moſt agreeable, there ſhould be no doubtful expreſſions where perſpicuity is ſo neceſſary.

(*h*) But a few years ago the man in this country who would have propoſed, that perſons who ſhould be elected in the legiſlature ſhould be choſen to ſerve for ſix years, and be immediately afterwards eligible again would have been deemed inimical to liberty—It will not be a greater incroachment if in a few years more attempts ſhould be made to have them choſen for life.

Propoſed Conſtitution.

meeting of the legiſlature, which ſhall then fill ſuch vacancies.

No perſon ſhall be a Senator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate for which he ſhall be choſen.

The vice-preſident of the United States ſhall be preſident of the Senate, but ſhall have no vote, unleſs they be equally divided.

The Senate ſhall chuſe their other officers, and alſo a preſident *pro tempore*, in the abſence of the vice-preſident, or when he ſhall exerciſe the office of preſident of the United States,

The Senate ſhall have the ſole power to try all impeachments (*i*) when ſitting for that purpoſe they ſhall be on oath or affirmation (*k*). When the preſident of the United States is tried, the chief juſtice ſhall preſide (*l*). And no perſon ſhall be couvicted without the concurrence of two-thirds of the members preſent.

Judgment in caſes of impeachment ſhall not extend further than to removal from office (*m*), and diſqualification to hold and enjoy any

Propoſed Conſtitution continued.

any office of honour, truſt or profit under the United States; but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment and puniſhment, according to law.

Sect. 4.

Preſent Confederation.

Art. 9. The United States in Congreſs aſſembled, ſhall have authority to appoint one of their number to preſide.

Art.

(*i*) Is it meant that the ſeveral ſtates ſhould hereby be reſtrained from trying their own officers impeached for mal adminiſtration?

(*k*) Quere *what* are they to ſwear or affirm?

(*l*) Quere is it meant at the ſenate or in the United States?

(*m*) Congreſs may now remove any officer when they think proper, ſo that if they have good reaſon to believe he hath been concerned in mal-practices, although there may be no legal witneſſes thereof, or that having become ſecure in his office he neglects to perform the duties thereof, or if after appointment he ſhould be found incapable of duly executing the truſt, they can remove him, and appoint a better in his place immediately without impeachment.

Propoſed Conſtitution.	*Preſent Confederation.*
Sect. 4. The times, places and manner of holding elections for Senators and Repreſentatives, ſhall be preſcribed in each ſtate by the legiſlature thereof; but the Congreſs may at any time by law make or alter ſuch regulations, except as to the places of chuſing Senators (*n*).	Art. 5. Delegates ſhall be annually appointed in ſuch a manner as the legiſlature of each ſtate ſhall direct.
The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.	Idem. To meet in Congreſs on the firſt Monday in November in every year. (4)
Sect. 5. Each houſe ſhall be the judge of the elections, returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties as each houſe may provide.	Art. 9. Nor ſhall a queſtion on any other point except for adjourning from day to day be determined, unleſs by the votes of a majority of the United States in Congreſs aſſembled.
Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.	
Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the yeas and nays of the members of either Houſe on any queſtion ſhall, at the deſire of *one-fifth of thoſe preſent* be entered on the journal.	The Congreſs of the United States ſhall publiſh the journal of their proceedings monthly, except ſuch part thereof *relating to treaties, alliances or military operations* as in their judgment require ſecrecy; and the yeas and nays of the delegates (5) of each ſtate on any queſtion (6) ſhall be entered on the journal
Neither	

(*n*) Thus the privilledge of allowing the *places* and *times* of chuſing the Repreſentatives and the *times* of chuſing Senators, to be fixed by the reſpective ſtates in the manner moſt convenient to the people generally, and beſt calculated to obtain the ſenſe and votes of the ſeveral parts of the ſtates, may be taken away when that becomes inconvenient to thoſe in office—and altered by them to a place more likely to ſuit their purpoſes.

Propoſed Conſtitution.	*Preſent Confederation.*
Neither Houſe, during the ſeſſion of Congreſs ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.	journal when it is deſired by *any delegate.*
Sect. 6. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of the peace, be priviledged from arreſt during their attendance at the ſeſſion of their reſpective Houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either Houſe, they ſhall not be queſtioned in any other place.	Idem. The Congreſs of the United States ſhall have power to adjourn to any time within the year, and to any place within the United States, ſo that no period of adjournment be for a longer duration than the ſpace of ſix months.
No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, *which ſhall have been created, or the emoluments whereof ſhall have been encreaſed during ſuch time;* and no perſon holding any office under the United States, ſhall be a member of either Houſe during his continuance in office.	Art. 5. Each ſtate ſhall maintain its own delegates in a meeting of the ſtates, and while they act as members of the committee (8) of the ſtates.
Sect. 7. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.	Idem. The members of Congreſs ſhall be protected in their perſons from arreſts and impiſonments, during the time of their going to and from and attendance on Congreſs, except for treaſon, felony or breach of the peace.—Freedom of ſpeech and debate in Congreſs ſhall not be queſtioned in any court or place out of Congreſs.
Every bill which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the preſident of the United States; if he approve he ſhall ſign it, but if	Art. 5. Nor ſhall any perſon, being a delegate, be capable of holding any office under the United States for which he or any other for his benefit receives any ſalary, fee or emolument of any kind.
	Art. 9. The United States in Congreſs aſſembled ſhall have authority to aſcertain the neceſſary ſums of money to be raiſed for the ſervice of the United States, and appropriate and apply the ſame for defraying the public expences.
	Art.

(26)

Propoſed Conſtitution.

if not he ſhall return it, with his objections to that Houſe in which it ſhall have originated, who ſhall enter the objections at large on their journal, and proceed to conſider it. If after ſuch reconſideration two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other Houſe, by which it ſhall likewiſe be conſidered, and if approved by two-thirds of that Houſe, it ſhall become a law. But in all ſuch caſes the votes of both Houſes ſhall be determined by yeas and nays, and the names of perſons voting for and againſt the bill ſhall be entered on the journal of each Houſe reſpectively (*o*). If any bill ſhall not be returned by the preſident within ten days, (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Propoſed Conſtitution continued.

Every order, reſolution or vote, (*ρ*) to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the preſident of the United States; and before the ſame ſhall take effect, ſhall be approved by him, or, being diſapproved by him, ſhall be repaſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

Sect.

(*o*) An inordinate and very great power is hereby granted to one perſon: he muſt be elected from ſome one ſtate,—and notwithſtanding all the authority he poſſeſſes will be but a man: repreſentatives elected even every two years, from different parts of the ſame ſtate, and from the different ſtates will be better informed of the wants and wiſhes of the people, and coming from the ſeveral ſtates will be more likely to ſpeak their intereſts: yet if every member of that houſe ſhould think otherwiſe, the preſident can prevent any meaſure from being adopted which he diſlikes; provided he can procure one third of the members of the Senate (who are choſen for ſix years,) to vote with him.

(*ρ*) Thus care is taken effectually to reſtrain the power of the houſe of repreſentatives who are moſt likely to repreſent the people, and of the Senate who are choſen from the different ſtates. I remember at the commencement of this revolution the repreſentatives of the General Aſſembly of the Province of Pennſylvania, wanted to emit bills of credit to enable the people to defend their liberties againſt the tyranny of Great Britain, and that when the governor's aſſent which was neceſſary then to the paſſing of bills could not be had, they emited bills of credit by *reſolve* and with this money—they organized and armed the freemen of the then Province; and trained them for the defence of their rights, but in the new Conſtitution, *reſolves*, *orders* or *votes* of the Senate or Houſe of Repreſentatives are carefully guarded againſt.

Propoſed Conſtitution.	*Preſent Confederation.*
Sect. 8. The Congreſs ſhall have power to lay and collect taxes (*q*) duties, impoſts and exciſes, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, impoſts and exciſes ſhall be uniform throughout the United States ;(*r*)	Art. 8. The taxes for paying their proportions, (aſcertained by Congreſs as aforeſaid) ſhall be laid and levied by the authority and direction of the legiſlatures of the ſeveral ſtates, within the time agreed upon by the United States in Congreſs aſſembled.
To borrow money on the credit of the United States;	Art 9. The United States in Congreſs aſſembled ſhall have power to borrow money on the credit of

(*q*) Theſe powers co-exiſting with the powers of the ſtate, to tax for the *ſupport, debts* and *expences* of their own government, will increaſe the burthen of the people intolerably, when we reflect what proportion of the continental tax paid, will be conſumed in paying the numerous train of officers to be employed in collecting it, from the people, and bringing it forward to the continental treaſury; but there are other expences incident to raiſing and paying the taxes, ſome may be refractory, unable or unwilling, an army muſt be ſupported to compel payment. After this comes the ſalaries and ſupport of the civil liſt, the preſident and vice-preſident of the United States, the ſpeaker, members and other officers of the Houſe of Repreſentatives, and of the Senate, the chief juſtice, and the other juſtices and judges of the ſupreme and inferior courts of the United States, their attorney-general and deputies, and all of the reſt of their officers in addition to what are now neceſſary. It hath been thrown out as a popular argument in favor of the new Conſtitution that it will reduce the expences of government; thoſe who uſed it muſt have known the reverſe, if they knew any thing about it: there is not a ſingle office in any of the ſtates aboliſhed thereby, nor will it ſupercede the neceſſity of any one office except it be the judge of the admiralty, whoſe buſineſs now and the ſupport he receives for performing it are too trivial to be named;—Although the buſineſs of the collector of the cuſtoms would be leſſened, yet ſtill the office will be neceſſary in the ſtate and the officer to be ſupported.

It hath alſo been inſidiouſly repreſented that the only oppoſition to the new conſtitution came from the officers of government, and that they oppoſe it from intereſted motives:—If the people were in favor of the propoſed Conſtitution the intereſt of the officers of government, who are choſen by the people, if they wiſh to be continued in their offices would certainly lead them to favor it alſo.—And if they were actuated by no better motive than intereſt they would at leaſt be ſilent altogether, until it was read and conſidered by the people and they had found which was the ſtrongeſt ſide that they might adhere thereto. But is not intereſt the ruling motive with many of its advocates? In the filling ſo great a number of new lucrative continental offices may *they* not expect ſome? Nay, are not ſome of its principal adherents in Pennſylvania already talked of, for chief juſtice of the United States, ſecretary of the Senate, &c. &c. &c?

(*r*) In ſome parts of this ſtate more remote and where the profits are leſs conſiderable, by the exciſe laws, leſs duty is impoſed upon retailers per annum, than in more opulent and wealthy parts of the ſtate; and it is thought by ſome that many ports in the United States, would without injuring the trade thereof bear a higher duty on imports than others.

Propoſed Conſtitution.	*Preſent Confederation.*
	of the United States, tranſmitting every half year to the reſpective ſtates an account of the ſums of money ſo borrowed.(9)
To regulate commerce with foreign nations*, and among the ſeveral ſtates, and with the Indian tribes;	To enter into treaties and alliances, provided that no treaty of commerce ſhall be made whereby the legiſlative power of the reſpective ſtates ſhall be reſtrained from impoſing ſuch impoſts and duties on foreigners as their own people are ſubjected to, or from prohibiting the exportation or importation of any ſpecies of goods or commodities whatever.
To eſtabliſh an uniform rule of naturalization, and uniform laws on the ſubject of bankruptcies throughout the United States;	Regulating trade and managing all affairs with the indians, not members of any of the ſtates, provided that the legiſlative right of any ſtate within its own limits be not infringed or violated.
To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures;	Shall alſo have the ſole and excluſive right and power of regulating the alloy and value of coin ſtruck by their own authority or by that of the reſpective ſtates, fixing the ſtandard of weights and meaſures throughout the United States.
To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States;	
To eſtabliſh poſt-offices and poſt-roads;	Eſtabliſhing and regulating poſt-offices from one ſtate to another throughout all the United States, and exacting ſuch poſtage on the papers paſſing through the ſame, as may be requiſite to defray the expences of ſaid office.(10)
To promote the progreſs of ſcience and uſeful arts, by ſecuring for limited times to authors and inventors the excluſive right to their	Ap-

* Some wiſe heads thought that commerce ſhould be left to regulate itſelf. That the fewer treaties there are about it the better. That the commutative wants of the purchaſer & ſeller ſhould govern them reſpectively. That we ſhould take ſuch articles as we import from thoſe who wiſh to ſell them to us and will let us have them cheapeſt, and whoſe intereſt conſiſts as much in ſelling as ours does in buying. And that if, contrary to their own intereſt, any will not ſell to us, let them uſe their pleaſure, we will purchaſe of others, or manufacture for ourſelves and thereby render ourſelves ſtill more independent. The produce of America, our exports, muſt and ever will find a market while people continue to live and eat.

Propoſed Conſtitution.	*Preſent Confederation.*
their reſpective writings and diſcoveries (*s*);	
To conſtitute tribunals inferior to the ſupreme court;	
To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations;	Appointing courts for the trial of piracies and felonies committed on the high ſeas, and for receiving and determining finally appeals in all caſes of captures, provided that no member of Congreſs ſhall be appointed a judge of any of the ſaid courts. (11)
To declare war, grant letters of marque and repriſal, and make rules concerning capture on land and water;	The ſole and excluſive right and power of determining on peace and war, except when any of the ſtates are ſuddenly invaded by enemies. Of granting letters of marque and repriſal in time of peace.—Of eſtabliſhing rules for deciding in all caſes what captures on land or water ſhall be legal, and in what manner prizes taken by land or naval forces in the ſervice of the United States ſhall be divided or appropriated.
To raiſe and ſupport armies (*t*), but no appropriation of money to that uſe ſhall be for a longer term than two years; (*u*)	To agree upon the number of land forces, and to make requiſitions from each ſtate for its quota in proportion to the number of white (12) inhabitants in ſuch ſtate, which requiſition ſhall be binding. And thereupon the legiſlature of each ſtate ſhall raiſe the men, and cloath, arm and equip them in a ſoldier-like manner at the expence of

(*s*) The ſtates have in conformity with recommendations of Congreſs paſſed laws ſecuring to authors the excluſive right to their reſpective writings, for a term of years within their juriſdictions, and when that term expires will no doubt further extend it if deſired.

(*t*) There is no declaration that the military ſhall be in ſubordination to the civil, or that we ſhall not be governed by the law martial; it was one of the cauſes in our memorable declaration of independence, that Great Britain "affected to render the military independent of and, ſuperior to the civil power."

(*u*) But at the end of the two years the appropriation may be continued two years more, and ſo on for any length of time.

Proposed Constitution.	*Present Confederation.*
	of the United States, and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. And if the Unit. States in Congress assembled shall on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officer'd, cloathed, armed and equipped in the same manner as the quota of each state, unless the legislature of such state shall judge that such extra number cannot be safely spared. And the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. (13)
To provide and maintain a navy;	To build and equip a navy.
To make rules for the government and regulation of the land and naval forces;	Art. 9. To make rules for the government, and regulation of the land and naval forces, and directing their operations.
To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.	
To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers and	Art. 6. Every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper
, the	quantity

Propoſed Conſtitution.	*Preſent Confederation.*
the authority of training the militia, according to the diſcipline preſcribed by Congreſs;	quantity of arms, ammunition and camp equipage.
To exerciſe excluſive legiſlation (v) in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may, by ceſſion of particular ſtates, and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the legiſlature of the ſtate in which the ſame ſhall be, for the erection of forts, magazines, arſenals, dock-yards and other needful buildings;—And to make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other powers veſted by this conſtitution in the government of the United States, or in any department or officer thereof.	Art. 9. And to appoint ſuch committees and civil officers as may be neceſſary for managing the general affairs of the United States under their direction.
Sect. 9. The migration or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year One thouſand eight hundred and eight, but a tax or duty may be impoſed on ſuch importation	

(v) The delegates in Convention from this ſtate recommended to the legiſlature, to give up ten miles ſquare in ſome part of this commonwealth to the excluſive legiſlation of Congreſs without conſidering that it is out of their power, if they grant 10 miles they may grant fifty, and if fifty the whole of the ſtate agreeable to its charter bounds —Beſides if the government of a part of the ſtate can be diſpoſed of to one body it may to any other, ſo that we ſhall be parcelled out to nabobs—and what makes it worſe there is no form of government preſcribed for this territory, nor for the territory they may purchaſe and be thereby inveſted as aforeſaid.

Propoſed Conſtitution.	*Preſent Confederation.*
tion, not exceeding ten dollars for each perſon. (*w*)	
The privilege of the writ of Habeas Corpus ſhall not be ſuſpended, unleſs when in caſes of rebellion or invaſion the public ſafety may require it. (*x*)	
No bill of attainder (*y*) or expoſt facto law ſhall be paſſed.	
No capitation, or other direct tax ſhall be laid, unleſs in proportion to the cenſus or enumeration herein before directed to be taken. (*z*)	Art. 8. The taxes for paying the proportion (required of the reſpective ſtates, ſhall be laid and levied by the authority and direction of the legiſlatures of the ſeveral ſtates within the time agreed upon by the United States in Congreſs aſſembled.
No tax or duty ſhall be laid on articles exported from any ſtate. No preference ſhall be given by any regulation of commerce or revenue to the ports of one ſtate over thoſe of another. Nor ſhall veſſels bound to, or from, one ſtate, be obliged to enter, clear, or pay duties in another,	
No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law; and a regular ſtatement and account of the receipts and expenditures of all public money ſhall be publiſhed from time to time.	Art. 9. The United States in Congreſs aſſembled ſhall have authority to aſcertain the neceſſary ſums of money to be raiſed for the United States, and to appropriate *and apply* the ſame for defraying the public expences.

No Art.

(*w*) So that for thirty years yet to come the *ſtates* may reſpectively derive the advantage of increaſing the number of their inhabitants and conſequently ſettling, cultivating and improving the vacant lands, and thereby augmenting their power and wealth with no other moleſtation from the government of the United States, than a duty of ten dollars for each perſon on his importation into the ſtate, either by land or water. In the declaration of American Independence there is the following complaint and cauſe of ſeperation—"That he hath endeavoured to prevent the population of theſe ſtates for that purpoſe obſtructing the laws for the naturalization of foreigners, refuſing to paſs others to encourage their migrations hither."

(*x*) The ſtates are hereby to be reſtrained from paſſing bills for attainting perſons of treaſon againſt the commonwealth, or other capital offences on conviction!

(*y*) This is a *declaration* of an invaluable *right* but may be too readily ſuſpended.

(*z*) Thus will the government of the United States be reſtricted from taxing the people equitably if they were ſo diſpoſed—by this capitation or poll tax, the pooreſt perſon in the ſtate or in the union will be taxed as much as the very wealthieſt, and yet they cannot depart from that oppreſſive rule. The people ſhould always be taxed in proportion to their abilities to pay.

Propoſed Conſtitution.	*Preſent Confederation.*
No title of nobility ſhall be granted by the United States: and no perſon holding any office of profit or truſt under them, ſhall, *without the conſent of the Congreſs*, (*a*) accept of any preſent, emolument, office, or title, of any kind whatever, from any King, Prince or foreign ſtate.	Art. 6. Nor ſhall the United States in Congreſs aſſembled grant any title of nobility. Nor ſhall any perſon holding any office of profit or truſt under the United States *or any of them* accept of any preſent emolument, office or title of any kind whatever from any King, Prince or foreign ſtate.
Sect. 10. No ſtate ſhall enter into any treaty, alliance, or confederation, grant letters of marque and repriſal coin money, emit bills of credit, make any thing but gold or ſilver coin a tender in payment of debts, paſs any bill of attainder, ex poſt facto law, or law impairing the obligation of contracts, or grant any title of nobility.	Idem. No ſtate without the conſent of the United States in Congreſs aſſembled ſhall ſend any embaſſy to receive any embaſſy from, or enter into any agreement, alliance or treaty with any King, Prince or State. (14)
	Idem. Nor ſhall any ſtate grant commiſſions to any ſhips or veſſels of war, nor letters of marque or repriſal, except it be after a declaration of war by the United States in Congreſs aſſembled, and then only againſt the kingdom or ſtate and the ſubjects thereof againſt which war has been ſo declared, and under ſuch regulations as ſhall be eſtabliſhed by the United States in Congreſs aſſembled, unleſs ſuch ſtate be infeſted by pirates, in ſuch caſe veſſels of war may be fitted out for that occaſion, and kept ſo long as the danger ſhall continue or untill the United States in Congreſs aſſembled ſhall determine otherwiſe.
	Art. 6. Nor ſhall any of the United States grant any title of nobility.
No ſtate ſhall, without the conſent of the Congreſs, lay any impoſts or duties on imports and exports, except what may be abſolutely neceſſary for executing its inſpection laws; and the net produce of all duties and impoſts, laid by	Idem. No ſtate ſhall lay any impoſts or duties which may interfere with any ſtipulations in treaties entered into by the United ſtates in Congreſs aſſembled, with any King, Prince or State, in purſuance

(*a*) This *conſent* it is thought will be attainable.

Propoſed Conſtitution.

by any ſtate on imports or exports, ſhall be for the uſe of the treaſury of the United States; and all ſuch laws ſhall be ſubject to the reviſion and controul of the Congreſs.

No ſtate ſhall without the conſent of Congreſs, lay any duty of tonnage, keep troops, or ſhips of war in time of peace, enter into any agreement or compact with another ſtate, or with a foreign power, or engage in war, unleſs actually invaded, or in ſuch eminent danger as will not admit of delay.

Propoſed Conſtitution continued.

ſuance of any treaties already propoſed by Congreſs to the Courts of France and Spain.

Art. 6. No veſſels of war ſhall be kept up in time of peace by any ſtate, except ſuch number only as ſhall be deemed neceſſary by the United States in Congreſs aſſembled for the defence of ſuch ſtate or its trade, nor ſhall any body of forces be kept up by any ſtate in time of peace, except ſuch number only as in the judgment of the United States in Congreſs aſſembled ſhall be deemed requiſite to garriſon the forts neceſſary for the defence of ſuch ſtate. No two or more ſtates ſhall enter into any treaty, confederation or alliance whatever between them without the conſent of the United States in Congreſs aſſembled, ſpecifying accurately the purpoſes for which the ſame is to be entered into and how long it ſhall continue. No ſtate ſhall engage in any war without the conſent of the United States in Congreſs aſſembled, unleſs ſuch ſtate be actually invaded by enemies, or ſhall have received certain advice of a reſolution being formed by ſome nation of *Indians* (15) to invade ſuch ſtate, and the danger is ſo imminent as not to admit of delay till the United States in Congreſs aſſembled can be conſulted.

2d.

Sect. 1.

Propoſed Conſtitution.

2d.

Sect. 1. The executive power ſhall be veſted in a preſident of the United States of America. He ſhall hold his office during the term of *four* years, and, together with the vice-preſident, choſen for the ſame term, be elected as follows:

Each ſtate ſhall appoint, in ſuch manner as the legiſlature thereof may direct, a number of electors, equal to the whole number of ſenators and repreſentatives to which the ſtate may be entitled in the Congreſs: but no Senator or Repreſentative, or perſon holding an office of truſt or profit under the United States, ſhall be appointed an elector.

The electors ſhall meet in their reſpective ſtates, and vote by ballot for two perſons, of whom one at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves. And they ſhall make a liſt of all the perſons voted for, and of the number of votes for each; which liſt they ſhall ſign and certify, and tranſmit ſealed to the ſeat of the government of the United States, directed to the Preſident of the Senate. The Preſident of the Senate ſhall in the preſence of the Senate and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted. The perſon having the greateſt number of votes ſhall be the Preſident, if ſuch a number be a majority of the whole number of electors appointed; and if there be more than one who have ſuch majority, and have an equal number of votes, then the Houſe of Repreſentatives ſhall immediately chuſe by ballot one of them for Preſident; and if no perſon have a majority, then from the five higheſt on the liſt the ſaid Houſe ſhall in like manner chuſe the Preſident. But in chuſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote; a quorum for this purpoſe ſhall conſiſt of a member or members from two-thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. In every caſe, after the choice of the Preſident, the perſon having the greateſt number of votes of the electors, ſhall be the vice-preſident. But if there ſhould remain two or more who have equal votes, the Senate ſhall chuſe from them by ballot the Vice-Preſident.

Propoſed Conſtitution continued.

The Congreſs may determine the time of chuſing the electors, and the day on which they ſhall give their votes; which day ſhall be the ſame throughout the United States.

No perſon except a natural born citizen, or a citizen of the United States, at the time of the adoption of this conſtitution, ſhall be eligible to the office of Preſident; neither ſhall any perſon be eligible to that office who ſhall not have attained to the age of thirty-five years, and been fourteen years a reſident within the United States.

In caſe of the removal of the Preſident from office, or of his death, reſignation or inability to diſcharge the powers and duties of the ſaid office, the ſame ſhall devolve on the Vice-Preſident, and

Propoſed Conſtitution. *Preſent Confederation.*

the Congreſs may by law provide for the caſe of removal, death, reſignation or inability, both of the Preſident and Vice-Preſident, declaring what officer ſhall then act as Preſident, and ſuch officer ſhall act accordingly, untill the diſability be removed, or a Preſident ſhall be elected.

The Preſident ſhall, at ſtated times, receive for his ſervices, a compenſation, which ſhall neither be encreaſed, nor diminiſhed, during the period for which he ſhall have been elected; and he ſhall not receive, within that period, any other emolument from the United States, or any of them. Before he enter on the execution of his office, he ſhall take the following oath or affirmation: "I do ſolemnly ſwear (or affirm) that I will "faithfully execute the office of "Preſident of the United States, "and will to the beſt of my ability, "preſerve, protect and defend, "the conſtitution of the United "States."

Sect. 2. The Preſident ſhall be commander in chief of the army and navy of the United States, and of the militia of the ſeveral ſtates, when called into the actual ſervice of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any ſubject relating to the duties of their reſpective offices, and he ſhall have power to grant reprieves and pardons for offences againſt the United States, except in caſes of impeachment. He ſhall have power, by and with the advice and

conſent

Propoſed Conſtitution.

conſent of the Senate, to make treaties, (*b*) provided two-thirds of the Senators preſent, concur; and he ſhall nominate, and by and with the advice and conſent of the Senate, ſhall appoint ambaſſadors, other public miniſters and conſuls, judges of the ſupreme court, (*c*) and all other officers of the United States, whoſe appointments are not herein otherwiſe provided for, (*d*) and which ſhall be eſtabliſhed by law. But the Congreſs may, by law, veſt the appointment of ſuch inferior officers, as they think proper, in the Preſident alone, in the courts of law, or in the heads of departments.

Preſent Confederation.

Art. 9. The United States in Congreſs aſſembled, ſhall appoint ſuch civil officers as may be neceſſary for managing the general affairs of the United Sates under their direction.

The United States in Congreſs aſſembled, ſhall have the ſole and excluſive power of ſending ambaſſadors, of appointing all officers, of the land forces in the ſervice of the United States, excepting regimental officers, appointing all the officers of the naval forces, & commiſſioning all officers whatever in the ſervice of the United Sates. *Idem* the legiſlature of each ſtate ſhall appoint the regimental officers.

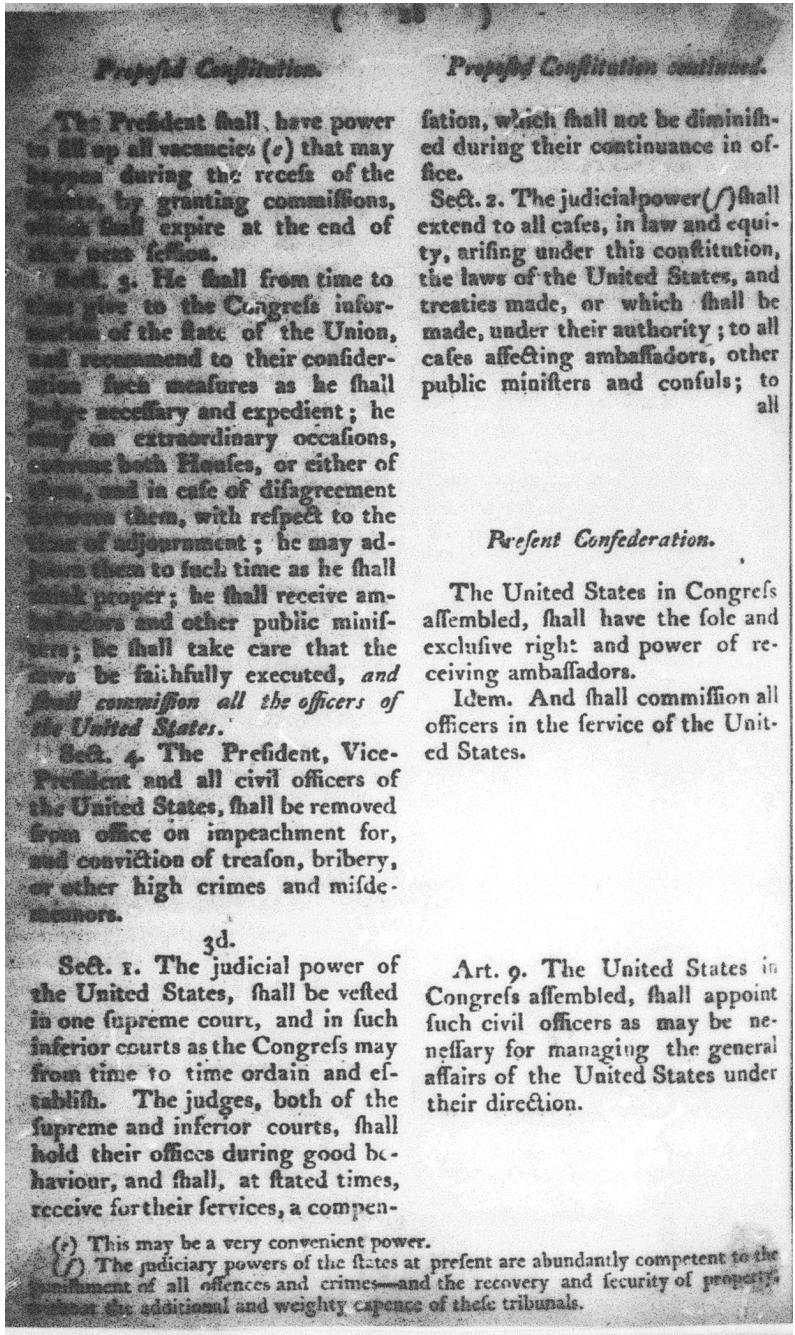
Art. 7. When land forces are raiſed by any ſtate for the common defence, all officers of or under the rank of colonel (16) ſhall be appointed by the legiſlature of each ſtate reſpectively, by whom ſuch forces ſhall be raiſed, or in ſuch manner as ſuch ſtate ſhall direct, and all vacancies ſhall be filled up by the ſtate which firſt made the appointment. (17)

The

(*b*) Theſe treaties ſo made by the *Preſident* and concurred with by *two-thirds* of the Senators preſent, are to be "the ſupreme law of the land, any thing contained in the *conſtitutions* or *laws* of the ſeveral ſtates to the contrary notwithſtanding!"

(*c*) The judges being appointed by the preſident "during good behaviour," muſt needs behave well towards him on whom they are dependent, and his friends.—

(*d*) Thus he may officer an army and navy and command them himſelf, and it cannot be wondered at if the men he favours with his choice would not be ſubſervient to his will.



Propoſd Conſtitution.

The Preſident ſhall have power to fill up all vacancies (*e*) that may happen during the receſs of the Senate, by granting commiſſions, which ſhall expire at the end of their next ſeſſion.

Sect. 3. He ſhall from time to time give to the Congreſs information of the ſtate of the Union, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary and expedient; he may on extraordinary occaſions, convene both Houſes, or either of them, and in caſe of diſagreement between them, with reſpect to the time of adjournment; he may adjourn them to ſuch time as he ſhall think proper; he ſhall receive ambaſſadors and other public miniſters; he ſhall take care that the laws be faithfully executed, *and ſhall commiſſion all the officers of the United States.*

Sect. 4. The Preſident, Vice-Preſident and all civil officers of the United States, ſhall be removed from office on impeachment for, and conviction of treaſon, bribery, or other high crimes and miſdemeanors.

3d.

Sect. 1. The judicial power of the United States, ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may from time to time ordain and eſtabliſh. The judges, both of the ſupreme and inferior courts, ſhall hold their offices during good behaviour, and ſhall, at ſtated times, receive for their ſervices, a compenſation, which ſhall not be diminiſhed during their continuance in office.

Propoſd Conſtitution continued.

Sect. 2. The judicial power (*f*) ſhall extend to all caſes, in law and equity, ariſing under this conſtitution, the laws of the United States, and treaties made, or which ſhall be made, under their authority; to all caſes affecting ambaſſadors, other public miniſters and conſuls; to all

Preſent Confederation.

The United States in Congreſs aſſembled, ſhall have the ſole and excluſive right and power of receiving ambaſſadors.

Idem. And ſhall commiſſion all officers in the ſervice of the United States.

Art. 9. The United States in Congreſs aſſembled, ſhall appoint ſuch civil officers as may be neceſſary for managing the general affairs of the United States under their direction.

(*e*) This may be a very convenient power.

(*f*) The judiciary powers of the ſtates at preſent are abundantly competent to the puniſhment of all offences and crimes—and the recovery and ſecurity of property without the additional and weighty expence of theſe tribunals.

(49)

Proposed Constitution.	Present Confederation.
all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, (g), between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.	Art. 9. The United States in Congress assembled shall have the sole and exclusive right and power of appointing courts, for the trial of piracies and felonies committed on the high seas, (h) and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.
In	The United States in Congress assembled, shall also be the last resort on appeal (18) in all disputes & differences, now subsisting or that hereafter may arise between two or more states, concerning boundary jurisdiction *or any other cause whatever*, which authority shall always be exercised in the manner following, whenever the legislative or executive authority or lawful agent of any state, in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining

(g) The present mode of determining controversies between states as prescribed by the Confederation, hath decided the dispute respecting territory between Pennsylvania and Connecticut, and reflects high dignity on the authority of the United States.

(h) Congress have saved all the expences of this court, by constituting the judges of the superior courts of the several states judges of the same.

termining the matter in queſtion, but if they cannot agree Congreſs ſhall name three perſons out of each of the United States, and from the liſt of ſuch perſons each party ſhall alternately ſtrike out one, the petitioners beginning until the number ſhall be reduced to thirteen; and from that number not leſs than ſeven nor more than nine names as Congreſs ſhall direct ſhall in the preſence of Congreſs be drawn out by lot; and the perſons whoſe names ſhall be ſo drawn, or any five of them ſhall be commiſſioners or judges to hear and finally determine the controverſy, ſo always as a major part of the judges who hear the cauſe ſhall agree in the determination: And if either party ſhall neglect to attend at the day appointed, without ſhewing reaſons which Congreſs ſhall judge ſufficient, or being preſent ſhall refuſe to ſtrike, the Congreſs ſhall then proceed to nominate three perſons out of each ſtate, and the ſecretary of Congreſs ſhall ſtrike in behalf of ſuch party abſent or refuſing, and the judgment and ſentence of the court to be appointed in the manner before preſcribed ſhall be final and conclusive. And if any of the parties ſhall refuſe to ſubmit to the authority of ſuch court, or to appear and defend their claim or cauſe, the court ſhall nevertheleſs proceed to pronounce ſentence or judgment, which ſhall in like manner be final and deciſive; the judgment or ſentence and other proceedings being in either caſe tranſmitted to Congreſs, and lodged among the acts of Congreſs for the ſecurity of the parties concerned: provided that every commiſſioner before he ſits in judgment, ſhall take an oath to be adminiſtered by one of the judges, of the ſupreme or ſuperior court of the ſtate where the cauſe ſhall be tried "well and truely to hear and "and determine the matter in "queſtion, according to the beſt "of his judgment without favor "affection or hope of reward." Provided alſo that no ſtate ſhall be deprived of territory for the benefit of the United States? (19)

All controverſies concerning the private right of ſoil claimed under different grants of two or more ſtates, whoſe juriſdictions as they may reſpect ſuch lands and the ſtates which paſſed ſuch grants, are adjuſted the ſaid grants or either of them being at the ſame time claimed, to have originated antecedent to the ſettlement of ſuch juriſdiction, ſhall on the petition of either party to the Congreſs of the United States, be finally determined as near as may be in the ſame manner as is before preſcribed for deciding diſputes, reſpecting territorial juriſdiction between different ſtates.

Propoſed Conſtitution. *Preſent Confederation.*

In all caſes affecting ambaſſadors, other public miniſters and conſuls, and thoſe in which a ſtate ſhall be party, the ſupreme court ſhall have original juriſdiction. In all the other caſes before mentioned, the ſupreme court ſhall have appellate juriſdiction, both as to law and fact, (*i*) with ſuch exceptions, and under ſuch regulations as the Congreſs ſhall make.

The trial of all crimes, except in caſes of impeachment, ſhall be by jury; (*j*) and ſuch trial ſhall be held in the ſtate where the ſaid crimes ſhall have been committed; but when not committed within any ſtate, the trial ſhall be at ſuch place or places as the Congreſs may by law have directed.

Sect. 3. Treaſon againſt the United States, ſhall conſiſt only in levying war againſt them, or in adhering to their enemies, giving them aid and comfort. No perſon ſhall be convicted of treaſon unleſs on the teſtimony of two witneſſes to the ſame overt act, or on confeſſion in open court.

The Congreſs ſhall have power to declare the puniſhment of treaſon, but no attainder of treaſon ſhall work corruption of blood, or forfeiture

(*i*) "For tranſporting us beyond ſeas to be tried for pretended offences" was one of the complaints in the declaration of independance, but will it not be equally oppreſſive to drag a citizen of Georgia or the diſtant ſtates on an appeal up to the ſeat of government of the United States? and as the facts may be there examined alſo he muſt bring all his witneſſes with him, and perhaps have to attend more than once or twice before he can have a trial.

(*j*) By this the *rights* of the people to jury trial is preſerved in all *criminal* cauſes would it not be well to ſecure it alſo in *civil* cauſes? In the declaration of independence it was one of the complaints againſt Great-Britain, "for depriving us in many caſes of the benefits of trial by jury."

Propoſed Conſtitution.	*Preſent Confederation.*
forfeiture except during the life(*k*) of the perſon attainted.	
4th.	
Sect. 1. Full faith and credit ſhall be given in each ſtate to the public acts, records, and judicial proceedings of every other ſtate. And the Congreſs may, by general laws, preſcribe the manner in which ſuch acts, records and proceedings, ſhall be proved, and the effect thereof.	Art. 4. Full faith and credit ſhall be given in each of theſe ſtates to the records, acts and judicial proceedings of the courts, and magiſtrates of every other ſtate.
Sect. 2. The citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates.	Art. 4. The better to ſecure and perpetuate mutual friendſhip, and intercourſe among the people, of the different ſtates in this union, the free (20) inhabitants of theſe ſtates paupers, vagabonds and fugitives from juſtice excepted, ſhall be intitled to all priviledges and immunities of free citizens in the ſeveral ſtates, and the people of each ſtate ſhall have free ingreſs and regreſs to and from any other ſtate, and ſhall
A perſon charged in any ſtate with treaſon, felony, or other crime, who ſhall flee from juſtice, and be found in another ſtate, ſhall, on demand of the executive authority of the ſtate from which he fled, be delivered up, to be removed to the ſtate having juriſdiction of the crime.	enjoy therein all the priviledges of trade and commerce, ſubject to the ſame duties impoſitions and reſtrictions as the inhabitants thereof reſpectively, provided that ſuch reſtrictions ſhall not extend ſo far as to prevent the removal of property imported into any ſtate, to any other ſtate of which the owner is an inhabitant—provided alſo that no impoſition duties or reſtriction ſhall be laid by any ſtate, on the property of the United ſtates or any of them, (21)
No	Idem.

(*k*) Treaſon is the higheſt offence. The ſtates guard againſt corruption of blood but the forfeiture of the party ſhould be complete. Perſonal eſtate cannot well be diſpoſed of during the life of any perſon, and a life eſtate in real property is uncertain and will bring little to government, to the eaſement of the taxes of the people.

Propoſed Conſtitution.	Preſent Confederation.
No perſon held to ſervice or labour in one ſtate, under the laws thereof, eſcaping into another, ſhall, in conſequence of any law or regulation therein, be diſcharged from ſuch ſervice or labour, but ſhall be delivered up, on claim of the party to whom ſuch ſervice or labour may be due.	Idem. If any perſon guilty of or charged with treaſon, felony or other high miſdemeanor in any ſtate, ſhall flee from juſtice and be found in any of the United States, he ſhall upon demand of the governor or executive power of the ſtate from which he fled, be delivered up and removed to the ſtate having juriſdiction of his offence.
Sect. 3. New ſtates may be admitted by the Congreſs into this Union; but no new ſtate ſhall be formed or erected within the juriſdiction of any other ſtate; nor any ſtate be formed by the junction of two or more ſtates, or parts of ſtates, without the conſent of the legiſlatures of the ſtates concerned, as well as of the Congreſs.	Art. 11. Canada (22) acceding to this confederation, and joining in the meaſures of the United States, ſhall be admitted into and intitled to all the advantages of this union, but no other colony ſhall be admitted into the ſame, unleſs ſuch admiſſion be agreed to by nine ſtates.
The Congreſs ſhall have power to diſpoſe of, and make all needful rules and regulations, reſpecting the territory, or other property, belonging to the United States; and nothing in this conſtitution ſhall be ſo conſtrued, as to prejudice any claims of the United States, or of any particular ſtate.	Art. 9. No ſtate ſhall be deprived of territory for the benefit of the United States.
Sect. 4. The United States ſhall guarantee to every ſtate in this Union, a republican form of government, and ſhall protect each of them againſt invaſion; and on application of the legiſlature, or of the executive (when the legiſlature cannot be convened) againſt domeſtic violence.	Art. 3. The ſaid ſtates hereby ſeverally enter into a firm league of friendſhip with each other, for their *common defence, the ſecurity of their liberties* and their *mutual and general welfare*, binding themſelves to aſſiſt each other againſt all force offered to or attacks made upon them, or any of them, on account religion, ſovereignty, trade or any other pretence whatever.
5th.	
The Congreſs, whenever two-thirds of both Houſes ſhall deem it	Art. 13. The articles of this confederation ſhall be inviolably obſerved by every ſtate, and the U- nion

(34)

Propoſed Conſtitution.	*Preſent Confederation.*
it neceſſary, ſhall propoſe amendments to this conſtitution; or, on the application of the legiſlatures of two-thirds of the ſeveral ſtates, ſhall call a Convention for propoſing amendments, which, in either caſe, ſhall be valid to all intents and purpoſes, as part of this conſtitution, when ratified by the legiſlatures of three-fourths, of the ſeveral ſtates, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be propoſed by the Congreſs: provided, that no amendment which may be made prior to the year One thouſand eight hundred and eight, ſhall in any manner affect the firſt and fourth clauſes in the ninth ſection of the firſt article; and that no ſtate, without its conſent, ſhall be deprived of its equal ſuffrage in the Senate. (*l*)	nion ſhall be perpetual, nor ſhall any alteration at any time hereafter be made in any of them, unleſs ſuch alteration be agreed to in a Congreſs of the United States, and be afterwards confirmed by the legiſlatures of every ſtate. (23)
6th.	
All debts contracted, and engagements entered into, before the adoption of this conſtitution, ſhall be as valid againſt the United States under this conſtitution, as under the confederation. (*m*)	Art. 12. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congreſs before the aſſembling of the United States in purſuance of the preſent confederation ſhall be deemed and conſidered as a charge againſt the United States, for payment and ſatisfaction whereof the the ſaid United States and the public faith are hereby ſolemnly pledged.
This	

(*l*) To prevent fluctuation in the government the charter or Conſtitution ſhould not be eaſily altered, but ſome conſtitutional way ſhould be therein preſerved for amending what on experience all may deſire to alter, therefore it is wrong that there ſhould be any parts of the Conſtitution, which may not be altered in a conſtitutional way in leſs than thirty years to come.

(*m*) There is no proviſion that the delinquent ſtates ſhall pay up their deficiencies, and as there is to be no federal apportion on the ſtates by the new Conſtitution, except on ſuch as may accede thereto and none hath been made on them under the preſent, if any of the ſtates ſhould not accede thereto, and if it ſhould nevertheleſs be adopted by nine ſtates the amount of the delinquency of the non-acceding ſtates, and their quota of the federal exiſting debt could not be aſcertained and recovered.

Propoſed Conſtitution.

This conſtitution, and the laws of the United States, which ſhall be made in purſuance thereof, and all treaties made, or which ſhall be made, under the authority of the United States, ſhall be the ſupreme law of the land; and the judges in every ſtate ſhall be bound thereby, (*n*) any thing in the conſtitution or laws of any ſtate to the contrary notwithſtanding. (*o*)

The Senators and Repreſentatives before mentioned, and the members of the ſeveral ſtate legiſlatures, and all executive and judicial officers, both of the United States and of the ſeveral ſtates, ſhall be bound by oath or affirmation, to ſupport this conſtitution, but no religious teſt ſhall ever be required as a qualification to any office or public truſt under the United States.

The ratification of the conventions of nine ſtates, ſhall be ſufficient for the eſtabliſhment of this conſtitution between the ſtates ſo ratifying the ſame. (*p*)

Preſent Confederation.

Art. 13. Every ſtate ſhall abide by the determinations of the United States in Congreſs aſſembled, on all queſtions which by this confederation are ſubmitted to them.

Art.

(*n*) The judges in every ſtate have already ſworn to do nothing contrary to the Conſtitution in their reſpective ſtates.

(*o*) It would be poſſible to conform the Conſtitutions of the ſeveral ſtates, even to this form of government but after that might be done there would remain no ſecurity that they ſhould remain inviolate or continue permanent, if laws of the United States or *treaties* interfered with them they muſt give way to the former as the ſupreme law of the land. "Altering fundamentally the forms of our governments" is one of the complaints againſt Great Britain in the declaration of American Independence.

(*p*) The people ſhould always determine the forms of their own governments—The members of the Convention in the ſeveral ſtates may not be choſen from all the counties, if ſome of them only elect and thoſe who are elected meet together they will nevertheleſs be a Convention, choſen by the people and may adopt the Conſtitution, and even if all the counties ſhould ſend members the men may be choſen by a few in each county, the major part of the people refuſing to concur in this anteſederal procedure which is an expreſs violation of the confederation. And even waving the conſideration of its being an *ante-conſtitutional* and *ante-federal* meaſure to chuſe the Convention

(56)

Preſent Confederation.

Art. 1. The ſtile of this confederacy ſhall be "*of the United States of America.*"

Art. 2. Each ſtate retains its ſovereignty, freedom and independence, and every power, juriſdiction and right which is not by this confederation expreſsly delegated to the United States in Congreſs aſſembled. (*q*)

Art. 5. No perſon ſhall be capable of being a delegate for more than three years in any term of ſix years. (24)

Art. 9. The United States in Congreſs aſſembled ſhall have authority to appoint a committee to ſit in the receſs of Congreſs to be

Preſent Confederation continued.

denominated "*a committee of the ſtates,*" (25) and to conſiſt of one delegate from each ſtate.

Art. 19. The committee of the ſtates or any nine of them ſhall be authorized to execute in the receſs of Congreſs ſuch of the powers of Congreſs as the United States in Congreſs aſſembled by the conſent of nine ſtates ſhall from time to time think it expedient to veſt them with: provided that no power be delegated to the ſaid committee for the exerciſe of which by the articles of confederation the voice of nine ſtates in the Congreſs of the United States aſſembled, is requiſite. (*r*)

Art.

Convention propoſed; if the people ſhould aſſemble for the purpoſe *as the reſolution of the Aſſembly of Pennſylvania directs* at the ſame places and in the ſame manner, and vote for the ſame number as in the caſe of members of General Aſſembly, pray when the Convention thus choſen are aſſembled are they any more the people than the General Aſſembly are the people? are they not both choſen by the people? and both choſen in the ſame manner?—Then if a fair and legal repreſentation of the people is to conſider of it why not ſubmit it as the confederation directs to the ſeveral *legiſlatures*. Even alterations which are propoſed in the new Conſtitution are to be ſubmitted to the *legiſlatures* of the ſeveral ſtates, unleſs *Congreſs* ſhould think this mode *impolitic*, I ſaid *Congreſs* but it will not be Congreſs alone, who have the direction therein there will be one who muſt give his *fiat* before any order or vote of theirs will have any force in the caſe.—It is better to adhere to our engagements of every kind and fulfil and diſcharge them—we ſhall then be confided in and reſpected—If our former faith be diſregarded future obligations will not be depended on.

The people at leaſt, who have by their preſent government directed otherwiſe ſhould be conſulted before the ſtep of calling Conventions be gone into, let perſons be appointed in the ſeveral townſhips, wards and diſtricts of all the counties whoſe buſineſs it ſhall be to take the vote of every elector, whether there ſhall be a Convention called *yea* or *nay*, much after the ſame manner as was directed by the ſtate of Pennſylvania, in the year 1777, reſpecting the Conſtitution thereof by this means it would fairly be determined whether a majority of the freemen in each ſtate were in favor of the meaſure or not—And thereby guard againſt injuſtice and the foregoing exceptions.

(*q*) This bill of rights in the preſent confederation ſecures to us all the priviledges of freemen.

(*r*) By this means proviſion is made for ſaving great expence in times of peace, and where there is little current buſineſs to be done.

Preſent Confederation continued.

Art. 9. That no perſon be allowed to ſerve in the office of Preſident (of the Congreſs) more than one year in any term of three years. (26)

Idem. The United States in Congreſs aſſembled ſhall have authority to emit bills on the credit of the United States, tranſmitting every half year to the reſpective ſtates an account of the ſums emitted.

Art. 9. The United States in Congreſs aſſembled ſhall never engage in a war nor grant letters of marque and repriſal in time of peace nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor aſcertain the ſums and expences neceſſary for the defence and welfare

Preſent Confederation continued.

of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money nor agree upon the number of veſſels of war to be built or purchaſed, or the number of land or ſea forces to be raiſed, nor appoint a commander in chief of the army and navy, unleſs nine ſtates aſſent to the ſame. (*s*) (27)

Idem. And the delegates of a ſtate or any of them, at his or their requeſt ſhall be furniſhed with a tranſcript of the ſaid journal, (of the proceedings of the Congreſs of the United States) except ſuch parts as were before directed not to be publiſhed—to lay before the legiſlatures of the ſeveral ſtates. (28)

(*s*) This majority in matters of importance prevents their haſty and inadviſed adoption. It is more ſimple, leſs expenſive and perhaps equally uſeful, with the propoſed plan of diſtribution of the legiſlative powers of the fœderal government.

The liberty of the preſs is ranked amongſt the firſt priviledges of a free people, but it is not ſecured by the propoſed Conſtitution, and the priviledge of the peoples Aſſembly to conſult for the common good, may be thereby conſtrued into an inſurrection, and as the laws of this government are to be ſupreme and controul the *Conſtitutions* as well as the *laws* of the ſtates reſpectively, a declaration would be neceſſary ſecuring to all men the priviledge of worſhipping Almighty God according to the dictates of their own conſciences and underſtandings, and from compelling any perſons attendance upon, or ſupport of, any place of religious worſhip contrary to his own free will and conſent.

☞ Page 9, line 19th, for "ſelling" read "ſettling". Page 22, for note (*x*) read (*y*) and for (*y*) read (*x*). Page 24, 2d column, line firſt, for "*Propoſed Conſtitution*" read, "*Preſent Confederation.*"

THE END.

Fœderalist

Philadelphia Independent Gazetteer, 20 October 1787

Mr. OSWALD, *You will oblige several of the subscribers to the Independent Gazetteer, by inserting the following in to-morrow's paper. Thursday, October* 18, 1787.

Without the form of an *introduction*, I have to premise to you, Mr. Printer, as one interested in the reputation of our press, that a pamphlet (entitled, "a view of the proposed constitution, &c. with sundry notes and observations") has this morning made its appearance, to disgrace the literature and insult the common sense of Pennsylvania. The author, who, from his notes, appears to be but little removed from idiocy, has, under the guidance of instinct, suppressed his name, and published without a signature.

This arithmetician pamphleteer (for his view, as he calls it, is a stated account of Dr. and Cr. between the Federal Constitution and the Confederation) may possibly, by mechanical practice, understand the rule of three, but he deceives his readers of his powers of intellect are sufficiently strong to combine two political ideas in such manner as to beget a consequence:—In proof of this, do but attend to the following observations—for it would surfeit the understanding and sicken sense to think of regularly refuting all his silly remarks.

After stating, on the *Dr.* side of his account, the 4th clause, 2d section, in the 1st article of the proposed constitution, viz. "The House of representatives shall chuse their Speaker and other officers, and shall have the sole power of impeachment"—he subjoins the following note.

"*This is equivocal and may be construed to take away from the states respectively, all power of impeaching their own officers for mal-practices, or not, as may be most agreeable. There should be no doubtful expressions where perspicuity is so necessary*"—!!! O wise-acre!

To the 6th clause of the same section, which is as follows, viz.

"The Senate shall have the sole power to try all impeachments *(i)*—when sitting *for that purpose* they shall be on oath or affirmation *(k)*—when the President of the United States is tried, the Chief Justice shall preside *(l)*," he puts these queries.

"(i) Query—Is it meant that the several states should hereby be restrained from trying their own officers impeached for mal-administration?"

"(k) Query—What are they to swear or affirm?"

"(l) Query—Is it meant at the Senate or in the United States?"

Did not the same silliness of interrogatory pervade the pamphlet, one would be inclined to think that the idea of impeachment had ban-

ished the writer's understanding. How a booby of this blunted comprehension should have been betrayed into the lists of political controversy, is truly astonishing, and cannot be otherwise accounted for than by supposing, as has been conjectured, that he is some state clerk, the business of whose office having declined with the settlement of certificates by the *blessed funding-law*, he is desirous, in this way, to make the public a return for the salary which he receives—But, *dear Mr. Accomptant*, spare the patience of your fellow citizens; for, although they may be willing you should inspect their claims to settlement, they cannot agree that any person of your political capacity should attempt to regulate or CONTROUL their opinions in government.

Your zeal has really transported you—*To address a county,* (though an officious impertinence little excusable) is less faulty than to attempt a criticism of that glorious system of government which promises the happiness and honor of confederated America, the Federal Constitution!—Recollect, *Mr. Cypher*, that this is not the path which nature has prescribed you, or science intended you should tread. If you have not employment enough in your office, dismiss a clerk or two; or if you do not keep many clerks, avow the fact of *little to do*, and let the Legislature improve the occasion of proportioning your salary to your services. As a citizen of Pennsylvania, I would much rather thank your candor, than benefit from your *learning*, *latinist as you are*.

A Watchman
Philadelphia Independent Gazetteer, 20 October 1787

John the Paper Maker.

SIR, Your pamphlet (scarcely dry) lies before me, though at the first blush it purported to be at war with a system of government which has won my admiration, yet (from a wish to receive all possible information on a subject of such importance) I was pleased with your attempt, but as you are a modest man, suffer me to relieve you from a blush which a mistake may have brought to your cheek—Know then, I was pleased only until I read it; I had foolishly imagined that when a man turns *pamphleteer*, (scorning the medium of a *newspaper*) he must be possessed of information that will justify this departure from the beaten path; judge then (if you can divest yourself of partiality for your offspring) what my disappointment must have been on reading your late production, or (rather) *compilation*. I had not to learn that you were an *industrious man*, and good at *transcribing*; you have given us the *new constitution* on one side, and the *late confederation* on the other in all the

forms of *Dr. and Cr.* with a balance drawn by yourself at bottom, designed at most to liquidate accounts; there is something of the clerk runs through every piece you publish, your industry and perseverance have raised you a tolerable reputation, and I should be sorry to see you lose it by that *cacoethes scribendi* which seems in some late instances to have infected you. I read and re-read your notes, with me they are neither the object of censure or applause—some of them I cannot understand (doubtless from my want of comprehension) others are mere common place, but the greatest part of them are groundless and refutable; you have in one instance (under the immediate inspiration of the *genius of invention*) determined a great point: It seems—I hope you are clear in it, that "*treason is the highest crime.*"

The present century has certainly been blessed with more great discoveries than its *ratio*, (a word I am told you are fond of) but it was left for you, unexampled genius! to drag this truth to light—a truth which has slept in darkness for so many ages; I am at a loss which to admire most, the importance of this discovery to mankind, or the pervading eagle eye of the man who gave it to the world.

However you may treat your native tongue, decency should forbid you to crusade against the *Roman language* as it is a foreigner. I therefore hope that (until you learn the difference between *ante and anti*) you will submit your Latin scraps to your brother-in-law for correction. Opposition to the *new government* comes with peculiar aukwardness from *placemen* under the *old*. Do you feel your *office* shake under you, or was it the trifling ambition of being the author of a pamphlet which brought you forward to toss down the *gauntlet* of opposition? Your fellow citizens, Mr. *Scriblerius*, have judged much better of your talents than you seem to have done, you are a good *accomptant*, but a bad *pamphleteer*. It was lately and elegantly remarked of the proffered government, that "if its materials were sound and well put together, it would stand the test of scrutiny;" and the dangers it has to apprehend from such pens as yours were prettily represented by the figure that "a file made of good steel would never be injured by the tongue of a viper."

William Lyon to John Nicholson
Carlisle, Pa., 26 October 1787[2]

After returning thanks for Your Statemt. of the Confederation and proposed Federal Constitution with notes Candidly and Catiously made thereon—You will receive from the Bearer Mr. John Oliver an assembly man for this County this present Year, an Acct. of the Tax upon the

Writs Issued from my Office, which will I expect be accompanied with the State Treasurers Rect. for the same, You will please to send me a Certificate thereof as Usual to gether with the last Sent You by Mr. Blyth in May last, which he forgat or neglected getting from You—Mr. Oliver will take care of them and bring them to me—

There is a very great division here about the new Constitution, but it's most likely those opposed to it will Carry the Ticket they propose for State Convention Members—

Matthias Hollenback to John Nicholson
Wilkes-Barre, Pa., 13 November 1787[3]

I recd your pamflet by Esqr. Smith & when our Election cam on finding the pople so Divided I thought better to have a Good man in Convention than one that we Did not know whether he was a friend to Goverment or not so by that mains run Coll. T. Pickering and he goot the apointment. when I Left the City I Expecd to have had the Troops here before this time but as the[y] are not here wood be Glad to know when the[y] are to be here or wheather we shall Expect them or not as the time will be Short for me to percure a Supley for them through the winter &c. I have nothing new the pople in this Settlement Do apair more Lick Pacable Inhabitants then what the[y] have Done here to fore though there is a Number of men at Tunkhannah that Capes under armes and Defies the Laws also threatons to send all the othority a Beaver hunting &c &c though there is but Very Little of the Lick in this Settlement though Som thinck if Troops Dow not Come they may again keep under arms or in opesision to Government. Coll. John McKinstry and Zerah Beach has Left Tyoga and Gone to their homes as it is Said. We find by an Entersepeted Letter that the Constitution of this Intended State was formed by a Cartin Wm Judd and the nam was to be Westmoreland. I am in hast Dr. Sir Yours &c

[P.S.] Plase to Give my Compliments to Mr Saml Jackson & Mrs Jackson and inform him I have his Toles readey for him to Go to work in the Spring &c.

1. The copy of Nicholson's pamphlet printed here is located at the Library of Congress.

2. RC, Stauffer Collection, Officers of the Revolution, New York Public Library.

3. Julian P. Boyd and Robert J. Taylor, eds., *The Susquehannah Company Papers* (11 vols., Wilkes-Barre, Pa., and Ithaca, N.Y., 1930–1971), IX, 272.

142. Noah Webster: An Examination into the Leading Principles of the Federal Constitution . . . by A Citizen of America 15 September–4 November 1787

Thomas FitzSimons to Noah Webster
Walnut Street, Philadelphia, 15 September 1787[1]

I shall make you no Apology for Addressing Myself to you upon the present Occasion because You must be Equally Interested with me in the Event And haveing Contributed My Mite to the Service of our Common Country I have some Right to Call upon others for their Assistance. I Consider the present Moment as the Crisis that will determine Whether We are to benefitt by the Revolution we have obtained or whether We shall become a prey to foreign Influence & Domestic Violence—The business of the Convention is Nearly at an End. And a few days will bring before the people of America the Constitution prepared for their future Government. That it is the best Which human Wisdom could devise I Mean not to Assert, but I trust it will be found Consistent with the principles of Liberty And Calculated to Unite & bind together the Members of a Great Country. it is allready too Evident that there are people prepared to Oppose it Even before they are Acquainted with its outline And it is as Easy [to] foresee that if Unreasonable Jealousys are disseminated its Adoption may at Least be protracted. In My mind to delay is to destroy. There are So Many interests foreign & Domestic Opposed to order & Good Gover[n]ment in America As to Warrant an Apprehension of their Interfereing if time is Given for Cabal & Intrigue

It too often happens that Men Whose Views are Upright trust to the Goodness of their Cause While those of Opposite Views are indefatigable in Misrepresenting them—Under these opinions & from a Conviction that your abilitys may be Eminently Usefull on the present Occasion I am Induced to Call your attention to this Subject. If as a friend to your Country you Can Support the Act of the Convention I hope you will exert yourself to that purpose—I only ask it upon that Condition

Noah Webster Diary
Philadelphia, 8–9 October 1787[2]

Write an Examination into the Leading principles of the New Federal Constitution.

Noah Webster to Rebecca Greenleaf
Philadelphia, 11 October 1787 (excerpt)[3]

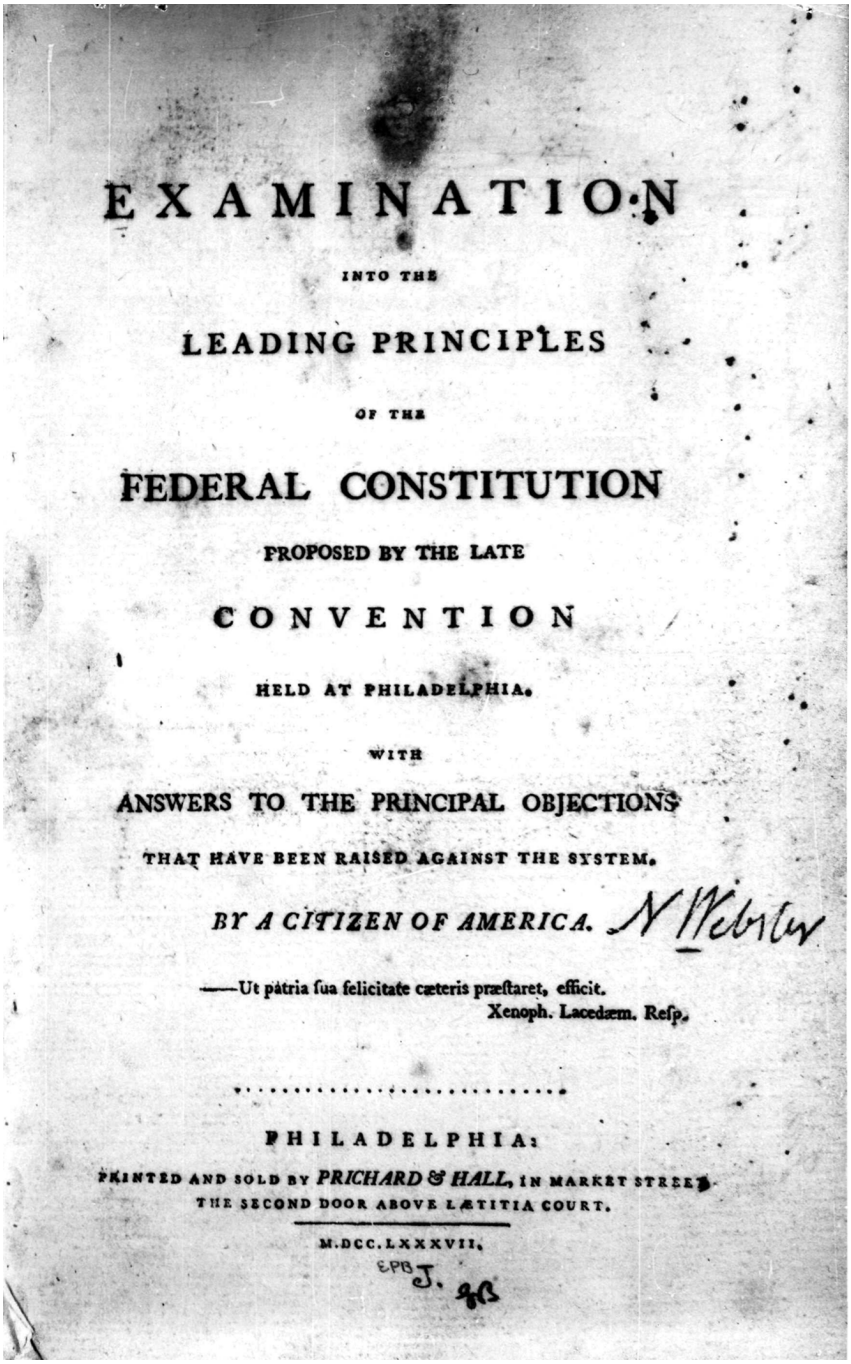
. . . I am just leaving Philadelphia, having finished the business that has detained me. Notwithstanding all the noise made about me last

spring, every thing is calm, the party that opposed me, is almost sunk into obscurity by their opposition to the New Government, & it would be as easy for me to establish myself in this city as any where else. But I shall return to the eastward, & endeavor to enter Upon some permanent business. . . .

Noah Webster Diary
Philadelphia, 17 October 1787[4]

My Examination in the Leading Principles of the Federal Constitution, published—

Noah Webster: An Examination into the Leading Principles of the Federal Constitution . . . by A Citizen of America[5]



EXAMINATION

INTO THE

LEADING PRINCIPLES

OF THE

FEDERAL CONSTITUTION

PROPOSED BY THE LATE

CONVENTION

HELD AT PHILADELPHIA.

WITH

ANSWERS TO THE PRINCIPAL OBJECTIONS

THAT HAVE BEEN RAISED AGAINST THE SYSTEM.

BY A CITIZEN OF AMERICA. N Webster

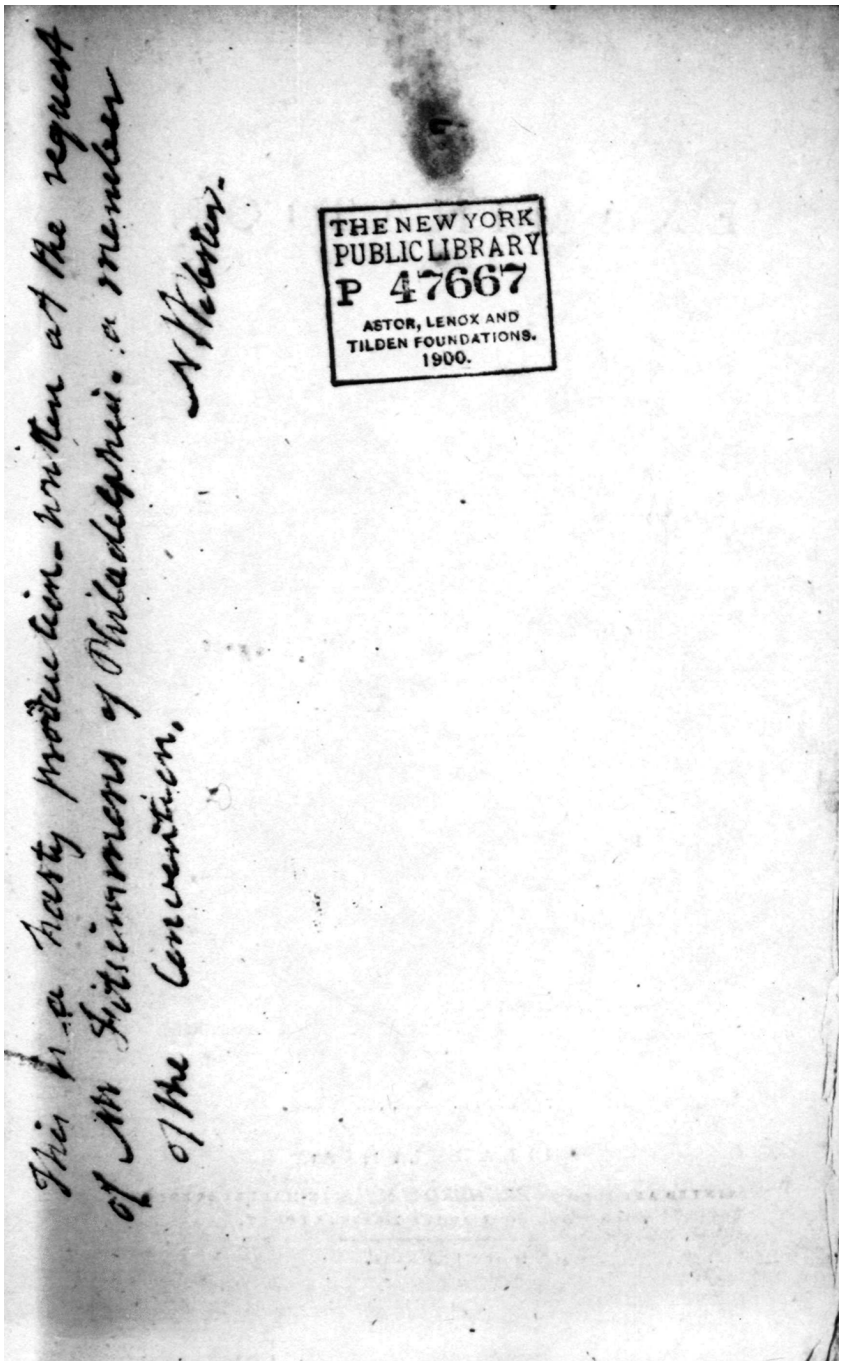
——Ut patria ſua felicitate cæteris præſtaret, efficit.
Xenoph. Lacedæm. Reſp.

PHILADELPHIA:

PRINTED AND SOLD BY PRICHARD & HALL, IN MARKET STREET,
THE SECOND DOOR ABOVE LÆTITIA COURT.

M.DCC.LXXXVII.

EPB J. 98


This Paper Mostly in writing of the signers of the Declaration of Independence & members of the Convention.
N. Webster.
THE NEW YORK
PUBLIC LIBRARY
P 47667
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1900.

TO

HIS EXCELLENCY

BENJAMIN FRANKLIN, ESQ.

PRESIDENT OF THE COMMONWEALTH OF PENNSYLVANIA,

AND

MEMBER OF THE LATE CONVENTION,

HELD AT PHILADELPHIA FOR THE PURPOSE OF DEVISING A CONSTITUTION FOR THE GOVERNMENT OF THE UNITED STATES,

THE FOLLOWING REMARKS UPON THE SYSTEM RECOMMENDED BY THAT CONVENTION,

ARE MOST HUMBLY INSCRIBED

BY

HIS EXCELLENCY'S

MOST OBEDIENT

HUMBLE SERVANT,

THE AUTHOR.

PHILADELPHIA, October 10th, 1787.

[5]

AN EXAMINATION INTO THE LEADING PRINCIPLES OF THE FEDERAL CONSTITUTION, &c.

OF all the memorable æras that have marked the progreſs of men from the ſavage ſtate to the refinements of luxury, that which has combined them into ſociety, under a wiſe ſyſtem of government, and given form to a nation, has ever been recorded and celebrated as the moſt important. Legiſlators have ever been deemed the greateſt benefactors of mankind—reſpected when living, and often deified after their death. Hence the fame of Fohi and Confucius—of Moſes, Solon and Lycurgus—of Romulus and Numa—of Alfred, Peter the Great, and Mango Capac; whoſe names will be celebrated through all ages, for framing and improving conſtitutions of government, which introduced order into ſociety and ſecured the benefits of law to millions of the human race.

This weſtern world now beholds an æra important beyond conception, and which poſterity will number with the age of Czar of Muſcovy, and with the promulgation of the Jewiſh laws at Mount Sinai. The names of thoſe men who have digeſted a ſyſtem of conſtitutions for the American empire, will be enrolled with thoſe of Zamolxis and Odin, and celebrated by poſterity with the honors which leſs enlightened nations have paid to the fabled demi-gods of antiquity.

But

[6]

But the origin of the AMERICAN REPUBLIC is diſtinguiſhed by peculiar circumſtances. Other nations have been driven together by fear and neceſſity—their governments have generally been the reſult of a ſingle man's obſervations; or the offspring of particular intereſts. In the formation of our conſtitution, the wiſdom of all ages is collected—the legiſlators of antiquity are conſulted—as well as the opinions and intereſts of the millions, who are concerned. In ſhort, it is an *empire of reaſon*.

In the formation of ſuch a government, it is not only the *right*, but the indiſpenſable *duty* of every citizen to examine the principles of it, to compare them with the principles of other governments, with a conſtant eye to our particular ſituation and circumſtances, and thus endeavor to foreſee the future operations of our own ſyſtem, and its effects upon human happineſs.

Convinced of this truth, I have no apology to offer for the following remarks, but an earneſt deſire to be uſeful to my country.

In attending to the propoſed Federal Conſtitution, the firſt thing that preſents itſelf to our conſideration, is the diviſion of the legiſlative into two branches. This article has ſo many advocates in America, that it needs not any vindication.*—But it has its oppoſers, among whom are ſome reſpectable characters, eſpecially in Pennſylvania; for which reaſon, I will ſtate ſome

* A diviſion of the legiſlature has been adopted in the new conſtitution of every ſtate, except Pennſylvania and Georgia.

ſome of the arguments and facts which incline me to favor the propoſed diviſion.

On the firſt view of men in ſociety, we ſhould ſuppoſe that no man would be bound by a law to which he had not given his conſent. Such would be our firſt idea of political obligation. But experience, from time immemorial, has proved it to be impoſſible to unite the opinions of all the members of a community, in every caſe; and hence the doctrine, that the opinions of a *majority* muſt give law to the *whole State*: a doctrine as univerſally received, as any intuitive truth.

Another idea that naturally preſents itſelf to our minds, on a ſlight conſideration of the ſubject, is, that in a perfect government, all the members of a ſociety ſhould be preſent, and each give his ſuffrage in acts of legiſlation, by which he is to be bound. This is impracticable in all large ſtates; and even, were it not, it is very queſtionable whether it would be the *beſt* mode of legiſlation. It was however practiſed in the free ſtates of antiquity; and was the cauſe of innumerable evils. To avoid theſe evils, the moderns have invented the doctrine of *repreſentation*, which ſeems to be the perfection of human government.

Another idea, which is very natural, is, that to complete the mode of legiſlation, all the repreſentatives ſhould be collected into *one body*, for the purpoſe of debating queſtions and enacting laws. Speculation would ſuggeſt the idea; and

and the deſire of improving upon the ſyſtems of government in the old world, would operate powerfully in its favor.

But men are ever running into extremes. The paſſions, after a violent conſtraint, are apt to ruſh into licentiouſneſs; and even the reaſon of men, who have experienced evils from the *defects* of a government, will ſometimes coolly condemn the *whole ſyſtem.*

Every perſon, moderately acquainted with human nature, knows that public bodies, as well as individuals, are liable to the influence of ſudden and violent paſſions, under the operation of which, the voice of reaſon is ſilenced. Inſtances of ſuch influence are not ſo frequent, as in individuals; but its effects are extenſive in proportion to the numbers that compoſe the public body. This fact ſuggeſts the expediency of dividing the powers of legiſlation between two bodies of men, whoſe debates ſhall be ſeparate and not dependent on each other; that, if at any time, one part ſhould appear to be under any undue influence, either from paſſion, obſtinacy, jealouſy of particular men, attachment to a popular ſpeaker, or other extraordinary cauſes, there might be a power in the legiſlature ſufficient to check every pernicious meaſure. Even in a ſmall republic, compoſed of men, equal in property and abilities, and all meeting for the purpoſe of making laws, like the old Romans in the field of Mars, a diviſion of the body into two independent branches, would be a neceſſary ſtep to prevent the diſorders, which ariſe from the

the pride, irritability and ſtubbornneſs of mankind. This will ever be the caſe, while men poſſeſs paſſions, eaſily inflamed, which may bias their reaſon and lead them to erroneous concluſions.

Another conſideration has weight: A ſingle body of men may be led aſtray by one perſon of abilities and addreſs, who, on the firſt ſtarting a propoſition, may throw a plauſible appearance on one ſide of the queſtion, and give a lead to the whole debate. To prevent any ill conſequence from ſuch a circumſtance, a ſeparate diſcuſſion, before a different body of men, and taken up on new grounds, is a very eligible expedient.

Beſides, the deſign of a ſenate is not merely to check the legiſlative aſſembly, but to collect wiſdom and experience. In moſt of our conſtitutions, and particularly in the propoſed federal ſyſtem, greater age and a longer reſidence are required to qualify for the ſenate, than for the houſe of repreſentatives. This is a wiſe proviſion. The houſe of repreſentatives may be compoſed of new and unexperienced members—ſtrangers to the forms of proceeding, and the ſcience of legiſlation. But either poſitive conſtitutions, or cuſtoms, which may ſupply their place, fill the ſenate with men venerable for age and reſpectability, experienced in the ways of men, and in the art of governing, and who are not liable to the bias of paſſions that govern the young. If the ſenate of Rhode Iſland is an exception to this obſervation, it is a proof that the maſs of the people are corrupted, and that the ſenate ſhould be elected

leſs frequently than the other houſe: Had the old ſenate in Rhode Iſland held their ſeats for three years; had they not been choſen, amidſt a popular rage for paper money, the honor of that ſtate would probably have been ſaved. The old ſenate would have ſtopped the meaſure for a year or two, till the people could have had time to deliberate upon its conſequences. I conſider it as a capital excellence of the propoſed conſtitution, that the ſenate can be wholly renewed but once in ſix years.

Experience is the beſt inſtructor—it is better than a thouſand theories. The hiſtory of every government on earth affords proof of the utility of different branches in a legiſlature. But I appeal only to our own experience in America. To what cauſe can we aſcribe the abſurd meaſures of Congreſs, in times paſt, and the ſpeedy reciſion of thoſe meaſures, but to the want of ſome check? I feel the moſt profound deference for that honorable body, and perfect reſpect for their opinions; but ſome of their ſteps betray a great want of conſideration—a defect, which perhaps nothing can remedy, but a diviſion of their deliberations. I will inſtance only their *reſolution* to build a *Federal Town*. When we were involved in a debt, of which we could hardly pay the intereſt, and when Congreſs could not command a ſhilling, the very propoſition was extremely abſurd. Congreſs themſelves became aſhamed of the reſolution, and reſcinded it with as much ſilence as poſſible. Many other acts of that body are equally reprehenſible—but reſpect forbids me to mention them.

Several

Several ſtates, ſince the war, have experienced the neceſſity of a diviſion of the legiſlature. Maryland was ſaved, from a moſt pernicious meaſure, by her ſenate. A rage for paper money, bordering on madneſs, prevailed in their houſe of delegates—an emiſſion of £. 500,000 was propoſed; a ſum equal to the circulating medium of the ſtate. Had the ſum been emitted, every ſhilling of ſpecie would have been driven from circulation, and moſt of it from the ſtate. Such a loſs would not have been repaired in ſeven years—not to mention the whole catalogue of frauds which would have followed the meaſure. The ſenate, like honeſt, judicious men, and the protectors of the intereſts of the ſtate, firmly reſiſted the rage, and gave the people time to cool and to think. Their reſiſtance was effectual—the people acquieſced, and the honor and intereſt of the ſtate were ſecured.

The houſe of repreſentatives in Connecticut, ſoon after the war, had taken offence at a certain act of Congreſs. The upper houſe, who underſtood the neceſſity and expediency of the meaſure, better than the people, refuſed to concur in a remonſtrance to Congreſs. Several other circumſtances gave umbrage to the lower houſe; and to weaken or deſtroy the influence of the ſenate, the repreſentatives, among other violent proceedings, reſolved, not merely to remove the ſeat of government, but to make every county town in the ſtate the ſeat of government, by rotation. This fooliſh reſolution would have diſgraced ſchool-boys—the ſenate ſaved the honor of the ſtate, by rejecting it with diſdain—

and

and within two months, every repreſentative was aſhamed of the conduct of the houſe. All public bodies have theſe fits of paſſion, when their conduct ſeems to be perfectly boyiſh; and in theſe paroxiſms, a check is highly neceſſary.

Pennſylvania exhibits many inſtances of this haſty conduct. At one ſeſſion of the legiſlature, an armed force is ordered, by a precipitate reſolution, to expel the ſettlers at Wioming from their poſſeſſions—at a ſucceeding ſeſſion, the ſame people are confirmed in their poſſeſſions. At one ſeſſion, a charter is wreſted from a corporation—at another, reſtored. The whole ſtate is ſplit into parties—every thing is decided by party—any propoſition from one ſide of the houſe, is ſure to be damned by the other—and when one party perceives the other has the advantage, they play truant—and an officer or a mob hunt the abſconding members in all the ſtreets and alleys in town. Such farces have been repeated in Philadelphia—and *there alone*. Had the legiſlature been framed with ſome check upon raſh proceedings, the honor of the ſtate would have been ſaved—the party ſpirit would have died with the meaſures propoſed in the legiſlature. But now, any meaſure may be carried by party in the houſe; it then becomes a law, and ſows the ſeeds of diſſenſion throughout the ſtate.*

A thou-

* I cannot help remarking the ſingular jealouſy of the conſtitution of Pennſylvania, which requires that a bill ſhall be publiſhed for the conſideration of the people, before it is enacted into a law, except in extraordinary caſes. This annihilates the legiſlature, and reduces it to an adviſory body. It almoſt wholly ſuperſedes the uſes of *repreſentation*, the moſt excellent improvement in modern

A thouſand examples ſimilar to the foregoing may be produced, both in ancient and modern hiſtory. Many plauſible things may be ſaid in favor of pure democracy—many in favor of uniting the repreſentatives of the people in a ſingle houſe—but uniform experience proves both to be inconſiſtent with the peace of ſociety, and the rights of freemen.

The ſtate of Georgia has already diſcovered ſuch inconveniences in its conſtitution, that a propoſition has been made for altering it; and there is a proſpect that a reviſal will take place.

People who have heard and read of the European governments, founded on the different ranks of *monarch, nobility and people*, ſeem to view the *ſenate* in America, where there is no difference of ranks and titles, as a uſeleſs branch —or as a ſervile imitation of foreign conſtitutions of government, without the ſame reaſons. This is a capital miſtake. Our ſenates, it is true, are not compoſed of a different order of men; but the ſame reaſons, the ſame neceſſity for diſtinct branches of the legiſlature exiſts in all governments. But in moſt of our American conſtitutions, we have all the advantages of checks and balance, without the danger which may ariſe

dern governments. Beſides the abſurdity of conſtituting a legiſlature, without ſupreme power, ſuch a ſyſtem will keep the ſtate perpetually embroiled. It carries the ſpirit of diſcuſſion into all quarters, without the means of reconciling the opinions of men, who are not aſſembled to hear each others arguments. They debate with themſelves—form their own opinions, without the reaſons which influence others, and without the means of information. Thus the warmth of different opinions, which, in other ſtates, dies in the legiſlature, is diffuſed through the ſtate of Pennſylvania, and becomes perſonal and permanent. The ſeeds of diſſenſion are ſown in the conſtitution, and no ſtate, except Rhode Iſland, is ſo diſtracted by factions.

ariſe from a ſuperior and independent order of men.

It is worth our while to inſtitute a brief compariſon between our American forms of government, and the two *beſt conſtitutions* that ever exiſted in Europe, the *Roman* and the *Britiſh*.

In England, the king or ſupreme executive officer, is hereditary. In America, the preſident of the United States, is elective. That this is an advantage will hardly be diſputed.

In ancient Rome, the king was elective, and ſo were the conſuls, who were the executive officers in the republic. But they were elected by the body of the people, in their public aſſemblies; and this circumſtance paved the way for ſuch exceſſive bribery and corruption as are wholly unknown in modern times. The preſident of the United States is alſo elective; but by a few men——choſen by the ſeveral legiſlatures——under their inſpection——ſeparated at a vaſt diſtance——and holding no office under the United States. Such a mode of election almoſt precludes the poſſibility of corruption. Beſides, no ſtate however large, has the power of chuſing a preſident in that ſtate; for each elector muſt chooſe at leaſt one man, who is not an inhabitant of that ſtate to which he belongs.

The crown of England is hereditary—the conſuls in Rome were choſen annually—both theſe extremes are guarded againſt in our propoſed conſtitution. The preſident is not diſ-

miſſed

miſſed from his office, as ſoon as he is acquainted with buſineſs—he continues four years, and is re-eligible, if the people approve his conduct. Nor can he canvaſs for his office, by reaſon of the diſtance of the electors; and the pride and jealouſy of the ſtates will prevent his continuing too long in office.

The age requiſite to qualify for this office is thirty-five years.* The age requiſite for admittance to the Roman conſulſhip was forty-three years. For this difference, good reaſons may be aſſigned—the improvements in ſcience, and particularly in government, render it practicable for a man to qualify himſelf for an important office, much earlier in life, than he could among the Romans; eſpecially in the early part of their commonwealth, when the office was inſtituted. Beſides it is very queſtionable whether any inconvenience would have attended an admiſſion to the conſulſhip at an earlier age. query.

The powers veſted in the preſident reſemble the powers of the ſupreme magiſtrates in Rome. They are not ſo extenſive as thoſe of the Britiſh king; but in one inſtance, the preſident, with concurrence of the ſenate, has powers exceeding thoſe of the Roman conſuls; I mean in the appointment of judges and other ſubordinate executive officers. The prætors or judges in Rome were choſen annually by the people. This was a defect in the Roman government. One

* In the decline of the republic, bribery or military force obtained this office for perſons who had not attained this age—Auguſtus was choſen at the age of twenty; or rather obtained it with his ſword.

One half the evils in a ſtate ariſe from a lax execution of the laws; and it is impoſſible that an executive officer can act with vigor and impartiality, when his office depends on the popular voice. An annual popular election of executive officers is the ſure ſource of a negligent, partial and corrupt adminiſtration. The independence of the judges in England has produced a courſe of the moſt juſt, impartial and energetic judicial deciſions, for many centuries, that can be exhibited in any nation on earth. In this point therefore I conceive the plan propoſed in America to be an improvement on the Roman conſtitution. In all free governments, that is, in all countries, where *laws govern*, and not *men*, the ſupreme magiſtrate ſhould have it in his power to execute any law, however unpopular, without hazarding his perſon or office. The laws are the ſole *guardians* of right, and when the magiſtrate dare not act, every perſon is inſecure.

Let us now attend to the conſtitution and powers of the ſenate.

The houſe of lords in England is wholly independent of the people. The lords ſpiritual hold their ſeats by office; and the people at large have no voice in diſpoſing of the eccleſiaſtical dignities. The temporal lords hold their ſeats by hereditary right, or by grant from the king: And it is a branch of the king's prerogative to make what peers he pleaſes.

The

[17]

The ſenate in Rome was elective; but a ſenator held his ſeat for life.*

c The

* I ſay the ſenate was *elective*—but this muſt be underſtood with ſome exceptions; or rather, qualifications. The conſtitution of the Roman ſenate has been a ſubject of enquiry, with the firſt men in modern ages. Lord Cheſterfield requeſted the opinion of the learned Vertot, upon the manner of chuſing ſenators in Rome; and it was a ſubject of diſcuſſion between Lord Harvey and Dr. Middleton. The moſt probable account of the manner of forming the ſenate, and filling up vacancies, which I have collected from the beſt writers on this ſubject, is here abridged for the conſideration of the reader.

Romulus choſe one hundred perſons, from the principal families in Rome, to form a council or ſenate; and reſerved to himſelf the right of nominating their ſucceſſors; that is, of filling vacancies. "Mais comme Romulus avoit lui-"même choiſi les premiers ſenateurs, il ſe reſerva le droit de nommer, a ſon "gré, leurs ſucceſſeurs."—Mably, ſur les Romains. Other well informed hiſtorians intimate that Romulus retained the right of nominating the preſident only. After the union of the Sabines with the Romans, Romulus added another hundred members to the ſenate, but by *conſent of the people*. Tarquin, the *ancient*, added another hundred; but hiſtorians are ſilent as to the manner.

On the deſtruction of Alba by Hoſtilius, ſome of the principal Alban families were added to the ſenate, *by conſent of the ſenate and people*.

After the demolition of the monarchy, Appius Claudius was admitted into the ſenate by *order of the people*.

Cicero teſtifies that, from the extinction of the monarchy, all the members of the ſenate were admitted by *command of the people*.

It is obſerveable that the firſt creation of the ſenators was the act of the monarch; and the firſt patrician families claimed the ſole right of admiſſion into the ſenate. "Les familles qui deſcendoient des deux cent ſenateurs que Ro-"mulus avoit créés,—ſe crurent ſeules en droit d'entrer dans le ſenat." Mably.

This right however was not granted in its utmoſt extent; for many of the ſenators, in the Roman commonwealth, were taken from plebeian families. For ſixty years before the inſtitution of the *cenſorſhip*, which was A. U. C. 311, we are not informed how vacancies in the ſenate were ſupplied. The moſt probable method was this; to enrol, in the liſt of ſenators, the different magiſtrates; viz. the conſuls, prætors, the two quæſtors of patrician families, the five tribunes (afterwards ten) and the two ædiles of plebeian families: The office of quæſtor gave an immediate admiſſion into the ſenate. The tribunes were admitted two years after their creation. This enrolment ſeems to have been a matter of courſe; and likewiſe their confirmation by the people in their comitia or aſſemblies.

On extraordinary occaſions, when the vacancies of the ſenate were numerous, the conſuls uſed to nominate ſome of the moſt reſpectable of the equeſtrian order, to be choſen by the people.

On the inſtitution of the cenſorſhip, the cenſors were inveſted with full powers to inſpect the manners of the citizens,—enrol them in their proper ranks according to their property,—make out liſts of the ſenators and leave out the names of ſuch as had rendered themſelves unworthy of their dignity by any ſcandalous vices. This power they ſeveral times exerciſed; but the diſgraced ſenators had an appeal to the people.

After the ſenate had loſt half its members in the war with Hannibal, the dictator, M. Fabius Buteo, filled up the number with the magiſtrates, with thoſe

Liv. 23 22. 23.

[18]

The propoſed ſenate in America is conſtituted on principles more favorable to liberty: The members are elective, and by the ſeparate legiſlatures: They hold their ſeats for ſix years—they ara thus rendered ſufficiently dependent on their conſtituents; and yet are not diſmiſſed from their office as ſoon as they become acquainted with the forms of proceeding.

It may be objected by the larger ſtates, that the repreſentation in the ſenate is not equal; the ſmalleſt ſtates having the privilege of ſending the ſame number of ſenators as the largeſt. To obviate this objection, I would ſuggeſt but two or three ideas.

1. If each ſtate had a repreſentation and a right in deciding queſtions, proportional to its property, three ſtates would almoſt command the whole. Such a conſtitution would gradually annihilate the ſmall ſtates; and finally melt down the whole United States into one undivided ſovereignty. The free ſtates of Spain and the heptarchy in England, afford ſtriking examples of this.

Should

thoſe who had been honored with a civic crown, or others who were reſpectable for age and character. One hundred and ſeventy new members were added at once, with *the approbation of the people.* The vacancies occaſioned by Sylla's proſcriptions amounted to three hundred, which were ſupplied by perſons, nominated by Sylla and *choſen by the people.*

Before the time of the Gracchi, the number of ſenators did not exceed three hundred. But in Sylla's time, ſo far as we can collect from indirect teſtimonies, it amounted to about five hundred. The age neceſſary to qualify for a ſeat in the ſenate is not exactly aſcertained; but ſeveral circumſtances prove it to have been about thirty years.

See Vertot, Mably, and Middleton on this ſubject.

In the laſt ages of Roman ſplendor, the property requiſite to qualify a perſon for a ſenator, was ſettled by Auguſtus at eight hundred ſeſtertia—more than ſix thouſand pounds ſterling.

Should it be ſaid that ſuch an event is deſireable, I anſwer; the ſtates are all entitled to their reſpective ſovereignties, and while they claim independence in internal juriſdiction, the federal conſtitution ought to guarantee their ſovereignty.

2. Another conſideration has weight—There is, in all nations, a tendency towards an accumulation of power in ſome point. It is the buſineſs of the legiſlator to eſtabliſh ſome barriers to check that tendency. In ſmall ſocieties, a man worth £. 100,000 has but one vote, when his neighbors, who are worth but fifty pounds, have each one vote likewiſe. To make property the ſole baſis of authority, would expoſe many of the beſt citizens to violence and oppreſſion. To make the number of inhabitants in a ſtate, the rule of apportioning power, is more equitable; and were the United States one indiviſible intereſt, would be a perfect rule for repreſentation. But the detached ſituation of the ſtates has created ſome ſeparate intereſts—ſome local inſtitutions, which they will not reſign nor throw into the hands of other ſtates. For theſe peculiar intereſts, the ſtates have an *equal* attachment—for the preſervation and enjoyment of theſe, an *equal* ſovereignty is neceſſary; and the ſovereignty of each ſtate would not be ſecure, had each ſtate, in both branches of the legiſlature, an authority in paſſing laws, proportioned to its inhabitants.

3. But the ſenate ſhould be conſidered as repreſenting the confederacy in a body. It is a falſe

† Between States, excluding Negroes

falſe principle in the vulgar ideas of repreſentation, that a man delegated by a particular diſtrict in a ſtate, is the repreſentative of that diſtrict only; whereas in truth a member of the legiſlature from any town or county, is the repreſentative of the whole ſtate. In paſſing laws, he is to view the whole collective intereſt of the ſtate, and act from that view; not from a partial regard to the intereſt of the town or county where he is choſen.

The ſame principle extends to the Congreſs of the United States. A delegate is bound to repreſent the true local intereſt of his conſtituents —to ſtate it in its true light to the whole body— but when each provincial intereſt is thus ſtated, every member ſhould act for the *aggregate intereſt* of the whole confederacy. The deſign of repreſentation is to bring this collective intereſt into view—a delegate is not the legiſlator of a ſingle ſtate—he is as much the legiſlator of the whole confederacy as of the particular ſtate where he is choſen; and if he gives his vote for a law which he believes to be beneficial to his own ſtate only, and pernicious to the reſt, he betrays his truſt and violates his oath. It is indeed difficult for a man to diveſt himſelf of local attachments and act from an impartial regard to the general good; but he who cannot for the moſt part do this, is not a good legiſlator.

Theſe conſiderations ſuggeſt the propriety of continuing the ſenators in office, for a longer period, than the repreſentatives. They gradually loſe their partiality, generalize their views, and

and conſider themſelves as acting for the whole confederacy. Hence in the ſenate we may expect union and firmneſs—here we may find the *general good* the object of legiſlation, and a check upon the more partial and intereſted acts of the other branch.

Theſe conſiderations obviate the complaint, that the repreſentation in the ſenate is not equal; for the ſenators repreſent the whole confederacy; and all that is wanted of the members is information of the true ſituation and intereſt of each ſtate. As they act under the direction of the ſeveral legiſlatures, two men may as fully and completely repreſent a ſtate, as twenty; and when the true intereſt of each ſtate is known, if the ſenators perform the part of good legiſlators, and act impartially for the whole collective body of the United States, it is totally immaterial where they are choſen.*

The

* It is a capital defect of moſt of the ſtate-conſtitutions, that the ſenators, like the repreſentatives, are choſen in particular diſtricts. They are thus inſpired with local views, and however wrong it may be to entertain them, yet ſuch is the conſtitution of human nature, that men are almoſt involuntarily attached to the intereſt of the diſtrict which has repoſed confidence in their abilities and integrity. Some partiality therefore for conſtituents is always expectable. To deſtroy it as much as poſſible, a political conſtitution ſhould remove the grounds of local attachment. Connecticut and Maryland have wiſely deſtroyed this attachment in their ſenates, by ordaining that the members ſhall be choſen in the *ſtate at large*. The ſenators hold their ſeats by the ſuffrages of the ſtate, *not of a diſtrict*; hence they have no particular number of men to fear or to oblige.—They repreſent *the ſtate*; hence that union and firmneſs which the ſenates of thoſe ſtates have manifeſted on the moſt trying occaſions, and by which they have prevented the moſt raſh and iniquitous meaſures.

It may be objected, that when the election of ſenators is veſted in the people, they muſt chooſe men in their own neighborhood, or elſe thoſe with whom they are unacquainted. With reſpect to repreſentatives, this objection does not lie; for they are choſen in ſmall diſtricts; and as to ſenators, there is, in every ſtate, a ſmall number of men, whoſe reputation for abilities, integrity and good conduct will lead the people to a very juſt choice. Old experienced ſtateſmen

ſhould

[22]

The houſe of repreſentatives is the more immediate voice of the ſeparate ſtates—here the ſtates are repreſented in proportion to their number of inhabitants—here the ſeparate intereſts will operate with their full force, and the violence of parties and the jealouſies produced by interfering intereſts, can be reſtrained and quieted only by a body of men, leſs local and dependent.

It may be objected, that no ſeparate intereſts ſhould exiſt in a ſtate; and a diviſion of the legiſlature has a tendency to create them. But this objection is founded on mere jealouſy, or a very imperfect compariſon of the Roman and Britiſh governments, with the propoſed federal conſtitution.

The houſe of peers in England is a body originally and totally independent of the people—the ſenate in Rome was moſtly compoſed of patrician or noble families, and after the firſt election of a ſenator, he was no longer dependent on the people—he held his ſeat for life. But the ſenate of the United States can have no ſeparate intereſts from the body of the people; for they live among them—they are choſen by them—they *muſt* be diſmiſſed from their place once in ſix years and *may* at any time be impeached for mal-practices—their property is ſituated

ſhould compoſe the ſenate; and people are generally, in this free country, acquainted with their characters. Were it poſſible, as it is in ſmall ſtates, it would be an improvement in the doctrine of repreſentation, to give every freeman the right of voting for every member of the legiſlature, and the privilege of chooſing the men in any part of the ſtate. This would totally exclude bribery and undue influence; for no man can bribe a ſtate; and it would almoſt annihilate partial views in legiſlation. But in large ſtates it may be impracticable.

tuated among the people, and with their perſons, ſubject to the ſame laws. No title can be granted, but the temporary titles of office, beſtowed by the voluntary election of the people; and no pre-eminence can be acquired but by the ſame means.

The ſeparation of the legiſlature, divides the power—checks—reſtrains—amends the proceedings—at the ſame time, it creates no diviſion of intereſt, that can tempt either branch to encroach upon the other, or upon the people. In turbulent times, ſuch reſtraint is our greateſt ſafety—in calm times, and in meaſures obviouſly calculated for the general good, both branches muſt always be unanimous.

A man muſt be thirty years of age, before he can be admitted into the ſenate—which was likewiſe a requiſite in the Roman government. What property was requiſite for a ſenator in the early ages of Rome, I cannot inform myſelf; but Auguſtus fixed it at eight hundred ſeſtertia—between ſix and ſeven thouſand pounds ſterling. In the federal conſtitution, money is not made a requiſite—the places of ſenators are wiſely left open to all perſons of ſuitable age and merit, and who have been citizens of the United States for nine years; a term in which foreigners may acquire the feelings and acquaint themſelves with the intereſts, of the native Americans.

The houſe of repreſentatives is formed on very equitable principles; and is calculated to guard the privileges of the people. The Engliſh houſe

houſe of commons is choſen by a ſmall part of the people in England, and continues for ſeven years. The Romans never diſcovered the ſecret of repreſentation—the whole body of citizens aſſembled for the purpoſes of legiſlation—a circumſtance that expoſed their government to frequent convulſions, and to capricious meaſures. The federal houſe of repreſentatives is choſen by the people qualified to vote for ſtate-repreſentatives,* and continues two years.

Some

* It is ſaid by ſome, that no property ſhould be required as a qualification for an elector. I ſhall not enter into a diſcuſſion of the ſubject; but remark that in moſt free governments, ſome property has been thought requiſite, to prevent corruption and ſecure government from the influence of an unprincipled multitude.

In ancient Rome, none but the free citizens had the right of a ſuffrage in the *comitia* or legiſlative aſſemblies. But in Sylla's time the Italian cities demanded the rights of the Roman citizens; alledging that they furniſhed two-thirds of the armies, in all their wars, and yet were deſpiſed as foreigners. Vell. Paterc. lib. 2. cap. 15. This produced the *Marſic* or *ſocial* war, which laſted two years, and carried off 300,000 men. Ibm. It was conducted and concluded by Pompey, father of Pompey the Great, with his lieutenants Sylla and Marius. But moſt of the cities eventually obtained the *freedom of Rome;* and were of courſe entitled to the rights of ſuffrage in the comitia. "Paulatim deinde re-"cipiendo in civitatem, qui arma aut non ceperant aut depoſuerant maturiùs, "vires refectæ ſunt." Vell. Paterc. 2. 16.

But Rome had cauſe to deplore this event, for however reaſonable it might appear to admit the allies to a participation of the rights of citizens, yet the conceſſion deſtroyed all freedom of election. It enabled an ambitious demagogue to engage and bring into the aſſemblies, whole towns of people, ſlaves and foreigners;—and every thing was decided by faction and violence. This Monteſquieu numbers among the cauſes of the decline of the Roman greatneſs. De la grandeur des Romains, c. 9.

Repreſentation would have, in ſome meaſure, prevented theſe conſequences; but the admiſſion of every man to a ſuffrage will ever open the door to corruption. In ſuch a ſtate as Connecticut, where there is no conflux of foreigners, no introduction of ſeamen, ſervants, &c. and ſcarcely an hundred perſons in the ſtate, who are not natives, and very few whoſe education and connexions do not attach them to the government; at the ſame time, few men have property to furniſh the means of corruption, very little danger could ſpring from admitting every man of age and diſcretion to the privilege of voting for rulers. But in the large towns of America, there is more danger. A maſter of a veſſel may put votes into the hands of his crew, for the purpoſe of carrying an election for a party. Such things have actually taken place in America. Beſides, the middle ſtates are receiving emigrations of poor people, who are not at once judges of the characters of men, and who cannot be ſafely truſted with the choice of legiſlators.

Some may object to their continuance in power *two years*. But I cannot ſee any danger ariſing from this quarter. On the contrary, it creates leſs trouble for the repreſentatives, who by ſuch choice are taken from their profeſſions and obliged to attend Congreſs, ſome of them at the diſtance of at leaſt ſeven hundred miles. While men are choſen by the people, and reſponſible to them, there is but little danger from ambition or corruption.

If it ſhould be ſaid that Congreſs may in time become triennial, and even ſeptennial, like the Engliſh parliaments, I anſwer, this is not in their power. The Engliſh parliament had power to prolong the period of their exiſtence—but Congreſs will be reſtrained by the different legiſlatures, without whoſe conſtitutional concurrence, no alteration can be made in the propoſed ſyſtem.

The fourth ſection, article 1, of the new conſtitution declares, that "The times, places, and "manner of holding elections for ſenators and "repreſentatives, ſhall be preſcribed in each "ſtate by the legiſlature thereof; *but the Con-* "*greſs may at any time by law make or alter ſuch* "*regulations, except as to the places of chuſing ſena-* "*tors.*" Here let us pauſe——What did the convention mean by giving Congreſs power to *make regulations*, preſcribed by the legiſlatures? Is this expreſſion accurate or intelligible? But the word *alter* is very intelligible, and the clauſe puts the election of repreſentatives *wholly*, and

the ſenators *almoſt wholly*, in the power of Congreſs.

The views of the convention I believe to be perfectly upright—They might mean to place the election of repreſentatives and ſenators beyond the reach of faction—They doubtleſs had good reaſons, in *their* minds, for the clauſe—But I ſee no occaſion for any power in Congreſs to interfere with the choice of their own body—They will have power to ſuppreſs inſurrections, as they ought to have; but the clauſe in *Italics* gives *needleſs* and *dangerous* powers—I hope the ſtates will reject it with decency, and adopt the whole ſyſtem, without altering another ſyllable.

The method of paſſing laws in Congreſs is much preferable to that of ancient Rome or of modern Britain. Not to mention other defects in Rome, it lay in the power of a ſingle tribune to obſtruct the paſſing of a law. As the tribunes were popular magiſtrates, the right was often exerciſed in favor of liberty; but it was alſo abuſed, and the beſt regulations were prevented, to gratify the ſpleen, the ambition, or the reſentment of an individual.

The king of Great-Britain has the ſame power, but ſeldom exerciſes it. It is however a dangerous power—it is abſurd and hazardous to lodge in *one man* the right of controlling the will of a ſtate.

Every bill that paſſes a majority of both houſes of Congreſs, muſt be ſent to the preſident for his

his approbation; but it muſt be returned in ten days, whether approved by him or not; and the concurrence of two thirds of both houſes paſſes the bill into a law, notwithſtanding any objections of the preſident. The conſtitution therefore gives the ſupreme executive a check, but no negative, upon the ſenſe of Congreſs.

The powers lodged in Congreſs are extenſive; but it is preſumed that they are not too extenſive. The firſt object of the conſtitution is to *unite* the ſtates into one *compact ſociety*, for the purpoſe of government. If ſuch *union* muſt exiſt, or the ſtates be expoſed to foreign invaſions, internal diſcord, reciprocal encroachments upon each others property—to weakneſs and infamy, which no perſon will diſpute; what powers muſt be collected and lodged in the ſupreme head or legiſlature of theſe ſtates. The anſwer is eaſy: This legiſlature muſt have excluſive juriſdiction in all matters in which the ſtates have a mutual intereſt. There are ſome regulations in which all the ſtates are equally concerned—there are others, which in their operation, are limited to one ſtate. The firſt belong to Congreſs—the laſt, to the reſpective legiſlatures. No one ſtate has a right to ſupreme control, in any affair in which the other ſtates have an intereſt; nor ſhould Congreſs interfere in any affair which reſpects one ſtate only. This is the general line of diviſion, which the convention have endeavored to draw, between the powers of Congreſs and the rights of the individual ſtates. The only queſtion therefore is, whether the new conſtitution delegates to Congreſs any powers, which

do

do not reſpect the general intereſt and welfare of the United States. If theſe powers intrench upon the preſent ſovereignty of any *ſtate*, without having for an object the *collective intereſt* of the whole, the powers are too extenſive. But if they do not extend to all concerns, in which the ſtates have a mutual intereſt, they are too limited. If in any inſtance, the powers, neceſſary for protecting the *general* intereſt, interfere with the conſtitutional rights of an *individual* ſtate, ſuch ſtate has aſſumed powers that are inconſiſtent with the ſafety of the United States, and which ought inſtantly to be reſigned. Conſidering the ſtates as individuals, on equal terms, entering into a ſocial compact, no ſtate has a right to any power which may prejudice its neighbors. If therefore the federal conſtitution has collected into the federal legiſlature no more power than is neceſſary for the *common defence and intereſt*, it ſhould be recognized by the ſtates, however particular clauſes may ſuperſede the exerciſe of certain powers by the individual ſtates.

This queſtion is of vaſt magnitude. The ſtates have very high ideas of their ſeparate ſovereignty; altho' it is certain, that while each exiſts in its full latitude, we can have no *Federal Sovereignty*. However flattered each ſtate may be by its independent ſovereignty, we can have no union, no reſpectability, no national character, and what is more, no national juſtice, till the ſtates reſign to one *ſupreme head* the excluſive power of *legiſlating, judging and executing*, in all matters of a general nature. Every thing of a private

a private or provincial nature, muſt ſtill reſt on the ground of the reſpective ſtate-conſtitutions.

After examining the limits of the propoſed congreſſional powers, I confeſs I do not think them too extenſive—I firmly believe, that the life, liberty and property of every man, and the peace and independence of each ſtate, will be more fully ſecured under ſuch a conſtitution of federal government, than they will under a conſtitution with more limited powers; and infinitely more ſafe, than under our boaſted diſtinct ſovereignties. It appears to me that Congreſs will have no more power than will be neceſſary for our union and general welfare; and ſuch power they muſt have, or we are in a wretched ſtate. On the adoption of this conſtitution, I ſhould value real eſtate twenty per cent. higher than I do at this moment.

I will not examine into the extent of the powers propoſed to be lodged in the ſupreme federal head; the ſubject would be extenſive and require more time than I can beſtow upon it. But I will juſt take up ſome objections, that have been made to particular points of the new conſtitution.

Moſt of the objections I have yet heard to the conſtitution, conſiſt in mere inſinuations unſupported by reaſoning or fact. They are thrown out to inſtil groundleſs jealouſies into the minds of the people, and probably with a view to prevent all government; for there are, in every ſociety, ſome turbulent geniuſes whoſe importance depends

depends ſolely on faction. To ſhew the inſidious and deteſtable nature of theſe inſinuations, it is neceſſary to mention, and remark on a few particulars.

1. The firſt objection againſt the conſtitution is, that the legiſlature will be more expenſive than our preſent confederation. This is ſo far from being true, that the money we actually loſe by our preſent weakneſs, diſunion and *want of government* would ſupport the civil government of every ſtate in the confederacy. Our public poverty does not proceed from the expenſiveneſs of Congreſs, nor of the civil liſt; but from want of power to command our own advantages. We pay more money to foreign nations, in the courſe of buſineſs, and merely for *want of government*, than would, under an efficient government, pay the annual intereſt of our domeſtic debt. Every man in buſineſs knows this to be *truth*; and the objection can be deſigned only to delude the ignorant.

2. Another objection to the conſtitution, is the diviſion of the legiſlature into two branches. Luckily this objection has no advocates but in Pennſylvania; and even here their number is dwindling. The factions that reign in this ſtate, the internal diſcord and paſſions that diſturb the government and the peace of the inhabitants, have detected the errors of the conſtitution, and will ſome time or other produce a reformation. The diviſion of the legiſlature has been the ſubject of diſcuſſion in the beginning of this eſſay; and will be deemed, by nineteen-twentieths of the

the Americans, one of the principal excellencies of the conſtitution.

3. A third inſinuation, is that the propoſed federal government will annihilate the ſeveral legiſlatures. This is extremely diſingenuous. Every perſon, capable of reading, muſt diſcover, that the convention have labored to draw the line between the federal and provincial powers —to define the powers of Congreſs, and limit them to thoſe general concerns which *muſt* come under federal juriſdiction, and which *cannot* be managed in the ſeparate legiſlatures—that in all internal regulations, whether of civil or criminal nature, the ſtates retain their ſovereignty, and have it guaranteed to them by this very conſtitution. Such a groundleſs inſinuation, or rather mere ſurmiſe, muſt proceed from dark deſigns or extreme ignorance, and deſerves the ſevereſt reprobation.

4. It is alledged that the liberty of the preſs is not guaranteed by the new conſtitution. But this objection is wholly unfounded. The liberty of the preſs does not come within the juriſdiction of federal government. It is firmly eſtabliſhed in all the ſtates either by law, or poſitive declarations in *bills of right;* and not being mentioned in the federal conſtitution, is not—and cannot be abridged by Congreſs. It ſtands on the baſis of the reſpective ſtate-conſtitutions. Should any ſtate reſign to Congreſs the excluſive juriſdiction of a certain diſtrict, which ſhould include any town where preſſes are already eſtabliſhed, it is in the power of the ſtate to reſerve the

the liberty of the preſs, or any other fundamental privilege, and make it an immutable condition of the grant, that ſuch rights ſhall never be violated. All objections therefore on this ſcore are "*baſeleſs viſions.*"

5. It is inſinuated that the conſtitution gives Congreſs the power of levying internal taxes at pleaſure. This inſinuation ſeems founded on the eighth ſection of the firſt article, which declares, that "Congreſs ſhall have power to lay "and collect taxes, duties, impoſts and exciſes, "to pay the debts and provide for the common "defence and general welfare of the United "States."

That Congreſs ſhould have power to collect duties, impoſts and exciſes, in order to render them uniform throughout the United States, will hardly be controverted. The whole objection is to the right of levying internal taxes.

But it will be conceded that the ſupreme head of the ſtates muſt have power, competent to the purpoſes of our union, or it will be, as it now is, a *uſeleſs body*, a mere expenſe, without any advantage. To pay our public debt, to ſupport foreign miniſters and our own civil government, money muſt be raiſed; and if the duties and impoſts are not adequate to theſe purpoſes, where ſhall the money be obtained? It will be anſwered, let Congreſs apportion the ſums to be raiſed, and leave the legiſlatures to collect the money. Well this is all that is intended by the clauſe under conſideration; with the addition of a ſe-

deral

detal power that ſhall be ſufficient to oblige a delinquent ſtate to comply with the requiſition. Such power muſt exiſt ſomewhere, or the debts of the United States can never be paid. For want of ſuch power, our credit is loſt and our national faith is a by -word.

For want of ſuch power, one ſtate now complies fully with a requiſition, another partially, and a third abſolutely refuſes or neglects to grant a ſhilling. Thus the honeſt and punctual are doubly loaded—and the knave triumphs in his negligence. In ſhort, no honeſt man will dread a power that ſhall enforce an equitable ſyſtem of taxation. The diſ-honeſt are ever apprehenſive of a power that ſhall oblige them to do what honeſt men are ready to do voluntarily.

Permit me to aſk thoſe who object to this power of taxation, how ſhall money be raiſed to diſcharge our honeſt debts; debts which are univerſally acknowledged to be juſt? Have we not already experienced the inefficacy of a ſyſtem without power? Has it not been proved to demonſtration, that a voluntary compliance with the demands of the union can never be expected? To what expedient ſhall we have recourſe? What is the reſort of all governments in caſes of delinquency? Do not the ſtates veſt in the legiſlature, or even in the governor and council, a power to enforce laws, even with the militia of the ſtates? And how rarely does there exiſt a neceſſity of exerting ſuch a power? Why ſhould ſuch a power be more dangerous in Congreſs than in a legiſlature? Why ſhould

more confidence be repoſed in a member of one legiſlature than of another? Why ſhould we chooſe the beſt men in the ſtate to repreſent us in Congreſs, and the moment they are elected arm ourſelves againſt them as againſt tyrants and robbers? Do we not, in this conduct, act the part of a man, who, as ſoon as he has married a woman of unſuſpected chaſtity, locks her up in a dungeon? Is there any ſpell or charm, that inſtantly changes a delegate to Congreſs from an honeſt man into a knave—a tyrant? I confeſs freely that I am willing to truſt Congreſs with any powers that I ſhould dare lodge in a ſtate-legiſlature. I believe life, liberty, and property would be as ſafe in the hands of a federal legiſlature, organized in the manner propoſed by the convention, as in the hands of any legiſlature, that ever has been, or ever will be choſen in any particular ſtate.

But the idea that Congreſs can levy taxes *at pleaſure* is falſe, and the ſuggeſtion wholly unſupported. The preamble to the conſtitution is declaratory of the purpoſes of our union; and the aſſumption of any powers not neceſſary to *eſtabliſh juſtice, inſure domeſtic tranquility, provide for the common defence, promote the general welfare, and to ſecure the bleſſings of liberty to ourſelves and our poſterity*, will be unconſtitutional, and endanger the exiſtence of Congreſs. Beſides, in the very clauſe which gives the power of levying duties and taxes, the purpoſes to which the money ſhall be appropriated are ſpecified, viz. *to pay the debts and provide for the common de-*

fence

*fence and general welfare of the United States**. For theſe purpoſes, money muſt be collected, and the power of collection muſt be lodged, ſooner or later, in a federal head; or the common defence and general welfare muſt be neglected.

The ſtates, in their ſeparate capacity, cannot provide for the *common* defence; nay in caſe of a civil war, a ſtate cannot ſecure its own exiſtence. The only queſtion therefore is, whether it is neceſſary to unite, and provide for our *common defence and general welfare*. For this queſtion being once decided in the affirmative, leaves no room to controvert the propriety of conſtituting a power over the whole United States, adequate to theſe general purpoſes.

The ſtates, by granting ſuch power, do not throw it out of their own hands—they only throw, each its proportion, into a common ſtock—they merely combine the powers of the ſeveral ſtates into one point, where they *muſt* be collected, before they *can* be exerted. But the powers are ſtill in their own hands; and cannot be alienated, till they create a body independent of themſelves,

* The clauſe may at firſt appear ambiguous. It may be uncertain whether we ſhould read and underſtand it thus—"The Congreſs ſhall have power to lay "and collect taxes, duties, impoſts and exciſes, *in order to pay the debts*," &c. or whether the meaning is—"The Congreſs ſhall have power to lay and collect "taxes, duties, impoſts and exciſes, and *ſhall have power to pay the debts*," &c. On conſidering the conſtruction of the clauſe, and comparing it with the preamble, the laſt ſenſe ſeems to be improbable and abſurd. But it is not very material; for no powers are veſted in Congreſs but what are included under the general expreſſions, of *providing for the common defence and general welfare of the United States*. Any powers not promotive of theſe purpoſes, will be unconſtitutional;—conſequently any appropriations of money to any other purpoſe will expoſe the Congreſs to the reſentment of the ſtates, and the members to impeachment and loſs of their ſeats.

ſelves, with a force at their command, ſuperior to the whole yeomanry of the country.

6. It is ſaid that there is no proviſion made in the new conſtitution againſt a ſtanding army in time of peace. Why do not people object that no proviſion is made againſt the introduction of a body of Turkiſh Janizaries; or againſt making the Alcoran the rule of faith and practice, inſtead of the Bible? The anſwer to ſuch objections is ſimply this—*no ſuch proviſion is neceſſary*. The people in this country cannot forget their apprehenſions from a Britiſh ſtanding army, quartered in America; and they turn their fears and jealouſies againſt themſelves. Why do not the people of moſt of the ſtates apprehend danger from ſtanding armies from their own legiſlatures? Pennſylvania and North Carolina, I believe, are the only ſtates that have provided againſt this danger at all events. Other ſtates have declared that "no ſtanding armies ſhall be kept up without the conſent of the legiſlature." But this leaves the power entirely in the hands of the legiſlature. Many of the ſtates however have made *no proviſion* againſt this evil. What hazards theſe ſtates ſuffer! Why does not a man paſs a law in his family, that no armed ſoldier ſhall be quartered in his houſe by his conſent? The reaſon is very plain: no man will ſuffer his liberty to be abridged, or endangered —his diſpoſition and his power are uniformly oppoſed to any infringement of his rights. In the ſame manner, the principles and habits, as well as the power of the Americans are directly oppoſed to ſtanding armies; and there is as little

neceſſity

neceſſity to guard againſt them by poſitive conſtitutions, as to prohibit the eſtabliſhment of the Mahometan religion. But the conſtitution provides for our ſafety; and while it gives Congreſs power to raiſe armies, it declares that no appropriation of money to their ſupport ſhall be for a longer term than two years.

Congreſs likewiſe are to have power to provide for organizing, arming and diſciplining the militia, but have no other command of them, except when in actual ſervice. Nor are they at liberty to call out the militia at pleaſure—but only, to execute the laws of the union, ſuppreſs inſurrections and repel invaſions. For theſe purpoſes, government muſt always be armed with a military force, if the occaſion ſhould require it; otherwiſe laws are nugatory, and life and property inſecure.

7. Some perſons have ventured to publiſh an intimation, that by the propoſed conſtitution, the trial by jury is aboliſhed in *all civil caſes*. Others very modeſtly inſinuate, that it is in *ſome caſes* only. The fact is, that trial by jury is not affected in *any caſe*, by the conſtitution; except in caſes of impeachment, which are to be tried by the ſenate. None but perſons in office in or under Congreſs can be impeached; and even after a judgement upon an impeachment, the offender is liable to a proſecution, before a common jury, in a regular courſe of law. The inſinuation therefore that trials by jury are to be aboliſhed, is groundleſs and beyond conception, wicked. It muſt be wicked, becauſe the circu-

lation

lation of a barefaced falſehood, reſpecting a privilege, dear to freemen, can proceed only from a depraved heart and the worſt intentions.

8. It is alſo intimated as a probable event, that the federal courts will abſorb the judiciaries of the ſeveral ſtates. This is a mere ſuſpicion, without the leaſt foundation. The juriſdiction of the federal courts is very accurately defined and eaſily underſtood. It extends to the caſes mentioned in the conſtitution, and to the execution of the laws of Congreſs, reſpecting commerce, revenue and other general concerns.

With reſpect to all other civil and criminal actions, the powers and juriſdiction of the ſeveral judiciaries of each ſtate, remain unimpaired. Nor is there any thing novel in allowing appeals to the ſupreme court. Actions are moſtly to be tried in the ſtate where the crimes are committed—But appeals are allowed under our preſent confederation, and no perſon complains; nay, were there no appeal, every man would have reaſon to complain, eſpecially when a final judgement, in an inferior court, ſhould affect property to a large amount. But why is an objection raiſed againſt an appellate juriſdiction in the ſupreme court, reſpecting *fact* as well as *law?* Is it leſs ſafe to have the opinions of two juries than of one? I ſuſpect many people will think this no defect in the conſtitution. But perhaps it will deſtroy a material requiſite of a good jury, viz. their vicinity to the cauſe of action. I have no doubt, that when cauſes were tried, in periods prior to the Chriſtian æra, before twelve

twelve men, ſeated upon twelve ſtones, arranged in a circular form, under a huge oak, there was great propriety in ſubmitting cauſes to men *in the vicinity*. The difficulty of collecting evidence, in thoſe rude times, rendered it neceſſary that juries ſhould judge moſtly from their own knowledge of facts or from information obtained out of court. But in theſe poliſhed ages, when juries depend almoſt wholly on the teſtimony of witneſſes; and when a complication of intereſts, introduced by commerce and other cauſes, renders it almoſt impoſſible to collect men, in the vicinity of the parties, who are wholly diſintereſted, it is no diſadvantage to have a cauſe tried by a jury of ſtrangers. Indeed the latter is generally the moſt eligible.

But the truth is, the creation of all inferior courts is in the power of Congreſs; and the conſtitution provides that Congreſs may make ſuch exceptions from the right of appeals as they ſhall judge proper. When theſe courts are erected, their juriſdictions will be aſcertained, and in ſmall actions, Congreſs will doubtleſs direct that a ſentence in a ſubordinate court ſhall, to a certain amount, be definitive and final. All objections therefore to the judicial powers of the federal courts appear to me as trifling as any of the preceding.

9. But, ſay the enemies of ſlavery, negroes may be imported for twenty-one years. This exception is addreſſed to the quakers; and a very pitiful exception it is.

The

The truth is, Congreſs cannot prohibit the importation of ſlaves, during that period; but the laws againſt the importation into particular ſtates, ſtand unrepealed. An immediate abolition of ſlavery would bring ruin upon the whites, and miſery upon the blacks, in the ſouthern ſtates. The conſtitution has therefore wiſely left each ſtate to purſue its own meaſures, with reſpect to this article of legiſlation, during the period of twenty-one years.

Such are the principal objections that have yet been made by the enemies of the new conſtitution. They are moſtly frivolous, or founded on falſe conſtructions, and a miſrepreſentation of the true ſtate of facts. They are evidently deſigned to raiſe groundleſs jealouſies in the minds of well meaning people, who have little leiſure and opportunity to examine into the principles of government. But a little time and reflection will enable moſt people to detect ſuch miſchievous intentions; and the ſpirit and firmneſs which have diſtinguiſhed the conduct of the Americans, during the conflict for independence, will eventually triumph over the enemies of our union, and bury them in diſgrace or oblivion.

But I cannot quit this ſubject, without attempting to correct ſome erroneous opinions reſpecting *freedom* and *tyranny*, and the principles by which they are ſupported. Many people ſeem to entertain an idea, that liberty conſiſts in *a power to act without any control.* This is more liberty than even the ſavages enjoy. But in civil ſociety, political liberty conſiſts in

acting

acting conformably to the ſenſe of a majority of the ſociety. In a free government, every man binds himſelf to obey the *public voice*, or the opinions of a majority; and the *whole ſociety* engages to *protect each individual.* In ſuch a government a man is *free* and ſafe. But reverſe the caſe; ſuppoſe every man to act without control or fear of puniſhment—every man would be free, but no man would be ſure of his freedom one moment. Each would have the power of taking his neighbor's life, liberty or property; and no man would command more than his own ſtrength to repel the invaſion. The caſe is the ſame with ſtates. If the ſtates ſhould not unite into one compact ſociety, every ſtate may treſpaſs upon its neighbor, and the injured ſtate has no means of redreſs but its own military force.

The preſent ſituation of our American ſtates is very little better than a ſtate of nature—Our boaſted ſtate ſovereignties are ſo far from ſecuring our liberty and property, that they, every moment, expoſe us to the loſs of both. That ſtate which commands the heavieſt purſe and longeſt ſword, may at any moment, lay its weaker neighbor under tribute; and there is no ſuperior power now exiſting, that can regularly oppoſe the invaſion or redreſs the injury. From ſuch liberty, O Lord, deliver us!

But what is tyranny? Or how can a free people be deprived of their liberties? Tyranny is the exerciſe of ſome power over a man, which is not warranted by law, or neceſſary for the public ſafety. A people can never be deprived

of their liberties, while they retain in their own hands, a power ſuperior to any other power in the ſtate. This poſition leads me directly to enquire, in what conſiſts the power of a nation or of an order of men?

In ſome nations, legiſlators have derived much of their power from the influence of religion, or from that implicit belief which an ignorant and ſuperſtitious people entertain of the gods, and their interpoſition in every tranſaction of life. The Roman ſenate ſometimes availed themſelves of this engine to carry their decrees and maintain their authority. This was particularly the caſe, under the ariſtocracy which ſucceeded the abolition of the monarchy. The augurs and prieſts were taken wholly from partrician families.* They conſtituted a diſtinct order of men—had power to negative any law of the people, by declaring that it was paſſed during the taking of the auſpices.† This influence derived from the authority of opinion, was leſs perceptible, but as tyrannical as a military force. The ſame influence conſtitutes, at this day, a principal ſupport of ſeveral governments on the Eaſtern continent, and perhaps in South America. But in North America, by a ſingular concurrence of circumſtances, the poſſibility of eſtabliſhing this influence, as a pillar of government, is totally precluded.

without

Another

* "Quod nemo plebeius auſpicia haberet, ideoque decemviros connubium diremiſſe, ne incerta prole auſpicia turbarentur." Tit. Liv. lib. 4. cap. 6.

† Auguriis certe ſacerdotiſque augurum tantus honos acceſſit, ut nihil belli domique poſtea, niſi auſpicato, gereretur; concilia populi, exercitus vocati, ſumma rerum, ubi aves non admiſiſſent, dirimerentur. Liv. lib. 1. cap. 37.

Another ſource of power in government is a military force. But this, to be efficient, muſt be ſuperior to any force that exiſts among the people, or which they can command; for otherwiſe this force would be annihilated, on the firſt exerciſe of acts of oppreſſion. Before a ſtanding army can rule, the people muſt be diſarmed; as they are in almoſt every kingdom in Europe. The ſupreme power in America cannot enforce unjuſt laws by the ſword; becauſe the whole body of the people are armed, and conſtitute a force ſuperior to any band of regular troops that can be, on any pretence, raiſed in the United States. A military force, at the command of Congreſs, can execute no laws, but ſuch as the people perceive to be juſt and conſtitutional; for they will poſſeſs the *power*, and jealouſy will inſtantly inſpire the *inclination*, to reſiſt the execution of a law which appears to them unjuſt and oppreſſive. In ſpite of all the nominal powers, veſted in Congreſs by the conſtitution, were the ſyſtem once adopted in its fulleſt latitude, ſtill the actual exerciſe of them would be frequently interrupted by popular jealouſy. I am bold to ſay, that *ten* juſt and conſtitutional meaſures would be reſiſted, where *one* unjuſt or oppreſſive law would be enforced. The powers veſted in Congreſs are little more than *nominal*: nay *real* power cannot be veſted in them, nor in any body, but in the *people*. The ſource of power is in the *people* of this country, and cannot for ages, and probably never will, be removed.

In what then does *real* power conſiſt? The anſwer is ſhort and plain—in *property*. Could

we

we want any proofs of this, which are not exhibited in this country, the uniform teſtimony of hiſtory will furniſh us with multitudes. But I will go no farther for proof, than the two governments already mentioned, the Roman and the Britiſh.

Rome exhibited a demonſtrative proof of the inſeparable connexion between property and dominion. The firſt form of its government was an elective monarchy—its ſecond, an ariſtocracy; but theſe forms could not be permanent, becauſe they were not ſupported by property. The kings at firſt and afterwards the patricians had nominally moſt of the power; but the people, poſſeſſing moſt of the lands, never ceaſed to aſſert their privileges, till they eſtabliſhed a commonwealth. And the kings and ſenate could not have held the reigns of government in their hands ſo long as they did, had they not artfully contrived to manage the eſtabliſhed religion, and play off the ſuperſtitious credulity of the people againſt their own power. "Thus this weak conſtitution of government," ſays the ingenious Mr. Moyle, ſpeaking of the ariſtocracy of Rome, "not founded on the true *center of dominion*, "*land*, nor on any ſtanding foundation of authority, nor rivetted in the eſteem and affections "of the people; and being attacked by ſtrong "paſſion, general intereſt and the joint forces "of the people, mouldered away of courſe, and "pined of a lingering conſumption, till it was "totally ſwallowed up by the prevailing faction, "and the nobility were moulded into the maſs "of the people."* The people, notwithſtanding the

* Eſſay on the Roman government.

the nominal authority of the patricians, proceeded regularly in enlarging their own powers. They firſt extorted from the ſenate, the right of electing *tribunes*, with a negative upon the proceedings of the ſenate.* They obtained the right of propoſing and debating laws; which before had been veſted in the ſenate; and finally advanced to the power of enacting laws, without the authority of the ſenate.† They regained the rights of election in their comitia, of which they had been deprived by Servius Tullius.‡ They procured a permanent body of laws, collected from the Grecian inſtitutions. They deſtroyed the influence of augurs, or diviners, by eſtabliſhing the *tributa comitia*, in which they were not allowed to conſult the gods. They increaſed their power by large acceſſions of conquered lands. They procured a repeal of the law which prohibited marriages between the patricians and plebeians.§ The Licinian law limited all poſſeſſions to five hundred acres of land; which, had it been fully executed, would have ſecured the commonwealth.‖

The Romans proceeded thus ſtep by ſtep to triumph over the ariſtocracy, and to crown their privileges, they procured the right of being elected to the higheſt offices of the ſtate. By acquiring *the property* of the plebeians, the nobility, ſeveral times, held moſt of the power of the ſtate; but the people, by reducing the intereſt of money, aboliſhing debts, or by forcing other

* Livy, 2. 33. † Livy, 3. 54. ‡ Livy, 3. 33. § Livy, 4. 6.
‖ Livy, 6. 35. 42. "Ne quis plus quingenta jugera agri poſſideret."

other advantages from the patricians, generally held the power of governing in their own hands.

In America, we begin our empire with more popular privileges than the Romans ever enjoyed. We have not to ſtruggle againſt a monarch or an ariſtocracy—power is lodged in the maſs of the people.

On reviewing the Engliſh hiſtory, we obſerve a progreſs ſimilar to that in Rome—an inceſſant ſtruggle for liberty from the date of Magna Charta, in John's reign, to the revolution. The ſtruggle has been ſucceſsful, by abridging the enormous power of the nobility. But we obſerve that the power of the people has increaſed in an exact proportion to their acquiſitions of property. Wherever the right of primogeniture is eſtabliſhed, property muſt accumulate and remain in families. Thus the landed property in England will never be ſufficiently diſtributed, to give the powers of government wholly into the hands of the people. But to aſſiſt the ſtruggle for liberty, commerce has interpoſed, and in conjunction with manufactures, thrown a vaſt weight of property into the democratical ſcale. Wherever we caſt our eyes, we ſee this truth, that *property* is the baſis of *power*; and this, being eſtabliſhed as a cardinal point, directs us to the means of preſerving our freedom. Make laws, irrevocable laws in every ſtate, deſtroying and barring entailments; leave real eſtates to revolve from hand to hand, as time and accident may direct; and no family influence can be acquired and eſtabliſhed for a ſeries of generations—

tions—no man can obtain dominion over a large territory—the laborious and ſaving, who are generally the beſt citizens, will poſſeſs each his ſhare of property and power, and thus the balance of wealth and power will continue where it is, in the *body of the people.*

A general and tolerably equal diſtribution of landed property is the whole baſis of national freedom: The ſyſtem of the great Monteſquieu will ever be erroneous, till the words *property or lands in fee ſimple* are ſubſtituted for *virtue*, throughout his *Spirit of Laws.*

Virtue, patriotiſm, or love of country, never was and never will be, till mens' natures are changed, a fixed, permanent principle and ſupport of government. But in an agricultural country, a general poſſeſſion of land in fee ſimple, may be rendered perpetual; and the inequalities introduced by commerce, are too fluctuating to endanger government. An equality of property, with a neceſſity of alienation, conſtantly operating to deſtroy combinations of powerful families, is the very *ſoul of a republic*—While this continues, the people will inevitably poſſeſs both *power* and *freedom;* when this is loſt, power departs, liberty expires, and a commonwealth will inevitably aſſume ſome other form.

The liberty of the preſs, trial by jury, the Habeas Corpus writ, even Magna Charta itſelf, although juſtly deemed the palladia of freedom, are all inferior conſiderations, when compared with a general diſtribution of real property among every

every claſs of people.* The power of entailing eſtates is more dangerous to liberty and republican government, than all the conſtitutions that can be written on paper, or even than a ſtanding army. Let the people have property, and they *will* have power—a power that will for ever be exerted to prevent a reſtriction of the preſs, an abolition of trial by jury, or the abridgement of any other privilege. The liberties of America therefore, and her forms of government, ſtand on the broadeſt baſis. Removed from the fears of a foreign invaſion and conqueſt, they are not

* Monteſquieu ſuppoſed *virtue* to be the principle of a republic. He derived his notions of this form of government, from the aſtoniſhing firmneſs, courage and patriotiſm which diſtinguiſhed the republics of Greece and Rome. But this *virtue* conſiſted in pride, contempt of ſtrangers and a martial enthuſiaſm which ſometimes diſplayed itſelf in defence of their country. Theſe principles are never permanent—they decay with refinement, intercourſe with other nations and increaſe of wealth. No wonder then that theſe republics declined, for they were not founded on fixed principles; and hence authors imagine that republics cannot be durable. None of the celebrated writers on government ſeem to have laid ſufficient ſtreſs on a general poſſeſſion of real property in fee-ſimple. Even the author of the *Political Sketches*, in the *Muſeum* for the month of September, ſeems to have paſſed it over in ſilence; although he combats Monteſquieu's ſyſtem, and to prove it falſe, enumerates ſome of the principles which diſtinguiſh our governments from others, and which he ſuppoſes conſtitute the ſupport of republics.

The Engliſh writers on law and government conſider Magna Charta, trial by juries, the Habeas Corpus act, and the liberty of the preſs, as the bulwarks of freedom. All this is well. But in no government of conſequence in Europe, is freedom eſtabliſhed on its true and immoveable foundation. The property is too much accumulated, and the accumulations too well guarded, to admit the *true principle of republics*. But few centuries have elapſed, ſince the body of the people were vaſſals. To ſuch men, the ſmalleſt extenſion of popular privileges, was deemed an invaluable bleſſing. Hence the encomiums upon trial by juries, and the articles juſt mentioned. But theſe people have never been able to mount to the ſource of *liberty*, *eſtates in fee*, or at leaſt but partially; they are yet obliged to drink at the ſtreams. Hence the Engliſh jealouſy of certain rights, which are guaranteed by acts of parliament. But in America, and here alone, we have gone at once to the *fountain of liberty*, and raiſed the people to their true dignity. Let the lands be poſſeſſed by the people in fee-ſimple, let the fountain be kept pure, and the ſtreams will be pure of courſe. Our jealouſy of *trial by jury*, *the liberty of the preſs*, &c. is totally groundleſs. Such rights are inſeparably connected with the *power* and *dignity* of the people, which reſt on their *property*. They cannot be abridged. All other nations have wreſted *property* and *freedom* from *barons* and *tyrants*; *we* begin our empire with full poſſeſſion of property and all its attending rights.

free

not expoſed to the convulſions that ſhake other governments; and the principles of freedom are ſo general and energetic, as to exclude the poſſibility of a change in our republican conſtitutions.

But while *property* is conſidered as the *baſis* of the freedom of the American yeomanry, there are other auxiliary ſupports; among which is the *information of the people*. In no country, is education ſo general—in no country, have the body of the people ſuch a knowledge of the rights of men and the principles of government. This knowledge, joined with a keen ſenſe of liberty and a watchful jealouſy, will guard our conſtitutions, and awaken the people to an inſtantaneous reſiſtance of encroachments.

But a principal bulwark of freedom is the *right of election*. An equal diſtribution of property is the *foundation* of a republic; but *popular elections* form the great *barrier* which defends it from aſſault, and guards it from the ſlow and imperceptible approaches of corruption. Americans! never reſign that right. It is not very material whether your repreſentatives are elected for one year or two—but the *right*, is the Magna Charta of your governments. For this reaſon, expunge that clauſe of the new conſtitution before mentioned, which gives Congreſs an influence in the election of their own body. The *time*, *place* and *manner* of chuſing ſenators or repreſentatives are of little or no conſequence to Congreſs. The number of members and the time of meeting in Congreſs are fixed; but the *choice* ſhould reſt ſolely with the ſeveral ſtates.

NEW YORK PUBLIC LIBRARY

[50]

I repeat it—reject the clauſe with decency, but with unanimity and firmneſs.[*]

Excepting that clauſe, the conſtitution is generally good—it guarantees the *fundamental principles* of our ſeveral conſtitutions—it guards our rights—and while it veſts extenſive powers in Congreſs, it veſts no more than are neceſſary for our union. Without powers lodged ſomewhere in a ſingle body, fully competent to lay and collect equal taxes and duties—to adjuſt controverſies between different ſtates—to ſilence contending intereſts—to ſuppreſs inſurrections—to regulate commerce—to treat with foreign nations, our confederation is a cobweb—liable to be blown aſunder by every blaſt of faction that is raiſed in the remoteſt corner of the United States.

Every motive that can poſſibly influence men ever to unite under civil government, now urges the unanimous adoption of the new conſtitution. But in America, we are urged to it by a ſingular neceſſity. By the local ſituation of the ſeveral ſtates, *a few* command *all* the advantages of commerce. Thoſe ſtates which have no advantages, made equal exertions for independence, loaded themſelves with immenſe debts, and now are already unable to diſcharge them; while their richer neighbors are taxing them for their own benefit, merely becauſe they *can*. I can prove to a demonſtration that Connecticut, which has the heavieſt internal or ſtate debt, in proportion to its number of inhabitants, of any in the union, cannot diſcharge its debt, on any principles of taxation ever yet practiſed. Yet the

the ſtate pays in duties, at leaſt 100,000 dollars annually, on goods conſumed by its own people, but imported by New York. This ſum, could it be ſaved to the ſtate by an equal ſyſtem of revenue, would enable that ſtate gradually to ſink its debt.*

New Jerſey and ſome other ſtates are in the ſame ſituation, except that their debts are not ſo large, in proportion to their wealth and population.

The boundaries of the ſeveral ſtates were not drawn with a view to independence; and while this country was ſubject to Great Britain, they produced no commercial or political inconveniences. But the revolution has placed things on a different footing. The advantages of ſome ſtates, and the diſadvantages of others are ſo great—and ſo materially affect the buſineſs and intereſt of each, that nothing but an equalizing ſyſtem of revenue, that ſhall reduce the advantages to ſome equitable proportion, can prevent a civil war, and ſave the national debt. Such a ſyſtem of revenue is the *ſine qua non* of public juſtice and tranquillity.

It is abſurd for a man to oppoſe the adoption of the conſtitution, becauſe *he* thinks ſome part of it defective or exceptionable. Let every man be at liberty to expunge what *he* judges exceptionable, and not a ſyllable of the conſtitution will

* The ſtate debt of Connecticut is about 3,500,000 dollars, its proportion of the federal debt about the ſame ſum. The annual intereſt of the whole 420,000 dollars.

will ſurvive the ſcrutiny. A painter, after executing a maſterly piece, requeſted every ſpectator to draw a pencil over the part that did not pleaſe him; but to his ſurpriſe, he ſoon found the *whole piece* defaced. Let every man examine the moſt perfect building by his *own* taſte, and like ſome microſcopic critics, condemn the *whole* for ſmall deviations from the rules of architecture, and not a part of the *beſt* conſtructed fabric would eſcape. But let *any* man take a *comprehenſive view* of the whole, and he will be pleaſed with the general beauty and proportions, and admire the ſtructure. The ſame remarks apply to the new conſtitution. I have no doubt that *every* member of the late convention has exceptions to *ſome part* of the ſyſtem propoſed. Their conſtituents have the ſame, and if *every* objection muſt be removed, before we have a national government, the Lord have mercy on us!

Perfection is not the lot of humanity. Inſtead of cenſuring the ſmall faults of the conſtitution, I am aſtoniſhed, that ſo many claſhing intereſts have been reconciled—and ſo many ſacrifices made to the *general intereſt!* The mutual conceſſions made by the gentlemen of the convention, reflect the higheſt honor on their candor and liberality; at the ſame time, they prove, that their minds were deeply impreſſed with a conviction, that ſuch mutual ſacrifices are *eſſential to our union.* They *muſt* be made ſooner or later by every ſtate; or jealouſies, local intereſts and prejudices will unſheath the ſword, and ſome Cæſar or Cromwell will avail himſelf of

of our diviſions, and wade to a throne through ſtreams of blood.

It is not our duty as freemen, to receive the opinions of any men, however great and reſpectable, without an examination. But when we reflect that ſome of the greateſt men in America, with the venerable FRANKLIN and the illuſtrious WASHINGTON at their head; *ſome* of them the *fathers* and *ſaviors* of their country, men who have labored at the helm during a long and violent tempeſt, and guided us to the haven of peace—and *all* of them diſtinguiſhed for their abilities, their acquaintance with ancient and modern governments, as well as with the temper, the paſſions, the intereſts and the wiſhes of the Americans;—when we reflect on theſe circumſtances, it is impoſſible to reſiſt impreſſions of reſpect, and we are almoſt impelled to ſuſpect our own judgements, when we call in queſtion any part of the ſyſtem, which they have recommended for adoption. Not having the ſame means of information, we are more liable to miſtake the nature and tendency of particular articles of the conſtitution, or the reaſons on which they were admitted. Great confidence therefore ſhould be repoſed in the abilities, the zeal and integrity of that reſpectable body. But after all, if the conſtitution ſhould, in its future operation, be found defective or inconvenient, two-thirds of both houſes of Congreſs or the application of two-thirds of the legiſlatures, may open the door for amendments. Such improvements may then be made, as experience ſhall dictate.

the convention was composed of

Let

[54]

Let us then conſider the *New Federal Conſtitution*, as it really is, an *improvement* on the *beſt* conſtitutions that the world ever ſaw. In the houſe of repreſentatives, the people of America have an equal voice and ſuffrage. The choice of the men is placed in the freemen or electors at large; and the frequency of elections, and the reſponſibility of the members, will render them ſufficiently dependent on their conſtituents. The ſenate will be compoſed of older men; and while their regular diſmiſſion from office, once in ſix years, will preſerve their dependence on their conſtituents, the duration of their exiſtence will give firmneſs to their deciſions, and temper the factions which muſt neceſſarily prevail in the other branch. The preſident of the United States, is elective, and what is a capital improvement on the beſt governments, the mode of chuſing him excludes the danger of faction and corruption. As the ſupreme executive, he is inveſted with power to enforce the laws of the union and give energy to the federal government.

The conſtitution defines the powers of Congreſs; and every power not expreſsly delegated to that body, remains in the ſeveral ſtate-legiſlatures. The ſovereignty and the republican form of government of each ſtate is guaranteed by the conſtitution; and the bounds of juriſdiction between the federal and reſpective ſtate-governments, are marked with preciſion. In theory, it has all the energy and freedom of the Britiſh and Roman governments, without their defects. In ſhort, the privileges of freemen are

† This proves how little dependence can be placed on theory. Twelve years experience, or four elections demonſtrate the contrary.

are interwoven into the very feelings and habits of the Americans; *liberty* ſtands on the immoveable baſis of a general diſtribution of property and diffuſion of knowledge; but the Americans muſt ceaſe to contend, to fear, and to hate, before they can realize the benefits of independence and government, or enjoy the bleſſings, which heaven has laviſhed, in rich profuſion, upon this weſtern world.

Merlin
Philadelphia Independent Gazetteer, 22 October 1787

MR. OSWALD, I have read with much *glee*, the charming little work entitled, "*An Examination into the leading Principles of the Federal Constitution.*" I believe the author of it must be some great enchanter, who has found out the important secret which formerly was only in the possession of myself and Sir *Faustus*. Did you observe with what strength of magic power he has called down all the mighty spirits of all the famous legislators (except W———m P—n, the greatest of them all, who was very much offended this morning at being neglected in this manner) but did you see how the other great men dance *cotillions* together through his work, by the *pedantic* music of his periods? There is *Fohi*, *Confucius*, *Moses*, *Solon*, *Lycurgus*, *Romulus*, *Numa*, *Alfred*, *Peter the great*, *Montesquieu*, *Mably*, *Verlot*, *Velleius Paterculus*, *Livy*, *Tacitus*, *Middleton*, *Hannibal*, *Fabius Buteo*, *Zamolxis*, *Odin*.

———————'and the great *Manco Capoc*—*O*
"The lord of the land where we first got *tobacco*."

I assure you, Mr. Oswald, that we all admire this little work exceedingly, and a committee is to wait to-morrow morning upon the author, to confer upon him the degree of M. D. *(Doctor of Magic.)*

George Washington to Noah Webster
Mount Vernon, 4 November 1787[6]

I have received your letter of the 17th Ulto. together with your remarks on the proposed Constitution, for which you will please to accept my best acknowledgments—

1. RC, Webster Collection, New York Public Library. Endorsed: "Recd in Philada. where I then resided—NW." "This request gave rise to the Pamphlet entitled 'An Examination into the Leading Principles of the Federal Constitution,' published in Oct. following. See Pamphlets Bound Vol. 16. N Webster." In his diary entry for 18 September, Webster wrote: "Receive a written request from Mr. Fitzsimmons to use my pen in support of the New Federal System—which is almost finished."

2. MS, Webster Diary, New York Public Library.

3. RC, Goodrich Family Papers, Yale University. Printed: Harry R. Warfel, ed., *Letters of Noah Webster* (New York, N.Y., 1953), 71–73.

4. MS, Webster Diary, New York Public Library.

5. The facsimile of Webster's pamphlet printed here is from the New York Public Library and includes handwritten notations and deletions by Webster and his signature on the title page. On the reverse of the title page the following notation was made: "This is a hasty production—written at the request of Mr Fitsimmons of Philadelphia—a member of the Convention."

6. RC, Webster Collection, New York Public Library.

143. Massachusetts Gazette, 19 October 1787

Extract of a letter from Philadelphia, dated the 5th inst.

"Since the grand federal convention have opened the budget, and published their scheme of government, all goes well here. Continental loan-office certificates, and all such securities, have risen twenty five per cent. Even the old emission, which has lain so long dormant, begins to show its head. Last week many thousand pounds worth of it were bought up. Moneyed men have their agents employed to buy up all the continental securities they can—foreseeing the rapid rise of our funds. Such men as have the cash to spare will certainly make large fortunes. It is my misfortune to have but little; but with what I had I bought certificates last week, and have this week sold them at five per cent. advance. This week I have bought again, and hope to sell next at a good profit.

"We send our factors to the distant towns, who know nothing of the rise, and buy them cheap; for there is no buying them on reasonable terms in Philadelphia, as the wealthy men are purchasing them to lay up. Thus we go on—Pray how is it with you?

"P.S. The current prices this week are five shillings in a pound for loan-office certificates, and two hundred dollars, old emission, for one in silver; but none are selling but the needy. When any thing material occurs, I will advise you for your government."

144. Philadelphia Independent Gazetteer, 19 October 1787

A correspondent says, that the hasty inconsideration with which some who do not understand, and others who have scarcely read the new constitution, have signed a petition in its favor is highly culpable. It is said in the proposed constitution, that in all controversies wherein the United States or a state shall be party, the Supreme Continental Court shall "have appellate jurisdiction BOTH AS TO LAW AND FACT, with such exceptions and under such regulations as the Congress shall make." Article 3. section 2. If anyone should write a manly and spirited essay upon the errors of government, this will be deemed a controversy with the United States or a state, and the Continental Court, and not a jury of his peers, will destroy him as they please. Our correspondent says, if we examine the new constitution with care, we shall find that in some cases the liberty of the press and the trial by jury are not TO BE RESERVED, but TO BE GIVEN AWAY.

145. A Subscriber
Philadelphia Independent Gazetteer, 19 October 1787[1]

Mr. OSWALD, Please to give the following a place in your impartial paper.

A SUBSCRIBER.

The opposers of the new Federal Constitution are like envious men who speak of others of superior merit. They allow it to possess some excellencies, but, alas! they are all darkened by opposite defects. The truth is, and if they were less governed by selfish passions, they would confess that it is a wise, safe, and well-balanced frame of government, suited to the circumstances and manners of the different states as nearly as their various interests would admit. It is extremely absurd to dwell on the possible dangers that may result from it; for power, though ever so necessary, can never be lodged so securely, but there will be a possibility that it may be abused. The power of making laws is perhaps the most important of any, and by the federal government it is lodged in the safest hands imaginable. First in the actual Representatives of the people, who are chosen by the poor and the rich. The poor have equal voices in their election with the rich. Secondly in a Senate, who are chosen by the different state assemblies; that is, are chosen by those persons to whom the people of each state, at their annual elections, entrust their most important concerns. Lastly, there is a check on these two bodies by a President, who can procure a reconsideration of every law, and who is chosen not by the legislatures of each state, but by Electors appointed by them for this particular purpose. These three bodies are to continue, the first, that is the House of Representatives, for two years; the Senate for six years, yet so that one-third of them is changed every two years; and the President for four years. The appointment of this legislative body, is made by four great elective interests, so that it is idle to suppose there will be an union of sentiments and designs in tyrannical measures unless we suppose that the whole body of the people and the state legislatures will combine to destroy themselves. This is an evil, however, which one man foresees, and another seems to think, though he does not know whether he thinks so or not, but yet has a mind to think so, if it were not for his doubts, which leave him in a most perplexing state of uncertainty. I believe if every citizen of the United States thought of matters as the latter pretends to do, we should be a nation of doubters and should always hesitate so much about a form of government that we should never adopt any. But in truth, it is only his way of showing a fixed inveterate enmity to the new

government, trembling, I suppose, for some office which he unworthily fills or actuated by some other base and mercenary motive. The army is a source of mighty affectation of alarm. We who remember the late war are pretty well convinced that even an army, who are defending everything that is dear to them, cannot be kept together without money to support them. A federal army, when it is necessary, must be paid by money raised by the Congress, which in effect is by the people, as all money bills must originate with that part of the federal legislature which are their immediate Representatives. The people then holding the purse strings, by their immediate Representatives in Congress, can in fact raise an army or disband it at pleasure. But the President, it is said, will be a great man—he will command the army and navy. And I ask, why not? Somebody must command them, and he has the command but for a stated time. The people will take care to invest this power in no man but one who has been tried and found worthy, nor will they advance money but in time of war or other imminent dangers, as they find it necessary. Beside the President is liable to be impeached and removed from his office for treason, bribery, and other high crimes. He has no absurd maxim to protect him, such as kings and princes have; for instance, that he can do no wrong, that his person is sacred, that treason may be committed against his person. The designs which ambitious men have, of engrossing power and the whole government of a country, gradually betray themselves before the danger can happen—before they can fortify themselves in tyrannical systems. At the first glimpse of this frightful prospect, the tyrant in idea may be impeached and removed from his office according to the law of our new Constitution—nay, may be tried by a jury of the country and punished as the lowest citizen. The opposers of this Constitution, who ring their malevolent complaints in our ears, affect to establish impossibilities. They allow that Congress should pay the public debts, but will not enable them to raise the money to do so; or if they grant they should have the money, they will not suffer them to lay imposts for the purpose. They allow they should have the power of protecting the country, but they must do it without a general and without an army. If one were to attempt to convince such complainers, he would lose his trouble without a chance of answering his purpose. People who will not dispassionately view the advantages with the disadvantages of a plan can never determine with judgment. The Congress, as proposed by the new Federal Constitution, is a much more popular body than the present Congress (of whose want of power all complain with justice) for an essential branch of the new federal legislature and without which, no

law can pass, and no money bill be even offered, is elected immediately by the mass of citizens, the lowest having an equal voice with the most wealthy and powerful; whereas the Congress now in being is appointed solely by the state assemblies. Yet some will doubt—and fear—and hint that all this is nothing in favor of the liberty and safety of the people. Some men, who have none of the open and generous sentiments of the characters they assume, aim at showing the danger of a clause in the new Federal Constitution, which is absolutely necessary and without which the Congress would in vain be invested with the power of taking care of the federal commonwealth. In the 8th section, the power of Congress is declared and defined in several particulars, but as it was impossible to make all the laws at one time, which might be necessary to provide for the modes of exercising those powers, there is a general clause introduced which is confined to the *powers given expressly* by this Constitution to the Congress. It is, "to make all laws which shall be necessary and proper for carrying into execution the *foregoing powers* and all other powers, *vested by this constitution* in the government of the United States, or in any department or office thereof." This certainly is not so much power as every other legislative body on this continent has, for the powers of this Congress are confined to what is expressly delegated to them; and this clause for enforcing their powers is confined merely to such as are explicitly mentioned. Yet have the words been stretched and distorted by some writers so as to give a power of making laws *in all cases whatever*. Nothing betrays the base designs of a writer more than his perversion of a plain meaning, which he often does by laying hold of some words and dropping others so as to make the fairest conduct appear in a shape that itself abhors. The good sense of the citizens of North America will enable them to detect the arts which have been used to prepossess them against this clause. One would glow with more indignation at this unworthy behavior if a degree of contempt did not take place on finding almost every provision of this excellent Constitution distorted from the truth by the same false suggestions. The impartial peruser of it will see that the trial by jury is preserved in the most punctilious manner in all *criminal cases*, which are the instances where, and where only, the power of government is to be feared. To guard against the possible oppression of our rulers we should be cautious how we part with this valuable barrier placed between the power of government and the security of the private citizen; but with honest satisfaction we observe that this mode of trial in criminal cases is perfectly secured. With respect to civil causes which concern our property principally, the trial by jury still also continues in all

common causes, and in no case is it put so far aside but it may yet be established under the laws of the Congress. In many departments of our legal system in the several states questions of property are at present determined, from first to last, both as to law and fact, by judges and not by jurors. I could instance all maritime causes, cases of orphans, minors and administrators, all causes in the courts of equity and many others which it is needless to mention; so that the decision of some causes by judges without the addition of a jury, always has been, and yet is, practiced. Yet, why have not complaints been made of what has existed so long and yet exists? The answer is no cause of complaint has offered, for justice is as effectually and uprightly administered by those judges as by courts and juries combined. But as I observed before, Congress may and will establish the trial by jury in all cases in their courts in which such trial has been usual and is proper. If the organization of the new Constitution is not fully effected at once, who can reasonably complain? The great principles are fixed. The modes of trial, the nomination of the judges, and other minute regulations, could not be taken up in such an assembly. I will conclude my observations on this head by stating the latter part of this section of the new Constitution. "In all cases affecting *ambassadors*, other *public ministers*, and those in which a *state* shall be a party, the supreme court shall have *original jurisdiction*. In all the other cases before mentioned (that is the particular civil causes in which jurisdiction is given to the federal courts) the supreme court shall have *appellate* jurisdiction, both as to law and fact, with such *exceptions* and under such *regulations* as the Congress *shall* make." There can be no doubt but the immediate *Representatives* of the people in Congress, will under this clause take care that the trial of facts by juries be one of the *regulations* in those cases where this mode of trial is suited to the subject of the cause. If they do not, the people can and will send other members who are more faithful to their trust. One excellency of the new Federal Constitution, which the old one has not, is that the largest branch of the legislature is the immediate choice of the people, without the concurrence of which the Federal Constitution is a form on paper and nothing more.

Much might be said with respect to the safety of the liberty of the press, but it is unnecessary as the least violation of it is not hinted at in the new Constitution. It was thought perfectly secured already. Can anyone doubt of its safety? It is secured by the general and common laws of the different states. It is secured expressly by the different state constitutions, which in this respect remain unchanged. And finally, all questions relating to it between the government and individuals, and

among citizens, are of a *criminal* complexion, and of course to be tried by a jury of the country, who will protect us in the exercise of that noble privilege of a freeman—"*the privilege of openly speaking the truth.*" May we not ask who are these men, that with so much reliance on their own understandings impeach the united wisdom of a whole continent assembled to deliberate on the means of saving the federal Commonwealth? How could the people, they now tease with their complaints, be so blind as not to see their great ability and constitute them members of the Federal Convention? Has any one of them come forward and offered a wiser plan? Are we to attend to those who only find fault and do not show that they can help us out of our difficulties? In listening to the suggestions of discontented minds, or the artful addresses of selfish and interested men, shall we lose the precious moment of political salvation? Shall we cast away the substance which we have before us and catch at the shadows of new constitutions, which we are promised, only to get rid of the present one? Shall our widows and orphans still dread the loss of the shattered remains of their dowries and portions? Shall our artificers who depend on the prosperity of commerce still droop their heads in despair of better times? Shall our farmers be ground down under the weight of taxes which the imposts of a well-regulated commerce would alone be sufficient to pay? Shall they want a market for the produce of their lands and the fruits of their honest industry? Shall the landholder and proprietor of houses see his property sinking by the stoppage of trade, so that what he has mortgaged for one-half its former value will not now on a sale discharge ever the principal of the debt? Shall all these evils continue and more arise, because a few selfish individuals do not see their interest in a plan of government recommended by our most worthy and approved characters, the choice of the people, and ever til now applauded by those very men who are raging to plunge us into confusion out of which no one will find his way?

1. This document has been edited.

146. Miers Fisher to Robert Barclay
Philadelphia, 20 October 1787[1]

Thy favour of the 1st Augt. reached me *free* through our good friend the Consul's Hands with the Deed & which I have examined and find well executed being doubly acknowledged and proved *also* which (tho' unnecessary) will not vitiate for without Surplusage & Tautology what would the Retainers of the Law do? I shall attend to them as carefully as to our own in the same Neighbourhoods and as the Prospects of

America begin to brighten, I conceive hopes that before Long those Lands will become valuable. Dr. Park and myself have used some Endeavours to sell the Manheim Lots but without Effect as Money is in[con]ceiveably scarce; it must lay a little longer.

A few weeks ago the Convention of the States rose & the Expectations of the public were gratified by a Publication of the Plan of a Federal Constitution for the United States of America, a Copy whereof I will forward for thy Perusal, tho' it will probably be published with You before this reaches England.

All America, so far as Accounts have yet reached us, is in Raptures with it, and it is now the Standard of Political Orthodoxy here.—I have considered it very carefully and with a few Exceptions, very much approve it, before I make any Observations on it, it [is] necessary to consider a little the State of this Country [– – –] render them more intelligible.—By the Declaration [of] Independence in 1776, the United Colonies were declared f[ree] and independent States, but no System of Union was then thought of, Common Danger had produced so strong a Bond that the Recommendations of Congress were thought sufficient for every purpose and it remaind thus till 1781 when the Articles of Confederation as they now exist were acceded to by the several Assemblies. By the first Article it was declared that each St[ate] retained its Sovereignty Freedom and Independence & that Congress should have no other Powers than were expressly contained in that Agreement; therefore they had no Sovereignty at all; for altho' they had Powers to make W[ar] they could not raise a Shilling to carry it on; to make Peace yet they could not enforce a single Article of the Treaty; To regulate Trade, yet they could not pass a Navigation Law; everything was to depend on the Weight of their Recommenda[tions] which immediately after the Peace were discovered to be light as the Air on which they were heard. Hence the Payment of the Interest of the public Debt became impossible and our Public Credit was at an end—many [of] the Citizens had lent their whole Estates to Congress and taken Certificates bearing 6 P Cent P Anm Interest, when Payment ceased they became clamorous, and to appease them a mo[st] ruinous Plan was adopted in some of the States; I shall speak of the State of Pensylvania, as here, it was carried to the greatest Length altho' similar Measures were pursued in others.—Our Assembly, consisting of one *Body only*, without any Controul, passed a Law assuming to this State the Payment of the Interest of all Debts due to Citizens of this State, from the United States which it was supposed amounted to about ⅛th or our proper Quota of the whole; to do this they imposed a Duty of 2½ P Cent on all foreign

Imports: and laid an enormous Land Tax which never could be collected but from the Rich; finding the Produce of these insufficient they emitted Paper Money to anticipate their Funds; when the Amount of the Debts thus assumed was ascertained it appear'd that Pennsylvania stood charged with between ⅕th and ⅙ of the whole Debt of the United States instead of ⅛: There being no Duties in the adjoining States drove our foreign Trade from Philada., the enormous Land Tax depopulated our Country & drove vast numbers of our Farmers to the new Western Countries where no Taxes are yet laid; thus Agriculture & Commerce were both at the lowest Ebb, improved Lands were reduced one half in Value, & unimproved Lands (tho highly taxed) would not sell at all—All the States felt the same, or nearly similar. Inconveniences, a Cry went thro' the Land that an Evil existed but the Remedy was not seen; last Year a Convention was attempted at Annopolis a few of the Deputies met but formed no Quorum, they recommended another Meeting at Philadelphia in May this Year—many Pens were, in the meantime, employed to raise the Attention of the Public to this great Object, the cause was investigated with Freedom & good Sense, & it plainly appeard that the want of a Sovereign head with an energetic Frame of Government for the United States, was the source of the Mischief—All the States (Rhode Island excepted) appointed Delegates to meet in Convention with full Powers to create a new Sovereignty—they met last May forming as respectable a Representation as ever was made of any People, the Senate of Ro[me] in its most virtuous Age not excepted; they deliberated with the mo[st] unremitting Industry and profound Secrecy for four Months, they h[ad] a thousand jarring Interests to reconcile, the most opposite Habits [and] Manners to unite; the Inequalities of the several States as to the Representation, the local Advantages and Disadvantages, the Aristocratic Ideas of the South, the Republican Prejudices of the North and the factious Spirits and Division of the Middle Stat[es] were all to be homologated before a System could be formed th[at] would answer the End intended, They have produced such a System & one that in Theory seems as though it would stand the Test of political Criticism, and I would fain hope will be found in Experi[ence] to be liable to as few Defects as any in the World (for there are Defe[cts] in all the Works of Men)—The great outlines of this Constitution are taken from the British, and the Variations are judiciously planned [to?] meet the Prejudices of the Republican Part of the People. The Presi[dent] (to begin with the Head) supplies the Place of your King, & tho he has not the same Prerogatives, nor is Heriditary, yet the Difference is not so great, as one would, at first,

imagine. K[ings] of England a century or more ago, were different from what they are at present, the Revolution of 1688 and a Variety [of] Acts of Parliament and general Maxims adopted by Government since, have imperciptibly deprived the King of *his own Will* and many of his Prerogatives.—the Mini[ster] is in Fact *now* the King; the Minister is in the first Pla[ce] *a Commoner elected* by the People for he must have a Seat in the lower House to manage a Majority—there he must coax & bribe [– – –] his Measures or he is undone—and can be no longer Minister tha[n] he can please a Majority to which he is answerable for all The King's Measures which he is supposed to dictate, and he is at any Time liable to Impeachment. Experience shews us that The King is obliged to employ such a Minister as The People chuse, and to suffer the Minister, so chosen, to govern all his Councils—Now, although The King retains His Titles, and formally exercises His Prerogatives, yet is not the Government carried on by an elective Minister—King!—and is not our elective President very near the same Thing?—with a Difference, however, in our Favor, as to the mode of Election; thus King Fox was forced on *his Majesty* against *his* will, by the loud Clamour of a most abandoned Faction in the House of Commons, and had nearly ruined the Nation, before their good Sense awakened them. Our President is to be elected in thirteen or more different Places at the same Time; So that it will be impossible for a Cabal or Party to acquire any Influence in so many different Places to act at once.—Thus the Dangers of a Roman Election among their Legions, or of a Polish King in an armed Diet, are carefully guarded against, and these, I think, are the principal objections mentioned by writers on the Subject, against an elective Monarchy—I cannot take Time to observe on the Difference between the Prerogatives; but upon a careful Perusal of the Constitution, they will *readily* occur, & I hope to a Person of thy Discernment, the Reasons of the Variations will *appear* at *least* to deserve some Weight. The Senate comes next in Order; these are to be elected by the Legislatures; each St[ate] is to have an equal Number, and of Co[urse?] an equal Voice in the House; they are elected for Six Years; and tho' not Hereditary [– – –] Your Lords, yet there is no Doubt but [– – –] most independent & wealthy Characters [– – –] Us will fill this respectable Station. [They] will form a proper Check against the Impe[tuosity?] of a Faction in the Lower House, and as [they?] are to go out by Rotation, a Majority can never, upon any popular Convulsion, be put in to carry any improper Point; I se[e] objection to this Branch, but that the smal[ler] have an equal Voice with the larger ones which, however, may possibly be of Use sometimes, as Wisdom does not always r[un?] in Numbers.

The House of Representatives is exactly li[ke] Your House of Commons in all Things, & there[fore] requires no Comment.

To go through the Powers which are g[iven?] to the Congress, thus composed, of three Independent Branches, is beyond the Bou[nds] of a Letter, or the Time I can Spare; I m[ust?] therefore refer to the Reasons, that will ar[ise?] upon the Perusal of them for their Justific[ation] only observing that the general Principles drawn from the British Constitution, & the Variations from a conformity to the heterog[eneous?] Opinions Habits and Manners of the Inha[bitants] of this extended *Empire* may I now call [– – –]

There appears to be little Doubt of it [being?] imediately adopted, as Nine States are Suff[icient] for that Purpose, & the People from Massac[husetts] to Virginia, which is as far each Way as [I?] have advices, are instructing their Represe[ntatives] to forward it as fast as possible—And [– – –] there are some Objections perhaps in ever[y] State, yet I believe they are too trifling to retard it's Progress a Moment, as it meets the Wishes of the People to a great Exactness.

Having gone so far, I should leave my Letter incomplete, if I did not give some Idea of the Consequences expected from this, *unheard of Precedent* of the Formation of an Empire, wherefore I must beg thee not to be tired with my Prolixity

The first Advantage that I expect for Pensylvania, under the new Constitution is, that the Land Tax will be discontinued the next Year, which will check the Migration to the Western Country and of Course the Decrease of the Price of Lands.—The Duties payable upon Imports are by our Laws to cease whenever the United States have Power to impose a general Duty, and of course our particular Duties will then cease, and our Neighbours will have no Advantage over us—Before the new General Duties begin to operate, I trust the American Ambassadors will be cloathed with Sufficient Powers to assure the Court of Great Britain that the Conditions of the last Treaty, can *and will* be complied with so as to induce Your Cabinet to enter into a Treaty of Commerce with Us; the Advantages whereof will most certainly be reciprocal.—We are, and shall continue to be, the most beneficial Customers in the World, to the Manufacturers of Great Britain, and have a Right to expect, after the liberal Example shown in the Case of France, a proper Return—This will enable Us to make some Figure as a commercial People, and without a solid Connexion with Great Britain, we cannot expect any great Matter—Our intestine Disputes will by this great Event, be entirely settled, the Parties that have divided Pensylvania will be no more, as the Cause of the Difference

is removed, if the new Constitution takes Effect; and the Connecticut Claimants, who have been in actual Hostilities at Weoming, will be quieted without Bloodshed—their Conduct having been entirely owing to the Debility of Congress, who could not enforce Obedience to their own Decree in Favor of Pensylvania. In fact We have been so long without the Benefit of a Stable effective Government, that the highest Expectations are formed of the Consequences resulting from this, and all our Hopes are centered in it—for should any untoward Disposition arise to prevent it, we shall be in an actual State of Nature, without any Government at all—Violence will then succeed, and Chance give Us such Rules as shall be the most powerful—I hope however before the Expiration of another Year to see it established, and the Foundation laid of a permanent Treaty with Great Britain.

The Paper on which I write is manufactured at Our Mills in Brandywine, where we have lately erected a Manufactory, upon an extensive Plan—All the Materials used in this work are of American Workmanship—We wrote to England for the Molds, and some few other Articles, but the Exportation being prohibited by Act of Parliament, we were obliged to attempt the making them here, in which we have succeeded tolerably; Thus will the Policy of England teach us all Her Arts and Manufactures in Time; Brother Thomas, my Sister Gilpin and myself are the Proprietors of this Work, & though we dont expect it is of such a Kind as will enrich Us, yet it is pleasing to be able to extend an useful Branch of Manufacture even at a very moderate Profit. I will send thee a small Sample, in examining which however thou must make Allowances for it's being new, and the first made.

My Letter is already swelled to a great Bulk yet there are several Topics on which I intended to have touched, it has been begun a Week & written at different Times as I had Scraps of Leisure which will apologize for the Inaccuracies some of which I have attempted to mend but could not please myself without transcribing it for which I have not Time I therefore trust it to thy Candour as it is

I owe Letters to my Friends D. Coxe A. Allen & D. Sproat, which I fear I shall not have Time to pay by this Conveyance should they fall in thy Way be pleased to make my Excuses to them, there are several to whom I must write in all Events.

My Sally & the four Boys continue to enjoy their Health in a reasonable Degree tho her near Approach to a *ninth* is not as agreeable to her as a longer Respite would have been, I am inclined to think the World would not be so well peopled as it is, if these Matters were left

to the Choice of women in general, the Necessity of the Case therefore should reconcile those on whom the Burthen falls to bear it with Patience—She joins me in best wishes for the Welfare of thyself, Rachel & your lovely Progeny.

1. Copy, Foreign Office, Class 4, America, Vol. 5, ff. 329–34, Public Record Office, London, England.

147. Levi Hollingsworth to Enoch Story
Philadelphia, 20 October 1787 (excerpt)[1]

. . . Having wrote you by Capt Sutton I have little to add Our new Constitution meets with General approbation so far as we have been able to learn from our Sister states Miors Fisher hath wrote D[aniel] Coxe Esqr and R[obert] Barclay a long letter on that Subject a Sight of which I refer you (I haveing seen the Letter) Should this well poised government be approved of in Europe I doubt not but America will become respectable amongst the nations of the Earth I could wish you to take advantage of this Winter to dispose of my lands under your Agency Perhaps this new Constitution may make a favorable impression on the minds of Europeans which with the threatened Civil Wars of Holland France & Germany may induce men of fortune to Speculate in Lands in this Country the Quality of which are superior to most in the World & price almost below belief. . . .

1. FC, Hollingsworth Letterbook, Historical Society of Pennsylvania.

148. Philadelphia Independent Gazetteer, 20 October 1787

A correspondent requests through the medium of this paper, that the several printers who publish pamphlets on the important subject now in general discussion, would endeavour if possible to print them all nearly of the same size, for the benefit of those who may chuse to get them all bound together when the matter is finally determined. He also begs leave to express his wish, that the MUSEUM might collect from the several newspapers such publications on this interesting subject as are worth re-publishing, at the same time preserving *a strict impartiality*. He has observed with sorrow that the author of that publication, although he seems to have been the martyr of liberty in his own country, has not shown of late a similar disposition in America, as the pieces recorded in the Museum on the subject of the federal constitution, many of which are very trifling, are all evidently on *one side of the question.*

149. Pennsylvania Herald, 20 October 1787

TO CORRESPONDENTS

NUTS for the Aristocratics to Crack, will be inserted in our next paper; but the Essay called A CHECK to AMBITION, or the FEDERAL JUNTO DELINEATED, is inadmissible on account of its gross personality.—The EDITOR takes this opportunity of informing the Public, that on the important subject now in general discussion, it is his wish to evince the strictest candor and impartiality. There never, indeed, was a more noble or more interesting occasion to exercise the FREEDOM OF THE PRESS; and, whatever may be the sentiments or circumstances of those who immediately superintend its productions, that sacred vehicle of information ought not to be obstructed by PARTIAL POLITICS, or PERSONAL PREDILECTION. The pursuits or the communication of truth, must be the motive of every friend to his country; and, as a difference of opinion among mankind is neither unnatural nor dishonorable, the complexion of the BEST CAUSE will be tainted, when the advocates are anxious to suppress, instead of diligent to refute, the arguments by which it is opposed. These considerations will induce the Editor to lay before the public every original Essay which he receives, whether in favour of the proposed foederal constitution, or against it; and, if at the same time, he rejects the effusions of party virulence and personal reflection, he hopes the justice of his readers will pronounce the HERALD to be a free, pure, and independent publication.

150. Pennsylvania Herald, 20 October 1787

Whatever may be the result of adopting the new plan for a fœderal government, a correspondent remarks, that in the present stage of that important business, party, so far from subsiding, seems to have collected additional vigour and virulence. It is true that a few of the adherents to the constitutional politics have been attracted by the fœderal lure, which their ancient antagonists have displayed; but, on a general scale, the division is the same; and with great consistency too, since however, it may be artfully obscured, the controversy certainly rests upon the original foundation. Those who approve and those who disapprove of the constitution of Pennsylvania, must consider every point as it affects that system; and whether it is directly abrogated by a formal act of the council of censors, or undermined by the indirect operation of this foederal instrument, is of very small importance, indeed, to the event. That the existing form of state government cannot survive the adoption of the projected confederation, is likewise an indisputable proposition—so, continues our correspondent, we must even on this

occasion resort to the question, whether the advantages to be derived from the change will be a satisfactory compensation, for the sacrifice which must necessarily be made? On this ground the parties are fairly opposed—the subject is surely more interesting than the charter of a bank, the division of a county, or the partial arrangements of a funding law—and while men, from a difference of habit or information, hold opposite opinions, it will be an evidence of the freedom of that country, in which those opinions are expressed without terror or reproach.

151. Philadelphia Independent Gazetteer, 23 October 1787

A Supplement to the Essay on Federal Sentiments

Among the objections that are made against the proposed Federal Constitution, the aristocratic appearance of the senate is the principal, and the only one not sufficiently refuted; it may therefore not be improper to examine it with precision.

Integrity and wisdom are the two necessary qualifications of a legislator. The degree of either must be estimated by the circumstances of government. If ambition and interest are solicited by great temptations; or if the affections and animosities of party are strong; a more firm and noble virtue is required. If national affairs are extensive and intricate; deep judgement and great knowledge are necessary. It is also a weighty consideration, that knowledge is so far a great support of virtue, as it shows the importance of political duties. A man who is persuaded that his vote may deprive his country of such advantages, and involve it in such misfortunes; who clearly views that train of events, by which numbers of individuals will suffer in their dearest concerns—this man is with equal probity much more to be trusted, than another who has a confuse[d] imperfect idea of all this; who feels the impulse of pride, avarice, hatred and partiality, but cannot see their baneful effects; whose dim intellectual eye is yet more obscured by the gloom of malicious passions, or dazzled by the glare of gold and false honor.

When national manners are tolerably virtuous; the great principle of honesty being early impressed by a good education, and not weakened by fondness of luxuries, party spirit, or other general causes; a great number has, no doubt, the probity requisite in government. But I scruple not to assert, that only a small part of these, can understand national affairs in all their variety, extent and combination. This must be evident to every person acquainted with ancient and modern states. Great-Britain has probably more politicians than any country—Yet examine the proceedings of its parliament for this enlightened century;

count the number of dumb senators; consider the misrepresentation of facts, and vain declamation of many celebrated speeches; how few political sages have appeared, even on that illustrious theatre?

The electors ought to chuse their delegates by a competent judgement; and, to keep up a necessary rotation, they should know a greater number of persons well qualified. When the people at large are the immediate electors, they cannot possibly have this extensive knowledge personal or mediate; and but few can by their own judgment, estimate the abilities of those who reside in their own county—The greater part of people in some townships, may fix their eyes on some great man in that district, however little he is in comparison with others in different parts of the state. In consideration of this it is evidently a democratic indulgence to grant an immediate election of representatives: a privilege withheld in the old federal constitution, and offered in the new from a truly Republican spirit. But it would be absolutely dangerous to elect both houses in this manner. The members of a legislature are naturally chosen from the better men in a state; and must therefore have an extensive competent knowledge of the most eminent citizens, in a great measure personal, otherwise acquired by mutual information. The Senate will by this mode of election, have the wisdom necessary for directing federal councils. The house of representatives will no doubt have some members equally distinguished; if they all are, so much the better—but this cannot be expected, when its organization is so truly republican.

The formation of treaties requires a great knowledge of foreign countries, and sometimes of that complex political system, which connects the whole civilized world. They cannot be repealed like acts of domestic legislation; this would affect the national honor, and produce many unhappy consequences. The appointment of Embassadors and other public ministers, with the principal judicial and civil officers of the United States, requires a competent judgment of the qualities necessary in these offices, and a satisfactory knowledge of the candidates—These important concerns are therefore very properly trusted to the senate and president.

Rotation of power is certainly a great security to republics; but a medium is necessary in the best things. The great business of an empire cannot be managed without a full information on matters of fact, and a mature reflection upon them. Men of the best abilities will not immediately be excellent senators. When the same persons are in the national council for a longer time, the political system will also acquire a greater stability; a matter of great consequence—A fickle government has many disadvantages: it loses the respect and confidence both of its

own people and of other nations. All this is well known to politicians: others may form an idea of it by comparing great things to small—a person f.e. who has read the best treatises on agriculture, and even acquired some practical experience, will yet be at a loss in managing a farm, with the soil and other situation of which he is unacquainted—Landed gentlemen do not like a frequent change of bailiffs and tenants. That one part of the senate should ramain four years, is highly necessary; and to retain one-third for six, is a wise measur, at least till the new government is well established; and the extensive intricate affairs of this young nation are properly settled. Peremptorily to exclude men of distinguished merit from re-election, would not only be injustice to them and their electors, but sometimes a great detriment to the nation. This ostracism is only the effect of an illiberal cowardly jealousy.

From this necessary organization of the senate, its members must in general be men of some fortune. Great abilities are not merely natural, but must be acquired by education, reading, good company, traveling, and other means that require money. But to criticise this, is to quarrel with Providence for not making men equal in all respects: a thing really incompatible with the general happiness of mankind. It may be said, that the electors, who as members of the state-legislatures must have property, will by a natural sympathy chuse senators in their own class; but a very moderate share of wealth is a sufficient qualification by the present constitutions of the states, and will no doubt be so, while a Republican spirit prevails. It must indeed be acknowledged, that the senate being considered as the *upper house*, will become a greater object of ambition; that influence in the appointment to offices may also flatter the ungenerous with hopes of emolument to themselves and connexions—that some candidates will therefore employ every means from personal merit and address, wealth, support of friends, relations, and dependants. But if this is an objection, it is equally so against entrusting any set of men with necessary powers—The best mode of government is occasionally tinctured by the follies and vices of men; without a degree of national virtue it must even lose all energy, because bad men are incapable of liberty. That the Senate could ever erect itself into a permanent aristocracy by assuming the whole sovereign power, is a chimara, that hardly deserves a serious refutation. However great and general national depravity might be, it is impossible that a few men can become kings, while so many are their equals in fortune, and some no doubt in abilities; and while the great majority of the people have a considerable share of property: which must be the case in America for many ages. Aristocracies whether landed or commercial can only arise from a very great inequality of wealth. If the president and the whole

senate should happen to be the boldest wealthiest, most artful men in the union, supported by the most powerful connexions, and unanimous in the design of subduing the nation; and if by the concurrence of the representatives they obtained money and troops for the purpose; yet the whole personal influence of the Congress, and their parricide army could never prevail over an hundred thousand men armed and disciplined, owners of the country, animated not only with a spirit of liberty, but ardent resentment against base treacherous tyrants. National depravity would not in this country produce aristocracy; but it would corrupt the whole government by making it an object of traffic; a means of gratifying ambition avarice and the various passions of men—In a general scramble for profit and distinction the wealthy would have a great superiority; but knowledge, cunning, boldness, popularity would also claim their share—parties with all their variety of causes and effects would also necessarily come in; and the last scene of corruption would open a civil war; which would terminate in a reformation, or perhaps a monarchy.

There is no reason to apprehend that a small junto of the most distinguished characters may ingross the senatorial dignity for life; because so great a number are nearly equal in talents, wealth, and family connexion. To suppose that the wealthy, and as some are pleased to call it, well born shall be constantly prefered to deserving men of small fortunes, implies that all the state-legislatures, not once, but generally will be capable of a base corruption—This idea is too injurious to the national character. Those that hold it in such a low estimation, must at least allow, that if every man has his price, yet men in easy circumstances will not be bought for a trifle; that a seat in the Senate purchased every 2, 4 or 6 years, by corrupting 40 or 50 of these men, must come very high. Few indeed would have ability or inclination to throw away several thousand pounds merely for distinction. Nor can the view of profit be very tempting. All judicial offices being for life, vacancies in them will be rare—military appointments will be few except in case of war, which by a wise administration must be seldom and for a short time—new offices cannot be created but with the consent of the representatives—neither they or senators can during the time for which they were elected be appointed to any civil office created or made more profitable during that time. The official favours in the gift of the senate and president cannot therefore amount to a great deal. In making treaties foreign powers may indeed offer very tempting bribes, but then two thirds of the senate with the president must be gained; besides treaties that respect peace and war, commerce, loan of money, and which affect taxation and other great matters of internal legislation,

cannot be executed without the approbation of the house of representatives. Thus the powers of the senate do not furnish a very profitable fund of corruption; and this fund must be divided among a majority, or at least a dozen persons of the greatest influence. No man of common prudence would impair his fortune in bribery from an expectation of profit merely by his own vote and influence.—Other senators will seek an office of emolument for themselves or their sons and connexions as well as he, or share an infamous sale of appointments. There must then be a junto of knaves to secure any regular and considerable wages of iniquity. But such a junto would soon be detected and exposed to public censure, not only by the virtuous, but by even those who equally corrupt, envy their advantage; by disappointed competitors aggrieved by the neglect of merit, or enraged to have thrown away their money: All these would trace the sources of corruption, and disgrace those members of the respective legislatures, who were base enough to betray their trust for gold, or whatever object.

The number of senators though small, is yet sufficient, for these reasons—*First*, the probability of having a wise majority depends more on the mode of election, than the number elected: if but few have great abilities, the majority of a large assembly will probably be deficient—*Secondly*, a few will be more responsible, and therefore more influenced by honor, shame, and fear—An hundred rich and powerful senators would certainly dare to attempt more than 26. *Thirdly*, in matters that require much information, the consultation of many must be very tedious. This is the case in appointment to offices—A necessary knowledge of characters cannot be obtained by a discussion in a large assembly, like affairs of a public nature; and if many individuals must acquire this knowledge by particular inquiries from several persons, a waste of time is inevitable, and of course greater expence, delay and neglect of important general objects.

The last appears to me a strong argument for not granting this right to the house of representatives. Nor can it be denied, that a senator who continues 4 or 6 years in office is more responsible than a member of that house, who is *one* of *many*, and from the shortness of his official period may plead some degree of ignorance.

A different mode of election is perhaps in itself most favorable to liberty. If the same persons were to elect both senators and representatives; the election of both would be secured by the same bribe, or personal influence.

Should any legislature abuse its privilege, the Congress may alter the time, and manner of holding election for senators—This controul is very proper, as it is not by the senate alone, but by the United states

in Congress, which certainly must at all times deserve more confidence than the government of any particular state.

It is then evident to an impartial attention, that the federal senate must be organized in the manner recommended by the Convention, in order to secure a sufficient political wisdom in the legislation and execution of the federal government; and that no other mode would in fact be more republican. The senators will generally be taken from that class of citizens, that form what some call a natural aristocracy, others the better sort of people; but so they must. Let us not be alarmed by the name of things, that really exist. This better sort does not necessarily mean the wealthiest, or the sons of the richest and most distinguished; but it signifies men of abilities, and so far men of some fortune or family, as those abilities cannot be acquired without these advantages. To pretend that every honest and sensible farmer, or mechanic is qualified for a seat in the federal senate, is an absurd flattery, that will disgust them—Few of those who have had the advantage of a liberal education will merit so high a trust. At the same time this great republic will no doubt by the benefit of public seminaries and other means enable a distinguished genius to rise from the lowest fortune to the greatest dignities—this happens very often in European monarchies.

Many of the representatives will no doubt be chosen from the same rank with the senators. Yet it is also probable that a number of electors will choose those, whose situation in life is more similar to their own. Besides, some representatives of the first fortunes may from a love of popularity act a very democratic part. The senate will from sentiment and genuine principle be temperate republicans. If some from that pride often inspired not only by wealth and family, but superior talents, incline to aristocracy; they are but a counter-poise to the democratic party in the other house.

The general circumstances of a nation determine its government; but a necessary variation of individuals in sentiment and situation, creates extremes. Thus in a Republic, the people are in general Republicans in principle; yet not a few *go beyond or fall below* the true republican spirit, that golden medium, the soul of true liberty. Men of distinguished talents and superior fortunes, are very apt to desire a distinction not admissible in free countries. Again many from secret envy, poverty or honest prejudices, would level all distinction; they hate the bare mention of family; they dislike iniquality of property; and cannot even suffer that superiority of genius so visibly the gift of Heaven. Such extremes in political sentiment will naturally appear in those that govern; placed in different scales they will nevertheless ballance each other; and the government will act from a steady principle of liberty.

152. A Citizen
Carlisle Gazette, 24 October 1787[1]

To the People of Pennsylvania.

Fellow Citizens, The present is a most important time. As members of the united states, you this moment enjoy the greatest civil blessings, and what is not paralleled in the history of mankind, you have the privilege individually to deliberate and freely determine, in the midst of peace & quiet, upon that government that shall rule the united states. Your conduct, however, will determine whether the possession of this blessing will in the issue be happy or miserable for yourselves and your posterity. If you reject a good plan of government when proposed to you, and continue in a state of anarchy, or if you adopt a bad plan, the consequences will be ruinous and perhaps equally so.

The fœderal convention appointed for that purpose, have submitted to your consideration a plan of continental government. I wished it might have had a fair and unbiassed examination and being left without comment to the native honesty and good sense of the people. I am sorry to find it has met with very different treatment; and that a writer under the signature of centinel, whose performance has been industriously circulated among the people, has abused both that plan and you by setting it in a totally false point of light. It is purely from a desire to counteract the poison of his performance and to detect his sophistry and misrepresentation, that your minds may be in a condition to examine the plan with candor, and judge of it according to its own merits, that I now address you.

In order the more successfully to impose on you, the centinel paves his way by the most base and groundless insinuations of dishonesty in the men who composed the late federal convention. He represents them as artful and designing—as ambitious, and who think they have a right to lord it over their fellow creatures—as having for a long time meditated schemes of power and aggrandisement—and to compleat the infamous detail, he sets their excellencies general Washington and president Franklin, in the most contemptible point of view; the one as a good sort of man indeed, but very ignorant of the business he was employed in; the other as a weak, timid, wavering, old man. Can you conceive why these enlightened patriots should be thus abused? Or is there any reason why they should be suspected? Have they not manifested an uniform attachment to the liberties of their country and the rights of mankind, through our late arduous struggle? How could they long meditate schemes of power and aggrandisement? Not a man of them knew beforehand that he would be a member of that convention,

till the moment of his appointment! Is general Washington so ignorant in politics? Read his letters, and especially his advice to the several states upon the resignation of his high command. No my fellow citizens, he was not bred in a camp; and but a small portion of his life was spent in it. His great and comprehensive mind has had the best opportunities of information on this subject, and he is as enlightened in the science of government as of war. And I hope you will seriously consider whether the age and long experience of president Franklin, with his established character for skill in politics, be not strongly in favour of the new plan, instead of being an objection against it.

As the centinel begins, so he goes on. He insinuates that the federal convention were misled by Mr. Adams's principles of government, and then enters on a refutation of these principles, although he declares, that, the convention have not formed their plan upon them. To what purpose then does this writer introduce Mr. Adams's principles? The reason is obvious, it is the same that actuates him through the whole. His design is to prejudice and prepossess you, both against the men and the plan they submit to you, by insinuating that they intended to form a government similar to that which Mr. Adams recommends, and which, after having dressed it up as he thought proper, he has torn to pieces, though they were such bunglers that they missed their aim at last, and then asserting that they at length hit upon one much more extravagant; even the most daring attempt to establish a despotic aristocracy among freemen that the world has ever witnessed.

Having prepared you, as he thinks, to swallow any misrepresentation of the plan itself, the centinel, proceeds to that business; he tells you, that congress may by the proposed plan keep a standing army in time of peace. Now I declare for my own part, that though I have read the plan with the greatest attention, yet I cannot see such an expression in it. The 8th sect. of art. 1st. ordains, indeed, that congress shall have power "to raise and support armies" but there is not a word that it shall be in time of peace. The centinel tho't proper to add that himself. Nay the plan declares that not so much as an individual state shall keep troops in time of peace, unless by consent of Congress. Just in the same manner he tells you that congress shall be vested with "every species of internal taxation." That congress should have power to tax or quota the several states, & collect these into the public treasury, every one will grant, and therefore the centinel with his usual honesty foisted in the word internal, which changes the idea essentially. He tells you that the judicial powers, which congress may vest in their supreme court, extend to so many objects, that probably the state judicatures would be wholly set aside by this one supreme: and for example adduces the

courts of England, some of which have extended their jurisdiction over objects out of the line of their institution. But is a good institution to be rejected because it has been and may again be abused? If so then what shall we fix upon? I know of nothing but what the wickedness of man has perverted or may possibly pervert. If you reflect a moment, you will see that there must be a continental court; because many causes will arise of so general a nature, as not to come within the sphere of the internal police of any particular state. Cases may happen in which a whole state will be a party and which therefore cannot be tryed by the court of any particular state; an instance of which we have actually had in the late dispute between Pennsylvania and Connecticut, determined at Trenton, by a court appointed by congress. Hence whatever partakes of this nature should certainly be under the jurisdiction of the continental court. It is necessary too that these should be specified in the institution of that court, to prevent future differences about them. And if you examine the objects of jurisdiction, mentioned in the plan under consideration, you will find them all to be of this kind. If in the nature of things these objects be numerous, could the convention help it? Could they change the nature of things? It was their duty to provide for such cases; and their wisdom and honesty appeared in pointing them out particularly, to prevent future contention.

He tells you that the convention intended to make congress omnipotent; and that the general government should swallow down all the particular state governments, or melt them into one empire.—How does this appear? "Because, says he, these powers are so extensive; and because it is ordained that this constitution and the laws that shall be made in pursuance of it, shall be the supreme law of the land." We have examined these powers and shewn that he entirely misrepresents them; and with regard to the constitution &c. being the supreme law of the land, I hope you will consider whether it be not absolutely necessary—That government is but an empty name, which has not supreme powers in all cases for which it is instituted.

The plan you have under consideration points out in particular the purposes for which it is made; and if you examine them candidly you will find they are all necessary in a general government that shall be sufficient to hold the states together as one confederated body. But how useless, how insignificant would this government be if every state had a right and power to oppose it and pay no regard to its decisions though in the line of its proper jurisdiction as declared in its own constitution? On these terms we should be just where we are and our union but a name.

With the same dishonesty he comments on the construction of the proposed government. After mentioning the three branches he tells you that the house of representatives are on the part of the people to ballance the senate who he supposes will be composed of the better sort, the well bred, &c. Observe now the inconsistency of this writer. In the former part of his performance he told you that the plan is not founded on Mr. Adams's balancing powers, now he asserts that it is. But what foundation is there for such a supposition? What reason is there to allege any balancing in the case? Is not the interest of all these branches the same? Certainly it is.

His misrepresentation is visible here in the clearest manner: he would have you believe that this plan creates three parties with jaring and opposite interests; and that the house of representatives is the only guardian of the peoples rights in it.—But can you allow yourselves to be so imposed on? Are not the senate and president to be chosen from among the people as well as the representatives; and are they not to return again, after a short time, to a level with the people, and feel all the consequences of their measures in common with others, if the people and house of representatives please? But he has one step further to go, to compleat his misrepresentation of the plan and abuse of you. He says it will, in practice be a permanent aristocracy.

If the Centinal had set himself to miditate for an age, he could not have invented a greater falsehood, or more contrary both to the letter and spirit of the proposed plan. You will certainly here think what an aristocracy is; and not suffer yourselves to be imposed on by a name—an aristocracy is where the government is in the hands of nobility; and nobility are such as have peculiar and exclusive privileges decending from father to son—privileges and rights above the common people, and which they have no share in. Now my fellow citizens, the proposed plan is so far from establishing such a government, that it is absolutely forbids it; and ordains, that neither congress, nor any particular state, shall ever confer any tittle of nobility on any of its members—on any citizen of the United States. Can there be a greater security against aristocracy? or was it in the power of the convention to provide more effectually for the preservation of equal rights and privileges to all the individuals in the union? No.

Let me now request you to read the plan submitted to you by the late convention with candor, and free from the sophistry and misrepresentation of the Centinel; and I am persuaded, that, considering the different interests of the states which are to be governed by it, you will find it to be as wisely framed as we could rationally expect—The great

essential requisites in every government are, fidelity, or firm attachment to the good of the people—Wisdom to discern what is for the public good—and dispatch in business, or speedy execution of the measures determined upon. These you will find all united in the proposed plan. It is, in every sense of the word, a popular government: it is founded on the people at large; they put it first in motion; and they alone keep it up. Every member in the different branches of government is to be chosen by the people, or by those whom they delegate for that purpose: and besides, they can change their members, if they please, after short intervals. Moreover, as there never can be any nobility in the states, or person possessed of any rights or privileges but what are common to the meanest subject; and as all the rulers must be chosen out of the body of the people at large, they never can have any interests separate from or opposite to those of the people. Hence fidelity in government is secured; for the people are always faithful to their own interests; and according to this plan the people govern themselves as really and essentially as in any state government now in the union. The plan also provides for the greatest wisdom in the measures to be adopted for the public good, by causing every proposed measure to undergo the examination of two distinct bodies of men, and subject too to the revision of the president, altho' he cannot put a negative upon it.

The Centinel would make you believe these different branches were intended to balance one another. We have shewn you this notion is absurd and groundless, as they have all the same interest. The sole intention of it is to produce wise and mature deliberation. Experience teaches us that individuals or single bodies of men are liable to rash and hasty decisions—to party influence and cabal—that we are generally fond of what originates with ourselves—and that another person, of no greater ability than ourselves, will easily discern a blemish in our productions to which we are blind until it be pointed out. Wisely, therefore, has the convention formed the plan upon this construction; & especially as the subjects of their deliberations will be so important. By vesting the executive power in one man, they have also provided for dispatch in the execution of the laws. Wherever a number of men are concerned altho' they may plan wisely, they will be slow in the execution; and frequently the best measures prove abortive on this account. If you seriously reflect now upon this plan I presume you will see that it is calculated in the best manner to secure your rights, and at the same time to attain the ends of good government. The Centinel asserts, that responsibility in the rulers is the best security the people can have of their rights. Now were this true, every discerning person will see that there is as great a responsibility in this plan as if all the powers of

government were blended in one body of men. But the assertion is false. Interest is the greatest tie that one man can have on another, I mean taking mankind in general. And for the truth of this I appeal to your own experience and observation. The thief, the robber knows that he is responsible to the state, and in danger of the halter or the wheelbarrow, yet this does not influence his conduct; but convince him in any particular instance that it is more for his interest to forbear this practice, and he will, for that time, be honest. According to the proposed plan, the interest of the rulers and the ruled are the same; they never can be separated, for they are all one mass, having no difference of rights or privileges; or, as I said before, it is the people governing themse[l]ves; and therefore their rights will be secure.

I must request you now to consider the object of this government, the plan of which you have under consideration. It is the firm union and welfare of all the states as one confederated body. It is not a government of individuals directly and immediately; this is the business of the particular state legislatures, and belongs to their internal police.

From this you will see that such a government must necessarily have supreme power in all things which respect the general welfare or good of the whole taken as one collective body,—a power to controul each particular state when it acts contrary to this general good, and oblige it to contribute its part to this purpose, if in any instance it should refuse. A moments reflection will convince you that if we are to be united states at all, nothing short of this can answer the purpose: and if you examine the powers vested in congress by the proposed plan, the same reflection will satisfy you, that they are all necessary for the attainment of this end. I wish not to conceal any thing on this subject that I know. If you say the particular states will be abridged of some of the powers they now possessed; I grant they will. But consider the advantage to be obtained thereby, that is, the united force of the whole to protect the rest. This is necessary in all social compacts,—without it there can be no government at all, either of individuals, or of states: and if you ask how much should be given up; I answer, just so much as is necessary to secure the enjoyment of what remains. The consideration of the nature and object of this general government will also shew you how weak it is to talk of a bill of rights in it. It is a government of states; not of individuals. The constitution of each state has a bill of rights for its own citizens; and the proposed plan guaranties to every state a republican form of government for ever. But it would be a novelty indeed to form a bill of rights for states. The same observation will apply to the liberty of the press; which is secured by each state to itself—and also to trial by jury in many civil causes that may come before

the courts of congress. Suppose, for instance, that a trial between two states should come on, where will you get a jury of their peers? You must bring twelve states together to try them. The bare stating of the case is sufficient to refute the objection; considering then the nature of the civil causes which the courts of congress are appointed to try, it would be absurd to ordain it should be by jury in all cases.

Upon the whole, my fellow citizens, if you examine the proposed plan candidly and justly, that is, according to the nature of the object to be attained by it, you will find not only that the Centinels comment upon it is false and sophisticat, insidious and designing, but that it is as little exceptionable as any plan we have reason ever to expect. And if this address will be of any advantage to you in the examination, I shall rejoice.

1. Reprinted: *Pennsylvania Gazette*, 7 November.

153. Philadelphia Freeman's Journal, 24 October 1787

A correspondent introduces to our notice, a pamphlet of twenty-seven pages, small quarto, printed at New York by *Francis Childs*, entitled, "*Observations on the plan of government, submitted to the federal convention in Philadelphia*, on the 28th of May, 1787, by Mr. CHARLES PINCKNEY, delegate from the State of South Carolina; *delivered at different times in the course of their discussions.*"

As Mr. *Pinckney* constantly refers to his plan, without giving a copy of it, these observations, generally, are not intelligible to a common reader: yet some information concerning his particular sentiments, on this great subject, may here and there be gathered from the publication.

Page 5. he says, "that in a government where the liberties of the people are to be preserved, and the laws well administered, the executive, legislative and judicial, should ever be separate and distinct;" and immediately after he finds fault with the inequality of principle, whereby the largest and most considerable States have, at present, an equal weight in the affairs of the union.

Page 20, his opinion is, that Congress "should have the exclusive right of establishing regulations for the government of the militia." And adds, "As *standing armies are contrary to the constitutions* of most of the states, and the *nature of our government*, the only immediate aid and support, that we can look up to, in case of necessity, is the militia."

And in all important questions, where, by the present confederation the assent of *nine* states is necessary; and in regulating trade, laying on imposts, and other taxes, he recommends that the concurrence of *two thirds* of both houses of the new Congress, should be essential.

But a paragraph, which begins the 26th page, as it forms a strong *contrast* with the constitution, finally agreed on, in the late convention, is highly deserving attention. It runs as follows:

"The next article provides for the privilege of the writ of *habeas corpus*—the trial by jury in *all cases, criminal as well as civil*, the *freedom of the press*, and the preventing of religious tests, as qualifications to places of trust or emolument; the *three first essential to free governments*; the *last*, a provision, that the world will expect of you, in a system founded on republican principles, and in an age so liberal and enlightened as the present."

From this last quotation, our correspondent infers, that the *freedom of the press*, and *jury trial* in *civil cases*, were not dropped out of the new plan from hurry or inadvertence, as some have suggested; but that they have been designedly passed over in silence, by its authors. How necessary then is it, he concludes, that a proper chapter of *rights* be added to this work!

154. Nestor
Philadelphia Independent Gazetteer, 24 October 1787

The writer on Federal Sentiments says—"Among the objections that are made against the proposed federal constitution, the aristocratic appearance of the senate is the principal, and the only one not sufficiently refuted." But with all due deference to that gentleman's superior knowledge, I must beg leave to inform him that he has made a mistake here; for instead of this being the principal and only objection against the proposed constitution, it is one of the very least; so that neither the objection itself nor its refutation, are of any great importance; and hence he might have spared himself the trouble of writing his supplemental essay of three columns on that subject—I wish this gentleman would favour us with an essay to refute such as are really the principal objections to this constitution; namely—*The abolition of the liberty of the press*—The support of a *standing army* (that cursed engine of tyranny) in time of peace—The omnipotence of Congress in regard to taxation—The granting the money-bill (or supplies) for the term of two years, which should not be for more than six months in a free country.—These are truly the principal objections to the new constitution. I like this new model of government in respect to the organization of Congress into the three different branches; and I hope such a system will be adopted; but in regard to the objections above, I wish they were removed by some able writer; for the attempts which have been hitherto made on these heads, have undoubtedly done more harm than good to the new constitution.

155. Lancaster County Election Notice
Lancaster Zeitung, 24 October 1787

Notice

It is hereby announced to the freeholders in Lancaster County that by virtue of a resolution of the last General Assembly an election for the abovementioned Lancaster County will be held Tuesday the sixth of November in the usual places in the four different districts which are designated by law for general elections to be held. The inhabitants who have the right to vote for representatives to the General Assembly are urged to vote for six well-qualified persons to serve as delegates in the state convention which will pass on the Constitution of the future government of the United States, which will be decided upon and announced by the convention. The election is to be conducted by the officers who conducted the last general election agreeable to the rules thereof.

John Miller, Sheriff

Lancaster, October 18th, 1787.

156. Harry Hogarth
Pennsylvania Herald, 24 October 1787[1]

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, As I was strolling in the State House yard, reflecting upon the present rage for political argumentation and wishing, if possible, to discover which party held the most accurate opinions respecting the federal government, I was encountered by Tim Clamor, who, before he had done shaking my hand, eagerly asked—*have you seen it?* Tim had lost a valuable family watch but a few days before, and, conjecturing that this was the object of his inquiry, I assured him, I had not, but was exceedingly sorry for the misfortune. "Misfortune!" exclaimed he, "zounds! 'tis the most glorious event that ever happened! Here's a work!" Upon which he produced a copy of the new Constitution, and continued, "You may talk of your Solon, your Lycurgus, your Alfred and your —— no, sir!—you can talk of no sage, ancient or modern, in comparison with our illustrious band of lawgivers. Why, look ye! in this single sheet of paper is comprised all that is necessary to make us a free, a wise, a virtuous, and a powerful nation; and he that does not believe so, is both a fool and a knave." I thought my friend's reasoning like Lord Peters's in the tale of the tub, and ventured to pronounce the inquisitorial monosyllable—"*how?*" But Tim, who was always more skilled in asking, than in answering questions, instantly assumed a look

of indignation, and quitting me abruptly, muttered a sentence to himself, in which the word *skunk* was articulately expressed.

As he withdrew from the garden, *Toby Megrum* entered. I had been informed that Toby's wife was dangerously ill, and from the melancholy which at this moment usurped his features, I anticipated a painful exchange of lamentation on his part, and condolence upon mine. He advanced slowly towards me, and the first words he uttered confirmed the conjecture I had made. "All is over!" I softened by voice, and said "I was sorry for it—very sorry—but that the severity of the calamity was, in some degree, diminished by having been so long expected." "Oh! no, my friend, who could have expected it when such able men were employed?" "The most skillful physicians," I rejoined, "might be mistaken; or perhaps your wife's disorder, my good sir, was one of those which prove the fallability of the *ars medica*." Toby looked me full in the face, and, repeating "*wife!*" in a tone of ejaculation, presented a paper to me upon which the word CENTINEL was printed in large characters. "Here!" (said he, in a more animated accent) "here is the detection of the most horrible plot that ever was projected against the liberties of mankind! Oh! my friend, we are undone! The freedom of the press, trial by jury, and the sovereignty of the state, are all—all annihilated! and the yoke of slavery already presses on our necks!" This lamentable picture relieved me from the embarrassment of my last error, and in a moment effaced the pleasant ideas which Tim Clamor's dialogue had excited. Still however, I wished for some proof of these dreadful denunciations, and once more resorted to my interrogatory, "*how?*" I am not certain whether it was occasioned by his grief for the fate of his country, or by his contempt for my ignorance, but Toby, instead of a reply, turned into another walk without favoring me with the common courtesies of a farewell.

Perplexed with such contradictory interpretations of the same subject, I joined *Horatio Tranquil*, who, with a child in each hand, enjoyed the pleasures of the green. He saluted me with his usual cheerfulness, inquired for my family, remarked the fineness of the weather, and admired the improvements that were making in the scene before us, but not one allusion to the new Constitution! It was now my turn therefore to play the *Quidnunc*, and accordingly I requested his opinion upon the popular topic. "Why, I am afraid," said Horatio, "you will think me a very insensible fellow, when I assure you, I have read the proposed frame of government but once, which however has gratified my curiosity, the only motive that induced me to read it all. The occupation by which I support my family does not leave me time enough to imbibe

the opinions and passions of a party; and my understanding, though sufficiently cultivated for the ordinary business of life, does not qualify me to investigate the abstruse science of government. As therefore, I do not wish to be duped by the artifices of other men, or to be involved in the errors of my own judgment, I think it the safest as well as the most honorable conduct to avoid all interposition. When, indeed, I hear one set of citizens assert this plan will establish the happiness of the state, and another set (equally credible) predict that it will produce wretchedness and slavery, how can I venture to decide? Leaving the question then to its own merits, my mind is calm and equal, and my sleep is sweet and undisturbed." Here the clock interrupted Horatio, and, at his request, I accompanied him to a comfortable meal, at which his lively and sensible wife did the honors of the table. The government of the family was perfectly Utopian, nor need Horatio envy the President of the United States, while he thus remains the president of his little commonwealth.

I shall now, Mr. Editor, forego all inquiry whether Tim or Toby is most in the right, resolving to adopt the tenets of Horatio, who is certainly the happiest of the trio.

I am

Your most obedient servant,

HARRY HOGARTH.

1. This document has been edited.

157. Hickory
Pennsylvania Herald, 24 October 1787

NUTS,

For the ARISTOCRATICKS to CRACK.

Bag the First.

TRIAL BY JURY.

The DEMOCRATIC FEDERALISTS have asserted, that in the new proposed constitution for the United States, TRIAL BY JURY *in civil cases is entirely abolished*, and in support of this assertion, they have adduced many good, solid arguments, see the *Centinel*, the *Democratic Federalist*, the *Old Whig*, &c. passim.

The ARISTOCRATICS have denied the assertion, and have answered the arguments of the other party, in the following satisfactory manner:

1st. Mr. *Wilson*, and his arguments are these, *The cases open to trial by jury differ in the different States— Congress could not make a general rule—*

The subject was involved in difficulties—NO PRECEDENT *could be discovered*—*The convention found the task too difficult for them*, and LEFT THE BUSINESS AS IT STANDS—Admirable illustration!

NEXT the author of the *remarks on the address* of the *sixteen members*, and here are his arguments. *I do not see one word in the constitution which by any candid construction can support even the remotest suspicion that this ever entered the heart of the members of the convention*; *I therefore set down the suggestion for sheer malice*, AND SO DISMISS IT.—It were better you had left it alone altogether.

LASTLY the mighty genius, inspired by *Zamolxis* and *Odin*, and a great many other hard named heroes, who has written a *vocabulary of hard words* under the title of an *Examination into the leading principles of the federal constitution*, and he argues thus. *The fact is the trial by jury is not affected in any case, except impeachment*—THEREFORE *the insinuation that trials by jury are to be abolished, is groundless and beyond conception wicked*—An excellent conclusion from well established premises!

These arguments are all extremely *logical*, *clear*, and *conclusive*, and relying on the abilities of the gentlemen who have produced them, I would beg leave to submit to them the following queries, not doubting but they will solve them with the greatest precision, and to the satisfaction of every impartial citizen.

1st. Is not trial by jury, properly defined, *the investigation of a fact by twelve indifferent men of the neighbourhood where it is supposed to have happened?*

2d. This definition being admitted, will it be possible for the Supreme Court of the United States, under the new constitution, to adopt this method of trying issues of fact?

3d. If it is in their power, how many judges must there be to ride the circuits in every year, and try issues in every county of each state, observing, that there are above 80 counties in the state of Virginia alone?

4th. But suppose they do not chuse, as the law now directs, *to bring justice to every man's door*, and are of opinion, with the author of the *examination*, that it is much better to try causes *at a distance* BY A JURY OF STRANGERS (see *examination*, page 39) are all the witnesses on both sides, as well as the parties, to ride several hundred miles to attend the trial of each cause, or is it also better to take depositions in *writing and in private*, than to examine witnesses as we do now, *viva voce*, and *in open court?*

Here, my dear and well beloved *Aristocrats* are a few *nuts* for you to *crack*—I have a great many more in store, which I shall deal out to you,

as soon as you have done with these—I do not dare to give you any more at present, if perchance you should *break your teeth.*

158. Pennsylvania Herald, 24 October 1787

A correspondent desires us to contradict the report that Mr. Whitehill and Messrs. Dale and Antes have been rejected by their several counties on account of the late secession. The truth is, that the gentlemen proposed by the republican interest for a counsellor from Cumberland had not near as many votes as either of the candidates who were proposed by the constitutionalists; and it is conclusive that the above cause did not operate against Mr. Whitehill, since general Watt, the member returned, was one of the nineteen seceders in the year 1784. With respect to Messrs. Dale and Antes, their election was lost on account of their vote against the removal of the seat of justice in the county they represented, and not on account of their secession.

159. Pennsylvania Herald, 24 October 1787

POLITE LITERATURE

Certain bright geniusses being about to improve the English language, mean shortly to publish a dictionary, by AUTHORITY, in which the acceptation of the words will be given, as used in a certain *polite circle*:—for instance:

A FIREBRAND.—We know was formerly considered as a lighted stick—such as *Sampson* tied to the posteriora of the foxes, when he destroyed the corn of the *Philistines.* But it now means a man who enkindled the flame of public spirit, and freedom, against arbitrary power, oppression, and injustice.

This word is much used by SUPERBUS.

A BAG *of* VENOM.—Was formerly found in the mouths of rattlesnakes, and other species of the serpent kind only.—But is now, a man who opposeth corruption, and exposes chicanery, and knavery;—draws vice from her lurking holes, and holds her up to public view, and detestation.—*So used by* AURITOPHIL.

160. Robert Morris to George Washington Philadelphia, 25 October 1787[1]

That you may not think me guilty of Neglect, I acknowledge the receipt of your obliging letter of the 14th Inst by Post but that by the Charming Polly is not yet arrived, when it comes to hand I shall have the pleasure of addressing you again. Mr G. Morris went to New York

to stay Nine days, he has been gone near five Weeks & I wait his Return before I can finally decide whether I can set out for Virginia or Not—

We rejoiced much to hear of your safe arrival at Home having been made very uneasy by the Report of the Accident at the Head of Elk. If you read our News Papers you see much altercation about the proposed Constitution the oponents are not Numerous altho they fill the News Papers every day—

Mrs. Morris & myself are much obliged by your & Mrs. Washingtons good Wishes We can truely say they are Reciprocal

1. RC, Washington Papers, Library of Congress.

161. A Federalist
Philadelphia Independent Gazetteer, 25 October 1787

To the FREEMEN *of* PENNSYLVANIA

Friends and Fellow-Citizens, Conscious of no other motives than those with which the love of my country inspires me, permit me to request your candid, impartial and unprejudiced attendance, while I address you, on business of the utmost importance to every honest American, a business of no less magnitude than the salvation of the United States.

I need hardly tell you, what is universally allowed, that our situation is now more precarious than it ever has been, even at that time, when our country was laid waste by the sanguinary armies of Britain, and her mercenary allies, and when our coasts were infested with her hostile fleets: then, a sense of the common danger united every heroic, every patriotic soul, in the great cause of liberty, even selfishness itself, forgetting every narrow, contracted idea, gave way to that diffusive liberality of sentiment, which was so instrumental in procuring peace and independence to America.

But, ever since that memorable epoch, unanimity, the great source of national happiness and glory, has been banished from among us, and discord, with all its cursed attendants, has succeeded in its stead. Such a train of calamities issued from this fatal change, as at length aroused the virtuous citizens of the different states from their lethargy, and excited in them a desire of exploring, and of removing the cause; nor was the former a different task; our distresses were immediately discovered to be inevitable effects of a weak, a disunited, and a despicable federal government; to effect the latter, delegates were sent, by twelve of the states, to the late federal convention, who, after four months deliberation, at length agreed upon a plan of government for the United States, which is now submitted to your consideration. Upon

this proposed federal constitution, I mean not to bestow any useless panegyrics at this time, my slender praise might cast an *odium* upon what is in itself truly excellent, and needs but a candid reading to be admired. Suspended, as the fate of the United States now is, how immensely base must the wretch be, who strains every nerve to disunite his fellow-citizens, and by a long train of sophistical arguments, strives to establish antifederal sentiments in this state! yet, however strange it may seem, such there are among us. One antifediral piece signed CENTINEL, which is replete with glaring absurdities, and complete nonsense, has been industriously circulated among you, in the newspapers and in hand-bills. The author (I should have said *authors*) of this illiberal and scandalous performance, remarks, that a "frenzy of enthusiasm," not "a *rational investigation* into its principles, actuated the citizens of Philadelphia, in their approbation of the proposed plan" of government. As some drunk men think every person they see is intoxicated; and as an illiterate observer on this earth, is apt to believe in the sun's motion, not discerning that its apparent revolution is the effect of his own real motion; so has Centinel charged others, with neglecting that *rational investigation*, to which *he* has paid very little attention; for if he carefully examines the proposed constitution, he will find, that he has either ignorantly, or designedly, perverted its plain and simple construction. He seems to think that the citizens of Philadelphia ought to have suspended their judgment, till they had known the result of his *rational investigation*; for, says the *profound politician*, "Those who are competent to the task of developing the principles of government, ought to be encouraged to come forward, and thereby the better enable the people to make a proper judgment; for the science of government is so abstruce, that few are able to judge for themselves." He certainly must have forgot that he was addressing American freemen, who enjoy the darling prerogative of thinking for themselves: such political priestcraft might have answered some purpose, in the early ages of ignorance and supersticion, when a set of artful and designing Monks assumed an absolute controul, over both the purses and consciences of the people; but thanks to Heaven! we live in an enlightened age, and in a free country, where such pernicious doctrine has long since been treated with deserved contempt.

He begins with enumerating "certain privileges secured to you by the constitution of this commonwealth," which, notwithstanding his groundless assertions, are not infringed in the smallest degree, by the proposed federal constitution, which obliges Congress to guarantee to each state its respective republican form of government. Whatever he may think of the matter, a firm union of all the states is certainly necessary to

procure happiness and prosperity to America. In vain do we look up to the constitution or legislature of this state; they cannot alleviate our distresses.

Is it in the power of Pennsylvania to protect her own trade, by entering into commercial treaties with the nations of Europe, and thereby to secure a West India, or an European market for her produce? No. Is it in her power to treat with, and obtain from Spain, a free navigation of the river Mississippi, to which God and nature have given us an undoubted right? The impoverished state of our western country, where the luxuriant crops of a fertile soil are suffered to rot in the fields, for want of exportation, answers No.—Is it in her power to encourage our infant manufactures, to give sustenance to our starving mechanics, to prevent a general bankruptcy, or to raise a revenue, by laying an impost on foreign goods imported into this state? No: All her attempts are liable to be counteracted by any neighbouring state; for it is well known, that the imposts have been frequently evaded in this state, and always will while Jersey and Delaware open free ports for the reception of foreign wares. So that the exigencies of government must necessarily be provided for, by a heavy land tax, which you my fellow citizens have groaned under for some years past, with surprising patience and resignation.—Should some desperate ruffians, as a Shays, or a Wyoming Franklin, with an armed banditti at his back, proceed to murder our defenceless inhabitants, has Pennsylvania the means of speedily repelling their ravages? No. Before the necessary steps could be taken for a defence, her towns might be laid in ruins, and her fields deluged with the blood of her helpless citizens. And Oh! distracting thought! the citizens of the neighbouring states would abandon us to our unhappy fate; nor would they deign to shed a tear of pity on our funeral urn.—It would be an endless task to give a detail of all the cases in which the exertions of individual states cannot afford the smallest relief. An idea of thirteen neighbouring states being able to exist independent of each other, without a general government; to controul, connect and unite the whole, is no less absurd than was the conduct of the limbs, in the fable, which refused to contribute to the support of the belly, and by working its downfall, accelerated their own ruin. Of this every state in the union is fully convinced, by woeful experience, unless we except Rhode Island; for the meridian of which, Centinel has calculated his antifederal remarks, which he has had the presumption to address *to the freemen of Pennsylvania.*

Afraid of investigating the constitution itself, he previously attempts to prejudice you against it, by charging the patriotic members of the convention, with a design "of lording it over their fellow creatures,"

and with "long mediated schemes of power and aggrandizement." Is it possible that the freemen of America would appoint such men as these to so important a trust? No. The public characters of the gentlemen who were chosen by my respectable fellow citizens, in the different states, are such, as at once justify their conduct in the choice, and contradict the unjust and ungenerous assertion. This defamer has even dared to let fly his shafts at a WASHINGTON, and a FRANKLIN, who, he tells you, have been so mean, ignorant and base, as to be dupes to the designs of the other members—Is not every man among you fired with resentment against the wretch who could undertake a job thus low, infamous and vile? and who was so prone to slander, as wantonly to traduce names dear to every American; names, if not respected and esteemed, at least admired, even by their enemies.

After having striven to inflame your passions against these worthy men, he then makes a general objection to different branches in government, here again he advances doctrine which has long since been exploded as dangerous and despotic. That a single legislative body is more liable to encroach upon the liberties of the people, than two, who hold an useful check upon the proceedings of each other, he does not attempt to deny; but asserts that one body will be more responsible to the people, than two or more can be; therefore, after this body shall have erred, the people can immediately take vengeance of its members. That is, if I may be indulged with a trite saying, after the steed is stolen lock the stable door. Had he proceeded in the same mode of reasoning, he might have proved that an elective monarchy, is the best government, for it is certainly the most *responsible*, since one man is accountable for every grievance. In truth, my friends, you will easily perceive that this *responsibility*, which he lays so much stress on, is by no means sufficient to secure your liberties. If you enquire into the effects of sanguinary punishments upon criminals, you will find, that instead of reforming, they have encreased the wickedness of the people.

But the convention, not content with providing punishments for the misdemeanors of government, have done wiser, in endeavoring to prevent these misdemeanors, which was evidently their intention in new modeling the federal government.

He next complains of the too extensive powers of Congress—"It will not be controverted," says he, "that the legislative is the highest delegated power in government, and that all others are subordinate to it." In this I perfectly agree with him, and am apt to believe, that had he paused here one moment, he would not have been so ready to fear an aristocracy in any branch of the new federal government; since the

most essential parts of legislation are to be vested in the house of representatives, the immediate servants of the people, with whom all money bills must originate.

He is ready to allow Congress to pay the debts of the union; but then, they are to have power to lay and collect duties, imposts, &c. which the new constitution declares shall be uniform throughout the United States; here the word *collect* seems to stick in his stomach. What! says he, will they have power to enforce the payment of taxes? Oh! it is dangerous to invest them with such authority; they ought to call upon us as heretofore, and leave it at our option, to comply with their requisitions or not. Such is the reasoning of this advocate for delinquency, the absurdity of whose political creed is self apparent, and needs no comment. Happy would it be for Pennsylvania, if the different states were obliged to pay their proportions of the foreign and domestic debt; she would not then be struggling under an enormous land tax, to pay much more than her just quota of the public burthens. But, says he, there is a possibility of having standing armies too. This is quite wrong; let Congress have power to make war, crush insurrections, &c. but let them have no troops for these purposes, unless each state shall think proper to furnish its quota of men; or if we vest the power of raising armies in Congress, let them be tied down, and not permitted to raise a single regiment, until an invasion shall have actually taken place, and the enemy shall have ravaged and spread desolation over five or six of the states; it will then be time enough. Indeed I think we ought immediately to disband the troops stationed on the Ohio, and not raise a man for that service before the savages shall have laid our country waste, as far as Susquehannah at least. Why need we trouble ourselves about the inhabitants on the frontiers? Such truly is the substance of his arguments.

He has further discovered—that the trial by jury in civil cases is abolished—that the liberty of the press is not provided for—and that the judicial and legislative powers of the respective states will be absorbed by those of the general government.

As to the first of these, it is well known that the cases which come before a jury, are not the same in all the states; that therefore the Convention found themselves unequal to the task of forming a general rule, among so many jarring interests, and left it with Congress to regulate the conduct of the judiciary in all civil cases. It may not be improper here to remark, that Congress can at any time propose amendments to this constitution, which shall become a part of it when ratified by the legislatures or conventions of three-fourths of the states.

True, no declaration in favor of the liberty of the press is contained in the new constitution, neither does it declare that children of freemen are also born free—Both are alike the unalienable birthright of freemen, and equally absurd would it have been, in the convention, to have meddled with either.

The *ne plus ultra* of the powers of Congress, and of the judiciary of the United States is expressly fixed—therefore, no danger can arise to the legislative, or judicial authority, of any state in the union.—*Centinel*, in discussing this point, has ransacked his brains, tortured, twisted, and perverted the new plan of government, to support his blundering assertions; especially where he has quoted sect. 4 of the 1st art. "The times, places, and manner, of holding elections, for senators, and representatives, shall be prescribed, in each state, by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of chusing senators."

"The plain construction of which," says Centinel, "is, that when the state legislatures drop out of sight, from the necessary operation of this government, then Congress are to provide for the election and appointment of representatives, and senators." O amazing result of *a rational investigation*!—I confess he understands the meaning of words much better than I do, if his construction of that section be just.—What may Congress "make or alter?" the times, places and manner of holding elections, in the different states.—But why is the place of chusing senators excepted? Who are to appoint them? Certainly, the legislatures of the respective states, who are to elect the senators in any place they may think proper, which probably will be, where they meet in their legislative capacity. The existence of every branch of the federal government depends upon the state legislatures, and both must stand or fall together.

He next attacks the construction of the federal government, says the number of representatives is too few, others have thought it too many. How was it possible that the convention, in this, or indeed in any other instance, could please every body? For my part I am of opinion that the number fixed by the convention (one for every 30,000) is fully adequate to the task of effectually representing the people; and that a greater number would only clog the wheels, and add to the expences of government, in which, the strictest oeconomy is at all times necessary. That two years is too long a time to continue in office is a mistaken notion; much more inconvenience and expence would be attendant on annual elections throughout this extensive continent. The most strenuous advocates for a parliamentary reform, in Great-Britain, never stickled for more than triennial elections, which they deemed fully sufficient

to secure the liberties of the people. This body may justly be called the guardians of our liberties, since they are not chosen by the state legislatures, as Congress has hitherto been, but by the freemen at large, in every state. No undue influence can be exercised over them, nor the senate, for no placemen, or officers of government, can have a seat among them.

He says, the senate is constituted on the most unequal principles, since the smallest state in the union sends as many senators as the largest. Here is a small concession to the smaller states, which proclaims the liberality of sentiment that prevailed in the convention. Let us, my friends, in the larger states, be satisfied with our superior influence in the house of representatives—As to the senates being composed of the *better sort*, the *well-born*, *&c.* it is a most illiberal reflection, thrown out by this antifederal demagogue, against the freemen of America, who, I trust, will always elect to this important trust men of integrity and abilities—But how is there any danger of this body's becoming an aristocracy? In their executive capacity they are checked by the President; and in their legislative capacity are checked by the house of representatives; and of themselves cannot do a single act. He seems apprehensive that the President may form a coalition with the senate; "whose influence might secure his re-election to office," I cannot conceive how they can exercise any influence in his favour—for both senators and representatives are expressly excluded from being electors.

The only objection he makes to the power of the President, is that he can grant pardons and reprieves. This prerogative must be, and always is vested somewhere, in all free governments; to whom then can it be given with more safety than to this officer, who never can have any interest in exercising it to evil purposes?—If he should, he will be liable to impeachment, &c.

Previous to his conclusion, he attempts to lull us into security; but his sophistry can never operate so far upon our senses, as to make us believe, that our situation is not "*critically dreadful.*" The most ignorant among us severely feel the miseries which surround us on all sides. That *he* may be very well pleased with his present situation, I have not the smallest doubt; for it is notorious, that the anti-federal junto, in Philadelphia, is composed of a few self-interested men, who, in the midst of our distresses, are receiving most enormous sums out of the public treasury, and like ravens are preying upon our very vitals.

Columbians! "Is there not some chosen curse,
"Some hidden thunder, in the stores of heaven,
"Red with uncommon wrath, to blast *these* men
"Who owe their greatness to their country's ruin?"

162. An Old Constitutionalist
Philadelphia Independent Gazetteer, 26 October 1787

A *LETTER* TO A *FRIEND*.

Sir, By this time I suppose you have considered and fully resolved in your mind the proposed federal constitution—whether its adoption would be salutary or not.

It appears by our public prints, that the states in general, or a majority of the people of the United States are eager, yea perhaps too eager, to adopt this system:—They seem to be heartily tired of the *manna* of liberty, and long to return to the flesh-pots (or rather bondage) of Egypt; their *cry* is, give us a government, or king, that will set us on a level with the nations—This seems to be the prevailing desire of the Americans, a people whom the Lord hath lately wraught a great deliverance for, and bestowed the greatest of earthly privileges upon, that is, *liberty*, both Christian and civil—Thus to abuse the Lord's mercies, is just cause to provoke him to leave us to ourselves, to follow the dictates of our vain, foolish, and sinful inclination, hereby to chastise us, either in mercy or in wrath, for our abuse of his undeserved favours. In the present proposed government, may we not in truth say and apply the inspired words—"they have made a covenant, but not by me, saith the Lord—they have not made mention of my name.—Wherefore will I praise you in this? Or do you expect, that I will prosper this work of your hands?

(Your correspondent says, he thinks it strange that a certain denomination, are so easily led astray in this matter, and so soon fall in with the multitude; when their overthrow seems almost unanimously to be determined upon by all the different religious, or other sects in this country—If other places are similar to this, is it not truly deplorable when we cannot mix with a multitude, or hear a number of persons collected together speak, but our ears are saluted with such a salutation as—Damn the P————s, we will soon crush or trample them under our feet! And from the present conduct of the most, we have reason to think it is their determination.)

But what have the poor dispised P————s done, to deserve this treatment? What have they done? They have chiefly been instrumental in procuring that liberty and independence to the United States, which many of their fellow-citizens would now deprive them of. Were they not early in the field—Did they desert the American cause—Or did they seek to deprive other denominations from enjoying equal privileges with themselves? No, they did not: witness our own convention (the

majority of whom were P———s) in forming and establishing our own state constitution.

Not long since, it was arrived almost to a state of prosecution in this town; the few old and uniform whigs durst not speak openly, nor deliver their sentiments freely on this subject that respects their's and their children's future temporal happiness.

Have we not, or shall we not contend for the late dear-bought privilege of freemen, viz.—to think, speak, write, and act as freemen? It is acknowledged, and we herein acquiesce, that the powers of Congress are deficient, that they ought to have the additional powers of regulating trade, laying imposts, and collecting said revenue: But the *new* modeled federal constitution does not stop here, it extends to all *cases*, *persons* and *things*, both *external* and *internal*—that is, their power is absolute, without controul, and that the people must submit in all cases whatsoever. If this is the doctrine of the freemen of the United States of America, surely they deserve to bear this *yoke*, nor will they have hereafter any just cause to murmur; but acknowledge, our own hands have brought all this evil upon us; therefore we must submit, seeing we cannot reasonably expect relief from any other quarter. But yet the door is open—then, let us before it is shut, take under our serious consideration the proposed constitution, and examine it candidly as freemen, and see if it corresponds with, and secures the inestimable privilege of independence, to those patriotic citizens, who so nobly withstood the power of despotism in our late glorious revolution; if not, let us like men, like freemen, reject it, and assert our hard earned privileges, which we have been enabled to procure by our blood, and by the lives of many of our dear brethren and fellow-citizens, and say like freemen, that no man or body of men, shall rule or govern us without our consent. For what did we throw off the British yoke and declare ourselves independent? Was it from a disposition so fond of change, as that the rich and insolent, yea, and I may add the disaffected, and some absolute *tories* amongst ourselves, should bear rule over us? If these are our motives, they are base and dishonorable; and tend to deprive our posterity from participating of the blessings of that freedom, which divine Providence hath been pleased to bestow upon us.

Let us consider—For *what* were the *convention* recommended by Congress, and appointed by the state legislatures? It was to take under their consideration the confederation, and to report to Congress and the different states, such alterations and amendments as would remedy the defects thereof, and render the federal constitution, or confederation, adequate to the exigencies of government. Well, did the convention

comply with this their appointment, and point out the defects of the confederation, in order to have them amended? No, they first annihilated the whole confederation and Congress, and in effect the different state legislatures, and presented Congress and the states with a new fabricated system of government, entitled, the *federal constitution*, consisting of three distinct bodies; a president, a senate, and an assembly. These political and self-created houses, are not known in the articles of confederation—If they are adopted, they will effectually annihilate the state constitution, and subject the people of the United States to an arbitrary jurisdiction, which hath absolute power over their properties, if not their lives—being invested with all the powers of legislative, executive, judicial and military authority. But are not these four branches of power chosen by the free voice of the people? No, my countrymen and fellow-citizens, we have only the small privilege of chusing the lower house, who have not so much as power to make a petty law;—we have no vote in the appointment of the others. Where then is our liberty, if we give up our right, our purchased right, to chuse our own representatives? Is it not gone for ever? And shall we voluntarily put on, and submissively wear the fetters of *despotism*, made for us by the late convention, some of whom have been uniformly enemies to our free constitution? Some of our own state members it is well known have opposed it—and what could we expect from such men, but a creature of their own making, composed of neither truth, equity, nor justice? Where were these men, and what were their actions, I mean especially some of our own state members, in the years 1776 and 77, &c. Were they in the field, were they aiding and assisting their brethren in procuring the blessings of freedom to themselves and posterity? Or, were not many of them at home, accumulating to themselves large fortunes, and sometimes opposing those virtuous and patriotic whigs, who ventured their lives, and many of whom spent their property in acquiring liberty for others, who are now endeavoring to deprive *them* of the privilege of freemen? And shall not these steady, uniform old whigs have the liberty of inspecting, examining, approving or condemning the recommendation, or actions of their servants in government? I again say, for what were the late convention recommended by Congress, and appointed by the states? Was it to abolish the confederation, and make a *new* system of government? No; if the rest of the states in union gave similar instruction, as were given unto our delegates, they were only impowered to consult upon, and report to Congress and their respective constituents such alterations and amendments, as might render the federal constitution fully adequate to the exigencies of the union.

See the act appointing delegates for this state.—"And the same Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson, and Gouverneur Morris, Esquires, or any four of them, are hereby constituted and appointed deputies from this state, with powers to meet such deputies as may be appointed and authorized by the other states to assemble in the said convention at the city aforesaid, i.e. Philadelphia, and to join with them in devising, deliberating on, and discussing all such alterations and further provisions as may be necessary to render the federal constitution fully adequate to the exigencies of the union; and in reporting such act or acts for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

You here see, my friend, the power granted to the delegates in convention; and upon a candid examination of the proposed federal constitution, you will be enabled to judge whether these servants of the public have adhered to their appointment; or arrogated to themselves a power with which they were not invested. I do not here intend to make any observations on the proposed *system* of government:—that has been done already by able pens. Therefore, I will conclude this letter with observing—that it is the undoubted right of every free citizen in America, to take under their consideration the proposed federal constitution, and examine it candidly and deliberately—and if they find that it secures unto them those privileges, which they are intitled to as *freemen*, then let them unanimously adopt it. But on the contrary, if it deprives us of those rights, which should be secured to us by a *bill of rights*, and if we shall not be granted the privilege of either altering or amending, then let us with manly fortitude reject it.

163. Timothy Pickering to Rebecca Pickering
Philadelphia, 27 October 1787 (excerpt)[1]

. . . I am informed that there is a decided majority in the Council and Assembly, of Republicans & Foederal men; which promises good to the Continent, to the State, & to the County of Luzerne; for the best good that can happen to all is a vigorous, effective, yet safe republican government. I earnestly hope that a good man of foederal principles may be sent to the state Convention from Luzerne; I wish this may be Mr. Bowman.

1. RC, Pickering Papers, Massachusetts Historical Society.

164. A Confederationalist
Pennsylvania Herald, 27 October 1787

To the EDITOR of the PENNSYLVANIA HERALD.

SIR, I have with great anxiety waited to hear the opinions of my fellow citizens upon a subject which appears to me to be of the utmost consequence to both the present and succeeding ages. I have seen very serious strictures on the frame of government recommended by the late convention, and as I do not pretend to have sufficient knowledge in the sciences of government and politics to give a decided opinion either for or against it, I waited with eager hope that some serious reasonings would have been used by the friends of the proposed plan, to shew that these strictures are not well founded. My hopes and my expectations are however, disappointed. When I receive the newspapers, I expect to see something to clear up the doubts which I confess are impressed upon my mind by the reasonings against the new plan: for I find no other support given to it than what is to be collected from a shower of abuse against certain characters who are said not to like it, or, that the plan must be a good one because certain other characters were at the making of it. Living in a country where the people are in the habit of thinking for themselves, neither the abuse of one set of men, nor the praise of another, ought, in my opinion, to determine a *freeman*, in a matter which of all others is of the greatest consequence to him, to wit: the liberty and happiness of himself and posterity. I will readily allow that when a wise and good man recommends a matter of consequence to an individual, or to a community, great respect ought to be paid to that recommendation—it ought to be candidly, respectfully and thankfully received and considered—nor blindly nor precipitately adopted. But when a measure is recommended by a *body of men*, compounded of the *good*—of the *midling*—and of the *bad:* of the *real* and of the *mock* patriot, great circumspection ought to be observed: the subject examined *critically*—but with *candor*: and if a number of the persons who proposed the plan, their creatures and dependants are endeavouring to force it along, caution, nay, suspicion, becomes absolutely necessary.

The arguments, if they be arguments, most insisted upon, in favor of the proposed constitution are; that if the plan is not a good one, it is impossible that either General Washington or Dr. Franklin would have recommended it. Thus under the authority of those ever to be respected names, its advocates wish to silence all opposition. But it ought to be asked, and it ought to be understood, whether or no, both or either of those two distinguished patriots do actually approve of the

proposed frame of government. It is by no means certain that they do approve it. No doubt, it is the best that *they* could *then* get: But does it follow from thence, that *they* wish it to be adopted in its present form? Or is it not more probable that they wish it to be considered and amended? It is possible that those who wish to hide the faults of the proposed constitution, behind the established popularity of these great men, will cry out that I am abusing them—they will say that I am accusing them with signing what they did not approve. To this I will answer—that they considered themselves bound by a majority of that body of which they were members—this they certainly did—but what did they sign? Surely not an approbation of the plan: But merely what a majority of the members had agreed to *report* to Congress. Who composed this majority does not appear, all we know is that there were members enough from each state to give the vote of their state in favor of it. For it may not be totally useless to observe, that the plan itself does not say more, than that "*the States present*" agreed to it. It does not say that the *members* present were unanimous: and therefore it is not unfair to suppose that both General Washington and Dr. Franklin were in the *minority* on several great questions. Had the convention thought proper to have published the minutes of their proceedings, then we should have seen who proposed, and who prevented certain measures. We might then have seen the venerable Franklin advocating the liberty of the press, the trial by jury, and all the natural rights of freemen, which are now either not secured or tacitly taken away. We might then have seen a Washington quitting his chair to advocate the rights of his country and insisting upon proper guards and securities for the liberties of the people. But as the public information now stands, the good and the bad are so mingled together, that except in certain cases and as to certain persons we have nothing to judge from. The best propositions for the liberty of the people may have been overruled: and the worst may have been carried. Let not the advocates for despotism think themselves secure in carrying this high handed plan of power, because the respected names of Washington and Franklin appear as witnesses—perhaps unwilling witnesses, that it was agreed to by "the states present." Let it be remembered that they had, but each a vote, and that the vote of ———— was equal to that of the first patriots. Let it be remembered also that General Washington being in the chair he seldom, perhaps never, had it in his power to give his opinion or enter into debate.

But after all, it is a plan submitted to the consideration of the people: and whether the officers of the present government, or those who are arriving at offices under the new, are for it or against, matters not:

Those are not the marks by which it ought to be either received or rejected. The jury to question is, whether it is a plan of government formed upon *revolution principles*, and the liberty and happiness of the people fully and effectually secured? If it be such a plan of government as the people, who are, and ought, and WILL be the judges, believe has the essentials for these grand ends: it will be adopted in the face of all the opposition that the officers of the present government can possibly make to it. If not all those who are waiting to fill the numerous offices which will be created by it, if adopted, cannot possibly impose it on the people. I say the question ought to be whether the plan, if adopted, will secure to the people the blessings of a free and equal government? And surely it will be allowed that disputing about the persons who approve or disapprove, will never enable us to answer this question. Let the plan itself be considered, the objections made against it—and the answers to those objections. Certainly this is the only mode upon which a sensible and enlightened people ought to determine. I must own that I read the objections made to the proposed plan of government with a degree of resentment—yet I wished to see them answered. But when I see them repeatedly made, and no attempt to answer them but by abusing the supposed authors, I begin to think them serious, and that they demand attention. The liberty of the press, for example, is said to be invaded, or not secured. How is the objection answered? Why either by direct abuse, or by direct contradiction, without any argument to shew the complaint ill-founded.

Permit me Mr. Editor to make a few remarks upon a piece in the paper of Messrs. Hall and Sellers of Wednesday last, signed, "Federal Constitution," This writer tells us that the convention, "neglected" to mention, "the liberty of the press from a respect to the state constitutions," in each of which it is secured. But surely sir, the gentleman must be mistaken, for it is plain that the constitutions of the states are absolutely destroyed—not by construction only—for the thing is done in plain words: there is nothing equivocal or ambiguous in the expression. The words are, "This constitution, *and all the laws* of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, *shall be*, the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitutions or laws of any state to the contrary notwithstanding." I ask, is there a man of common understanding that can hesitate as to the full and plain meaning of those words? at least to my sense there can be nothing more clearly expressed or easier understood, "he that runs may read." I beg leave to be un-

derstood, that I am not now arguing against the propriety of vesting the supreme power in congress, and of setting the constitution and laws of Congress above those of the separate states: perhaps it is right and best that it should be so. But I do insist, that before the people give up to congress the rights and privileges secured to them by the constitution of the state, they ought to have those rights and privileges fully and unequivocally secured to them by an instrument which *shall compose part of the federal constitution.* The writer above hinted at informs us that the "liberty of the press would have been an inherent and political right as long as nothing was said against it." I say that a declaration of those inherent and political rights ought to be made in a BILL OF RIGHTS, that the people may never lose their liberties by construction. If the liberty of the press be an inherent political right, let it be so declared, that no despot however great shall *dare to gain say it.* If it is not so declared it may be denied. Declare it to be an inherent and political right, and that it ought to be held sacred, and we then shall be certain upon what ground we stand. When this declaration is made, let the *attorney general,* of the United States, *file an information* against me for a *libel*; I will carry that declaration in my hand, as my shield and my constitutional defence.

Lancaster, Oct. 21, 1787.

165. Veritas Politica
Pennsylvania Herald, 27 October 1787

To the PEOPLE of AMERICA.

Much has been offered to the public upon the constitution proposed to the United States by the late convention. I have taken care to read every publication upon this subject that I could obtain. Most of them passion characterises rather than reason, and the exaggeration of party is apparent in them all. It were much to be wished that upon so momentous a subject, sound judgment and cool reasoning pervaded every discussion.—Truth is the grand object, and to investigate it, deliberation and candor are necessary.—It is true that the warmth of party spirit in the politics of a particular state may, and oftentimes does serve to rouse and engage the attention of the people, and animate them to exertions for the public good, that might otherwise, have been unknown.—But on a national topic like this, whose fruit (whatever it be) an extended continent is to reap, it is necessary to throw off the bias of party, and introduce in its stead open and impartial reflection.—Some objections to the constitution have been proposed to the public,

but amongst them all I do not find that the most essential have been mentioned or even hinted at.

This constitution it must be confessed is like all other human productions, not faultless; and were it not that to err is the lot of humanity, it would probably have been perfect.—But even the collective wisdom of a nation is found tinged with its characteristic weakness.—With respect to the objections commonly made—such as those which regard the press—the trial by jury—and the sovereignty of the states—they seem to be but little solid; and if so in any degree, too trifling to be mentioned.—The convention had no national press to regulate, and therefore they could say nothing about it.—The mode of trial proposed in some cases, by which it is expected that the trial by jury in civil cases will be abolished, seems to carry no danger in theory, whatever practice may evince. It should not be said that the mode of trial by jury in civil cases will be abolished—but that the proposed deviation from it in certain cases is a new thing in this country.—The sovereignty of the states in a just degree will most certainly be preserved, or else the Congress itself cannot exist.—Some have raised an objection by saying that the legislative and executive powers should always be kept distinct.—This however seems to be not valid, because the executive has in itself its own limits; whereas the legislature, if independant, would have none.—Not to mention an idea that is frequently suggested, that the power of the president and senate is not sufficiently definite—there are some faults in this constitution and two very considerable. They are—1st. The inequality of representation from the several states in one house, and 2d. the direct taxes being apportioned according to the number of inhabitants in each state.

In the second section of the first article it is said, "That representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to *their respective number*, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed *one* for every *thirty thousand*, but each state shall have at least one representative, and until such investigation shall be made, the state of New-Hampshire shall be entitled to chuse *three*, Massachusetts *eight*, Rhode-Island and Providence plantations *one*, Connecticut *five*, New-York *six*, New-Jersey *four*, Penn-

sylvania *eight*, Delaware *one*, Maryland *six*, Virginia *ten*, North-Carolina *five*, South-Carolina *five*, and Georgia *three*,"—Here are contained, I should judge, three errors, two of which are radical.

The paucity of members in the first place affords a considerable objection.—There is a certain corrective balance to be preserved not only between different houses, but between the members of the same house. This is oftentimes of very great use—but the advantage of it cannot be felt in so scanty a representation.

The other two errors, which are indeed more material, have been already mentioned. The inequality of the number of representatives of the several States has not I believe been yet animadverted upon. In the *confederation* of independant republican states, it hath always been esteemed a fundamental law, that each state should have an equal representation. In forming the present confederation, this point was warmly urged by several learned men, and after some labour carried in Congress.—The mere force of example reduced them to conviction.—But it is easy to prove that representation among *separate independant* states should always be equal. What some people say upon this subject has but little meaning or force. "What! shall a state that is wealthier than another—that exceeds it in extent of territory, and has a much greater interest in all public decisions, have no greater weight in them?—Shall (for instance) the state of Delaware or Rhode-Island have an equal voice with that of Virginia or Massachusetts?" Here is an apparent, though a very superficial difficulty. The superior weight of larger states does not and ought not to consist in a greater number of representatives. There is an unavoidable influence arising from circumstances, which of itself forms the superiority. It is evident that a larger and richer state will of necessity have its proportion of influence over a smaller. But the establishing of a superiority in the inequality of representatives is a kind of constitutional reduction to slavery. Its superior influence exists in nature, and therefore it is unnecessary, or rather abusive to establish it by law. In this particular, the representation of *separate* states is similar to the votes of individuals.

Is a rich citizen entitled to a greater number of votes than one who is poor, although he is infinitely more affected by public decisions? No, because it is known that in the nature of things he influences many poor men. Influence will generally be in proportion to abilities and wealth.

The same applies to states in forming a confederation. The larger and wealthier states have a *natural and unavoidable* influence over the smaller and less wealthy. Examples to verify this position are very nu-

merous, and among the number there is one very striking, from its bearing so great a resemblance to the states of America. The United Netherlands or States of Holland form a glaring example. Every state in the union has an equal voice, and yet is it not evident that Holland is as superior in influence as she is in wealth or extent? It could not be otherwise in the nature of things. For we see that although each state has equal weight according to the constitution, yet *Holland* has even swallowed up the very name. There are many more instances—but the general system of things evinces the propriety. It is said, however, after all, that the smaller states will readily adopt the constitution. Even taking it for granted, we can easily account for it. Their present situation is so wretched, and their importance is so inconsiderable, that of two evils they will chuse that which is *apparently* the least. But when they consider the probable perpetuity of it, they will not so eagerly embrace it.

It may be said, that the danger here is sufficiently corrected by the equality of representation in the senate. Be that as it may, the thing is wrong in itself. Besides, let it be considered that each house has its proportion of influence, and that in some cases the evil may be planted and grow up in the house of representatives. No circumstances can alter the intrinsic injustice of the thing.

It ought to be retained as a fundamental principle among confederated republics, that representation from each should be equal. But it is an error equally great, that direct taxes are to be apportioned among the several states according to their respective numbers. This was a thing likewise contended for and carried in Congress at the time of forming the confederation of the states. It is indeed astonishing that these two grand points should have been so disregarded. Direct taxes should undoubtedly be apportioned according to extent of territory. The reasons are many why the number of inhabitants is not a just criterion in the apportioning of taxes.—The inhabitants of some states may be numerous and poor, and those of another few and wealthy. The fact is, that the ratio both of inhabitants and wealth, shews that extent of territory is the juster criterion. Commerce creates wealth, and this luxury and high life, and these again a decrease of inhabitants.

The luxury that is derived from commercial wealth, always tends to stop population. From this it clearly appears, that the apportioning of taxes according to numbers is not just. On the contrary the state of agriculture is favorable to population, but not wealth. Indeed, land, or extent of territory, cannot but be a just criterion. It is true that the value of land is dependant on circumstances, and is founded in the

opinion of the people. But the richer a country is, the more valuable is the land. Let direct taxes be according to the extent of the country, and it will be just, for this simple reason, that the nominal value itself of lands rises in exact proportion to the riches of the country.

These I take to be two grand objections. They are fixed, uniform, and pervade the constitution. They have not been agitated in this state, and that I believe from partial views. The state of Pennsylvania has an extended territory, and the back parts are thinly peopled, so that direct taxes, according to numbers would be in her favor. This however does not alter the merit of the question, nor the justice of the thing. It may be said that representation is according to numbers, and therefore taxation should be so too. But the *truth* is they are both wrong. Representation from every state should have been equal and direct; taxes should never be according to numbers, but extent of territory. If the constitution proposed be designed only to unite the states, and not to melt them down into one empire, of which they shall only be parts, then these observations are certainly just. In the *confederation* of the states, each should have an *equal voice* as they have had in Congress. To this I should think the small states would object, and if their present grievances do not awe them into compliance, they certainly will. And to the apportioning of taxes according to numbers, some states will, or should object, and particularly *Massachusetts*.

These errors are clear, and it is to be wished that they may be treated with impartiality, and rectified with judgment.

There are many more objections to the proposed constitution of the smaller kind. Most of them, however, are very trite, and have been oftentimes discussed. A late pamphlet has been published upon the proposed constitution, and the author has intermixed with his lengthy panegyric, an air of seeming impartiality. He makes but one objection, and that excepted, all the rest he says is excellent. But upon perusal I am inclined to think that he has *woven* a *webb*, which the least *stir* would entangle or dissolve. In the fourth section of the first article it is said, "that the times, places and *manner of holding elections*, for senators and representatives, shall be prescribed in each state by the legislature thereof: but the Congress may at any time by law make or alter such regulations, except as to the place of chusing senators." To the last clause the author of the late pamphlet objects. It is indeed a sort of objection, but not the only one nor the greatest that exists. The *manner of holding elections* is a dubious expression, and may admit of a very comprehensive meaning. If the *mode of electing* is meant by it—Congress should not interfere, because it respects a fundamental law in republics,

as pointed out by Baron Montesquieu. It however appears upon the whole, that in this constitution almost every avenue to danger is well guarded. The chief objections are the two capital ones that have been mentioned, and they exist in the very body of the constitution. And if the theory of the best and wisest writers upon the subject, as well as the uniform experience of all confederated republics, evince their truth—the parts which contains them ought certainly to be rejected with manly resolution.